



ATTACHMENT B:

By-laws to Amend the Municipal Planning Strategies and Land Use By-laws of the Halifax Regional Municipality to Implement the Regional Municipal Planning Strategy

January 2014

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B-1: AMENDMENTS TO THE LAND USE BY-LAW FOR BEDFORD

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

1. Adding the words “Bicycle Parking Facilities”, “Location of Bicycle Parking” and “Special Bicycle Parking Facility Requirements” immediately below the words “Loading Spaces” within the “TABLE OF CONTENTS”.
2. Adding the words “Wind Energy Facilities” immediately below the words “Signs in a Residential Zone” within the “TABLE OF CONTENTS”
3. Adding the words “PART 23A: RPK (Regional Park) Zone” immediately below the words “PART 23: POS - Park Open Space Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “PART 30: UR (Urban Reserve) Zone” immediately below the words “~~PART 30: Deleted~~” within the “TABLE OF CONTENTS”.
5. Adding the words “PART 31: US (Urban Settlement) Zone” immediately below the words “PART 30: UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
6. Adding the following words immediately below the words “SCHEDULES/APPENDICES:” within the “TABLE OF CONTENTS”:

Schedule A: Bedford Zoning Map

7. Adding the following words immediately below the words “Schedule I: Bedford West Community Concept Plan” within the “TABLE OF CONTENTS”:

Schedule A-1: Wind Energy Map

8. Adding the following words immediately below the words “Appendix B: Hierarchy of Zones” within the “TABLE OF CONTENTS”:

Appendix C: Areas of Elevated Archaeological Potential

Appendix D: Wetlands

9. Adding three new definitions in Part 2 immediately following the definition of “Bed and Breakfast/Guest Home Operation” as follows:

Bicycle Parking, Class A - means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

Bicycle Parking, Class B - means bicycle racks (including wall mounted varieties)

which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

Bicycle Parking, Enhanced - means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).

10. Adding the following definition in Part 2 after the definition of “Commercial Photography”:

Commercial Recreation Use - means a building or lot or part of a building or lot used solely for commercial recreation or sport purposes and without limiting the generality of the foregoing, may include animal or vehicle racing tracks, rifle ranges, marinas, golf courses, amusement parks and centres, and commercial camping grounds, together with the necessary accessory buildings and structures.

11. Adding the following definition in Part 2 after the definition of “Community Centre”:

Conservation Use - means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

12. Deleting and replacing the definition of “Recreation Use” in Part 2 with the following:

Recreation Use - means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

13. Deleting and replacing the definition of “Watercourse” in Part 2 with the following:

Watercourse - means a lake, river, stream, ocean or other natural body of water.

14. Adding the words “RPK Regional Park Zone” immediately below the words “POS Park Open Space Zone” in section 1, Part 3.

15. Adding the words “UR Urban Reserve Zone” immediately below the words “WFCDD Waterfront Comprehensive Development District” in section 1, Part 3.

16. Adding the words “US Urban Settlement Zone” immediately below the words “UR Urban Reserve Zone” in section 1, Part 3.

17. Adding the following section after section 3, Part 3:

- 3A. Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

18. Adding the following section after section 3, Part 4:

4. Notwithstanding anything in this by-law, in areas designated Rural Commuter under the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement:

- (a) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy; or
- (b) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

19. Deleting and replacing Section 21 of Part 5 with the following:

21 Watercourse Setbacks and Buffers

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer for construction and

demolition operations shall be as specified under the applicable CD Zone.

- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (g) Notwithstanding clause (a), multiple unit dwellings, and commercial buildings shall be setback a minimum of 30.5 m from any watercourse or water retention area shown on the Environmentally Sensitive Areas map or as determined by the Province of Nova Scotia under the Environment Act and no excavation or infilling shall be permitted within this buffer area except by development agreement.
 - (h) Notwithstanding clause (a), in all commercial zones and the ILI and IHI industrial zones, and the SI institutional zone, no building structure or use shall be permitted within 30.5 m of any watercourse or water retention area shown on the Zoning or Environmentally Sensitive Areas Map or as determined by the Province of Nova Scotia under the Environment Act, and no excavation or infilling within this area shall be permitted, except possibly through the provisions of a development agreement through the provisions of Policy E-8. The 30.5 m area shall be maintained with existing vegetation or shall be landscaped. Single unit, two unit and townhouses within the CCDD Zone shall be regulated by (a) above.
 - (i) Activity within the required buffer pursuant to clauses (g) and (h), shall be limited to the placement of board walks, walkways and trails, conservation uses, parks on public lands, historic sites and monuments, public roads and wastewater, storm and water infrastructure.
- (2) Notwithstanding subsection (1), where an existing residential building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
 - (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
 - (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.
- (7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

20. Adding the following section after section 21 in Part 5:

21A Coastal Areas

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to:
 - (a) any residential accessory structures, marine dependent uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law; and
 - (b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

21. Adding the following sections after section 37 in Part 5:

37A Bicycle Parking Facilities

- (1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

37B Location of Bicycle Parking

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

37C Special Bicycle Parking Facility Requirements

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.

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

22. Adding the following sections after section 37C in Part 5:

37D Appendix C - Areas of Elevated Archaeological Potential

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

37E Appendix D - Wetlands

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

23. Adding the following section after section 38 in Part 5:

39. GENERAL PROVISIONS: WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the

distance measured from the lowest point of established grade at the building's foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;

- f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines:
 - i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning Map. Such zones are:

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.,
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,

- iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
- i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
- i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Bedford Land Use By-law:
 - i) RPK (Regional Park) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule - Map A-1 – Wind Energy Zoning Map.

24. Adding the following Part after Part 23:

PART 23A: REGIONAL PARK (RPK) ZONE

RPK USES PERMITTED

23A.1 No development permit shall be issued in a Regional Park (RPK) Zone except for one or more of the following uses:

Recreation uses
Conservation uses
Uses accessory to the foregoing uses

RPK ZONE REQUIREMENTS

23A.2 In any Regional Park (RPK) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or 5% for
lots 4 ha or more in area

25. Adding the following Part after Part 29:

PART 30: URBAN RESERVE (UR) ZONE

30.1 UR USES PERMITTED

No development permit shall be issued in an Urban Reserve (UR) Zone except for one or more of the following uses:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot

Passive recreation uses

Uses accessory to the foregoing uses

30.2 UR ZONE REQUIREMENTS

In any Urban Reserve (UR) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Front or Flankage Yard: 9.1m

Minimum Side Yard: 2.5m

Minimum Rear Yard: 2.5m

Maximum Lot Coverage: 35%

Maximum Height of Main Building: 11m

26. Adding the following Part after Part 30:

PART 31: URBAN SETTLEMENT (US) ZONE

31.1 US USES PERMITTED

No development permit shall be issued in an Urban Settlement (US) Zone except for one or more of the following uses:

Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
Public parks and playgrounds
Uses accessory to the foregoing uses

31.2 US ZONE REQUIREMENTS

In any Urban Settlement (US) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Frontage:	110 m
Minimum Lot Area:	2 ha
Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

27. Amending “Schedule A: Bedford Zoning Map” as shown on Attachment B-1.1.
28. Adding “Appendix E: Wind Energy Map”, “Appendix C: Areas of Elevated Archaeological Potential” and “Appendix D: Wetlands”, as shown on Attachments B-1.2, B-1.3 and B-1.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2014.

Cathy Mellett
Municipal Clerk

**B-2: AMENDMENTS TO THE
LAND USE BY-LAW FOR COLE HARBOUR/WESTPHAL**

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

1. Adding the words “PART 22A RPK (Regional Park) Zone” immediately below the words “PART 22 P-3 (Provincial Park) Zone” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words “PART 23 P-4 (Conservation) Zone” with the words “PART 23 PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 24E UR (Urban Reserve) Zone” immediately below the words “PART 24D ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
4. Adding the following words immediately below the words “APPENDIX “E” P-3 Existing Uses” in the “TABLE OF CONTENTS”:

SCHEDULE “A”	Cole Harbour/Westphal Zoning Map
SCHEDULE “A-1”	Wind Energy Zoning
SCHEDULE “B”	Areas of Elevated Archaeological Potential
SCHEDULE “C”	Wetlands

5. Adding the words “4.17 Watercourse Setbacks and Buffers” and “4.17A Coastal Areas” immediately below the words “4.16 Height Regulations” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.27A Bicycle Parking Facilities”, “4.27B Location of Bicycle Parking” and “4.27C Special Bicycle Parking Facility Requirements” immediately below the words “4.27 Loading Space Requirements” within the “List of General Provisions”.
7. Adding the words “4.30 Schedule B - Areas of Elevated Archaeological Potential”, “4.31 Schedule C – Wetlands” and “4.32 Wind Energy Facilities” immediately below the words “4.29 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the following three sections after section 2.8B:
 - 2.8C BICYCLE PARKING, CLASS A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
 - 2.8D BICYCLE PARKING, CLASS B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

2.8E BICYCLE PARKING, ENHANCED means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).

9. Adding the following section after section 2.11:

2.11AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

10. Deleting and replacing section 2.54 with the following:

2.54 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

11. Adding the following definition after section 2.70A:

2.70AA WATERCOURSE means a lake, river, stream, ocean or other natural body of water.

12. Adding the words “RPK Regional Park Zone” and “PWS Protected Water Supply Zone” immediately below the words “P-4 (Deleted: RC-Jun 27/06; E-Aug 26/06)” in section 3.1.

13. Adding the words “Urban Reserve UR Urban Reserve Zone” immediately below the words “PWS Protected Water Supply Zone” in section 3.1.

14. Adding the following words at the end of Section 3.6, but before the words “(y) expansion on, or subdivision of, a building in the C-3 Zone. (RC-Jul 5/11; E-Oct 8/11)”:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

- i. A mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfast, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- ii. A mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

15. Adding the following section after section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

16. Deleting and replacing section 4.17 with the following:

4.17 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer shall not be less than 15.2m of the Little Salmon River, 76.2m from Lake Major, or 30.5m from any tributary within the Lake Major Watershed as designated by the Minister of the Environment on April 8, 1996.
- (f) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (g) Within the buffer required by clauses (e) and (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (h) Activity within the required buffer pursuant to clause (e), shall be limited to the placement of board walks, walkways and trails, conservation uses,

parks on public lands, historic sites and monuments, public roads and wastewater, storm and water infrastructure.

- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

17. Adding the following section after section 4.17:

4.17A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

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

18. Adding the following sections after section 4.27:

4.27A BICYCLE PARKING FACILITIES

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

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces

Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B
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- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Notwithstanding subsection (1), the bicycle parking requirements may be reduced by 50% where each unit of a Multiple Unit Dwelling contains a storage room with a minimum dimension of 1.5m by 2m.
- (4) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (5) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.5m in width, to be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.
- (6) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

4.27B LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

4.27C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

19. Adding the following sections after section 4.29:

4.30 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.31 SCHEDULE C - WETLANDS

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

20. Adding the following section after section 4.31:

4.32 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or

- other building where a person lives or which contains overnight accommodations;
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator;
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures;
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.”
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

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

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any

- habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid; or
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of

property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:

- i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
- i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Cole Harbour/Westphal Land Use By-law:
- i) RPK (Regional Park) Zone;
 - ii) P4 (Conservation) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.

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

IX SCHEDULES

- a) Schedule A-1 – Wind Energy Zoning

21. Adding the following Part after Part 22:

PART 22A: RPK (REGIONAL PARK) ZONE

22A.1 RPK USES PERMITTED

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

Park Uses

Recreation uses

Conservation uses

Uses accessory to the foregoing uses

Other Uses

Existing dwellings and recreational uses identified in Appendix “E”

Home business uses in conjunction with permitted dwellings

Uses accessory to permitted dwellings and recreational uses

22A.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.14m

Minimum Side or Rear Yard: 6.1m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or
5% for lots 4 ha or more in area

Maximum Height of Main Building: 10.7 m

Maximum Building Size: 305m²

22A.3 OTHER REQUIREMENTS: HOME BUSINESS USES

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

- (a) Any business shall be wholly contained within the dwelling which is the principle residence of the operator of the business;
- (b) No more that twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business occupy more than three hundred (300) square feet (27.9 m²).
- (c) No open storage or outdoor display shall be permitted.
- (d) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (e) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.
- (f) One (1) off-street parking space other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any business.

22A.4 CONDITION: DEVELOPMENT PERMIT

Notwithstanding anything else in this By-law, no development permit shall be issued in any RPK Zone except where a Regional Development Permit has been issued.

22. Deleting and replacing Part 23 with the following:

PART 23: PWS (PROTECTED WATER SUPPLY) ZONE

23.1 PWS USES PERMITTED

No Development Permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities
 Public parks involving no buildings
 Conservation uses
 Uses accessory to the foregoing uses
 Single unit dwellings

23.2 PWS ZONE REQUIREMENTS

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

Minimum Lot Area: 7432.2 m²

Minimum Frontage:	61 m
Minimum Front or Flankage Yard:	6.1 m
Minimum Rear or Side Yard:	2.4 m
Maximum Lot Coverage:	35%
Minimum Height of Main Building:	10.7 m
Minimum Width of Main Building:	6.1 m

23. Adding the following Part after Part 24D:

PART 24E UR (URBAN RESERVE) ZONE

21E.1 UR USES PERMITTED

No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot

Passive recreation uses

Uses accessory to the foregoing uses

21E.2 UR ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m

Minimum Side Yard: 2.5m

Minimum Rear Yard: 2.5m

Maximum Lot Coverage: 35%

Maximum Height of Main Building: 11m

24. Amending “Schedule “A” Cole Harbour/Westphal Zoning Map”, as shown on Attachment B-2.1.
25. Adding “Schedule “A-1” Wind Energy Map”, “Schedule “B” Areas of Elevated Archaeological Potential” and “Schedule “C” Wetlands”, as shown on Attachments B-2.2, B-2.3, and B-2.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of _____, A.D.
2014.

Cathy Mellett
Municipal Clerk

B-3: AMENDMENTS TO THE LAND USE BY-LAW FOR DARTMOUTH

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

1. Adding the words “PART 18 RPK (Regional Park) Zone” immediately below the words “PART 17 OS (Open Space) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 22 US (Urban Settlement) Zone” immediately below the words “PART 21 H (Holding) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 23 UR (Urban Reserve) Zone” immediately below the words “PART 22 US (Urban Settlement) Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “PART 32 TR (Transportation Reserve) Zone” immediately below the words “PART 31 ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
5. Adding the words “PART 33 BCDD (Burnside Comprehensive Development District) Zone” immediately below the words “PART 32 TR (Transportation Reserve) Zone” within the “TABLE OF CONTENTS”.
6. Adding the words “Schedule “A-1” Wind Energy Zoning”, under SECTION 4: SCHEDULING, immediately below the deleted words “Schedule “A” within the “TABLE OF CONTENTS”.
7. Adding the words “Schedule “AJ” RP+5 Conformation of Regional Zones”, under SECTION 4: SCHEDULING, immediately above the words “Section 5: NON CONFORMING USES” within the “TABLE OF CONTENTS”.
8. Adding the words “Schedule “Y(1)” Areas of Elevated Archaeological Potential” immediately below the words “Schedule “Y” 3 Bruce Street” within the “TABLE OF CONTENTS”.
9. Adding the words “Schedule Z - Wetlands” immediately below the words “Schedule “Y(1)” Areas of Elevated Archaeological Potential Map” within the “TABLE OF CONTENTS”.
10. Adding the following three definitions in section 1 (definitions) immediately below the definition of “Billboard”:
 - (fa) BICYCLE PARKING, CLASS A - means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

- (fb) BICYCLE PARKING, CLASS B - means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
 - (fc) BICYCLE PARKING, ENHANCED - means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
11. Adding the following definition in section 1 (definitions) immediately below the definition of “Commercial Vehicle”:
 - (ia) CONSERVATION USE - means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
 12. Adding the following definition in section 1 (definitions) immediately below the definition of “Parking Space”:
 - (ada) RECREATION USE - means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
 13. Adding the following definition in section 1 (definitions) immediately below the definition of “Restaurant, Take-Out”:
 - (afda) SCHEDULE “Y(1)” - means the Areas of Elevated Archaeological Potential Map attached to this By-law.”
 14. Adding the following definition in section 1 (definitions) immediately below the definition of “Schedule “Y(1)””:
 - (afdb) SCHEDULE “Z” - means the Wetlands map attached to this By-law.
 15. Adding the following definition in section 1(definitions) immediately below the definition of “Adult Entertainment Use”:
 - (as) WATERCOURSE - means a lake, river, stream, ocean or other natural body of water.
 16. Deleting and replacing the letters “(ada)” in the definition of Recycling Depot to “(adb)” in section 1 (definitions).

17. Adding the following section after section 7:

7A Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

18. Adding the following sections after section 16:

17 BICYCLE PARKING FACILITIES

(1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces

Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (i) be a minimum of 0.6m wide and 1.8m long;
 - (ii) have a minimum overhead clearance of 2.0m;
 - (iii) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

17A LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

17B SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

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

- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
 - (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.
19. Adding the following section after section 18P:
- 18Q Notwithstanding any other provisions of the By-law, on lands zoned BCDD, development may be considered in accordance with Policy EC-14 of the Regional Municipal Planning Strategy.
20. Adding the following section after section 18Q:
- 18R Notwithstanding any other provisions of the By-law, on lands designated Rural Commuter pursuant to the Regional Municipal Planning Strategy, the following uses may be considered by development agreement:
- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
 - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.
21. Adding the following section after section 32:
- 32A WATERCOURSE SETBACKS AND BUFFERS
- 32A(1)(a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- 32A(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- 32A(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- 32A(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- 32A(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- 32A(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions,

as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

- 32A(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

22. Adding the following section after section 32A:

32B COASTAL AREAS

32B(1) No development permit shall be issued for any dwelling on lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.

32B(2) Subsection (1) does not apply to:

- (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law; and
- (b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

32B(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

32B(4) Every application for a development permit for a building or structure to be erected pursuant to this section shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

23. Adding the following sections after section 32B:

32C SCHEDULE Y(1) - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

Where excavation is required for a development on any area identified on Schedule Y(1) attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

32D SCHEDULE Z - WETLANDS

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule Z attached to this by-law, within and adjacent to the lot.

Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

24. Adding the following section after section 32F:

32G WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.

- ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
- iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
- iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.

- iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) identification and location of the properties on which the proposed Wind Energy Facility will be located;
- d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance

- where applicable;
- e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,
 - f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid and,
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Dartmouth Land Use By-law:
 - i) RPK (Regional Park) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule - A-1 – Wind Energy Zoning

- 25. Adding the words “RPK Regional Park Zone” after the words “OS Public Open Space Zone” in section 31.
- 26. Adding the words “US Urban Settlement Zone” after the words “H Holding Zone” in section 31.
- 27. Adding the words “UR Urban Reserve Zone” after the words “US Urban Settlement Zone” in section 31.
- 28. Adding the words “BCDD Burnside Comprehensive Development District” after the words “CDD Comprehensive Development District in section 31.
- 29. Adding the words “TR Transportation Reserve Zone” immediately below the words “ICH Infrastructure Charge Holding Zone” in section 31.
- 30. Adding the following Part after “Part 21: H(Holding) Zone:

PART 22: US (URBAN SETTLEMENT) ZONE

- 47A (1) The following uses only shall be permitted in a US Zone:

- (a) Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
- (b) Public parks and playgrounds
- (c) Uses accessory to the foregoing uses

47A (2) Buildings used for US uses in a US Zone shall comply with the following requirements:

Minimum Frontage:	110m
Minimum Lot Area:	2ha
Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

31. Adding the following Part after Part 22: US (Urban Settlement) Zone:

PART 23: UR (URBAN RESERVE) ZONE

47B (1) The following uses only shall be permitted in a UR Zone:

- (a) Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
- (b) Passive recreation uses
- (c) Uses accessory to the foregoing uses

47B (2) Buildings used for UR uses in a UR Zone shall comply with the following requirements:

Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

32. Adding the following Part after “Part 17: OS (Open Space) Zone”:

PART 18: RPK (REGIONAL PARK) ZONE

44A (1) The following uses only shall be permitted in an RPK Zone:

- (a) Recreation uses
- (b) Conservation uses
- (c) Uses accessory to the foregoing uses

44A (2) Buildings used for RPK uses in an RPK Zone shall comply with the following requirements:

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50%

33. Adding the following Part after “Part 31: ICH (Infrastructure Charge Holding) Zone”:

PART 32: TR (TRANSPORTATION RESERVE) ZONE

53(F)(1) The following uses only shall be permitted in a TR Zone:

None

53(F)(2) No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

34. Adding the following Part after “Part 32: TR (Transportation Reserve) Zone”:

PART 33: BCDD (BURNSIDE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

54 (a) The following uses only shall be permitted in a BCDD Zone:

- (i) townhouse;
- (ii) apartment building;
- (iii) commercial retail;
- (iv) institutional;
- (v) recreation;
- (vi) offices

(b) No development permit shall be issued except in conformity with a development agreement pursuant to the *Halifax Regional Municipality Charter*.

35. Adding “Schedule “AJ” RP+5 Conformation of Regional Zones”, “Schedule “A-1” Wind Energy Map”, “Schedule “Y(1)” Areas of Elevated Archaeological Potential” and “Schedule “Z” – Wetlands” as shown on Attachments B-3.1, B-3.2, B-3.3, and B-3.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

B-4: AMENDMENTS TO THE LAND USE BY-LAW FOR DOWNTOWN DARTMOUTH

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

1. Adding the words “Schedule D: Areas of Elevated Archaeological Potential” immediately below the words “Schedule “C: Public Views” in the “TABLE OF CONTENTS”.
2. Adding the following subsection after subsection (5) of section 2:
 - (6) Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.
3. Adding three new definitions under section 4 (Definitions) immediately following the definition of “bed and breakfast” as follows:
 - (fa) “Bicycle Parking, Class A” - means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
 - (fb) “Bicycle Parking, Class B” - means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
 - (fc) “Bicycle Parking, Enhanced” - means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
4. Adding the following definition under section 4 (Definitions) immediately after the definition of “commercial entertainment”:
 - (ja) “conservation use” - means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
5. Adding the following definition under section 4 (Definitions) immediately after the definition of “personal service shop”:

- (agaa) “recreation use” means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
6. Adding the following definition under section 4 (Definitions) immediately after the definition of “salvage yard”:
- (ara) “watercourse” means a lake, river, stream, ocean or other natural body of water.
7. Adding the following definition after the definition of “Schedule C”:
- “Schedule D” means the Areas of Elevated Archaeological Potential Map attached to this By-law.
8. Adding the following subsections after subsection (18) of section 5:
- (19) **WATERCOURSE SETBACKS AND BUFFERS**
- (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m in relation to a development.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

- (20) Notwithstanding subsection (19), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (21) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (22) Notwithstanding subsection (19), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (23) Notwithstanding subsection (19), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (24) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.
- (25) Subsection (19) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.
- (26) COASTAL AREAS
 - (a) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
 - (b) clause (a) does not apply to:
 - (i) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law; and
 - (ii) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

- (c) Notwithstanding clause (a), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (d) Every application for a development permit for a building or structure to be erected pursuant to this section shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

(27) **SCHEDULE D - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL**

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

9. Adding the following subsection after subsection (8) of section 6:

(9) **BICYCLE PARKING FACILITIES**

- (a) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces

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

- (b) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
 - (c) Each Class B bicycle parking space shall:
 - (i) be a minimum of 0.6m wide and 1.8m long;
 - (ii) have a minimum overhead clearance of 2.0m;
 - (iii) be located a minimum of 0.6m from any wall or other obstruction.
 - (d) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
 - (e) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.
- (10) LOCATION OF BICYCLE PARKING
- (a) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
 - (b) Class A bicycle parking may be located up to 200m from an entrance.
 - (c) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.

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

(11) SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (a) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (b) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (c) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

10. Adding “Schedule D - Areas of Elevated Archaeological Potential” as shown on Attachment B-4.1.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-5: AMENDMENTS TO THE
LAND USE BY-LAW FOR EASTERN SHORE (EAST)**

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

1. Adding the words “PART 11 RPK (Regional Park) Zone” after the words “PART 10 P-3 (Coastal Conservation) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 11E PA (Protected Area) Zone” after the words “PART 11D ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
3. Adding the following after the words “PART 12 Administration” within the “TABLE OF CONTENTS”:

SCHEDULE “B”	Eastern Shore East Zoning Map
SCHEDULE “B-1”	Wind Energy Zoning
SCHEDULE “C”	Areas of Elevated Archaeological Potential
SCHEDULE “D”	Wetlands

4. Adding the words “4.18 Watercourse Setbacks and Buffers” within the “LIST OF GENERAL PROVISIONS” immediately below the words “4.17 Height Regulations”.
5. Adding the words “4.18A Coastal Areas” within the “LIST OF GENERAL PROVISIONS” immediately below the words “4.18 Watercourse Setbacks and Buffers”.
6. Adding the word “existing” between the words “on” and “Private” in section 4.30 within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.31 Schedule C - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS” immediately below the words “4.30 Uses Permitted on Existing Private Roads”.
8. Adding the words “4.32 Schedule D - Wetlands” within the “LIST OF GENERAL PROVISIONS” immediately below the words “4.31 Schedule C - Areas of Elevated Archaeological Potential”.
9. Adding the words “4.33 Wind Energy Facilities” within the “LIST OF GENERAL PROVISIONS” immediately below the words “4.32 Schedule D Wetlands”.
10. Deleting and replacing section 2.17 “Conservation Related Use” with the following:
 - 2.17 CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

11. Deleting and replacing section 2.73 “Recreation Use” with the following:

2.73 RECREATION SPACE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
12. Deleting and replacing section 2.95 “Watercourse” with the following:

2.95 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
13. Deleting and replacing the words “P-4 Provincial Park Zone” with the words “RPK Regional Park Zone” in Section 3.1.
14. Adding the words “PA Protected Area Zone” immediately below the words “RPK Regional Park Zone” in section 3.1.
15. Adding the following after clause (e) in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Resource:

 - (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
 - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
 - (iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.
16. Adding the following section after section 4.1:

4.1A Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

17. Deleting Section 4.18 and replacing it with the following:

4.18 WATERCOURSE SETBACKS AND BUFFERS

- (1)
 - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance may be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

18. Adding section 4.18A after section 4.18:

4.18A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to any lands within the I-1 (Business Industry Zone, abutting the port of Sheet Harbour or any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

19. Adding the following Sections after Section 4.30:

4.31 SCHEDULE C - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.32 SCHEDULE D - WETLANDS

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

20. Adding the following Section after Section 4.32:

4.33 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated

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

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

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule B-1 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:

- 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) identification and location of the properties on which the proposed Wind Energy Facility will be located;
- d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;
- e) at the discretion of the Development Officer, proof of notification to the

Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,

- f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Eastern Shore (East) Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable

- industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and, not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law.

IX SCHEDULES

- a) Schedule B-1 – Wind Energy Zoning

21. Deleting and replacing PART 11: P-4 (PROVINCIAL PARK) ZONE with the following:

PART 11: RPK (REGIONAL PARK) ZONE

11.1 RPK USES PERMITTED

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

Park Uses

Recreation uses

Conservation uses

Marinas

Uses accessory to the foregoing uses

11.2 RPK ZONE REQUIREMENTS

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

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

22. Adding the following Part after Part 11D:

PART 11E: PA (PROTECTED AREA) ZONE

11E.1 PA USES PERMITTED

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

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

11E.2 PA ZONE REQUIREMENTS

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

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

11E.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

23. Amending “Schedule “B” Eastern Shore East Zoning Map”, as shown on Attachment B-5.1.

24. Adding “Schedule “B-1” Wind Energy Map”, “Schedule C - Areas of Elevated Archaeological Potential” and “Schedule D – Wetlands”, as shown on Attachments B-5.2, B-5.3, and B-5.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D.2014.

Cathy Mellett
Municipal Clerk

**B-6: AMENDMENTS TO THE
LAND USE BY-LAW FOR EASTERN SHORE (WEST)**

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

1. Adding the words “PART 12E RPK (Regional Park) Zone” immediately below the words “PART 12D ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 12F PA (Protected Area) Zone” immediately below the words “PART 12E RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 12G CDD (Comprehensive Development District) Zone” immediately below the words “PART 12F PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
4. Adding the following words immediately below the words “APPENDIX “A” Non-Conforming Uses” in the “TABLE OF CONTENTS”:

Schedule A	Eastern Shore (West) Zoning Map
Schedule A-1	Wind Energy Zoning
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands
5. Adding the words “4.18 Watercourse Setback and Buffers” immediately below the words “4.17 Height Regulations” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.18A Coastal Areas” immediately below the words “4.18 Watercourse Setback and Buffers” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the word “existing” between the words “on” and “Private” in section 4.27 within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.28 Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.27 Uses Permitted on Existing Private Roads” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the words “4.29 Schedule C - Wetlands” immediately below the words “4.28 Schedule B - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
10. Adding the words “4.30 Wind Energy Facilities” immediately below the words “4.29 Schedule C – Wetlands” within the “LIST OF GENERAL PROVISIONS”.
11. Deleting and replacing section 2.19 with the following:

- 2.19 CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
12. Deleting and replacing section 2.80 with the following:
- 2.80 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
13. Deleting and replacing section 2.103 with the following:
- 2.103 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
14. Adding the words “CDD Comprehensive Development District Zone” immediately below the words “I-1 Business Industry Zone” in section 3.1.
15. Adding the words “RPK Regional Park Zone” immediately below the words “P-4 Provincial Park Zone” in Section 3.1.
16. Adding the words “PA Protected Area Zone” immediately below the words “RPK Regional Park Zone” in section 3.1.
17. Adding the following after clause (t) in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter and Rural Resource:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
- (iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

- (i) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy.

18. Adding the following section after section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

19. Deleting Section 4.18 and replacing it with the following:

4.18 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

20. Adding the following section after section 4.18:

4.18A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an

appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

21. Adding the following section after section 4.26:

4.27 USES PERMITTED ON EXISTING PRIVATE ROADS

Development on existing private roads shall be limited to those uses permitted in the MU Zone.

22. Adding the following sections after section 4.27:

4.28 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.29 SCHEDULE C - WETLANDS

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

23. Adding the following section after section 4.29:

4.30 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;

- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

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

- a) **URBAN WIND ZONE (UW-1)**
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**

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

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

- ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Eastern Shore (West) Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

a) Schedule A-1 – Wind Energy Zoning

24. Adding the following Part after Part 12D:

PART 12E: RPK (REGIONAL PARK) ZONE

12E.1 RPK USES PERMITTED

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

Park Uses

Recreation uses

Conservation uses

Uses accessory to the foregoing uses

Other Uses

Existing dwellings and recreational uses identified in Appendix “E”

Home business uses in conjunction with permitted dwellings

Uses accessory to permitted dwellings and recreational uses

12E.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or
5% for lots 4 ha or more in area

Maximum Height of Main Building 10.7 m

25. Adding the following Part after “Part 12E:

PART 12F: PA (PROTECTED AREA) ZONE

12F.1 PA USES PERMITTED

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

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

12F.2 PA ZONE REQUIREMENTS

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

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

12F.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

26. Adding the following Part after Part 12F:

PART 12G: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

12G.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:

Residential uses
Commercial uses
Institutional uses

Recreation uses
Parking facilities and transit stations or transit stops
Existing uses
Uses accessory to the foregoing uses

12G.2 CDD REQUIREMENTS

- (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Halifax Regional Municipality Charter*.
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:

Minimum Front or Flankage Yard: 9.1m

Minimum Side Yard: 2.5m

Minimum Rear Yard: 2.5m

Maximum Lot Coverage: 35%

Maximum Height of Main Building: 11m

27. Amending “Schedule A - Eastern Shore (West) Zoning Map” as shown on Attachment B-6.1.
28. Adding “Schedule A-1 – Wind Energy Map”, “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C– Wetlands” as shown on Attachments B-6.2, B-6.3, and B-6.4.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-7: AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR HALIFAX**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. Adding the following two policies after Policy 6.3 of Section II (City-Wide Objectives and Policies):

6.3A Notwithstanding Policy 6.3, but subject to the Rampart requirements of the Halifax Peninsula Land Use By-law, HRM shall permit an increase in the maximum building height on lands at the south-east corner of Sackville Street and South Park Street from 23 metres to 49 metres, where a new multi-district recreation facility is to be developed in whole or as part of a mixed-use development on the lands known as the CBC Radio and YMCA properties. With the additional height, there shall be provisions for the upper storeys of a building on these lands to be stepped back from Sackville Street and South Park Street.

6.3A.1 Pursuant to Policy 6.3A, a multi-district recreation facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-8: AMENDMENTS TO THE
LAND USE BY-LAW 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. Adding the words “US ZONE” immediately below the words “H ZONE” within the “TABLE OF CONTENTS”.
2. Adding the words “UR ZONE” immediately below the words “US ZONE” within the “TABLE OF CONTENTS”.
3. Adding the words “PWS ZONE” immediately below the words “UR ZONE” within the “TABLE OF CONTENTS”.
4. Adding the words “RPK ZONE” immediately below the words “ICH” within the “TABLE OF CONTENTS”.
5. Adding the words “PA ZONE” immediately below the words “RPK ZONE” within the “TABLE OF CONTENTS”.
6. Adding the following definition immediately below the definition of “Apartment House” in section 2:

“Areas of Elevated Archaeological Potential” means the areas of land shown on ZM-22 - Areas of Elevated Archaeological Potential Map attached to this By-law.

7. Adding the following three new definitions immediately below the definition of “Bedford Highway Area” in section 2:

“Bicycle Parking, Class A” means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

“Bicycle Parking, Class B” means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

“Bicycle Parking, Enhanced” means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).

8. Adding the following definition immediately below the definition “Community Facility” in section 2:

“Conservation Use” means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

9. Adding the following definition immediately below the definition of “Recreation Space” in section 2:

“Recreation Use” means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

10. Adding the following definition immediately below the definition of “Used building material retail outlet” in section 2:

“Watercourse” means a lake, river, stream, ocean or other natural body of water.

11. Adding the following definition immediately below the definition of “Western Shore of the Bedford Basin Water Access Area” in section 2:

“Wetland Areas” means the areas of land shown on ZM-23 - Wetlands Map attached to this By-law.

12. Adding the following definition immediately below the definition of “Wetland Areas” in section 2:

“Zoning Area” means the area shown on the zoning maps attached to and forming part of this by-law as R-1, R-2, R-2P, R-2T, R-2AM, R-3, R-4, RC-1, C-1, C-2, C-2A, C-2B, C-6, I-1, I-2, I-3, P, U-2, T, H, US, UR, PWS, RDD, WC, WCDD, BWCDD, WCCDD, CD-1, CD-2, CD-3, ICH, RPK, PA and WA Zones.

13. Adding the following section after section 3:

3A Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

14. Adding the following sections after section 13A:

13AA BICYCLE PARKING FACILITIES

- (1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
- (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.

- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

13AB LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

13AC SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

15. Adding the following section after section 14Q:

14QA(1) WATERCOURSE SETBACKS AND BUFFERS

- (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- 14QA(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- 14QA(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- 14QA(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- 14QA(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the

Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

14QA(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

14QA(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

16. Adding the following section after section 14QA:

14QB COASTAL AREAS

(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.

(2) Subsection (1) does not apply to:

(a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law; and

(b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

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

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

17. Adding the following sections after section 14R:

14S ZM-22 - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

Where excavation is required for a development on any area identified on ZM-22 attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

14T ZM-23 - WETLANDS

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on ZM-23 attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

18. Adding the following section after section 14V:

14W WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade

- at the building's foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
 - g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule ZM-25 - Wind Energy Zoning. Such zones are:

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

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.

- iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:

- i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
- ii) a description of the type of wind energy facility; and
- iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Halifax Mainland Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

a) Schedule ZM-25 – Wind Energy Zoning.

19. Adding the words “US Urban Settlement Zone” immediately below the line “W (Deleted)” in subsection (1) of section 16.
20. Adding the words “UR Urban Reserve Zone” immediately below the line “US Urban Settlement Zone” in subsection (1) of section 16.
21. Adding the words “PWS Protected Water Supply” immediately below the line “UR Urban Reserve Zone” in subsection (1) of section 16.
22. Adding the words “RPK Regional Park Zone” immediately below the line “ICH Infrastructure Charge Holding Zone” in subsection (1) of section 16.
23. Adding the words “PA Protected Area Zone” immediately below the words “RPK Regional Park Zone” in subsection (1) of section 16.
24. Deleting and replacing subsection (2) of section 16 with the following:

16(2) The uses of buildings and land permitted by this by-law in such zones may be referred to as R-1, R-2, R-2P, R-2T, R-2AM, R-3, R-4, RC-1, C-1, C-2A, C-2B, C-2, C-6, I-1, I-2, I-3, P, U-2, T, H, US, UR, PWS, RDD, WC, WCDD, BWCDD, WCCDD, CD-1 CD-2, CD-3, ICH, RPK, PA and WA uses, respectively.
25. Adding the following Section after Section 61(4):

US (URBAN SETTLEMENT) ZONE

61A(1) The following uses shall be permitted in any US Zone:

Single family dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
Passive recreation uses
Public parks and playgrounds
Uses accessory to the foregoing uses

61A(2) No person shall in any US Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

61A(3) No person shall in any US Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

61A(4) Buildings erected, altered or used for US uses in a US Zone shall comply with the following requirements:

Minimum Lot Area:	2ha
Minimum Frontage:	110m
Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	15m
Maximum Lot Coverage:	10%
Maximum Height of Main Building:	11m

KEARNEY LAKE - RESIDENTIAL ENVIRONMENTS

61A(5) Notwithstanding sections 61A(1) through 16A(4), within the area of Kearney Lake west of the Bicentennial Highway and designated "Residential Environments", lands shall be developed subject to the permitted uses and requirements of the R-2 Zone (Two-Family Dwelling Zone).

26. Adding the following section after section 61A:

UR (URBAN RESERVE) ZONE

61AA(1) The following uses shall be permitted in any UR Zone:

- (a) Single family dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
- (b) Passive recreation uses
- (c) Uses accessory to the foregoing uses

61AA(2) No person shall in any UR Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

61AA(3) No person shall in any UR Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

61AA(4) Buildings erected, altered or used for UR uses in a UR Zone shall comply with the following requirements:

Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

27. Adding the following section after section 61AA:

PWS (PROTECTED WATER SUPPLY) ZONE

62(1) The following uses shall be permitted in any PWS Zone:

- (a) Municipal water distribution or purification facilities
- (b) Conservation uses
- (c) Uses accessory to the foregoing uses

62(2) No person shall in any PWS Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

62(3) No person shall in any PWS Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

62(4) Buildings erected, altered or used for PWS uses in a PWS Zone shall comply with the following requirements:

Minimum Front or Flankage Yard:	9.1m
Minimum Rear or Side Yard:	4.6m

28. Adding the following section after subsection (1) of section 62EB:

RPK (REGIONAL PARK) ZONE

62EC(1) The following uses shall be permitted in any RPK Zone:

- (a) Recreation uses
- (b) Conservation uses
- (c) Uses accessory to the foregoing uses

62EC(2) No person shall in any RPK Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

62EC(3) No person shall in any RPK Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

62EC(4) Buildings erected, altered or used for RPK uses in an RPK Zone shall comply with the following requirements:

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area,
or
5% for lots 4 ha or more in area

29. Adding the following section after section 62EC:

PA (PROTECTED AREA) ZONE

62ED(1) The following uses shall be permitted in any PA Zone:

- (a) Scientific study and education, involving no buildings
- (b) Trails, boardwalks or walkways
- (c) Conservation uses
- (d) Uses accessory to the foregoing uses

62ED(2) No person shall in any PA Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

62ED(3) No person shall in any PA Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

62ED(4) Structures erected, altered or used for PA uses in a PA Zone shall comply with the following requirements:

Minimum Lot Area: 930m²

Minimum Frontage: 30.5m

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

62ED(5) OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

30. Adding the following section after section 72(2)

73 **OPEN SPACE DESIGN DEVELOPMENT - DEVELOPMENT AGREEMENTS**

Notwithstanding anything in this by-law, in areas designated Rural Commuter under the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement:

- (a) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (b) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

31. Amending “ZM-1 Zoning”, as shown on Attachment B-8.1.

32. Adding “ZM-22 – Areas of Elevated Archaeological Potential”, “ZM-23 – Wetlands” and “ZM-25 – Wind Energy Map”, as shown on Attachments B-8.2, B-8.3 and B-8.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-9: AMENDMENTS TO THE
LAND USE BY-LAW FOR HALIFAX PENINSULA**

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

1. Adding the words “RPK ZONE” immediately below the words “ICH” within the “TABLE OF CONTENTS”.
2. Adding the words “Bicycle Parking Facilities” immediately below the word “Parking” within the “GENERAL PROVISIONS”.
3. Adding the words “Location of Bicycle Parking” immediately below the words “Bicycle Parking Facilities” within the “GENERAL PROVISIONS”.
4. Adding the words “Special Bicycle Parking Facility Requirements” immediately below the words “Location of Bicycle Parking” within the “GENERAL PROVISIONS”.
5. Adding the words “Watercourse Setbacks and Buffers” immediately below the words “Shipping Containers” within the “GENERAL PROVISIONS”.
6. Adding the words “Coastal Areas” immediately below the words “Watercourse Setbacks and Buffers” within the “GENERAL PROVISIONS”.
7. Adding the words “Wind Energy Facilities” immediately below the words “Temporary Construction Uses Permitted” within the “GENERAL PROVISIONS”.
8. Adding the following definition immediately below the definition of “Apartment House” in section 1:

“Areas of Elevated Archaeological Potential” means the areas of land shown on ZM-20 - Areas of Elevated Archaeological Potential map attached to this By-law.”
9. Adding the following three new definitions immediately below the definition of “Bed and Breakfast” in section 1:

“Bicycle Parking, Class A” means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

“Bicycle Parking, Class B” means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

“Bicycle Parking, Enhanced” means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle

parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).

10. Adding the following definition immediately below the definition of “Community Facilities” in section 1:

“Conservation Use” means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

11. Adding the following definition immediately below the definition of “Recreation Space” in section 1:

“Recreation Use” means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

12. Adding the following definition immediately below the definition of “Volume” in section 1:

“Watercourse” means a lake, river, stream, ocean or other natural body of water.

13. Adding the following section after section 2(3):

2(A) Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

14. Adding the following sections after section 6:

6A BICYCLE PARKING FACILITIES

- (1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces

General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

6AB LOCATION OF BICYCLE PARKING

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

- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

6AC SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

15. Adding the following section after section 16I:

16J(1) WATERCOURSE SETBACKS AND BUFFERS

- (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public

lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.

- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

16J(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

16J(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements

16J(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

16J(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

16J(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

16J(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

16. Adding the following section after section 16J:

16K COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to:
 - (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted , permitted accessory building; and
 - (b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

17. Adding the following section after section 16M:

16N WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or

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

- f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule ZM-22 - Wind Energy Zoning. Such zones are:

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

a) URBAN WIND ZONE (UW-1)

- i) All Wind Energy Facilities, except Large Facilities, are permitted

- in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
- i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
- i) Wind Energy Facilities shall not be permitted in the Restricted

Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

property upon which any Micro, Small, Medium and Large wind energy facility is proposed:

- i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
- i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Halifax Peninsula Land Use By-law:
- i) RPK (Regional Park) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

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

Rural Wind Requirements.

- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule ZM-22 – Wind Energy Zoning.

- 18. Adding the words “Regional Park Zone” immediately below the words “Infrastructure Charge Holding Zone” in section 17.
- 19. Adding the letters “RPK” and the letters “RPK-V” under the columns “Not Within View Plane” and “Within View Plane”, respectively, on the line “Regional Park Zone” in section 17.
- 20. Adding the letters “RPK” between the deleted letters “~~HZ~~ (RC-Jun 16/09; E-Oct 24/09),” and the words “WA uses” in section 18.
- 21. Adding the following section after section 26B:

26BC ZM-20 - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

Where excavation is required for a development on any area identified on ZM-20 attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

- 22. Adding the following section after section 62EB(1):

RPK (REGIONAL PARK) ZONE

62EC(1) The following uses shall be permitted in any RPK Zone:

- (a) Recreation uses
- (b) Conservation uses
- (c) Uses accessory to the foregoing uses

62EC(2) No person shall in any RPK Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

- 62EC(3) No person shall in any RPK Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 62EC(4) Buildings erected, altered or used for RPK uses in an RPK Zone shall comply with the following requirements:

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

23. Amending “ZM-1 Zoning” as shown on Attachment B-9.1.
24. Adding “ZM-20 - Areas of Elevated Archaeological Potential” and “ZM-22 – Wind Energy Map”, as shown on Attachment B-9.2 and B-9.3, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-10: AMENDMENTS TO THE
LAND USE BY-LAW FOR LAWRENCETOWN**

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

1. Deleting and replacing the words “Part 11: S-1 (Regional Park) Zone” with the words “Part 11: RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the following words immediately below the words “Appendix “D”: Proposed Uses for Which Building Permits Have Been Issued” and before the Amendment Index in the “TABLE OF CONTENTS”:

Schedule A	Lawrencetown Zoning Map
Schedule A-1	Wind Energy Zoning
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands over 2000 Sq. Metres

3. Adding the words “4.19 Watercourses Setbacks and Buffers” immediately below the words “4.18 Height Regulations” within the “LIST OF GENERAL PROVISIONS”.
4. Adding the words “4.19A Coastal Areas” immediately below the words “4.19 Watercourses Setbacks and Buffers” within the “LIST OF GENERAL PROVISIONS”.
5. Adding the words “4.29 Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.28 Composting Operation” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.30 Schedule C - Wetlands over 2000 Sq. Metres” immediately below the words “4.29 Schedule B - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.31 Wind Energy Facilities” immediately below the words “4.30 Schedule C - Wetlands over 2000 Sq. Metres” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the following section after section 2.12A:

2.12AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
9. Deleting and replacing section 2.57 with the following section:

2.57 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities,

sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

10. Deleting and replacing section 2.72 with the following section:

2.72 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.

11. Replacing the words “S-1 Regional Park Zone” with the words “RPK Regional Park Zone” in Section 3.1.

12. Adding the following words immediately below the words “In addition, the development of certain uses which are permitted within any CDD (Comprehensive Development District) may only be considered in accordance with the provisions of Planning Act.” in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
- (iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.

13. Adding the following section after section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

14. Deleting Section 4.19 and replacing it with the following:

4.19 WATERCOURSE SETBACKS AND BUFFERS

- (1)
 - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of Lawrencetown Lake or any coastal wetland area as shown on Map 2, Coastal Wetlands of the Lawrencetown planning strategy. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.
 - (f) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (g) Within the buffer required pursuant to clause (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
 - (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.

- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

15. Adding the following section after section 4.19:

4.19A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

16. Adding the following sections after section 4.28:

4.29 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.30 SCHEDULE C - WETLANDS OVER 2000 SQ. METRES

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

4.31 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or

conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

- i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
- ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
- iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
- iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.

- vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbine towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbine towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbine towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbine towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbine towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Lawrencetown Land Use By-law:
 - i) RPK (Regional Park) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule A-1 – Wind Energy Zoning.

17. Deleting and replacing PART 11: S-1 (REGIONAL PARK) ZONE with the following:

PART 11: RPK (REGIONAL PARK) ZONE

11.1 RPK USES PERMITTED

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

PARK USES

Recreation uses, except where the uses would destroy the natural processes of the area

Conservation uses

Uses accessory to the foregoing uses

OTHER USES

Existing dwellings

Uses accessory to permitted dwellings and recreational uses, except where the uses would destroy the natural processes of the area.

11.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or
5% for lots 4 ha or more in area

Maximum Height of Main Building 10.7 m

18. Amending “Schedule A – Lawrencetown Zoning Map” as shown on Attachment B-10.1.
19. Adding “Schedule A-1 – Wind Energy Map”, “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C – Wetlands over 2000 Sq. Metres” as shown on Attachments B-10.2, B-10.3, and B-10.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-11: AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR MUSQUODOBOIT VALLEY/DUTCH
SETTLEMENT**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Musquodoboit Valley/Dutch Settlement is hereby amended as follows:

1. Deleting the text in the subsection “Transportation” after policy T-1 and before the subsection “Subdivision of Land” and replacing it with the following:

Private Road Development

- T-4 It shall be the policy of Council to carefully assess the issue of upgrading private roads. In carrying out this assessment, Council shall have regard to the administrative and financial implications of increased involvement in private road development. It shall further be the intention of Council that, in seeking an equitable financial arrangement for upgrading such roadways, a burden not be placed on general public expenditure. Furthermore, it shall be the intention of Council to permit the approval of three (3) lots per calendar year for each parcel of land having frontage on an existing private road. Only residential, open space, and resource uses shall be permitted along these roadways.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-12: AMENDMENTS TO THE
LAND USE BY-LAW FOR MUSQUODOBOIT VALLEY & DUTCH SETTLEMENT**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley & Dutch Settlement is hereby amended as follows:

1. Adding the words “PART 10A RPK (Regional Park) Zone” immediately below the words “PART 10: P-4 (Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 11A: PA (Protected Area) Zone” immediately below the words “PART 11: EX (Exhibition) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “Schedule “A-1” Wind Energy Zoning” immediately below the words “Schedule “A” Zoning Map for Musquodoboit Valley” within the “TABLE OF CONTENTS”.
4. Adding the words “Schedule “F” Areas of Elevated Archaeological Potential” immediately below the words “Schedule “E” Zoning Map for Meaghers Grant” within the “TABLE OF CONTENTS”.
5. Adding the words “Schedule “G” Wetlands” immediately below the words “Schedule “F” Areas of Elevated Archaeological Potential” within the “TABLE OF CONTENTS”.
6. Adding the word “Existing” between the words “on” and “Private” in the line associated with section 4.27 within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.29 Schedule F - Areas of Elevated Archaeological Potential” immediately below the words “4.28 Composting Operation” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.30 Schedule G – Wetlands” immediately below the words “4.29 Schedule F - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the following section immediately below section 2.16D:

2.16E CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
10. Deleting and replacing section 2.70 with the following:

2.70 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports

fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

11. Deleting and replacing section 2.89 with the following:

2.89 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.

12. Adding the following section immediately below section 3.3A:

3.3B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

13. Adding the words “Regional Park Zone RPK Regional Park Zone” immediately below the words “Park Zone P-4 Park Zone” in section 3.11.

14. Adding the words “Protected Area Zone PA Protected Area Zone” immediately below the words “Regional Park Zone RPK Regional Park Zone” in section 3.11.

15. Adding the following after clause (b)(xi) in section 3.16:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Agricultural:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16.

16. Deleting section 4.19 and replacing it with the following:

4.19 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
 - (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
 - (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
 - (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
 - (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

17. Deleting and replacing section 4.27 with the following:

4.27 USES PERMITTED ON EXISTING PRIVATE ROADS

Notwithstanding anything else in this By-law, development on existing private roads shall be restricted to residential, open space, and resource uses.

18. Adding the following sections after section 4.28:

4.29 SCHEDULE F - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.30 SCHEDULE G - WETLANDS

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule G attached to this by-law, within and adjacent to the lot.

Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

4.31 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.

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

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

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

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:

- 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) identification and location of the properties on which the proposed Wind Energy Facility will be located;
- d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;

- e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,
- f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Musquodoboit Valley & Dutch Settlement Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule A-1 – Wind Energy Zoning.

19. Deleting and replacing section 8.1 with the following:

8.1 MU USES PERMITTED

No development permit shall be issued in any MU (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings
Mobile dwellings
Two unit dwellings
Multi-unit dwellings
Boarding and rooming houses
Bed and breakfast establishments

Institutional Uses

Day care facilities
Community centres and halls
Open space uses
Public parks, trails, picnic areas and campsites
Commercial uses accessory to a public park use
Museums, interpretive centres, and buildings associated with park development and maintenance
Historic sites and monuments

Commercial Uses

Convenience stores
Service and personal service shops
Craft shops
Entertainment uses
Commercial schools and gyms
Funeral establishments
Office uses
Kennels
Veterinary clinics
Recycling depots
Restaurants
Outdoor display courts for up to 10 units
Commercial accommodation 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

Resource Uses

Agricultural uses
Intensive livestock operations
Greenhouses and nurseries
Forestry uses
Extractive facilities
Existing extractive facilities
Composting operations
Uses accessory to the foregoing uses

20. Adding the following after the PART 10: P-4 (PARK) ZONE:

PART 10A: RPK (REGIONAL PARK) ZONE

10A.1 RPK USES PERMITTED

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

Park Uses

Recreation uses
Conservation uses
Uses accessory to the foregoing uses

10A.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 20m

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

21. Adding the following Part after Part 11:

PART 11A: PA (PROTECTED AREA) ZONE

11A.1 PA USES PERMITTED

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

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

11A.2 PA ZONE REQUIREMENTS

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

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

11A.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

22. Amending “Schedule A – Zoning Map for Musquodoboit Valley”, “Schedule “B” – Zoning Map for Dutch Settlement”, “Schedule “C” – Zoning Map for Middle Musquodoboit”, “Schedule “D” – Zoning Map for Upper Musquodoboit”, and “Schedule “E” – Zoning Map for Meaghers”, as shown on Attachment B-12.1.

23. Adding “Schedule “A-1” – Wind Energy Map”, “Schedule F - Areas of Elevated Archaeological Potential” and “Schedule “G” – Wetlands”, as shown on Attachments B-12.2, B-12.3 and B-12.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-13: AMENDMENTS TO THE
LAND USE BY-LAW FOR PLANNING DISTRICTS 1&3**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 1&3 is hereby amended as follows:

1. Deleting and replacing the words “PART 22: P-3 (Provincial Park) Zone” with the words “PART 22: RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words “PART 23: P-4 (Conservation) Zone” with the words “PART 23: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 23E: PA (Protected Area) Zone” immediately below the words “PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE” within the “TABLE OF CONTENTS”.
4. Adding the words “PART 23F: CDD (Comprehensive Development District) Zone” immediately below the words “PART 23E: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
5. Adding the following words immediately below the words “Schedule A Zoning Map” within the “TABLE OF CONTENTS”:

Schedule I	Areas of Elevated Archaeological Potential
Schedule J	Wetlands
Schedule K	Wind Energy Zoning
6. Deleting and replacing the words associated with section 4.19 in the “LIST OF GENERAL PROVISIONS” with the words “4.19 Watercourse Setbacks and Buffers”.
7. Adding the words “4.19A Coastal Areas” immediately below the words “4.19 Watercourse Setbacks and Buffers” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.31 Schedule I - Areas of Elevated Archaeological Potential” immediately below the words “4.30 Tourist Accommodations” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the words “4.32 Schedule J – Wetlands” immediately below the words “4.31 Schedule I - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
10. Adding the words “4.33 Wind Energy Facilities” immediately below the words “4.32 Schedule J – Wetlands” within the “LIST OF GENERAL PROVISIONS”.
11. Adding the following section after section 2.15A:

- 2.15AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
12. Deleting and replacing section 2.61 with the following:
- 2.61 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
13. Deleting and replacing section 2.80 with the following:
- 2.80 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
14. Adding the words “CDD Comprehensive Development District Zone” immediately below the words “MU-2 Mixed Use 2 Zone” in section 3.1.
15. Adding the words “RPK Regional Park Zone” on the same line as and after the words “Community Uses Zones” in Section 3.1.
16. Replacing the words “P-4 Conservation Zone”, contained immediately below the words “RPK Regional Park Zone” in section 3.1, with the words “PWS Protected Water Supply Zone”.
17. Adding the words “PA Protected Area Zone” immediately below the words “PWS Protected Water Supply Zone” in section 3.1.
18. Adding the following clause after clause (o) in section 3.6:
- (p) As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:
- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy;

- (iii) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy; and
- (iv) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.

19. Adding the following section after the deleted section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

20. Deleting Section 4.19 and replacing it with the following:

4.19 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of any watercourse within the MR-2 (Mixed Resource 2) Zone north of Highway 103; 30.5m of the rim of Wright Lake; or 30.5m of the rim of Coon Lake within the MU-1 (Mixed Use 1) Zone. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and

buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.

- (f) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (g) Within the buffer required pursuant to clause (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
 - (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
 - (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
 - (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
 - (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

21. Adding the following section after section 4.19:

4.19A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.

- (2) Subsection (1) does not apply to any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

22. Adding the following sections after section 4.30:

4.31 SCHEDULE I - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.32 SCHEDULE J - WETLANDS

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

4.33 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.

- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

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

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

(R) Restricted Zone

a) URBAN WIND ZONE (UW-1)

- i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
- ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
- iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
- iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
- v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
- vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.

b) RURAL WIND ZONE (RW-2)

- i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
- ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
- iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;

- 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

upon which any Micro, Small, Medium and Large wind energy facility is proposed:

- i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
- i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Planning Districts 1 and 3 Land Use By-law:
- i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
- i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.

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

IX SCHEDULES

- a) Schedule K - Wind Energy Zoning

23. Deleting and replacing Part 22 with the following:

PART 22: RPK (REGIONAL PARK) ZONE

22.1 RPK USES PERMITTED

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

Park Uses

Recreation uses
Conservation uses
Uses accessory to the foregoing uses
Public Parks
Commercial uses accessory to public park use

22.2 RPK ZONE REQUIREMENTS

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

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

24. Deleting and replacing Part 23 with the following:

PART 23: PWS (PROTECTED WATER SUPPLY) ZONE

23.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities
Conservation uses
Uses accessory to the foregoing uses

23.2 PWS ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m

Minimum Rear or Side Yard: 4.6m

25. Adding the following Part after Part 23D:

PART 23E: PA (PROTECTED AREA) ZONE

23E.1 PA USES PERMITTED

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

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

23E.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area: 930m²

Minimum Frontage: 30.5m

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

23E.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

26. Adding the following Part after Part 23E:

PART 23F: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

23F.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:

Residential uses
Commercial uses
Institutional uses
Recreation uses
Parking facilities and transit stations or transit stops
Existing uses
Uses accessory to the foregoing uses

23F.2 CDD REQUIREMENTS

- (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Halifax Regional Municipality Charter*.
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:

Minimum Front or Flankage Yard: 9.1m
Minimum Side Yard: 2.5m
Minimum Rear Yard: 2.5m
Maximum Lot Coverage: 35%
Maximum Height of Main Building: 11m

27. Amending “Schedule A Zoning Map”, as shown on Attachment B-13.1.

28. Adding “Schedule K – Wind Energy Map” , “Schedule I - Areas of Elevated Archaeological Potential”, and “Schedule J – Wetlands”, as shown on Attachments B-13.2, B-13.3, and B-13.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-14: AMENDMENTS TO THE
LAND USE BY-LAW FOR PLANNING DISTRICTS 14&17**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 14&17 is hereby amended as follows:

1. Adding the words “PART 23A: RPK (Regional Park) Zone” immediately below the words “PART 23: P-3 (Park) Zone” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words “PART 24: P-4 (Watershed) Zone” with the words “PART 24: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 25E: PA (Protected Area) Zone” immediately below the words “PART 25D: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “PART 25F: UR (Urban Reserve) Zone” immediately below the words “PART 25E: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
5. Adding the words “PART 25G: CDD (Comprehensive Development District) Zone” immediately below the words “PART 25F: UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
6. Adding the following words immediately below the words “SCHEDULES: Schedule A and B Zoning Maps” in the “TABLE OF CONTENTS”:

Schedule C	Areas of Elevated Archaeological Potential
Schedule D	Wetlands
Schedule E	Wind Energy Zoning
7. Adding the words “4.32 Schedule C - Areas of Elevated Archaeological Potential” immediately below the words “4.31 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.33 Schedule D – Wetlands” immediately below the words “4.32 Schedule C - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the words “4.34 Wind Energy Facilities” immediately below the words “4.33 Schedule D – Wetlands”.
10. Adding the following section after section 2.9:

- 2.9A BOATHOUSE means a building located on a waterfront lot used for the storage of boats and associated marine equipment for private non-commercial use, and specifically excludes human habitation.
11. Adding the following definition after section 2.13:
- 2.13A CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
13. Deleting and replacing section 2.79 with the following:
- 2.79 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
14. Adding the words “RPK Regional Park Zone” immediately below the words “P-3 Park Zone” in section 3.1.
15. Replace the words “P-4 Watershed Zone” with the words “PWS Protected Water Supply Zone” in Section 3.1.
16. Adding the words “PA Protected Area Zone” immediately below the words “PWS Protected Water Supply Zone” in section 3.1.
17. Adding the words “CDD Comprehensive Development District Zone” immediately below the words “MR Mixed Resource Zone” in Section 3.1.
18. Adding the following clause after clause (c) in section 3.6:
- (ca) As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:
- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy; and
 - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.
19. Adding the following section after the deleted section 4.1A:

- 4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

20. Deleting section 4.17 and replacing it with the following:

4.17 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse, except on lots zoned R-1C.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

21. Adding the following Sections after Section 4.31:

4.32 SCHEDULE C - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.33 SCHEDULE D - WETLANDS

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

4.34 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

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

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;

- 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:

- i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Planning Districts 14/17 Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back buildings under this By-law.

IX SCHEDULES

- a) Schedule E – Wind Energy Zoning

22. Adding the following Part after Part 23:

PART 23A: RPK (REGIONAL PARK) ZONE

23A.1 RPK USES PERMITTED

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

Park Uses

Recreation uses
Campgrounds
Conservation uses

Commercial Uses

Restaurants
Guest homes
Inns
Retail outlets
Lodges
Craft shops

Resource uses

Agricultural uses
Forestry uses

23A.2 RPK ZONE REQUIREMENTS

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

Minimum Lot Area	3716m ²
Minimum Front or Flankage Yard:	9.14m
Minimum Side or Rear Yard:	6.1m
Maximum Lot Coverage:	35%
Maximum Height of Main Building	10.7 m
Maximum Building Size	278.7m ²

23A.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any RPK Zone where commercial uses are permitted, no open storage or outdoor display of goods shall be permitted.

23. Deleting and replacing Part 24 with the following:

PART 24: PWS (PROTECTED WATER SUPPLY) ZONE

24.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities
 Conservation uses
 Public Parks
 Uses accessory to the foregoing uses
 Single Unit Dwellings

24.2 PWS ZONE REQUIREMENTS

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

Minimum Lot Area	7432m ²
Minimum Front or Flankage Yard:	61m
Minimum Side or Rear Yard:	2.4m
Maximum Lot Coverage:	35%
Maximum Height of Main Building	10.7 m

24. Adding the following Part after Part 25D:

PART 25E: PA (PROTECTED AREA) ZONE

25E.1 PA USES PERMITTED

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

Scientific study and education, involving no buildings

Trails, boardwalks or walkways

Conservation uses

Uses accessory to the foregoing uses

25E.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area: 930m²

Minimum Frontage: 30.5m

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

25E.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

25. Adding the following Part after Part 25E:

PART 25F: UR (URBAN RESERVE) ZONE

25F.1 UR USES PERMITTED

No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot

Passive recreation uses

Uses accessory to the foregoing uses

25F.2 UR ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

26. Adding the following Part after Part 25F:

PART 25G: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

25G.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:

Residential uses
Commercial uses
Institutional uses
Recreation uses
Parking facilities and transit stations or transit stops
Existing uses
Uses accessory to the foregoing uses

25G.2 CDD REQUIREMENTS

- (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Halifax Regional Municipality Charter*.
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:

Minimum Front or Flankage Yard: 9.1m

Minimum Side Yard: 2.5m
Minimum Rear Yard: 2.5m
Maximum Lot Coverage: 35%
Maximum Height of Main Building: 11m

27. Amending “Schedule A Zoning Map” and “Schedule B Zoning Map” as shown on Attachment B-14.1.
28. Adding “Schedule C - Areas of Elevated Archaeological Potential”, “Schedule D – Wetlands” and “Schedule E – Wind Energy Map” as shown on Attachments B-14.2, B-14.3 and B-14.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-15: AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR BEAVER BANK, HAMMONDS PLAINS
AND UPPER SACKVILLE**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville is hereby amended as follows:

1. Deleting and replacing under Policy P-3 the words “It shall further be the intention of Council to establish a Comprehensive Development District (CDD) Zone in the Land Use By-law which permits the development of a mix of low density residential uses, associated community facility uses, local commercial uses, home-based offices and small-scale bed & breakfasts. This Zone shall be applied to those areas of land with 10 or more lots which are at the conceptual stage of subdivision review or approval, except for lands affected by the Glen Arbour Development Agreement and the lands of Piercey’s Investors Limited under conceptual plan of subdivision 19980566-22-C, on or before October 17, 1998, which was when the first notice of the intention to adopt this policy appeared in the newspaper. When considering an amendment to the schedules of the land use by-law to establish a CDD on any additional lands, Council shall have regard for the following:” with the following:

It shall be the intention of Council to establish a Comprehensive Development District (CDD) Zone in the Land Use By-law which permits the development of a mix of low density residential uses, associated community facility uses, local commercial uses, home-based offices and small-scale bed and breakfasts. This zone may be applied to those lands for which an application for rezoning was submitted prior to the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality. It will also be retained on those lands that were previously zoned CDD where an application for a development agreement was submitted prior to the first notice. When considering applications for rezoning submitted prior to first notice, Council shall have regard for the following:

2. Deleting and replacing under Policy P-4 the words “Development within any CDD Zone shall only be considered by Council through a development agreement, which shall specify:” with the following:

An application for development within any CDD Zone that was established before the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality or was rezoned pursuant to Policy P-3, shall only be considered by Council through a development agreement, which shall specify:

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-16: AMENDMENTS TO THE
LAND USE BY-LAW FOR BEAVER BANK, HAMMONDS PLAINS AND UPPER
SACKVILLE**

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

1. Deleting and replacing the words “PART 23: P-3 (Park) Zone” with the words “PART 23: RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words “PART 24: P-4 (Watershed) Zone” with the words “PART 24: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 26F: US (Urban Settlement) Zone” immediately below the words “PART 26E: BWCDD (Bedford West Comprehensive Development District) Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “PART 26G: TR (Transportation Reserve) Zone” immediately below the words “PART 26F: US (Urban Settlement) Zone” within the “TABLE OF CONTENTS”.
5. Adding the following words immediately below the words “SCHEDULE 1-A, 1-B, 1-C, 1-D, and 1-E Zoning Maps” within the “TABLE OF CONTENTS”:

SCHEDULE F	Areas of Elevated Archaeological Potential
SCHEDULE G	Wetlands
SCHEDULE H	Wind Energy Zoning

6. Adding the words “4.30 Schedule F - Areas of Elevated Archaeological Potential” immediately below the words “4.29 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.31 Schedule G – Wetlands” immediately below the words “4.30 Schedule F - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.32 Wind Energy Facilities” immediately below the words “4.31 Schedule G – Wetlands” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the following section after section 2.14:

2.14A CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

10. Renumbering the existing section “2.14A CONSTRUCTION AND DEMOLITION MATERIALS” to section “2.14B”; section “2.14B CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE” to “2.14C”; section “2.14C CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY” to “2.14D”; and section “2.14D CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION” to “2.14E”.
11. Deleting and replacing section 2.60 with the following:

2.60 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
12. Deleting and replacing section 2.77 with the following:

2.77 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
13. Deleting and replacing the words “P-3 Provincial Park Zone” with the words “RPK Regional Park Zone” in section 3.1.
14. Deleting and replacing the words “P-4 Conservation Zone” with the words “PWS Protected Water Supply Zone” in section 3.1.
15. Adding the words “US Urban Settlement Zone” immediately below the words “FP Floodplain Zone” in section 3.1.
16. Adding the words “TR Transportation Reserve Zone” immediately below the words “US Urban Settlement Zone” in section 3.1.
17. Adding the following after clause (d) in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter, except in the Beaver Bank/Hammonds Plains Growth Control Areas:

 - (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;

- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.
18. Adding the following section after section 4.1A:
- 4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.
19. Deleting Section 4.18 and replacing it with the following:
- 4.18 WATERCOURSE SETBACKS AND BUFFERS
- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other

requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

20. Adding the following sections after section 4.29:

4.30 SCHEDULE F - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.31 SCHEDULE G - WETLANDS

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

4.32 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof

mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

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

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:

- 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Beaver Bank, Hammond Plains and Upper Sackville Land Use By-law:
 - i) RPK (Regional Park) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:

- i) be a non-obtrusive colour such as white, off-white or gray;
- ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
- iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule H – Wind Energy Zoning

21. Deleting and replacing Part 23 with the following:

PART 23: RPK (REGIONAL PARK) ZONE

23.1 RPK USES PERMITTED

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

Park Uses

Recreation uses

Conservation uses

Uses accessory to the foregoing

23.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	9.14m
Minimum Side or Rear Yard:	6.1m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	10.7 m
Maximum Building Size:	305m ²

22. Deleting and replacing Part 24 with the following:

PART 24: PWS (PROTECTED WATER SUPPLY) ZONE

24.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities
Conservation uses
Public Parks
Agriculture and forestry uses involving no buildings
Single Unit Dwellings and Mobile Dwellings
Uses accessory to the foregoing uses

24.2 PWS ZONE REQUIREMENTS: SINGLE UNIT AND MOBILE DWELLINGS

In any PWS Zone, where single and mobile dwellings are permitted, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	7432 m ²
Minimum Frontage:	61m
Minimum Front or Flankage Yard:	6.1m
Minimum Side Yard:	4.6m
Minimum Rear Yard:	7.6m
Maximum Height of Main Building:	10.7m

24.3 PWS ZONE REQUIREMENTS: OTHER USES

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

Minimum Lot Area:	1858m ²
Minimum Front or Flankage Yard:	7.61m
Minimum Side Yard:	4.6m
Minimum Rear Yard:	7.6m

24.4 OTHER REQUIREMENTS: SETBACKS FROM WATERCOURSES

- (a) Notwithstanding the provisions of Sections 24.2 and 24.3, no development permit shall be issued for any dwelling or accessory structure within 30.5 metres of any watercourse or 76.2 metres of the rim of Pockwock, Beaver, or Tomahawk Lake.
- (b) Notwithstanding Section 4.18, water distribution uses may be built to the lot line where the line corresponds to the shore line.

23. Adding the following Part after Part 26E:

PART 26F: US (URBAN SETTLEMENT) ZONE

26F.1 US USES PERMITTED

No development permit shall be issued in any US (Urban Settlement) Zone except for the following:

Single unit dwellings on existing lots
 Public parks and playgrounds
 Uses accessory to the foregoing uses

26F.2 US ZONE REQUIREMENTS

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

Minimum Frontage:	110m
Minimum Lot Area:	2ha
Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

24. Adding the following Part after Part 26F:

PART 26G: TR (TRANSPORTATION RESERVE) ZONE

26G.1 TR USES PERMITTED

No development permit shall be issued in any TR (Transportation Reserve) Zone except for the following:

None

26G.2 OTHER REQUIREMENTS

No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

25. Amending Zoning Map Schedules 1-A, 1-B, 1-C, 1-D, and 1-E, as shown on Attachment B-16.1.
26. Adding “Schedule F - Areas of Elevated Archaeological Potential”, “Schedule G – Wetlands” and “Schedule H – Wind Energy Map”, as shown on Attachments B-16.2, B-16.3, and B-16.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-17: AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICT 5**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. Deleting and replacing the words “the requirements of Policy TR-5 are met” with the words “the number of lots do not exceed 10” in policy TR-19.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-18: AMENDMENTS TO THE
LAND USE BY-LAW FOR PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. Adding the words “PART 21A: RPK (Regional Park) Zone” after “PART 21: P-3 (Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 22A: PA (Protected Area) Zone” after “PART 22: P-4 (Conservation) Zone” within the “TABLE OF CONTENTS”.
3. Deleting and replacing the words “PART 25: CDD (Comprehensive Development District) Zone” with the words “PART 25: UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
4. Adding the following words immediately below the words “Amendment Index” within the “TABLE OF CONTENTS”:

SCHEDULES

Schedule A	Chebucto Peninsula (Planning District 5) Zoning Map
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands over 2000 Sq Metres
Schedule D	Wind Energy Zoning

5. Deleting section 4.20 within the “LIST OF GENERAL PROVISIONS” and replacing it with the words “4.20 Watercourse Setbacks and Buffers”.
6. Adding the words “4.20A Coastal Areas” immediately below the words “4.20 Watercourse Setbacks and Buffers” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.28A Bicycle Parking Facilities” immediately below the words “4.28 Standards for Parking Lots” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.28B Location of Bicycle Parking” immediately below the words “4.28A Bicycle Parking Facilities” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the words “4.28C Special Bicycle Parking Facility Requirements” immediately below the words “4.28B Location of Bicycle Parking” within the “LIST OF GENERAL PROVISIONS”.
10. Adding the words “4.31 Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.30 Tourist Accommodations” within the “LIST OF GENERAL PROVISIONS”.

11. Adding the words “4.32 Schedule C - Wetlands over 2000 Sq Metres” immediately below the words “4.31 Schedule B - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
12. Adding the words “4.33 Wind Energy Facilities” immediately below the words “4.32 Schedule C – Wetlands over 2000 Sq Metres” within the “LIST OF GENERAL PROVISIONS”.
13. Adding the following section after section 2.11A:

2.11AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
14. Deleting and replacing section 2.54 with the following:

2.54 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
15. Deleting and replacing section 2.71 with the following:

2.71 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
16. Adding the words “RPK Regional Park Zone” immediately below the words “P-3 Park Zone” in section 3.1.
17. Adding the words “PA Protected Area Zone” immediately below the words “P-4 Conservation Zone” in section 3.1.
18. Deleting and replacing the words “CDD Comprehensive Development District” with the words “UR Urban Reserve Zone” in section 3.1.
19. Adding the following after clause (k) in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

 - (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads

up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;

- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
- (iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Harbour outside of the Urban Service Area:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy; and
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

20. Adding the following section after section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

21. Deleting section 4.20 and replacing it with the following:

4.20 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Notwithstanding clause (c), within the required buffer pursuant to clauses (a) and (b), exceptions may be made to the extent required for required stream crossings, the construction of boardwalks or the placement of walking or hiking trails.
 - (e) Notwithstanding clause (a), the required minimum buffer shall be 30.48 metres within the Herring Cove Community.
 - (f) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (g) Within the buffer required pursuant to clause (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding the provisions of subsection (1), any existing building within the buffer distance may be permitted to be enlarged, renovated or repaired subject to the provisions of section 4.8 of this By-law.
 - (3) Notwithstanding clause (e) of subsection (1), a reduction of the required buffer to 15.24 metres for lots in existence on May 5, 2001 may be permitted by the Development Officer if the full requirement is prohibitive due to resulting insufficient site area for development.
 - (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
 - (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
 - (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

22. Adding the following section after section 4.20:

4.20A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to:
 - (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted, permitted in accordance with the requirements of this by-law; and
 - (b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

23. Adding the following sections after section 4.28:

4.28A BICYCLE PARKING FACILITIES

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

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

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

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

4.28B LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special

purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.

- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

4.28C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

24. Adding the following sections after section 4.30:

4.31 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.32 SCHEDULE C - WETLANDS over 2000 Sq Metres

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

4.33 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design,

on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

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

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:

- 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
- 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors

required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:

- i) not attached to a building and is not connected to the power grid;
 - ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
- i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
- i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Planning District 5 Land Use By-law:
- i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and

operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule D – Wind Energy Zoning

25. Adding the following Part after Part 21:

PART 21A: RPK (REGIONAL PARK) ZONE

21A.1 RPK USES PERMITTED

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

Park Uses

Recreation uses

Conservation uses

Museums, interpretive centres, and buildings associated with park maintenance

Marine related navigational aids

Uses accessory to the foregoing uses

21A.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or
5% for lots 4 ha or more in area

Maximum Height of Main Building 10.7 m

26. Adding the following Part after Part 22:

PART 22A: PA (PROTECTED AREA) ZONE

22A.1 PA USES PERMITTED

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

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

22A.2 PA ZONE REQUIREMENTS

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

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

22A.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

27. Deleting and replacing Part 25 with the following:

PART 25 UR (URBAN RESERVE) ZONE

25.1 UR USES PERMITTED

No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
Passive recreation uses
Uses accessory to the foregoing uses

25.2 UR ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m
Minimum Side Yard: 2.5m
Minimum Rear Yard: 2.5m
Maximum Lot Coverage: 35%
Maximum Height of Main Building: 11m

28. Amending “Schedule A Chebucto Peninsula (Planning District 5) Zoning Map”, as shown on Attachment B-18.1.
29. Adding Schedules “Schedule B - Areas of Elevated Archaeological Potential”, “Schedule C – Wetlands over 2000 Sq Metres” and “Schedule D - Wind Energy Map” as shown on Attachments B-18.2, B-18.3 and B-18.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-19: AMENDMENTS TO THE
LAND USE BY-LAW FOR PLANNING DISTRICTS 8&9**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8&9 is hereby amended as follows:

1. Deleting and replacing the words “PART 20: P-3 (Provincial Park) Zone” with the words “PART 20: RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words “PART 21: P-4 (Conservation) Zone” with the words “PART 21: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 22E: PA (Protected Area) Zone” immediately below the words “PART 22D: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “PART 22F: CDD (Comprehensive Development District) Zone” immediately below the words “PART 22E: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
5. Adding the following words immediately below the words “APPENDIX “A” Existing Uses” within the “TABLE OF CONTENTS”:

Schedule A	Porters Lake/Lake Echo Zoning Map
Schedule A-1	Wind Energy Zoning
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands

6. Deleting and replacing the words associated with section 4.18 within the “LIST OF GENERAL PROVISIONS” with the words “Setbacks from Watercourses”.
7. Adding the words “4.18A Coastal Areas” immediately below the words “4.18 Setbacks from Watercourses” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.27 Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.26 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the words “4.28 Schedule C - Wetlands” immediately below the words “4.27 Schedule B - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
10. Adding the words “4.29 Wind Energy Facilities” immediately below the words “4.28 Schedule C – Wetlands” within the “LIST OF GENERAL PROVISIONS”.
11. Adding the following section after section 2.18:

2.18A CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

12. Deleting and replacing section 2.50 with the following:

2.50 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

13. Deleting and replacing section 2.64 with the following:

2.64 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.

14. Adding the words “CDD Comprehensive Development District Zone” immediately below the words “RE Rural Enterprise Zone” in section 3.1.

15. Deleting and replacing the words “P-3 Park Zone” with the words “RPK Regional Park Zone” in section 3.1.

16. Deleting and replacing the words “P-4 Conservation Zone” with the words “PWS Protected Water Supply Zone” in section 3.1.

17. Adding the words “PA Protected Area Zone” immediately below the words “D-1 DND Zone” in section 3.1.

18. Adding the following after clause (c) in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy;

- (iii) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy; and
- (iv) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.

19. Deleting section 4.18 and replacing it with the following:

4.18 WATERCOURSE SETBACKS AND BUFFERS

- (1)
 - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.

- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

20. Adding the following section after section 4.18A after section 4.18:

4.18A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

21. Adding the following sections after section 4.26:

4.27 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.28 SCHEDULE C - WETLANDS

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

4.29 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof

mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

- i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
- ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
- iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
- iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

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

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.

- v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

i)	Micro	140 metres (460 ft)
ii)	Small	360 metres (1180 ft)
iii)	Medium	500 metres (1640 ft)
iv)	Large	2000 metres (6560 ft)

- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Districts 8 & 9 Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.

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

IX SCHEDULES

- a) Schedule A-1 – Wind Energy Zoning

22. Deleting and replacing Part 20 with the following:

PART 20: RPK (REGIONAL PARK) ZONE

20.1 RPK USES PERMITTED

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

Park Uses

Recreation uses

Conservation uses

Commercial uses accessory to a public park use

Uses accessory to the foregoing uses

20.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or
5% for lots 4 ha or more in area

Maximum Height of Main Building 10.7 m

23. Deleting and replacing Part 21 with the following:

PART 21: PWS (PROTECTED WATER SUPPLY) ZONE

21.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities

Conservation uses

Public Parks

Uses accessory to the foregoing uses

21.2 PWS ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m
Minimum Rear or Side Yard: 4.6m

24. Adding the following Part after Part 22D:

PART 22E: PA (PROTECTED AREA) ZONE

22E.1 PA USES PERMITTED

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

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

22E.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area: 930m²
Minimum Frontage: 30.5m
Minimum Front or Flankage Yard: 20m
Minimum Side or Rear Yard: 20m

22E.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

25. Adding the following Part after Part 22E:

PART 22F: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

22F.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:

Residential uses
Commercial uses
Institutional uses
Recreation uses
Parking facilities and transit stations or transit stops
Existing uses
Uses accessory to the foregoing uses

22F.2 CDD REQUIREMENTS

- (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Halifax Regional Municipality Charter*.
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:

Minimum Front or Flankage Yard: 9.1m
Minimum Side Yard: 2.5m
Minimum Rear Yard: 2.5m
Maximum Lot Coverage: 35%
Maximum Height of Main Building: 11m

26. Amending “Schedule A Porters Lake/Lake Echo Zoning Map”, as shown on Attachment B-19.1.
27. Adding “Schedule A-1 Wind Energy Map”, “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C – Wetlands”, as shown on Attachments B-19.2, B-19.3, and B-19.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-20: AMENDMENTS TO THE
LAND USE BY-LAW FOR PLANNING DISTRICT 4**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 is hereby amended as follows:

1. Deleting and replacing the words “PART 32: P-4 (Preservation) Zone” with the words “PART 32: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words “PART 34: P-6 (Park) Zone” with the words “PART 34: RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
3. Adding the following words immediately below the words “Schedules A-2, A-3, A-4, A-5, B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, D-1, D-2, D-3, D-4, E-2, E-3 Zoning Maps” within the “TABLE OF CONTENTS”:

Schedule F Areas of Elevated Archaeological Potential
Schedule G Wetlands
Schedule H Wind Energy Zoning
4. Deleting and replacing the words associated with Section 4.19 of the “LIST OF GENERAL PROVISIONS” with “Watercourse Setbacks and Buffers”.
5. Adding the words “4.19A Coastal Areas” immediately below the words “4.19 Watercourse Setbacks and Buffers” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.31 Schedule F - Areas of Elevated Archaeological Potential” immediately below the words “4.30 Tourist Accommodations” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.32 Schedule G - Wetlands” immediately below the words “4.31 Schedule F - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.33 Wind Energy Facilities” immediately below the words “4.32 Schedule G – Wetlands” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the following section after section 2.18A:

2.18AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
10. Deleting and replacing section 2.73 with the following:

- 2.73 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
11. Deleting and replacing section 2.91 with the following:
- 2.91 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
12. Adding the following section after section 3.3A:
- 3.3B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.
13. Deleting and replacing the words “P-4 Preservation Zone” with the words “PA Protected Area Zone” in section 3.11.
14. Deleting and replacing the words “P-6 Park Zone” with the words “RPK Regional Park Zone” in section 3.11.
15. Adding the following after clause (j) in section 3.16:
- As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:
- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
 - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
 - (iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.
16. Deleting section 4.19 and replacing it with the following:
- 4.19 WATERCOURSE SETBACKS AND BUFFERS

- (1)
 - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer from any watercourse within the WC Zone shall be 91.4m. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.
 - (f) Notwithstanding clause (e), the Indian Lake Golf Club, located on PID No. 40695550, shall be permitted to expand on to the WC Zone provided that all requirements of clause (e) are satisfied.
 - (g) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (h) Within the buffer required pursuant to clause (g), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law shall be permitted provided they are located no closer to the watercourse than the existing main building.

- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

17. Adding the following section after section 4.19:

4.19A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to residential accessory structures permitted in accordance with this by-law.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

18. Adding the following sections after section 4.30:

4.31 SCHEDULE F - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.32 SCHEDULE G - WETLANDS

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

4.33 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics,

and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

- i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
- ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
- iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
- iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

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

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) **URBAN WIND ZONE (UW-1)**
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.

- vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbine towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbine towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbine towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbine towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbine towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) identification and location of the properties on which the proposed Wind Energy Facility will be located;

- d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;
- e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,
- f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

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

i) Micro	140 metres (460 ft)
ii) Small	360 metres (1180 ft)
iii) Medium	500 metres (1640 ft)
iv) Large	2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Planning District 4 Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone
 - iii) P-3 (Conservation) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule H – Wind Energy Zoning

19. Deleting and replacing PART 32: P-4 (PRESERVATION) ZONE with the following:

PART 32: PA (PROTECTED AREA) ZONE

32.1 PA USES PERMITTED

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

Scientific study and education, involving no buildings

Trails, boardwalks or walkways
Conservation uses
Uses accessory to the foregoing uses

32.2 PA ZONE REQUIREMENTS

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

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

32.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

20. Deleting and replacing Part 34 with the following:

PART 34: RPK (REGIONAL PARK) ZONE

34.1 RPK USES PERMITTED

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

Park Uses

Recreation uses
Conservation uses
Museums, interpretive centres, and buildings associated with park development and maintenance
Uses accessory to the foregoing uses

34.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	20m
Minimum Side or Rear Yard:	20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or
5% for lots 4 ha or more in area
Maximum Height of Main Building: 10.7 m

21. Amending Zoning Schedules A-2, A-3, A-4, A-5, B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, D-1, D-2, D-3, D-4, E-2, and E-3, as shown on Attachment B-20.1.
22. Adding “Schedule F Areas of Elevated Archaeological Potential”, “Schedule G - Wetlands” and “Schedule H Wind Energy Map”, as shown on Attachments B-20.2, B-20.3, and B-20.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-21: AMENDMENTS TO THE
LAND USE BY-LAW FOR NORTH PRESTON/LAKE MAJOR/LAKE LOON/CHERRY
BROOK/EAST PRESTON**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston is hereby amended as follows:

1. Deleting and replacing the words “PART 13: P-4 (Conservation) Zone” with the words “PART 13: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 20: PA (Protected Area) Zone” immediately below the words “PART 19: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
3. Adding the following words immediately below the words “APPENDIX “E” – Special Provisions for Existing Intensive Livestock Operations” within the “TABLE OF CONTENTS”:

Schedule A	North Preston, Cherry Brook, Lake Major, Lake Loon and East Preston Zoning Map
Schedule A-1	Wind Energy Zoning
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands over 2000 Sq Metres

4. Deleting and replacing the words associated with section 4.21 within the “LIST OF GENERAL PROVISIONS” with the words “4.21 Setbacks from Watercourses”.
5. Adding the words “4.27 Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.26 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.28 Schedule C - Wetlands over 2000 Sq Metres” immediately below the words “4.27 Schedule B - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.29 Wind Energy Facilities” immediately below the words “4.28 Schedule C - Wetlands over 2000 Sq Metres” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the following section after section 2.12A:

2.12AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

9. Deleting and replacing section 2.52 with the following:

2.52 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
10. Deleting and replacing section 2.68 with the following:

2.68 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
11. Adding the following section after section 3.3A:

3.3B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.
12. Adding the words “PA Protected Area Zone” to the category “Community Uses Zones” immediately below the words “P-2 Community Facility Zone” in section 3.12.
13. Deleting and replacing the words “P-4 Conservation Zone” with the words “PWS Protected Water Supply Zone” in section 3.12.
14. Adding the following after clause (c) in section 3.17:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

 - (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
 - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy;
15. Deleting section 4.21 and replacing it with the following:

4.21 WATERCOURSE SETBACKS AND BUFFERS

- (1)
 - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer shall be 76.2 m of the mean high water mark of Lake Major and Long Lake.
 - (f) Notwithstanding clause (a), the required buffer shall be 30.5 m of the mean high water mark of any watercourse located in the Lake Major Watershed.
 - (g) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (h) Within the buffer required pursuant to clauses (e), (f) or (g), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.

- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

16. Adding the following sections after section 4.26:

4.27 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.28 SCHEDULE C - WETLANDS OVER 2000 SQ METRES

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

4.29 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.

- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

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

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;

- 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

upon which any Micro, Small, Medium and Large wind energy facility is proposed:

- i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
- i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the North Preston, Cherry Brook and East Preston Land Use By-law:
- i) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

a) Schedule A-1 – Wind Energy Zoning

17. Deleting and replacing Part 13 with the following:

PART 13: PWS (PROTECTED WATER SUPPLY) ZONE

13.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities

Conservation uses

Public and private parks involving no buildings

Crop farming, grazing and pasturage if in existence at the time of the coming into effect of this by-law

Uses accessory to the foregoing uses

13.2 PWS ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m

Minimum Rear or Side Yard: 4.6m

13.3 SPECIAL PROVISIONS: EXISTING RESIDENTIAL USES

Notwithstanding Section 13.1, existing residential uses in a PWS Zone shall be permitted to be expanded, altered, repaired and rebuilt and, in addition, certain properties within a PWS Zone shall be permitted to be used for residential use, such existing uses and certain properties identified by Appendix “D”.

18. Adding the following Part after Part 19:

PART 20: PA (PROTECTED AREA) ZONE

20.1 PA USES PERMITTED

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

Scientific study and education, involving no buildings

Trails, boardwalks or walkways

Conservation uses
Uses accessory to the foregoing uses

20.2 PA ZONE REQUIREMENTS

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

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

20.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

19. Amending “Schedule A North Preston, Cherry Brook, Lake Major, Lake Loon and East Preston Zoning Map”, as shown on Attachment B-21.1.
20. Adding “Schedule A-1 Wind Energy Map”, “Schedule B Areas of Elevated Archaeological Potential” and “Schedule C Wetlands over 2000 Sq Meters”, as shown on Attachments B-21.2, B-21.3 and B-21.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-22: AMENDMENTS TO THE
LAND USE BY-LAW FOR SACKVILLE DRIVE**

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

1. Adding the following words after the words “Schedule C Sackville Drive Downsview Complex Map” in the “TABLE OF CONTENTS”:

Schedule D Areas of Elevated Archaeological Potential

2. Adding three new definitions immediately following the definition of “Bed and Breakfast” as follows:

Bicycle Parking, Class A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

Bicycle Parking, Class B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

Bicycle Parking, Enhanced means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).

3. Deleting and replacing the definition “Watercourse” with the following:

Watercourse means a lake, river, stream, ocean or other natural body of water.

4. Adding the following after section 6, in Part 3:

- 6A. Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

5. Deleting section 6, in Part 6, and replacing it with the following:

6. Watercourse Setbacks and Buffers

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.

- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, board walks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of the Sackville or Little Sackville rivers except for activities specified under clause (d).
 - (f) Notwithstanding clause (e), activity within the 30.5m buffer of the Sackville or Little Sackville rivers shall be limited to the placement of board walks, esplanades, arcades, walkways and trails, conservation uses, parks on public lands, public roads and wastewater, storm and water infrastructure.
 - (g) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (h) Notwithstanding the required buffer under clauses (e) and (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structure, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (2A) Notwithstanding subsection (1)(e) and (f) the required buffer may be reduced to that indicated in subsection (1)(a) and (b) for any lot that existed on or before June 24, 2002, providing that any of the following conditions are met:
- (i) existing right-of-ways or easements located on the property further affect the placement of buildings or structures;
 - (ii) where the configuration or shape of a lot is such that the lot line intersecting the watercourse are not perpendicular to the watercourse;

- (iii) where the portion of a lot covered by the watercourse setback is greater than or equal to twenty percent of the area of the lot; or
 - (iv) where there is existing legal disturbance or development which was established on or before June 24, 2002 on the portion of property identified as within the watercourse setback.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required setbacks, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

6. Adding the following section after section 10, in Part 6:

10A Schedule D - Areas of Elevated Archaeological Potential

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

7. Adding the following sections after section 40, in Part 7:

40A Bicycle Parking Facilities

- (1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

40B Location of Bicycle Parking

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

40C Special Bicycle Parking Facility Requirements

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

8. Adding "Schedule D - Areas of Elevated Archaeological Potential", as shown on Attachments B-22.1.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-23: AMENDMENTS TO THE
LAND USE BY-LAW FOR SACKVILLE**

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

1. Adding the words “PART 22A: RPK (Regional Park) Zone” immediately below the words “PART 22: P-4 (Park Reserve) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 23E: TR (Transportation Reserve) Zone” immediately below the words “PART 23D: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “SCHEDULE A: Sackville Zoning Map” immediately below the words “APPENDIX B: Existing Salvage Yard” within the “TABLE OF CONTENTS”.
4. Adding the words “SCHEDULE C: Areas of Elevated Archaeological Potential”, “SCHEDULE D: Wetlands” and SCHEDULE E: Wind Energy Zoning” immediately below the words “SCHEDULE B: Master Plan for Sackville Business Park” within the “TABLE OF CONTENTS”.
5. Adding the words “4.26A Bicycle Parking Facilities”, “4.26B Location of Bicycle Parking” and “4.26C Special Bicycle Parking Facility Requirements” immediately below the words “4.26 Loading Space Requirements” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.31 Schedule C - Areas of Elevated Archaeological Potential” immediately below the words “4.30 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.32 Schedule D - Wetlands” immediately below the words “4.31 Schedule C – Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.33 Wind Energy Facilities” immediately below the words “4.32 Schedule D - Wetlands” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the following sections after section 2.9:

2.9A BICYCLE PARKING, CLASS A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

- 2.9B BICYCLE PARKING, CLASS B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
- 2.9C BICYCLE PARKING, ENHANCED means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
10. Adding the following section after section 2.15A:
- 2.15AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
11. Deleting and replacing section 2.58 with the following:
- 2.58 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
12. Deleting and replacing section 2.75 with the following:
- 2.75 WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
13. Adding the words “RPK Regional Park Zone” immediately below the words “P-4 Park Reserve Zone” in section 3.1.
14. Adding the words “TR Transportation Reserve Zone” immediately below the words “RPK Regional Park Zone” in section 3.1.
15. In clause (a) of section 3.6 adding the words “and the Regional Municipal Planning Strategy for Halifax Regional Municipality,” after the words “As provided for by Policy IM-13 of the Municipal Planning Strategy for Sackville” and **before** the words “such uses are as follows:”.
16. Adding the following text after subclause (xxvii) of clause (a) of section 3.6:
- (xxviii) Within the Rural Commuter Designation of the Regional Municipal Planning Strategy:
- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses

- on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

17. Adding the following section after the deleted section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

18. Deleting section 4.23 and replacing it with the following:

4.23 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of the Sackville or Little Sackville rivers except for activities specified under clause (d).
- (f) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.

- (g) Within the buffer required pursuant to clauses (e) and (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (h) Activity within the required buffer pursuant to clause (e), shall be limited to the placement of board walks, walkways and trails, conservation uses, parks on public lands, historic sites and monuments, public roads and wastewater, storm and water infrastructure.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
 - (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
 - (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
 - (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
 - (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

19. Adding the following sections after section 4.26:

4.26A BICYCLE PARKING FACILITIES

- (1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.

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

4.26B LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

4.26C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

20. Adding the following sections after section 4.30:

4.31 SCHEDULE C - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.32 SCHEDULE D - WETLANDS

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

4.33 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility

- has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
- iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
- iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

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

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

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:

- 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) identification and location of the properties on which the proposed Wind Energy Facility will be located;
- d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;

- e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,
- f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

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

i) Micro	140 metres (460 ft)
ii) Small	360 metres (1180 ft)
iii) Medium	500 metres (1640 ft)
iv) Large	2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Sackville Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) P4 (Park Reserve) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule E – Wind Energy Zoning.

21. Adding the following Part after Part 22:

PART 22A: RPK (REGIONAL PARK) ZONE

RPK USES PERMITTED

22A.1 No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Recreation uses
 Conservation uses
 Uses accessory to the foregoing uses

RPK ZONE REQUIREMENTS

22A.2 In any RPK Zone, no development permit shall be issued except in conformity with the following:

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

22. Adding the following section after section 23.3:

23.4 Notwithstanding sections 23.1 through 23.3, the lots shown on approved final plan of subdivision file no. 19980686-16-F of the Sunset Ridge Subdivision shall be developed subject to the permitted uses and requirements of the R-6 (Rural Residential) Zone.

23. Adding the following Part after Part 23D:

PART 23E: TR (TRANSPORTATION RESERVE) ZONE

23E.1 TR USES PERMITTED

No development permit shall be issued in any TR (Transportation Reserve) Zone except for the following:

None

23E.2 OTHER REQUIREMENTS

No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

24. Amending “Schedule A – Sackville Zoning Map”, as shown on Attachment B-23.1.
25. Adding “Schedule C - Areas of Elevated Archaeological Potential”, “Schedule D – Wetlands” and “Schedule E – Wind Energy Map”, as shown on Attachments B-23.2, B-23.3, and B-23.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-24: AMENDMENTS TO THE
LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville is hereby amended as follows:

1. Deleting and replacing the words “PART 20A: WC (Western Common) Zone” with the words “PART20A: WCRPK (Western Common Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 21E: UR (Urban Reserve) Zone” immediately below the words “PART 21D: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
3. Adding the following words immediately below the words “Amendment Index” in the “TABLE OF CONTENTS”:

Schedule A	Timberlea/Lakeside/Beechville Zoning Map
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands
Schedule D	Wind Energy Zoning
4. Deleting and replacing the words associated with section 4.19 within the “LIST OF GENERAL PROVISIONS” with the words “4.19 Watercourse Setbacks and Buffers”.
5. Adding the words “4.29A Bicycle Parking Facilities”, “4.29B Location of Bicycle Parking” and “4.29C Special Bicycle Parking Facility Requirements” immediately below the words “4.29 Loading Space Requirements” within the “LIST OF GENERAL PROVISIONS”.
6. Adding the words “4.32 Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.31 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.
7. Adding the words “4.33 Schedule C - Wetlands” immediately below the words “4.32 Schedule B - Areas of Elevated Archaeological Potential” within the “LIST OF GENERAL PROVISIONS”.
8. Adding the words “4.34 Wind Energy Facilities” immediately below the words “4.33 Schedule C - Wetlands” within the “LIST OF GENERAL PROVISIONS”.
9. Adding the following three new sections immediately after section 2.7:

- 2.7A BICYCLE PARKING, CLASS A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
 - 2.7B BICYCLE PARKING, CLASS B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
 - 2.7C BICYCLE PARKING, ENHANCED means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
10. Adding the following section after section 2.11A:
 - 2.11AB CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
 11. Deleting and replacing section 2.52 with the following:
 - 2.52 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
 12. Adding the following section after section 2.69A:
 - 2.69AA WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
 13. Adding the words “WCRPK Western Common Regional Park Zone” immediately below the words “P-4 Conservation” in section 3.1.
 14. Adding the words “UR Urban Reserve Zone” immediately below the words “WCRPK Western Common Regional Park Zone” in section 3.1.
 15. Adding the words “and the Regional Municipal Planning Strategy for Halifax Regional Municipality” after the words “As provided for by Policy IM-10 of the Municipal Planning Strategy for Timberlea/Lakeside/Beechville” and before the words and comma “, such uses are as follows:” in section 3.6.
 16. Adding the following after clause (m) of section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

17. Adding the following section after the deleted section 4.1A:

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

18. Deleting section 4.19 and replacing it with the following:

4.19 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, board walks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer for construction and

demolition operations shall be as specified under the applicable CD Zone.

- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, 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 watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

19. Adding the following sections after section 4.29:

4.29A BICYCLE PARKING FACILITIES

- (1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.

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

4.29B LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

4.29C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

20. Adding the following sections after section 4.31:

4.32 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.33 SCHEDULE C - WETLANDS

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

4.34 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility

has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.

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

II ZONES

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

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) URBAN WIND ZONE (UW-1)
 - i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
 - ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) RURAL WIND ZONE (RW-2)
 - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:

- 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

- a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) identification and location of the properties on which the proposed Wind Energy Facility will be located;
- d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;

- e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,
- f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

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

i)	Micro	140 metres (460 ft)
ii)	Small	360 metres (1180 ft)
iii)	Medium	500 metres (1640 ft)
iv)	Large	2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Timberlea/Lakeside/Beechville Land Use By-law:
 - i) WCRPK (Western Common Regional Park) Zone;
 - ii) P-4 (Conservation) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law.

IX SCHEDULES

- a) Schedule D - Wind Energy Zoning

21. Deleting and replacing Part 20A with the following:

PART 20A: WCRPK (WESTERN COMMON REGIONAL PARK) ZONE

20A(1) WCRPK USES PERMITTED

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

Conservation related uses
 Trails, picnic areas and wilderness campsites
 Public and private parks and playgrounds
 Recreation uses with the exception of golf courses
 Historic sites and monuments
 Churches and cemeteries

20A(2) WCRPK ZONE REQUIREMENTS

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

- (a) Minimum Lot Area 100,000 square feet (9,289 m²)
- (b) Minimum Building Setback from any lot line 30 feet (9.1 m)
- (c) Maximum Lot Coverage 35 percent
- (d) Maximum Height of Main Building 35 feet (10.7 m)
- (e) No buildings, structures or parking areas shall be located within 300 feet (91.4 m) of the rim of any watercourse or waterbody except for buildings or structures intended for conservation related uses, wilderness campsites, or non-motorized water related recreation uses.

20A(3) SETBACK EXEMPTION

Notwithstanding Clause 20A(2)(b), no building setback shall be required from the Highway 103 right-of-way lot line.

22. Adding the following Part after Part 21D:

PART 21E: UR (URBAN RESERVE) ZONE

UR USES PERMITTED

- 21E.1 No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
Passive recreation uses
Uses accessory to the foregoing uses

UR ZONE REQUIREMENTS

- 21E.2 In any UR Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard: 9.1m
Minimum Side Yard: 2.5m
Minimum Rear Yard: 2.5m
Maximum Lot Coverage: 35%
Maximum Height of Main Building: 11m

23. Amending “Schedule A – Timberlea/Lakeside/Beechville Zoning Map”, as shown on Attachment B-24.1.
24. Adding “Schedule B - Areas of Elevated Archaeological Potential”,

“Schedule C – Wetlands” and “Schedule D – Wind Energy Map”, as shown on Attachments B-24.2, B-24.3, and B-24.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 2014

Cathy Mellett
Municipal Clerk

**B-25: AMENDMENTS TO THE
LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY**

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

1. Adding the words “Part 23A: P-3 (Provincial Park) Zone” immediately below the words “Part 23: P-2 (Community Facility) Zone.” within the “TABLE OF CONTENTS”.
2. Deleting and replacing the words associated with Part 24 within the “TABLE OF CONTENTS” with the following words “Part 24: RPK (Regional Park) Zone.
3. Adding the words “Part 24C: PA (Protected Area) Zone” immediately below the words “Part 24B: FP (Floodplain) Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “Part 26E: UR (Urban Reserve) Zone” immediately below the words “Part 26D: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
5. Adding the words “Part 26F: US (Urban Settlement) Zone” immediately below the words “Part 26E: UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
6. Adding the words “Part 26G: TR (Transportation Reserve) Zone” immediately below the words “Part 26F: US (Urban Settlement) Zone” within the “TABLE OF CONTENTS”.
7. Adding the words “Schedule A Eastern Passage/Cow Bay Zoning Map” immediately below the words “Appendix “D” Silver Sands CDD” and before the words “Schedule A-1 Heritage Hills” within the “TABLE OF CONTENTS”:
8. Adding the following words immediately below the words “Schedule A-1 Heritage Hills” within the “TABLE OF CONTENTS”:

Schedule A-2 Wind Energy Zoning

Schedule B Areas of Elevated Archaeological Potential

Schedule C Wetlands

9. Adding the words “4.27A Bicycle Parking Facilities”, “4.27B Location of Bicycle Parking” and “4.27C Special Bicycle Parking Facility Requirements” immediately below the words “4.27 Loading Space Requirements” within the “LIST OF GENERAL PROVISIONS”.
10. Adding the words “4.30 Schedule B - Areas of Elevated Archaeological Potential”, “4.31 Schedule C – Wetlands” and “4.32 Wind Energy Facilities” immediately below the words “4.29 Composting Operations” within the “LIST OF GENERAL PROVISIONS”.

11. Adding the following sections after section 2.7:
 - 2.7A BICYCLE PARKING, CLASS A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
 - 2.7B BICYCLE PARKING, CLASS B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
 - 2.7C BICYCLE PARKING, ENHANCED means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
12. Adding the following section after section 2.11A:
 - 2.11A CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.”
13. Deleting and replacing section 2.53 with the following:
 - 2.53 RECREATION SPACE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
14. Adding the following section after section 2.66A:
 - 2.66B WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
15. Adding the words “US Urban Settlement” immediately below the words “CDD Comprehensive Development District” in section 3.1.
16. Adding the words “P-3 Provincial Park Zone” immediately below the words “P-2 Community Facility Zone” in section 3.1.
17. Adding the words “RPK Regional Park Zone” and “PA Protected Area Zone” immediately below the words “P-3 Provincial Park Zone” in section 3.1.

18. Adding the words “TR Transportation Reserve Zone” and “UR Urban Reserve Zone” immediately below the words “D-1 DND Zone” Section 3.1.
19. Adding the following section after section 4.1A:
 - 4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.
20. Adding the words “or the P-3 Zone” after the words “no accessory building in any residential zone” and before the words “located outside the Urban Service Area” in 4.11 (a) 4. (iii) (a).
21. Deleting section 4.18 and replacing it with the following:

4.18 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 61m of the ordinary highwater mark of the Atlantic Ocean, Cow Bay or Barrier Pond in the area as shown on Map 4 - Environmental Constraints of the Eastern Passage/Cow Bay Municipal Planning Strategy; 20m of the Cow Bay River north of Caldwell Road; 30m of the ordinary highwater mark of any other watercourse.
- (b) Where the average positive slopes within the 20m buffer of the Cow Bay River, north of Caldwell Road, or the 30m buffer of any other watercourse, except Atlantic Ocean, Cow Bay or Barrier Pond, are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffers pursuant to clause (a), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of board walks, walkways and trails not exceeding 3 metres in width, within the required buffer of the Cow Bay River or Smelt Brook.
- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.

- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced to 30m of the ordinary high water mark of the Atlantic Ocean, Cow Bay Lake or Barrier Pond; or 15m of the ordinary highwater mark of any other watercourse.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

22. Adding the following section after section 4.18:

4.18A COASTAL AREAS

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to:
 - (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law ; and
 - (b) lands within the area designated on the Generalized Future Land

Use Map in the Regional Municipal Planning Strategy as Harbour.

- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

23. Adding the following sections after section 4.27:

4.27A BICYCLE PARKING FACILITIES

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

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces

General Industrial Uses	1 space per 1000 m² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m² GFA 50% Class A/ 50% Class B

- (2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.
- (3) Notwithstanding subsection (1), the bicycle parking requirements may be reduced by 50% where each unit of a Multiple Unit Dwelling contains a storage room with a minimum dimension of 1.5m by 2m.
- (4) Each Class B bicycle parking space shall:
 - (a) be a minimum of 0.6m wide and 1.8m long;
 - (b) have a minimum overhead clearance of 2.0m;
 - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (5) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.5m in width, to be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.
- (6) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

4.27B LOCATION OF BICYCLE PARKING

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.

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

4.27C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

24. Adding the following sections after section 4.29:

4.30 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

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

4.31 SCHEDULE C - WETLANDS

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

4.32 WIND ENERGY FACILITIES

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

I DEFINITIONS

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

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home

or other building where a person lives or which contains overnight accommodations.

- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;
- f) “Turbine” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) “Wind Energy Facility” means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) “Micro Facility” means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) “Small Facility” means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) “Medium Facility” means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) “Large Facility” means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached

Schedule A-2 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

a) URBAN WIND ZONE (UW-1)

- i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).
- ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.
- iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
- iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
- v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
- vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.

b) RURAL WIND ZONE (RW-2)

- i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
- ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
- iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.

- vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
 - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) not attached to a building and is not connected to the power grid;

- ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
 - i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft)
- c) The notice pursuant to section b) shall include the following information:
 - i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) a description of the type of wind energy facility; and
 - iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

- a) Wind Energy Facilities shall not be permitted in the following zones of the Eastern Passage/Cow Bay Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone; and,
 - iii) EC (Environmental Conservation) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) be a non-obtrusive colour such as white, off-white or gray;
 - ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

- a) Schedule A-2 – Wind Energy Zoning

25. Adding the following Part after Part 23:

PART 23A: P-3 (PROVINCIAL PARK) ZONE

23A.1 P-3 USES PERMITTED

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

Park Uses

Recreation uses

Conservation related uses

Public and private parks and playgrounds

Residential Uses

Existing dwellings

23A.2 P-3 ZONE REQUIREMENTS

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

23A.3 OTHER REQUIREMENTS: EXISTING DWELLINGS

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

26. Deleting Part 24 and replacing it with the following:

PART 24: RPK (REGIONAL PARK) ZONE

24.1 RPK USES PERMITTED

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

Park Uses

Recreation uses
Conservation uses
Uses accessory to the foregoing uses

Residential Uses

Existing dwellings

24.2 RPK ZONE REQUIREMENTS

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

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

27. Adding the following Part after Part 24B:

PART 24C: PA (PROTECTED AREA) ZONE

24C.1 PA USES PERMITTED

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

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

24C.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area: 930m²
Minimum Frontage: 30.5m

Minimum Front or Flankage Yard: 20m
Minimum Side or Rear Yard: 20m

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

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

28. Adding the following Part after Part 26D:

PART 26E: UR (URBAN RESERVE) ZONE

26E.1 UR USES PERMITTED

No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
Passive recreation uses
Uses accessory to the foregoing uses

26E.2 UR ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m

Minimum Side Yard: 2.5m

Minimum Rear Yard: 2.5m

Maximum Lot Coverage: 35%

Maximum Height of Main Building: 11m

29. Adding the following Part after Part 26E:

PART 26F: US (URBAN SETTLEMENT) ZONE

26F.1 US USES PERMITTED

No development permit shall be issued in any US (Urban Settlement) Zone except for the following:

Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot

Public parks and playgrounds

Uses accessory to the foregoing uses

26F.2 US ZONE REQUIREMENTS

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

Minimum Frontage: 110m

Minimum Lot Area: 2 ha

Minimum Front or Flankage Yard: 9.1m

Minimum Side Yard: 2.5m

Minimum Rear Yard: 2.5m

Maximum Lot Coverage: 35%

Maximum Height of Main Building: 11m

30. Adding the following Part after Part 26F:

PART 26G: TR (TRANSPORTATION RESERVE) ZONE

26G.1 TR USES PERMITTED

No development permit shall be issued in any TR (Transportation Reserve) Zone except for the following:

None

26G.2 OTHER REQUIREMENTS

No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

31. Amending “Schedule A Eastern Passage/Cow Bay Zoning Map”, as shown on Attachment B-25.1.
32. Adding “Schedule A-2 Wind Energy Map”, “Schedule B Areas of Elevated Archaeological Potential” and “Schedule C Wetlands”, as shown on Attachments B-25.2, B-25.3, and B-25.4, respectively.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

B-26: AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY FOR DOWNTOWN HALIFAX

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Downtown Halifax is hereby amended as follows:

1. Adding the following immediately following Policy 9 in subsection 3.3.1 (Heights Framework):

In 2011, a new YMCA recreation facility was proposed as part of a mixed-use development, extending from the south-east corner of Sackville and South Park Streets, on lands known as the CBC Radio and YMCA properties. Part of the proposal included a residential tower, to a maximum height of 49 metres, on lands where the maximum permitted height is 23 metres. The change in the height requirement to accommodate the proposal was viewed favourably given the public benefit of the establishment of a recreation facility. In addition, allowing greater height on this site has limited impact upon Citadel Hill and provides an important corner building at the edge of the Spring Garden Road Precinct and at the intersection of three streets.

Policy 9A Notwithstanding the maximum building heights shown on Maps 4 and 5, but subject to the Rampart requirements of the Land Use By-law, HRM shall establish provisions in the Land Use By-law to permit an increase in the maximum building height on lands at the south-east corner of Sackville Street and South Park Street from 23 metres to 49 metres, where a new multi-district recreation facility is developed in whole or as part of a mixed-use development on the lands known as CBC Radio and YMCA properties. With the additional height, there shall be provisions for the upper storeys of a building on these lands to be stepped back from Sackville Street and South Park Street.

Policy 9B Pursuant to Policy 9A, a multi-district recreation facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.

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. 2014.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of , A.D. 2014.

Cathy Mellett
Municipal Clerk

**B-27: AMENDMENTS TO THE
LAND USE BY-LAW FOR DOWNTOWN HALIFAX**

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

1. Adding the words “Sackville and South Park Multi-district Recreational Facility” immediately below the words “Publically-Sponsored Convention Centre” within the “TABLE OF CONTENTS”
2. Adding the words “Appendix C – Building Height Limits Pursuant to Clause 7A” immediately below the words “Appendix B – Publically Sponsored Convention Centre” within the “LIST OF MAPS”.
3. Adding the following definition after the definition for “*Movie Theatre*” under Section 2:

(bca) *Multi-district Recreation Facility* means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.
4. Adding the following subsection after subsection (15B) of Section 7:

Sackville and South Park Multi-district Recreation Facility

(15C) Notwithstanding Sections 8(6), 8(7), and 11(3), but subject to all other requirements of this By-law, a multi-district recreation facility, in whole or as part of a mixed-use development, shall be permitted on lands at the south-east corner of Sackville Street and South Park Street, as shown on Appendix C, pursuant to the building height requirements specified therein.
5. Deleting and replacing subsection (8) of Section 8 with the following:

The height requirements in subsections (6) and (7) of section 8, and subsection (15C) of section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.
6. Adding Appendix C, Building Height Limits pursuant to clause 7A as shown on Attachment B-27.1, following Appendix B.

Given under the hand of the Municipal Clerk and
under the corporate seal of the said Municipality
this _____ day of _____, A.D. 2014.

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REPEAL

1. The By-laws to Amend the Municipal Planning Strategies and Land Use By-laws of the Halifax Regional Municipality to Implement the Regional Municipal Planning Strategy (April 2006), passed by Regional Council on June 26, 2006, are hereby repealed.