ATTENTION

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

HALIFAX

DRAFT

LAND USE BY-LAW

DARTMOUTH

THIS COPY IS A

REPRINT OF THE DARTMOUTH

LAND USE BY-LAW

WITH AMENDMENTS TO

APRIL 23, 2025

DRAFT

LAND USE BY-LAW

FOR

DARTMOUTH

THIS IS TO CERTIFY THAT this is a true copy of the Land Use By-law for Dartmouth which was passed by a majority vote of the former City of Dartmouth at a duly called meeting held on the 25th day of July 1978, and approved by the Minister of Municipal Affairs on the 15th day of September 1978 which includes all amendments thereto which have been adopted by the Halifax Regional Municipality as of the 23rd day of April, 2025.

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

_____

Municipal Clerk

DRAFT

Table of Contents

SECTION 1: DEFINITIONS 1

SECTION 1A: DEFINITIONS FOR THE BP ZONE, CI ZONE AND BGI ZONE 13

SECTION 2: GENERAL PROVISIONS 16

SECTION 3: ZONES 51

PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE 53

PART 2: R-1M (SINGLE FAMILY (MODIFIED) RESIDENTIAL) ZONE 55

PART 1A: R-1A (AUXILIARY DWELLING UNIT) ZONE (RC-Sep 8/09;E-Nov 14/09) 56

PART 3: R-2 (TWO FAMILY RESIDENTIAL) ZONE 57

PART 4: R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE - MEDIUM DENSITY 59

PART 5: R-4 (MULTIPLE FAMILY RESIDENTIAL) ZONE - HIGH DENSITY 63

PART 6: TH (TOWN HOUSING) ZONE 65

PART 7: T (MOBILE HOME PARK) ZONE 66

PART 7A: NLW (NEIGHBOURHOOD LIVE-WORK) ZONE (RC-Sep 10/13;E-Nov 30/13) 67

PART 8: C-1 (LOCAL BUSINESS) ZONE 68

PART 8A: C-1A (NEIGHBOURHOOD COMMERCIAL) ZONE (RC-Sep 8/09;E-Nov 14/09) 69

PART 8B: C-1B (MIXED USE COMMERCIAL) ZONE (RC-Sep 8/09;E-Nov 14/09) 70

PART 9: C-2 (GENERAL BUSINESS) ZONE 71

PART 10: C-3 (GENERAL BUSINESS) ZONE 73

PART 11: C-4 (MASSAGE PARLOUR) ZONE (Deleted: RC-Jan 31/06;E-Mar 16/06) 74

PART 12: I-1 ZONE - LIGHT INDUSTRIAL ZONE 74

PART 13: I-2 ZONE - GENERAL INDUSTRIAL ZONE 76

PART 14: I-3 (HARBOUR-ORIENTED INDUSTRIAL) ZONE 78

PART 15: I-4 (SALVAGE) ZONE 80

PART 16: P (PARK) ZONE 81

PART 17: OS (OPEN SPACE) ZONE (RC-Feb 8/05;E-Apr 23/05) 82

PART 18: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 83

PART 19: S (INSTITUTIONAL) ZONE 84

PART 20: C (CONSERVATION) ZONE 85

DRAFT

PART 21: H (HOLDING) ZONE 86

PART 22: US (URBAN SETTLEMENT) ZONE (RC-Jun 25/14;E-Oct 18/14) 87

PART 23: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14) 88

PART 24: MF-1 (MULTIPLE FAMILY RESIDENTIAL) ZONE 89

PART 25: ~~GC (GENERAL COMMERCIAL) ZONE~~ 91

PART 26: SC (SERVICE COMMERCIAL) ZONE 92

PART 27: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE 93

PART 28: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02) 94

PART 29: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 10/02) 97

PART 30: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02) 99

PART 31: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02) 101

PART 32: TR (TRANSPORTATION RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14) 102

PART 33: BCDD (BURNSIDE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Jun 25/14;E-Oct 18/14) 103

PART 34: BP (BUSINESS PARK) ZONE (RC-Sep 30/20;E-Dec 5/20).. 104

PART 35: CI (COMMERCIAL INDUSTRIAL) ZONE (RC-Sep 30/20;E-Dec 5/20) 107

PART 36: BGI (BURNSIDE GENERAL INDUSTRIAL) ZONE (RC-Sep 30/20;E-Dec 5/20) 110

PART 37: PA (PROTECTED AREA) Zone (Special Area Task Force-Jan 26/23;E-Feb 3/23) 113

PART 38: US-E (URBAN SETTLEMENT-EMPLOYMENT ZONE)

SECTION 4: ..... SCHEDULING 115

SCHEDULE A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (RC-Feb 15/22;E-Apr 9/22) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25) 116

SCHEDULE J: WATER RESERVOIR 118

SCHEDULE K: EXISTING ZONNIG & LAND USE (303 MAIN STREET) 119

SCHEDULE Q: 6 Admiral Street 120

SCHEDULE T: Penhorn Drive/Portland Street/Green Village Lane (RC-

DRAFT

Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) 121

SCHEDULE U: Home Depot Proposal 122

SCHEDULE U(1): Lands of Craigwood Estates 122

SCHEDULE Y: 3 Bruce Street 125

SCHEDULE Y(1): Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (Special Area Task Force-Jan 26/23;E-Feb 3/23) 125

SCHEDULE Z: Wetlands (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25) 127

..... 127

SCHEDULE AA: Dartmouth Crossing (RC-Jun 24/08;E-Aug 9/08) 128

SCHEDULE AC: Waverley Road Legal Non-conforming Uses (RC-Sep 8/09;E-Nov 14/09) 129

SCHEDULE AD (RC-May 26/09;E-Jul 25/09) 130

SCHEDULE AF (RC-Sep 10/13;E-Nov 30/13) (RC-May 23/24;E-Jun 13/24) (RC-Mar 18/25; EFF Apr 23/25) 131

SCHEDULE AG: Main Street Streetwall Heights (RC-Sep 10/13;E-Nov 30/13) (RC-Mar 18/25; EFF Apr 23/25) PROPOSED MAP AMENDMENT 132

SCHEDULE AH: Gordon & Tacoma Development Agreement Option Area (RC-Sep 10/13;E-Nov 30/13) (RC-Mar 18/25; EFF Apr 23/25) 133

SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15) (RC-Mar 18/25; EFF Apr 23/25) 134

Schedule AJ: Lands Subject To Interim Bonus Zoning Requirements (RC-MAR 21/23;E-APR 19/23) (RC-May 23/24;E-Jun 13/24) (RC-Mar 18/25; EFF Apr 23/25) 135

Schedule AJ, Table 1: Lands Subject To Interim Bonus Zoning Requirements (RC-MAR 21/23;E-APR 19/23) (RC-May 23/24;E-Jun 13/24) (RC-Mar 18/25; EFF Apr 23/25) 136

SECTION 5: NON-CONFORMING USES 137

SECTION 6: APPEAL PROCEDURE 139

APPENDIX A: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar 21/23;E-Apr 19/23) 141

SECTION PG: PLANNED GROWTH (Special Area Task Force-Jan 26/23;E-Feb 3/23) 149

PART I: ADMINISTRATION 150

PART II: ZONES 161

PART III: LAND USE 168

PART IV: LOT REQUIREMENTS 182

PART V: BUILT FORM AND SITING REQUIREMENTS 185

DRAFT

PART VI: DESIGN REQUIREMENTS FOR THE PW-CEN, PW-HR, AND PW-PCF ZONES 219

PART VII: WIND ENERGY FACILITIES 235

PART VIII: LANDSCAPING 237

PART IX: PARKING AND OFF-STREET LOADING 246

PART X: SIGNS 261

PART XI: DEFINITIONS 268

APPENDICES 299

Appendix PG-1: Pedestrian Wind Impact Assessment Protocol 300

Appendix PG-2: Invasive or Highly Toxic Plant Species 305

Schedules 306

Schedule PG-1: Port Wallace Boundary (Special Area Task Force-Jan 26/23;E-Feb 3/23) 307

Schedule PG-2: Zone Boundaries (Special Area Task Force-Jan 26/23;E-Feb 3/23) 308

Schedule PG-3: Wind Energy Overlay Zone Boundaries (Special Area Task Force-Jan 26/23;E-Feb 3/23) 309

Schedule PG-4: Wetlands (Special Area Task Force-Jan 26/23;E-Feb 3/23) 310

Schedule PG-5: Areas of Elevated Archaeological Potential (Special Area Task Force-Jan 26/23;E-Feb 3/23) 311

Schedule 1 **Added: Zoning Map for Dartmouth – Separate Map (HEMDCC-Feb 6/25;E-Feb 21/25)**

Schedule B **Deleted: Refer to Downtown Dartmouth Land Use By-law (RC-Jul 11/00;E-Sep 2/00)**

Schedule C **Deleted: Refer to Downtown Dartmouth Land Use By-law (RC-Jul 11/00;E-Sep 2/00)**

Schedule D **Deleted: Refer to Downtown Dartmouth Land Use By-law (RC-Jul 11/00;E-Sep 2/00)**

Schedule F **Deleted: Refer to Downtown Dartmouth Land Use By-law (RC-Jul 11/00;E-Sep 2/00)**

Schedule L **Deleted: Refer to Downtown Dartmouth Land Use By-law (RC-Jul 11/00;E-Sep 2/00)**

Schedule A **Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule A-2 **Sheppard's Island - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule S **Zone Amendments - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule V **Woodland Avenue East – Deleted (RC-Sep 18/19;E-Nov 30/19)**

Schedule AB **Waverley Road Zoning Map - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

DRAFT

Schedule AE **Main Street Zoning - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AJ **RP+5 Conformation of Regional Zones - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AK **Dartmouth - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AL **Dartmouth Crossing - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AM **9 Veterans Avenue - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AN **307 Prince Albert Road & 5 Glenwood Avenue - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AO **4 Fernhill Drive - Deleted: Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

Schedule AP **398 – 400 Windmill Rd. - Refer to Schedule 1 – Zone Map for Dartmouth (RC-Mar 5/19;E-Apr 6/19)**

DRAFT

BY-LAW C-357

ZONING BY-LAW
CITY OF DARTMOUTH

DRAFT

Please note that HRM Council, at its meeting on May 9, 2000, approved a motion to insert the following notation in the Land Use By-law as follows:

The provisions of the zones described in this bylaw do not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where a privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this bylaw.

See Schedule 1 – Zoning Map for Dartmouth in the Dartmouth Land Use By-law for Zoning. (RC-Mar 5/19;E-Apr 6/19)

September 21, 1987

Legislation recently approved by the Minister of Municipal Affairs places additional restrictions on undersized residential lots (less than, 5,000 square feet in area and/or less than 50 feet of street frontage.) Please consult Planning staff for details.

CITY OF DARTMOUTH

ZONING BYLAW

Bylaw C-357

Being a by-law of the City of Dartmouth respecting zoning. Now therefore, the Council of the City of Dartmouth enacts as follows:

September 1978

Note: This edition is prepared for purposes of convenience only, and for accurate reference recourse shall be had to the official volume.

DRAFT

SECTION 1: DEFINITIONS

1. IN THIS BY-LAW:

(a) ACCESSORY - means naturally and normally incidental, subordinate and exclusively devoted to.

(aa) **ACCESSORY HEN USE means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not commercial purposes (RC- Oct 05/21;E-Jan 08/22).**

(b) APARTMENT - means a room or suite of rooms with kitchen facilities occupied or capable of being occupied as an independent and separate housekeeping establishment.

(c) APARTMENT BUILDING - means a single building comprised of three or more dwelling units but shall not include townhouses or a shared housing use (RC-Aug 9/22;E-Sep 15/22). <u>(As amended by By-law C-691, Dec 4/91)</u>

(d) APARTMENT HOTEL - means a building used as a hotel and as an apartment building.

(da) AUXILIARY DWELLING UNIT means a self-contained second dwelling unit within a single unit dwelling, such that the auxiliary dwelling unit is no greater in size than forty (40) percent of the gross floor area of the dwelling, and is secondary to the main residential use of the property. (RC-Sep 8/09;E-Nov 14/09)

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

(f) **BILLBOARD - means a sign, hoarding, fence, building or frame, made of any material, which is erected, maintained or used for display of advertising matter which does not relate to the property or use of the property on which said billboard is placed. (RC-May 11/99;E-Jun 26/99)**

(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. (RC-Jun 25/14;E-Oct 18/14)

(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. (RC-Jun 25/14;E-Oct 18/14)

(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). (RC-Jun 25/14;E-Oct 18/14)

(g) BUILDING - includes any structure placed on, over, or under the land and every part of

DRAFT

the same and any external chimney, staircase, porch, or other structure used in connection with such buildings.

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

(ha) CABARET - means any establishment holding a Cabaret Licence issued by the Province of Nova Scotia. (HECC- Dec 4/08;E-Dec 27/08)

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

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

(hac) CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products, (RC-Sep18/18; E-Nov 3/18)

- **(i) including**
  - **(A) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and**
  - **(B) associated activities permitted by the federal license, such as research and development, storage, and destruction, and**
- **(ii) excluding**
  - **(A) industrial hemp, and**
  - **(B) premises used for personal production permitted by federal legislation.**

(had) CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public. (RC-Sep18/18; E-Nov 3/18)

(i) COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of three (3) tons (2.7 tonnes) or over. (HECC-Oct 4/01;E-Oct 21/01)

(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. (RC-Jun 25/14;E-Oct 18/14)

DRAFT

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

(ic) CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia. (RC-Sep 10/02;E-Nov 9/02)

(id) CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

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

(j) CORNER LOT - means a lot situated at the junction of two or more streets, which, at their point of junction, form an angle of not more than 135 degrees adjacent to such corner lot.

(k) CITY - means the City of Dartmouth.

(l) COUNCIL OR CITY COUNCIL - means the City Council of the City of Dartmouth.

(m) COVERAGE - means the combined area of all buildings on the lot at the level of the floor of the lowest storey above grade.

(ma) CRAFTSHOP - means indoor work space which accommodates up to three artisans or craftspeople for creating, modifying or repairing portable artwork, miniatures, furnishings, apparel, timepieces, jewellery, musical instruments or other comparable items, and may include a minor accessory retail component; but excludes Tattoo Parlours, Adult Entertainment Uses, bulk manufacturing or processing, a recycling or disposal depot, or the manufacturing or processing or repairing or testing or use

of internal combustion vehicles or engines. (RC-Sep 10/13;E-Nov 30/13)

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

(n) DEVELOPMENT OFFICER - means the officer appointed under authority of Section 18 of the Planning Act.

(na) DRIVE-THROUGH - means a Commercial Use offering goods or services other than vehicle products or vehicle services, to customers while sitting in their motor vehicle, including fast food, beverages and banking. (RC-Sep 10/13;E-Nov 30/13)

(o) DUPLEX DWELLING - means the whole of a dwelling that is divided horizontally into two separate dwelling units, each of which has an independent entrance.

(p) DWELLING - means any building or portion thereof which is designed or used for residential purposes.

(q) DWELLING UNIT - means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.

(qa) ESTABLISHED GRADE means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority. (HECC-Jul 12/01;E-Aug 5/01)

(qb) ERECT includes display, install, relocate and alter. (RC-Sep 26/06;E-Nov 18/06)

(qc) FACADE, within the Main Street Designation, means any building wall facing a street, park, outdoor amenity space, (RC-May 23/24;E-Jun 13/24) front yard parking lot or side yard parking lot. (RC-Sep 10/13;E-Nov 30/13)

(r) FAMILY - means an individual or group of persons, related by marriage, cohabitation, blood or adoption, residing in one dwelling unit and includes domestic servants, non-paying guests, foster children and not more than three (3) roomers or boarders.

(ra) FITNESS CENTRE means a building or part thereof designed to promote physical

DRAFT

fitness, health awareness and maintenance through a variety of programs and services tailored to individual needs, including but not limited to a gym, yoga studio or martial arts studio, and which may include, as an accessory use to the fitness centre use, services for weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologists, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists. (RC-Sep 8/09;E-Nov 14/09)

(rb) FLAT ROOF means a roof that is sloping no greater than 2:12 and does not form part of an arced roof. (RC-Sep 10/13;E-Nov 30/13)

(s) FLOOR AREA - means the sum of the gross horizontal are of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor area not devoted to residential uses, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

(sa) FRONT YARD - means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot. <u>(As amended by By-law C-657, Feb 2/89</u>

(saa) GREENHOUSE means a building whose roof and sides are made of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants as a community enterprise or for subsequent sale. (RC-Oct 6/15;E-Dec 5/15)

(saaa) GRADE-RELATED DWELLING UNIT USE means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance door that fronts and faces a streetline. (RC-May 23/24;E-Jun 13/24)

(sab) GROUP HOME (Deleted: RC-Aug 9/22;E-Sep 15/22)

(sb) HEALTH CLINIC means a building or part thereof that provides one or a combination of the following: education; rehabilitation; counselling; diagnosis and treatment for a variety of health and wellness issues. (HECC-Dec 4/08;E-Dec 27/08)

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

Within the Main Street Designation where permitted height does not exceed 10.7 metres (35 ft.), height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface. Within the Main Street Designation where permitted height is greater than 10.7 metres (35 ft.), permitted height may be exceeded to accommodate the top storey of a building where such

DRAFT

storey is no greater than 5 metres (15ft) high and covers no more than 25% of the building footprint, or where such storey is a loft within a pitched roof. (RC-Sep 10/13;E-Nov 30/13)

(ta) HEN means adult female chicken (RC- Oct 05/21;E-Jan 08/22).

(u) HOTEL - means a building or portion thereof which is licensed under the Hotel Regulation Act. <u>(As amended by By-law C-418, Nov 26/80)</u>

(v) INSPECTOR OR BUILDING INSPECTOR - means the Building Inspector of the City of Dartmouth.

(va) INSTITUTIONAL USE means any use permitted in the S (Institutional) Zone. (HECC-Dec 4/08;E-Dec 27/08)

(vb) LANDSCAPED - means covered by vegetation comprising any combination of trees, hedges, shrubs, flowers, grass or other vegetative ground cover, or by a combination of vegetation and decorative stonework, brick, tile or wood. <u>(As amended by By-law C-657, Feb 2/89)</u>

(w) LOADING SPACE - means an area not upon a street or highway having not less than 300 square feet of space accessible to a lot and designed for off-loading and on-loading from vehicles.

(x) LODGING HOUSE (Deleted: RC-Aug 9/22;E-Sep 15/22)

(y) LOT - means a parcel of land whether or not occupied by a building.

(z) LOT LINE - means the division line between two or more lots.

(za) MAIN STREET DESIGNATION means those lands identified in Schedule AF. (RC-Mar 5/19;E-Apr 6/19)

(zaa) MASSAGE PARLOUR - includes any premises or a part thereof, by whatever name designated where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised, or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapy and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, under the laws of the Province of Nova Scotia. (As amended by By-law C-383, Sep 19/80) (RC-Jan 31/06;E-Mar 16/06)

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

(aa) NON-CONFORMING USE - means a building or use of land lawfully existing at the date of the first publication of notice of intention to pass this by-law, which does not conform

DRAFT

to the regulations of the zone in which it is now situated.

(ab) OBNOXIOUS USE - means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise, vibration, glare, electrical interference, fire explosion hazard or by reasons of the emission of gas, fumes, dust, oil, or objectionable odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material. (As amended by By-law C-514, Feb 15/84)

(ac) OWNER - means a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of any land or building, and also includes any lessee, trustee, executor, guardian, agent or other person having the care or control of any land or building.

(ad) PARKING SPACE - means an area containing 160 square feet of accessible space designed for parking automobiles.

(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. (RC-Jun 25/14;E-Oct 18/14)

(adaa) QUONSET HUT means a building with a wall that is not vertical, with a roof that meets the foundation, or with a wall that is fluted or corrugated. (RC-Sep 10/13;E-Nov 30/13)

(adb) RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding Construction and Demolition Materials or hazardous materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot. (RC-Jun 25/14;E-Oct 18/14)

(ae) REGISTERED DEED - means a deed recorded at the Registry of Deeds at Halifax, Nova Scotia.

(af) REGISTERED PLAN - means a deed recorded at the Registry of Deeds at Halifax, Nova Scotia.

(afa) PAWN SHOP - means any establishment where goods of any sort may be pawned, traded or exchanged, and includes a building or part of a building where used merchandise, substances, articles or things are offered or kept for sale. This excludes used bookstores, antique stores, sports card shops, used clothing stores, and the sale of used bicycles as an accessory function to a new bicycle shop or repair shop (HECC-Dec 4/08;E-Dec 27/08)

(afb) RESTAURANT, DRIVE-THROUGH means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside

DRAFT

the building. A drive-through restaurant is characterized by the provision of take-out services at a counter or from a drive-through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages. (RC-Sep 8/09;E-Nov 14/09)

(afc) RESTAURANT, FULL-SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages. (RC-Sep 8/09;E-Nov 14/09)

(afd) RESTAURANT, TAKE-OUT means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 25% of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service. (RC-Sep 8/09;E-Nov 14/09)

(afdaa) SCHEDULE 1 – Zoning Map for Dartmouth means the digital map adopted by Council on the coming in force of this definition, as may be amended from time to tome by Council or a Community Council. (RC-Mar 5/19;E-Apr 6/19)

(afdb) SCHEDULE "Z" - means the Wetlands map attached to this By-law. (RC-Jun 25/14;E-Oct 18/14)

(afe) RETAIL FUEL OUTLET means a building or a part of a building or a clearly defined space on a lot used for the retail sale of fuels for motor vehicles. (RC-Sep 10/13;E-Nov 30/13)

(ag) SEMI-DETACHED DWELLING - means one of a pair of one family dwelling units which are attached vertically and each of which has its own independent entrances.

(aga) SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

(i) that are rented for remuneration as separate rooms for residential accommodation; or
(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act. For greater certainty, a shared housing use is not considered a multiple family residential development.
(RC-Aug 9/22;E-Sep 15/22)

(agb) SHARED HOUSING WITH SPECIAL CARE means a type of Shared Housing Use

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

(agc) SHORT-TERM BEDROOM RENTAL means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sep 1/23)

(agd) SHORT-TERM RENTAL means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sep 1/23)

(ah) SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door. (RC-Sep 26/06;E-Nov 18/06)

(ai) SINGLE-FAMILY DWELLING - means a detached dwelling containing one family unit **and includes a mobile dwelling. (RC-Oct 11/22;E-Nov 16/22)**

(aia) SPA means the provision of personal services for relaxation, wellness or beauty but excludes surgery, Medical Clinics, overnight accommodation or Adult Entertainment Uses. (RC-Sep 10/13;E-Nov 30/13)

(aib) STEPBACK means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified. (RC-Sep 10/13;E-Nov 30/13)

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

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

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

(aj) STREET - means a public or common highway in the City of Dartmouth.

(ak) STREET LINE - means the division line between any street and the abutting lot.

(aka) STREETWALL means the wall of a building, or portion of a wall facing a street line, that is below the height of a specified stepback or angular plane, and which excludes minor recesses for elements such as doorways, and which excludes intrusions such as bay windows. (RC-Sep 10/13;E-Nov 30/13)

(akb) STREETWALL SETBACK means the distance between the streetwall and the streetline. (RC-Sep 10/13;E-Nov 30/13)

(akc) STUDIO means indoor work space which accommodates three or less artists or other professional workers to create, interpret or modify graphics, text, computer programs, choreography, music, and other comparable works, and may include an Accessory retail component, but excludes public performance venues, Tattoo Parlours, Adult Entertainment, bulk manufacturing/processing, a production line or call centre. (RC-Sep 10/13;E-Nov 30/13)

(akd) SUITE, BACKYARD - means a self-contained subordinate dwelling unit that is located within an accessory building or structure. (RC-Sep 1/20;E-Nov 7/20)

(ake) SUITE, SECONDARY - means a self-contained subordinate dwelling unit that is located within a residential main building. (RC-Sep 1/20;E-Nov 7/20)

(al) TWO-FAMILY DWELLING - means a dwelling containing two dwelling units in which two family units can live independently.

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

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

(alb) VEHICLE SERVICES means the use of a building, structure or land to provide sales of vehicles or services for vehicles, including but not limited to: autobody shops, automotive repair outlets, car dealerships, car washes, service stations, retail gasoline outlets and vehicle depots. (RC-Sep 8/09;E-Nov 14/09)

(alc) VETERINARY CLINIC means a building or structure in which domestic animals are examined, treated, groomed, or operated on, and in conjunction with which, there may be shelter provided within the building during a period of medical treatment. (RC-Sep 8/09;E-Nov 14/09)

(ald) WATER CONTROL STRUCTURE - means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow

DRAFT

splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

(am) ZONE - means an area of land in the City of Dartmouth described by words or map in this by-law or in **Schedule 1 – Zoning Map for Dartmouth**. **(RC-Mar 5/19; E-Apr 6/19)**

(an) SALVAGE YARD means a lot or premises for the storage, handling, processing of and/or sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sep 10/02;E-Nov 9/02) (Definition Amended: HECC-Sep 7/06;E-Sep 9/06)

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

(ao) REAR YARD means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and "required rear yard" or "minimum rear yard" means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot. (HECC-Nov 1/01;E-Nov 25/01)

(ap) SIDE YARD means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and "required side yard" or "minimum side yard" means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot. (HECC-Nov 1/01;E-Nov 25/01)

(aq) ADULT CABARET: means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude body of another person, or to observe, or view any such activity. Nothing in the definition of "adult cabaret" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or the communication of ideas or information.

(ar) ADULT ENTERTAINMENT USE means any premises or part thereof which is to provide services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes adult cabarets and massage parlours.
When used in relation to adult entertainment use, the following shall apply:

(i) "Services" means activities that are designed to appeal to erotic or sexual appetites or inclination"and includes:

1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely covered or opaquely covered:

(a) human genitals or human pubic region;

(b) human buttocks; or

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

2. services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement. (RC-Jan 31/06;E-Mar 16/06)

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

DRAFT

SECTION 1A: DEFINITIONS FOR THE BP ZONE, CI ZONE AND BGI ZONE

1A. In the BP Zone, Cl Zone and BGI Zone, the following additional definitions shall apply:

(1) 100-SERIES HIGHWAY means the public right-of-way for Highway 107, Highway 111, and Highway 118, including exits and ramps.

(2) BANK AND FINANCIAL INSTITUTION means premises where banking and financial services are provided, and where money is deposited, kept, lent or exchanged, such as bank branches, credit unions and lending establishments.

(3) BREWERY, WINERY AND DISTILLERY USES means premises used for the production and packaging of beer, wine, spirits or other alcoholic beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled.

(4) BROADCAST USE means commercial uses and public communication uses such as radio and television broadcasting, receiving stations, and recording and production studios.

(5) CARETAKER UNIT means living accommodation for a caretaker, employee or security personnel that is essential to the operation of an industrial operation on the same lot.

(6) COMMERCIAL RECREATION means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, and miniature golf courses, and similar uses.

(7) EMERGENCY SERVICES USE means fire stations, police stations, emergency medical and ambulance stations, and similar uses.

(8) EXISTING USE means a structure or use lawfully in existence on September 5th, 2020.

(9) GARDEN CENTRE means premises where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.

(10) HEAVY EQUIPMENT SALES AND SERVICE USE means premises used for the sale, repair, storage or service of vehicles or other apparatus used in commercial, industrial, agricultural, forestry or construction enterprises such as backhoes, bulldozers, cranes, farm equipment, marine vessels, and tractor trailers, excluding vehicle services.

(11) HEAVY INDUSTRIAL USE means:

i. the extraction of raw materials; or
ii. the manufacture or processing of products from raw materials, including animal processing; or
iii. the production or use of flammable, explosive or hazardous products and materials; or
iv. the bulk storage of flammable, explosive, or hazardous products and materials.

DRAFT

(12) INDUSTRIAL TRAINING means the commercial provision of educational instruction and safety certification relating to industrial activities.

(13) INDUSTRIAL USE means the use of land or buildings for:

i. cannabis production facilities;
ii. construction and demolition materials disposal sites, processing facilities and transfer stations;
iii. light manufacturing uses;
iv. heavy industrial uses;
v. salvage yards;
vi. warehouse uses;
vii. wholesale uses;
viii. wholesale food production uses, and
ix. any similar uses that involve dismantling, demolishing, cleaning, serv,cmg, repairing or testing materials, goods and equipment associated with industrial or commercial operations.

(14) KENNEL means premises used for:

i. the keeping of more than two dogs for the purposes of commercial breeding or sale;
ii. the overnight boarding of dogs, excluding for veterinary purposes;
iii. the commercial training of dogs; or
iv. the shelter of stray or abandoned animals.

(15) LIGHT MANUFACTURING USE means the processing, fabrication, assembly, treatment, or packaging of products from previously prepared materials, finished products or parts, excluding animal processing. Research facilities and industrial printing are considered light manufacturing uses.

(16) OFFICE means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office or a home occupation.

(17) OUTDOOR DISPLAY means the display or sale of goods outside on a lot in conjunction with a business located in a building or structure on the same lot.

(18) OUTDOOR STORAGE means the storage of materials, equipment or other items not intended for immediate sale, outside on a lot for longer than 24 hours.

(19) PERSONAL SERVICE USE means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the retail sale of products accessory to any service provided. Veterinary facilities, kennels, pet daycare uses and crematoria are not considered a personal service use.

(20) PET DAYCARE USE means the daytime boarding and care of pets, provided that overnight boarding is not permitted, and excluding a kennel.

DRAFT

(21) PREMISES means the lot or that portion of the lot that contains a use, including a structure or portions of a structure occupied by the use.

(22) RECREATIONAL VEHICLE SALES means premises used for the retail sale or rental of new or used recreational vehicles such as tent trailers, travel trailers, boats, all-terrain vehicles, snowmobiles, or similar light recreational vehicles or marine crafts, and may include the servicing and repair of the products sold or rented.

(23) RETAIL BUILDING SUPPLIER means premises used for the selling or renting of building and construction supplies, materials and products such as appliances, building materials, doors and windows, electrical supplies, hand and power tools, hardware, home improvement items, kitchen cabinets, lumber, paint, plumbing supplies.

(24) RETAIL USE means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items similar to those being sold.

(25) SELF-STORAGE FACILITY means a building or group of buildings containing individually rented storage units.

(26) SERVICE USE means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, taxis, and standalone catering.

(27) SOFT LANDSCAPING means covered by soft or water-permeable material and vegetation such as trees, hedges, shrubs, flowers, grass, fruit and vegetable plants, sod, or other vegetative groundcover. A water feature is considered soft landscaping.

(28) UTILITY USE means structures, equipment, and materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use. District energy systems, whether standalone or integrated into another building, are also considered a utility use.

(29) WAREHOUSE USE means a building or part of a building for storage for the wholesale and distribution of manufactured products, supplies, and equipment.

(30) WHOLESALE FOOD PRODUCTION USE means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the-counter or other retailing of food products is limited to an accessory retail outlet, and which excludes the slaughtering of animals.

(31) WHOLESALE USE means premises where merchandise is sold or distributed to retailers, industrial, commercial, institutional, or professional users, or other wholesalers.
(RC-Sep 30/20; E-Dec 5/20)

DRAFT

SECTION 2: GENERAL PROVISIONS

2. City Council shall appoint a Development Officer for the City who shall administer this zoning by-law and grant development permits under this by-law.

2A The Land Use By-law for Dartmouth shall not apply to the lands located within the Regional Centre Plan Area, (RC – Oct 26/21; E – Nov 27/21) as shown on Schedule 1: Regional Centre Land Use By-law. (RC-Sep 18/19;E-Nov 30/19)

2B For the Port Wallace Lands, as shown on Schedule PG-1, only Section PG: Planned Growth and the following of the Land Use By-law for Dartmouth applies:

(a) Appendix PG-1: Pedestrian Wind Impact Assessment Protocol;
(b) Appendix PG-2: Invasive or Highly Toxic Plant Species;
(c) Schedule PG-1: Port Wallace Boundary;
(d) Schedule PG-2: Zone Boundaries;
(e) Schedule PG-3: Wind Energy Overlay Zone Boundaries;
(f) Schedule PG-4: Wetlands; and
(g) Schedule PG-5: Areas of Elevated Archaeological Potential
(Special Area Task Force-Jan 26/23;E-Feb 3/23)

2C The Land Use By-law for Dartmouth shall not apply to the lands designated as "Housing Accelerator", as shown on Map 1: Designation Boundaries, of the Suburban Housing Accelerator Secondary Municipal Planning Strategy. (RC-Mar 18/25; EFF Apr 23/25)

3. The powers and duties of the Council under the provisions of the Planning Act relating to subdivisions except the power to adopt, amend, revise, or repeal a subdivision by-law and the powers vested in the Council relating to the amendment or repeal of a plan of subdivision are hereby delegated to the Development Officer of the City.

4. The Development Officer of the City and any of his assistants are hereby authorized to enter at all reasonable times into or upon any property within the City for the purposes of any inspection necessary in connection with the administration of the Zoning By-law.

5. This by-law shall be enforced according to the provisions of the Planning Act.

6. All previous zoning by-laws of the City of Dartmouth are hereby repealed.

7. No persons shall erect, alter, repair or maintain any building or locate or carry on any industry, business, trade or calling or use any land or building within any zone without complying with the provisions of this by-law.

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. (RC-Jun 25/14;E-Oct 18/14)

DRAFT

8. Nothing in this by-law shall operate to relieve any person of the obligation to obtain any license, permission, permit, authority, approval or meet the requirements of this or any other by-law of the City.

9. Buildings or uses of land lawfully in existence at the date of the first publication of notice of intention to pass this by-law and which do not conform to it may continue to exist subject to the provisions of the Planning Act (See Section 5).

10. Every lot used for residential, commercial, industrial or institutional purposes shall front on a street and a building shall be deemed to front on the street opposite to its principal entrance, or if such entrance is not opposite to a street, then upon the street from which it gains its principal access.

10A There shall be no more than one dwelling per lot in any zone, excepting where a backyard suite is permitted or (RC-Sep 1/20;E-Nov 7/20) excepting that more than one mobile dwelling per lot is permitted in a T zone. (HEMDCC-Jul 30/15;E-Aug 15/15)

11. **Except for an accessory hen use (RC- Oct 05/21;E-Jan 08/22),** Horses, cattle, sheep, swine, and domestic fowl shall not be kept on those lands in the City of Dartmouth described in **Schedule 1 – Zoning Map for Dartmouth (RC-Mar 5/19; E- Apr 6/19)** hereto, nor in an R-1, **R-1M**, **R-1A (RC-Sep 8/09;E-Nov 14/09),** R-2, R-3, R-4, Tor TH Zone. **(As amended by By-law C-694, Dec 6/91)**

11A ACCESSORY HEN USE (RC-Oct 05/21;E-Jan 08/22)

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

(a) The maximum number of hens permitted on a lot shall be:
- **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
- **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
- **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
- **iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;**

(b) Hens shall be contained within an accessory building or a fenced area that:
- **i. is located in a rear yard;**
- **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
- **iii. subject to 11A(b)(iv), meets the requirements for accessory buildings under this by-law; and**
- **iv. is setback a minimum of 1 metre from any side or rear lot line.**

(c) The following are not permitted:
- **i. On-site slaughtering or euthanizing of hens; and**
- **ii. The sale of eggs, meat or hens.**

12. No business or profession concerned with house pets shall be operated or conducted in an R-1, **R-1M**, **R-1A (RC-Sep 8/09;E-Nov 14/09),** R-2, R-3, R-4, T or TH Zone. **(As**

amended by By-law C-694, Dec 6/91)

12A Notwithstanding any other provisions of this By-law, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC). (RC-Sep18/18; E-Nov 3/18)

13. Except for applications for permits for developments which are to have total of less than three residential units on one lot (including any existing units at the time of the application) applications for development permits shall be accompanied by a site plan properly drawn to scale showing the following:

(a) The items required to be shown in the application for a Building Permit under the Building By-law of the City of Dartmouth;
(b) accurate dimensions of the site and the location of all proposed buildings;
(c) identification, location and gradients of all parking areas including driveways, entrances and exits to parking areas, maneuvering areas for vehicles, service areas, visitors parking and loading areas;
(d) the location and details of proposed landscaping;
(e) the existing and proposed elevations of the lot and the elevations of floor levels related to the site elevations;
(f) method of surface drainage proposed for the site;
(g) identification and location of any significant natural features of the site;
(h) detailed plans for retaining walls and the control of slopes;
(i) any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this and other by-laws of the City.

14. Every new building and every new extension or alteration to an existing building shall be provided with off-street automobile parking according to the following:

(a) for single-family and two family dwellings, **zero (RC-May 23/24;E-Jun 13/24)** parking space per unit shall be provided;
(b) for apartment buildings and row house projects:
  (i) **0.33 (RC-May 23/24;E-Jun 13/24)** parking spaces shall be provided for each unit;
  (ii) parking areas located between the minimum setback and the building or within 15 feet of the street line shall be screened from the street by trees, landscape features, fences or a combination thereof;
  (iii) Repealed (RC-May 23/24;E-Jun 13/24)
  (iv) Dwelling units within the Main Street Designation, or within the Kuhn Road Designation as shown on Schedule "AI", (RC-Oct 6/15;E-Dec 5/15) owned by a registered charity, non-profit organization, non-profit co-operative, or government agency, for the purpose of providing housing, shall be exempt from the parking space requirement ratios in this By-Law. (RC-Sep 10/13;E-Nov 30/13) (RC-Aug 9/22;E-Sep 15/22)
(c) for auditoriums, theaters, stadiums and similar buildings, one parking space shall be provided for each eight seats;
(d) for business and professional offices, banks, medical clinics, governmental

buildings and buildings of a similar nature, one parking space per 600 square feet of floor area shall be provided**, except within the Main Street Designation, where one parking space shall be provided for every 65 sq. m (700 sq. ft.) of floor area**; **(RC-Sep 10/13;E-Nov 30/13)**

(e) for general retail, trade and service, food store service, commercial, shopping centers, etc., one parking space for 300 square feet of floor area shall be provided**, except within the Main Street Designation, where one parking space shall be provided for every 37 sq. m (400 sq. ft.) of Floor Area**; **(RC-Sep 10/13;E-Nov 30/13)**

(f) for clubs, lounges, beverage rooms, taverns, **full-service restaurants, drive-through restaurants (RC-Sep 8/09;E-Nov 14/09)** and other eating establishments and buildings of a similar nature, one parking space per 100 square feet of floor area shall be provided**, except within the Main Street Designation, where one parking space shall be provided for every 28 sq. m (300 sq. ft.) of Floor Area**; **(RC-Sep 10/13;E-Nov 30/13)**

(fa) for take-out restaurants, one parking space per 200 square feet of floor area shall be provided; (RC-Sep 8/09;E-Nov 14/09)

(g) for motels, one parking space shall be provided for each unit and one parking space for each 100 square feet of floor area for any restaurant therein;

(h) for hotels, tourist homes**, short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)** and buildings of a similar nature, one parking space shall be provided for each of the first 20 rooms, one parking space for every 4 rooms over 20 and one parking space for each 100 square feet of floor area for any restaurant therein;

(i) industrial warehousing and manufacturing shall provide one parking space for 2,000 square feet of floor area, and also if a warehouse or manufacturing plant contains office space, parking for office space area shall be provided at the rate of one parking space per 200 square feet of floor area;

(j) for purpose of this section, if equivalent off-street parking is available on a permanent basis within 750 feet of the building, then parking requirements shall be deemed to be complied with;

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

(l) for row house projects, one parking space for each three dwelling units. <u>(As amended by By-law C-455, Apr 24/82)</u> (RC-Aug 9/22;E-Sep 15/22)

(m) for self storage buildings the required parking spaces shall be calculated as follows:

(i) A minimum of one (1) parking space per external storage unit shall be provided. The parking space shall be located in front of the loading door for the unit it is intended to access. The parking space shall not be encumbered in any way and shall not be used for the purpose of sale or display.

(ii) A minimum of one (1) parking space per ten (10) internal storage units shall be provided; and

(iii) A minimum of one (1) parking space per 200 square feet of office or retail floor area shall be provided. (HECC-Jul 10/03,E-Aug 3/03)

(iv) Notwithstanding Subclauses (i), (ii) and (iii), for self-storage buildings within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI, a minimum of one off-street parking space shall be provided for each employee if a full service office is located on the lot, and a minimum of one space shall be provided for every 100 storage units. (RC-Oct 6/15;E-Dec 5/15)

DRAFT

(n) for places of worship 0.2 parking spaces per seat or 10 parking spaces per 100 m2 whichever is greater;

(o) for schools:

(i) elementary and junior high schools: 1.5 parking spaces per classroom; and

(ii) high schools: 4 parking spaces per classroom. (HECC-Dec 4/08;E-Dec27/08)

(p) for shared housing 0 parking spaces**.**

(q) Notwithstanding clauses (b) and (l), there shall be no required parking for residential uses within the Urban Service Area.

15. Except for developments containing less than three dwelling units the off-street parking shall be provided according to the following minimum standards:

(a) All parking areas including individual parking spaces, visitors and service spaces, shall be clearly marked;

(b) individual parking spaces shall be a minimum of 2.4 metres (7.9 feet) in width and 5.5 metres (18 feet) in length except in the case of curb parking parallel to a driveway, in which case the length of the parking stall shall be increased to 6.1 metres (20 feet) in length. Notwithstanding the foregoing, up to one third of the individual parking spaces may be reduced in size to 2.1 metres (7 feet) by 4.9 metres (16 feet) minimum except in the case of curb parking in which case the length of the stall shall be increased to 5.5 metres (18 feet) (RC-May 23/24;E-Jun 13/24). All parking areas, including driveways and maneuvering areas, shall be hard surfaced. (As amended by By-law C-460, Jun 3/82)

(c) all parking areas must make provision for access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted;

(d) driveways, entrances and exit locations shall be clearly shown and subject to the approval of the Traffic Authority and the Director of Planning;

(e) curbs or other appropriate methods of delineating shall be provided to ensure safety between varying vehicular movements and vehicular and pedestrian movements;

(f) no parking spaces shall be immediately adjacent to doors or passageways from buildings;

(fa) within the Main Street Designation no apartment building parking or commercial parking or institutional parking shall be located between any street line and the main building (RC-May 23/24;E-Jun 13/24), nor shall any parking be located in any side yard except for one parallel parking lane on each side of a driveway; (RC-Sep 10/13;E-Nov 30/13)

(fb) within the Kuhn Road Designation as shown on Schedule AI, no apartment building parking or commercial parking or institutional parking shall be located between any street line and the main building (RC-May 23/24;E-Jun 13/24); (RC-Oct 6/15;E-Dec 5/15)

(g) all parking areas shall be so arranged as to cause the least amount of interference with through traffic and all maneuvering areas must occur within the lot areas to permit vehicles to leave the property in a forward motion;

(h) all parking layouts shall make provision for the stockpiling of snow in a manner which will not reduce the amount of required parking space available;

(i) a landscaped buffer shall be provided for any new or expanded commercial, industrial or institutional use, including but not limited to: buildings; parking

DRAFT

lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses. The landscaped buffer shall consist of:

(i) a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line and containing a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;

(ii) notwithstanding Subsection 15(i) (1), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary. The grassed landscaped area shall contain a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing.

(iii) no structures, parking, storage or open display shall be permitted within the landscaped area. (HECC-Jul 10/03;E-Aug 3/03)

(j) where windows exist on ground floor, no parking shall be located within twenty feet of such windows**, except for industrial and commercial uses. (RC-Oct 2/01;E-Oct 31/01)**

(k) not more than one commercial vehicle shall be kept on any lot in any residential zone and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line. (HECC-Oct 4/01;E-Oct 21/01)

(b) in any commercial zone (RC-Oct 2/01;E-Oct 31/01) where a new or expanded commercial building, parking lot or display area is located on a lot which abuts a street(s), a landscaped area of at least ten (10) feet in depth measured at right angles from the property boundary abutting the street(s) shall be provided. This may be reduced to five (5) feet in depth where the greater requirement would be prohibitive in terms of providing required parking or driving aisles. Landscaping shall consist of grass and shall include one ornamental shrub for every one hundred (100) square feet of required landscaped area, and one double-staked nursery stock tree with minimum 50mm base caliper for every fifty (50) feet of lot frontage. All landscaping shall be maintained and kept free of litter, and deceased plants shall be replaced to maintain these standards (HECC-Jul 6/00;E-Jul 30/00)

(m) Notwithstanding Section 15 (l), where an existing building location or topographic constraints such as, but not limited to: steep slopes; natural terrain consisting of large rock deposits; steep grade or other constraints determined by the Development Officer to prevent the developer from satisfying the requirements of Section 15 (l), A lesser degree of landscaping may be provided in the form of one of the following:

(i) a landscaped area of at least 4.6 square metres (50 square feet) in area having no dimension less than 0.6 metres (2 feet); or

(ii) landscape planter(s) constructed of natural material such as but not limited to wood, brick, stone or concrete, and having a total minimum of 2.3 square metres (25 square feet).

(n) The landscaping features identified in Section 15(m) may be located within any

DRAFT

or all of the following locations:

(i) along or in close proximity to the front property line;

(ii) along or in close proximity to the side property line; or

(iii) along the front facade of the main building.

(o) Any landscaping required under subsections (m) and (n) of this Section shall be clearly visible from the abutting street. (HECC-Jul 10/03;E-Aug 3/03)

15A Within the Main Street Designation, and within the Kuhn Road Designation as shown on Schedule "AI", (RC-Oct 6/15;E-Dec 5/15) a waste disposal or recycling facility shall not be located in the front yard, and shall be fully enclosed and screened from public streets and adjacent dwellings. (RC-Sep 10/13;E-Nov 30/13)

16. The owner of every hotel, retail store, wholesale house, industrial building or any other building of a similar nature shall provide off-street loading space according to the following:

(a) for a floor area up to and including 3,000 square feet, one space;

(b) for a floor area of over 3,000 square feet and up to and including 6,000 square feet, two spaces;

(c) for a floor area of over 6,000 square feet, three spaces;

(d) within the Main Street Designation no loading space shall be located in a yard abutting a street. (RC-Sep 10/13;E-Nov 30/13)

17. <u>BICYCLE PARKING FACILITIES</u> (RC-Jun 25/14;E-Oct 18/14)

(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 300m² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces**
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	**1 space per 500m² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces**

DRAFT

Use	Bicycle Parking Requirement
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 250m² GFA 20% Class A/ 80% Class B**
Recreation Facilities, Community Centres, Libraries.	**1 space per 200m² 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) 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 <u>LOCATION OF BICYCLE PARKING</u> (RC-Jun 25/14;E-Oct 18/14)

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

DRAFT

(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 <u>SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS</u>
(RC-Jun 25/14;E-Oct 18/14)

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

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

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

18.(1) Council may by resolution and after public hearing duly advertised, approve any specific development request which would not otherwise be permitted by this by-law, but no approval shall be given inconsistent with the Municipal Development Plan;

(2) approval by Council pursuant to this section shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with the Council containing such terms and conditions as Council may direct.

18A The following types of development shall be considered by DEVELOPMENT AGREEMENT as set out in the Municipal Planning Strategy (Policy IP-2, IP-3, and IP-4).

Day Care Facility (other than home occupations) in areas designated residential or urban core on the Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy; and. (RC-Mar 5/19; E- Apr 6/19)

Residential development of existing undersized lots with insufficient frontage in areas designated residential or urban core on Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy. (RC-Mar 5/19; E-Apr 6/19)
<u>(As amended by By-law C-618, Aug 21/87)</u>

18B Notwithstanding any other provision of this By-law, and except within the Main

Street Designation, (RC-Sep 10/13;E-Nov 30/13) apartment development in R-3, R-4, C-2, MF-1 and ~~GC~~ C-3 Zones may also be permitted (RC-May 23/24;E-Jun 13/24) by Development Agreement. (As amended by By-law C-691, Dec 4/91)

18C On land known as civic number 303 Main Street, identified as Schedule "K", Council may consider by development agreement, according to Policies, IP-6, IP-7 and IP-8, the replacement of the structure containing non-conforming commercial uses with a new structure to contain:

(a) on the ground floor, retail, office and service commercial uses, or residential uses; and
(b) on the second floor, residential uses; (As amended by By-law C-713, Dec 2/94)

18D Repealed: (RC – Oct 26/21; E – Nov 27/21)

18E Repealed (RC-Sep 18/19;E-Nov 30/19)

18F On lands known as Civic Number 6 Admiral Street (LIMS PID #209106), as identified as Schedule "Q", Council may consider by development agreement, according to Policy H-14, shared housing with special care (RC-Aug 9/22;E-Sep 15/22). (RC-Feb 3/98;M-Feb 26/98)

18G Repealed (RC-Sep 18/19;E-Nov 30/19)

18H Notwithstanding any other provisions of the By-law, on lands known as Civic Number (RC – Oct 26/21; E – Nov 27/21) 611 Portland Street (PID #73247), as identified as Schedule "T", redevelopment for commercial use may be considered in accordance with Policies C-21 and C-22 of the Municipal Planning Strategy. (RC-May 11/99;E-Jun 2 6/99)

18I Notwithstanding any other provisions of this By-law, on a portion of those lands known as Civic Number 560 Portland Street (Baker Drive Extension) [PID # 40131419) and Civic Number 590 Portland Street (Baker Drive Extension) [PID # 40685653], as identified on Schedule "U" attached hereto, development for commercial use shall be considered in accordance with Policy C-28 of the Municipal Planning Strategy. (RC-May 11/99;E-Jun 19/99)

18J Notwithstanding any other provisions of this By-law, on lands known as Craigwood Estates (PID#40380396 and 40740037), as identified on Schedule "U(1)", attached hereto, development may be considered by development agreement in accordance with Policy H-15 of the Municipal Planning Strategy. (RC-Jun 22/99;E-Aug 14/99)

18K Notwithstanding any other provisions of the By-law, on lands known as "Canada Lands Parcels "B" and "C"-Woodland Avenue East", as identified as Schedule "V", development may be considered in accordance with Policy H-3F of the Municipal Planning Strategy.

18L Repealed (RC-Sep 18/19;E-Nov 30/19)

DRAFT

18M Repealed (RC-Sep 18/19;E-Nov 30/19)

18N Repealed (RC-Sep 18/19;E-Nov 30/19)

18N(1) Repealed (RC-Sep 18/19;E-Nov 30/19)

18O Notwithstanding any other provisions of this By-law, on lands known as 3 Bruce Street, as identified on Schedule "Y" of this by-law, development may be considered by development agreement in accordance with Policy C 9 (i). (RC-Nov 08/05;E-Nov 24/05)

18P Notwithstanding any other provision of this By-law, Adult entertainment uses shall be permitted only by Development Agreement in accordance with policies IP-12 and IP-13 in areas designated Commercial and Industrial on Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy. (RC-Mar 5/19; E-Apr 6/19)

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. (RC-Jun 25/14;E-Oct 18/14)

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: (RC-Jun 25/14;E-Oct 18/14)

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

18S Repealed (RC-Sep 18/19;E-Nov 30/19)

18T Notwithstanding any other provisions of this By-law, development that is not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property, in accordance with Policy CH-7A of the Halifax Regional Municipal Planning Strategy (RC-Oct 11/22;E-Nov 16/22). (RC-Nov 21/08;E-Jan 10/09)

18U Notwithstanding any other provision of this By-law, harbour-related commercial uses, institutional uses, offices, hotels, townhouses, apartment buildings, restaurants, and public and private recreation uses may be considered by development agreement in accordance with policy WC-4 of the Wright=s Cove Secondary Planning Strategy.

18(Ua) Within the Waverley Road designation, notwithstanding any other provisions of this By-law, certain uses may be considered through policy:

(a) Within the WR Low Density Residential sub-designation, in accordance with Policy C-35, neighbourhood commercial uses may be considered by development agreement.

DRAFT

(b) Within the WR Mixed Use sub-designation, in accordance with:

(i) Policy C-41, multiple unit dwellings and and shared housing uses at a larger scale than would be permitted in the underlying zone (RC-Aug 9/22;E-Sep 15/22) may be considered by development agreement;

(ii) Policy C-42, self-storage facilities may be considered by development agreement;

(iii) Policy C-43, alteration or expansion of a non-conforming use may be considered by development agreement on lands identified in Schedule "AC" of this By-law; and

(iv) Policy C-44, a non-conforming use of land may be recommenced if discontinued for a continuous period of up to 12 months on lands identified in Schedule "AC" of this By-law. (RC-Sep 8/09;E-Nov 14/09)

18V Notwithstanding any other provision of this By-law, marina related facilities may be considered on Navy Island by development agreement in accordance with policy WC-8 of the Wright=s Cove Secondary Planning Strategy. (RC-May 26/09;E-Jul 25/09)

18W Notwithstanding any other provision of this By-law, a mix of multiple unit dwellings, townhouses, commercial, office, institutional and recreation uses may be considered in the Burnside Comprehensive Development District (BCDD) Zone subject to the provisions of a development agreement in accordance with policies BC-15 and BC-16. (RC-Jun 25/14;E-Oct 18/14)

18X Notwithstanding any other provision of this By-law, mixed use development may be considered at the southwest corner of Portland Street and Portland Hills Drive (PID #00230821 & 41044793) subject to the provisions of a development agreement in accordance with policy ML-36. (RC-Mar 21/17;E-Jun 3/17)

18Y Pursuant to Policy IP-16 where there is enabling policy to consider the development, by development agreement, of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

18Z Notwithstanding any other provision of this By-law, within lands designated as a special planning area, early tree removal, blasting, and earthworks may be considered, subject to the provisions of a development agreement in accordance with policy G-11A of the Regional Municipal Planning Strategy. (Special Planning Area Task Force–Jun 16/22;E-Jul 02/22*)*

18(Z) Notwithstanding any other provisions of this By-law, development proposals for residential or mixed-use buildings that provide primarily residential uses within the Suburban area may be permitted by development agreement in accordance with Policy SA-2B, SA-3B, and SA-4B of the Regional Municipal Planning Strategy.

19 (a) Notwithstanding anything else in either this By-law, a vacant, residentially zoned lot having less than the minimum required frontage or area, or both, as required by either this by-law or the Regional Subdivision By-law may be used for a purpose permitted in the zone in which the lot is located, and a building

may be erected on the lot, provided that all other applicable provisions of this by-law are satisfied.

(b) An existing undersized lot may be increased in area or frontage or both, and still remain an existing undersized lot if after the increase, the lot still remains undersized.

(c) A building that has been erected on or before July 1, 2024 (RC-May 23/24;E-Jun 13/24) on a lot having less than the minimum required frontage or area, or both, as required by either this By-law or the Regional Subdivision By-law, or having less than the minimum front yard, side yard, rear yard, separation distance or watercourse setback or buffer required by this By-law, may be enlarged, reconstructed, repaired or renovated provided that:

(i) the enlargement, reconstruction, repair or renovation does not further decrease the front yard, side yard, rear yard, or separation distance that does not conform with this By-law; and

(ii) All other applicable provisions of this by-law are satisfied.

(ca) Within the Main Street Designation, the restrictions contained in the HRM Charter respecting legal non-conforming structures and legal non-conforming uses in a structure, are relaxed to allow the non-conforming structure to be extended, enlarged or altered provided that:

(i) the non-conforming structure remains on one lot;

(ii) all extensions and enlargements on the lot total no more than 697 sq. m (7500 sq. ft.);

(iii) the non-conforming use does not expand into the extension, enlargement or alteration;

(iv) an Adult Entertainment Use does not exist on the Property;

(v) the extension, enlargement or alteration complies with all provisions in the Land Use By-law for the Main Street Designation except that the maximum front yard setback or flankage yard setback may be exceeded;

(vi) a walkway is provided between the main door and the nearest public sidewalk, with crosswalks traversing any vehicle lanes; and

(vii) the extension, enlargement or alteration:

a. does not result in a Drive-Through becoming the Primary Use; and

b. does not result in the total Lot Coverage or Building Height exceeding the maximum Lot Coverage or Building Height in the Land Use By-law for the zone applied to the property.

(Clause (ca): RC-Sep 10/13;E-Nov 30/13)

(d) Notwithstanding 32A(3), no reduction in a required watercourse setback and buffer shall be permitted for lots identified under 19(a) or 19(c). (HECC-Sep 10/09;E-Oct 3/09)

20. (a) An person who wishes to obtain an amendment to this zoning by-law shall at the time of submitting his application deposit with the City Clerk for the City an amount estimated by the City Clerk to be sufficient to pay the cost of advertising required by Section 61 (3) of the Planning Act.

(b) After the advertising has been completed, the applicant shall pay to the City Clerk any additional amount required to defray the cost of advertising, or if there is a surplus, the City Clerk shall refund the same to the applicant.

DRAFT

21. More than one zone may be established for any given area within the City and when land is zoned in this manner, the regulations under the zone appropriate to the proposed use shall be applied.

22. Deleted (RC-Feb 21/23;E-Sep 1/23)

23. A home occupation shall be permitted in any dwelling in an R-1, **R-1M**, **R-1A (RC-Sep 8/09;E-Nov 14/09),** R-2, R-3, R-4, T and TH Zone provided: **(As amended by By-law C-694, Dec 6/91)**

(a) it shall be conducted by the resident occupant in his or her residence;
(b) it shall be clearly accessory and incidental to the use of the dwelling as a residence;
(c) it shall be conducted within the enclosed living areas of the dwelling or accessory buildings;
(d) no alterations shall be made which would change the physical character of the dwelling as a residence;
(e) no outside storage of any kind shall be associated with the home occupation;
(f) there shall be no exterior evidence of the conduct of a home occupation except for a business identification plate or sign of two square feet in maximum area;
(g) not more than 25% of the total floor area of the dwelling shall be used for a home occupation;
(h) one off-street parking space, other than that required for the dwelling, shall be provided for each 200 square feet of floor space occupied by the home occupation;
(ha) Within the Main Street Designation, and within the Kuhn Road Designation as shown on Schedule "AI", (RC-Oct 6/15;E-Dec 5/15) no parking space is required for any home occupation; (RC-Sep 10/13;E-Nov 30/13) (RC-Aug 9/22;E-Sep 15/22)
(i) it shall not be an obnoxious use;
(j) no stock in trade, except articles produced by members of the immediate family residing in the dwelling shall be displayed or sold on the property; (As amended by By-law C-421, Jan 2/81)
(k) the following are deemed not to be home occupations:
(i) automotive repair shop
(ii) autobody repair shop
(iii) auto paint shop
(iv) machine shop
(v) welding
(vi) retail sales outlets, except articles produced by members of the immediate family in the dwelling
(vii) restaurants
(viii) amusement arcades (As amended by By-law C-514, Feb 15/84)
(ix) adult entertainment uses (RC-Jan 31/06;E-Mar 16/06)
(x) salvage yards (HECC-Mar 1/07;E-Mar 17/07)
(xi) tattoo businesses (HECC-Jun 10/10;E-Jul 3/10)

23.A Notwithstanding Subsection 23(g) of the General Provisions, on lands zoned as residential within the Waverley Road designation, as identified on Schedule 1 – Zoning Map for Dartmouth of this By-law, Expanded Home Occupations that use up

DRAFT

to 60% of the gross floor area of the dwelling and accessory buildings are permitted subject to Site Plan Approval. Where the Site Plan Approval provisions conflict with Section 23 of the General Provisions, the Site Plan Approval provisions shall prevail. The Development Officer shall approve a site plan where the following matters have been addressed:

(a) Where the proposed expanded home occupation abuts a residential use or zone:
- **(i) required parking and loading areas shall be set back from side and rear property boundaries;**
- **(ii) a landscaped buffer of a minimum width of five (5) feet shall be provided in these portions of the property; and**
- **(ii) an opaque fence or landscaping, to screen the view from abutting residential properties, shall be constructed along all property boundaries abutting a residential use or zone.**

(b) No outdoor display shall be permitted;

(c) Commercial signage shall be limited to one sign of a maximum area of four (4) square feet, and shall be located to minimize intrusion on the neighbourhood;

(d) The maximum size of an expanded home occupation use shall not exceed 3000 square feet; and

(e) New accesses shall be from Waverley Road or Montebello Drive only. (RC-Sep 8/09;E-Nov 14/09)

24.(1) Deleted (RC-Mar 5/19;E-Apr 6/19)

(2) Deleted (RC-Mar 5/19;E-Apr 6/19)

(3) Deleted (RC-Mar 5/19;E-Apr 6/19)

24.A Interpretation of Zone Boundaries

The location of a zone boundary shown on a schedule of this By-law is determined as follows:

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

(b) Where a boundary is shown approximately following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision approval after the coming into force date of this By-law, the boundary remains as shown on the schedule;

(c) Subject to Clause 24A(d), where a boundary follows a shoreline and where infill occurs, the boundary is interpreted to follow the new ordinary high-water mark;

(d) Where a portion of a watercourse is filled in beyond the limits of a boundary, or where a building is constructed over water beyond the limits of a boundary, the in-filled land or any portion of a building constructed over water shall be included in the same zone as the on-shore portion of the same lot;

(e) Where any portion of a street is closed for public use, the former street lands are assigned a zone as follows:
- **(i) where the abutting lands are part of a single zone the former street**

lands are assigned the same zone as the abutting lands, or

(ii) where the abutting lands are part of more than one zone the centerline of the former street becomes a boundary, and the lands on each side of the boundary are assigned the same zone as the adjacent lands. (RC-Mar 5/19; E-Apr 6/19)

25. TEMPORARY CONSTRUCTION USES PERMITTED

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

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

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

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

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

(k) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.

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

(m) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to

DRAFT

disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law. (HECC-Jan 20/09;E-Feb7/09)

26. No mobile home park shall be located in any zone except the T Zone.

27.(1) No travel trailer or recreational vehicle shall be used for business purposes or living or sleeping purposes anywhere in the City of Dartmouth.

(2) Notwithstanding subsection (1), travel trailers and recreational vehicles may be used in a licensed camping establishment.

27A. No accessory building in any R1, R1M, R-1A (RC-Sep 8/09;E-Nov 14/09), R2, R3, R4, TH or T Zone shall be greater than 25 (RC-May 23/24;E-Jun 13/24) feet in height nor greater than 1000 square feet in ~~floor area~~ footprint (RC-May 23/24;E-Jun 13/24). (HECC-Jul 12/01;E-Aug 5/01)

27B. No accessory building shall be located closer to the front lot line than the minimum distance required for the main building (RC-May 23/24;E-Jun 13/24) in any Residential Zone. (HECC-July 12/01;E-Aug 5/01)

27BA Within the Main Street Designation no accessory building shall have a flat roof. (RC-Sep 10/13;E-Nov 30/13)

27BB Within the Main Street Designation Quonset Huts are not permitted. (RC-Sep 10/13;E-Nov 30/13)

27BC ~~Notwithstanding anything else in this by-law, an~~ An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~floor area~~ footprint requirements for accessory buildings or structures. (RC-May 23/24;E-Jun 13/24)

27BD An accessory structure may be located on a lot that directly abuts the lot containing the main building or use it is intended to serve. (RC-May 23/24;E-Jun 13/24)

27C. ~~SHIPPING CONTAINERS AS ACCESSORY BUILDINGS~~

~~(1) Shipping containers:~~

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

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

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

~~the view of the entire height of the container from the abutting zone.~~

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

~~(2) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street. (HECC-Jun 6/02;E-Jun 30/02)~~

~~(3) Deleted (RC-Oct 11/22;E-Nov 16/22)~~

~~(4) Where shipping containers are used in conjunction with a permitted industrial use in the Cl Zone or BGI Zone, subsections 27C (1) and (2) shall not apply. (RC-Sep 30/20;E-Dec 5/20)~~

27CA. Shipping Containers

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

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

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

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

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

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

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

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

27D <u>SECONDARY AND BACKYARD SUITES</u> (RC-Sep 1/20;E-Nov 7/20)

(a) SECONDARY SUITES

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

(i) No more than one total auxiliary dwelling, ~~basement apartment,~~ or secondary suite shall be permitted on a lot;

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

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

DRAFT

dwelling;

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

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

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single-family dwelling, a mobile home dwelling or a two-family dwelling, a duplex dwelling, a semi-detached dwelling, a townhouse dwelling or an apartment building containing only 3 dwelling units (RC-May 23/24;E-Jun 13/24) subject to the following provisions:

(i) No more than one backyard suite shall be permitted on a lot;

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

(iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 27A, 27B and 27C. Backyard Suites within the Main Street Designation shall also meet the requirements of Sections 27BA and 27BB;

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

(v) Notwithstanding the parking requirements of Sections 14 and 15, additional off-street parking shall not be required;

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

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

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a street or private road,

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

(C) has a minimum width of 1.1 metres.

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

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

(x) The floor area of a backyard suite shall not exceed 1,000 square feet (93.0 square metres).

28.**(1) Repealed (RC-May 23/24;E-Jun 13/24)**

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

(3) **The** following minimum setbacks shall apply, unless otherwise provided in this or any other by-law of the City of Dartmouth.

R-1 **15 feet (RC-May 23/24;E-Jun 13/24)** minimum
R-1A 15 feet minimum (RC-Sep 8/09;E-Nov 14/09)
R-2 **15 feet (RC-May 23/24;E-Jun 13/24)** minimum
R-3 15 feet minimum **(RC-May 23/24;E-Jun 13/24)**

DRAFT

R-4	15 feet minimum **(RC-May 23/24;E-Jun 13/24)**
TH	15-30 feet minimum
T	12 feet minimum
C-1	15-30 feet minimum
C-2	0-30 feet minimum
C-1A	**10 feet minimum (RC-Sep 8/09;E-Nov 14/09)**
C-1B	**10 feet minimum (RC-Sep 8/09;E-Nov 14/09)**
C-3	0-30 feet minimum
I-1	15-30 feet minimum
I-2	20-60 feet minimum
I-3	20-60 feet minimum
S	30 feet minimum

(3A) Notwithstanding Clause (3) of Subsection 28, within the Main Street Designation the building setback from each street line (RC-May 23/24;E-Jun 13/24) shall be:

(a) for Gordon Avenue, Major Street and Hartlen Street a minimum setback of 1 metre (3.3 ft.) and a maximum setback of 6.1 metres (20 ft.)
(b) for Lakecrest Drive and Valleyfield Road a minimum setback of 6.1 metres (20 ft.)
(c) for all other streets a minimum setback of 2 metres (6.6 ft.) and a maximum setback of 9.1 metres (30 ft.)
(d) unenclosed balconies, unenclosed porches and bay windows may project into the required street line (RC-May 23/24;E-Jun 13/24) setback provided they are no less than 1.0 metre (3.3 ft.) from the street line (RC-May 23/24;E-Jun 13/24). (Clause (3A): RC-Sep 10/13;E-Nov 30/13)

(3B) New development on properties abutting PID 00191668 or PID 00191783 shall have in relation to the nearest side lot line of such PIDs:

(a) a minimum setback of 1 metre (3.3 feet);
(b) a façade with equivalent features to a streetwall;
(c) a maximum façade height of ~~13.8 m (45 feet)~~ 4 storeys below a stepback; and
(d) a minimum stepback of 1.8 m (6 feet).
(RC-May 23/24;E-Jun 13/24)

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

(5) A fire access route with a minimum width of twenty (20) feet shall be maintained between self storage buildings and this route shall be clear of any encumbrances or impediments such as, but not limited to the parking or storage of motor vehicles. (HECC-Jul 10/03;E-Aug 3/03)

29. The zoning map, Schedule 1 – Zoning Map for Dartmouth, forms part of this by-law. The zoning provisions herein apply to the zones as described on the map.

29A.(1) Notwithstanding the permitted uses in the R-1, <u>R-1M,</u> R-1A (RC-Sep 8/09;E-Nov 14/09), R-2, R-3, R-4, TH and the MF-1 Zones, medical clinics shall be permitted in areas designated residential on Map 10 (Generalized Future Land Use) of the

Dartmouth Municipal Planning Strategy through the development agreement provisions pursuant to Policy C-12, Policy C-13 and Policy C-14 of the Municipal Planning Strategy.

(2) A medical clinic means any building, structure or premises in which out patient medical services are provided. <u>(As amended by By-law C-508, Apr 9/84 and further amended by By-law C-694, Dec 6/91)</u>

29C. (Deleted: RC-Jul 11/00;E-Sep 2/00)

29D. Deleted (RC-Aug 9/22;E-Sep 15/22)

29E. Repealed (RC-Sep 30/20;E-Dec 5/20)

29(F) In addition to uses permitted by the zone, a single building intended for office and/ or commercial uses, to a maximum height of five storeys, and up to 7,432m^2 (80,000 ft^2) of gross floor area, may be permitted on a portion of PID # 41244179 near the northeast corner of Commodore Drive and Countryview Drive, as generally shown on Schedule AA. (RC-Jun 24/08; E-Aug 9/08)

30. Notwithstanding Section 32A, no billboard shall: (RC-Sep 26/06;E-Nov 18/06)

(a) exceed a height of twenty-five (25) feet from established grade, and no portion of the sign, or associated features of the sign, be located within twelve (12) feet from the established grade immediately under the sign.
(b) be located less than 15 feet (4,572 metres) from any street line or abutting lot line, nor be located less than 250 feet (76.2 metres) from a lot which is zoned or used for park, institutional, open space or residential purposes. <u>(HECC-Nov 18/99;E-Dec 19/99)</u>
(c) shall contain a sign face which exceeds 200 square feet in area.
(d) shall have more than two sign faces, and billboards containing two sign faces shall have said sign faces affixed back-to-back.
(e) be located within one thousand (1000) feet of another billboard.
(f) be illuminated between the hours of 11:00 p.m. of any day and 7:00 a.m. of the following day, where such billboard abuts a lot zoned or used for residential, institutional, park or conservation purposes.
(g) be located in any zone except the following:
C-3 - General Business Zone
I-1 - Light Industrial Zone
I-2 - General Industrial Zone.
(h) notwithstanding Section 30 (g) above, no billboard shall be permitted on any C-3 zoned lands abutting Waverly Road or Bel Ayr Avenue.
(i) notwithstanding Section 30 (g) above, no billboard shall be permitted on any I-1 zoned lands abutting Waverley Road and Woodland Avenue (RC – Oct 26/21; E – Nov 27/21).
(j) notwithstanding Section 30 (g) above, no billboard shall be permitted on any lands zoned C-3, I-1, or I-2 that are situated on the Halifax Harbour side of Pleasant Street or Windmill Road. (RC-May 11/99;E-Jun 26/99)
(k) notwithstanding Section 30(g), a permanent identification, sponsorship or

DRAFT

directional sign erected by the area Business Improvement District shall be permitted in any Zone within the Main Street Designation. (RC-Sep 10/13;E-Nov 30/13)

(l) Notwithstanding Section 30(g) above, identification and directional signage for Burnside Industrial Park and City of Lakes Business Park may be erected within the BP Zone, Cl Zone, or BGI Zone. (RC-Sep 30/20;E-Dec 5/20)

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

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

(3) Notwithstanding the foregoing, uses within the I-1, I-2 or I-3 Zones shall not be required to meet the setback or buffer requirements where access to the water is required as an integral part of the use. (RC-Oct 2/01;E-Oct 31/01)

32 Repealed (RC – Oct 26/21; E – Nov 27/21)

32A <u>WATERCOURSE SETBACKS AND BUFFERS</u> (RC-Jun 25/14;E-Oct 18/14)

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 m^2 or a combination of an accessory structure and attached deck not exceeding 20 m^2 , 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, and water control structures.

(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.

DRAFT

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 August 26, 2006, 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.

32B <u>COASTAL AREAS</u> (RC-Jun 25/14;E-Oct 18/14)

32B(1) No development permit shall be issued for any dwelling a on lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

32B(2) Subsection (1) does not apply to any residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC–Dec 11/18;E-Dec 29/18)

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.

32C SCHEDULE Y(1) - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14)

Where excavation is required for a development on any area identified on Schedule 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. (RC-Jun 25/14;E-Oct 18/14)

32D SCHEDULE Z - WETLANDS MAP (RC-Jun 25/14;E-Oct 18/14)

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule 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. (RC-Jun 25/14;E-Oct 18/14)

32E SIGN PROVISIONS

Applications

32E(1) It shall be an offence under this By-law to erect a sign or permit a sign to be erected which does not comply with the provisions of this by-law.

32E(2) Any person wanting to erect a sign shall submit an application for each sign.

32E(3) An application for a sign permit shall be accompanied by such plans, drawings and specifications as outlined in Section 13 and as the Development Officer may deem necessary.

32E(4) The permit fee for such permit is as specified in Administrative Order #15.

32E(5) When a sign is to be moved from the location shown on the application form to another location whether on the same premises or not, a permit shall be obtained, and the fee shall be the same as prescribed for a new sign.

32E(6) A sign permit shall be refused if:

(a) in the opinion of the Traffic Authority, the sign will create a traffic hazard; or
(b) the building or structure to which the sign is attached, or is to be attached, is incapable of supporting it, or if the information submitted regarding the construction of the said building or structure is not sufficient to enable the Building Inspector adequately to determine the capability of such building or structure to give such support.

Signs That Don't Require a Permit

32E(7) The following signs will not require permits but shall comply with all other provisions of this by-law:

(a) signs in display windows including writing, representations, painting or lettering directly on the surface of any window or door, or any other figure or similar character within a building visible from the exterior;
(b) memorial signs and plaques bearing nothing other than the name of the owner, the name or the use of the building, the date of the erection of the building and reading matter commemorating a person or event;
(c) signs denoting the architect, engineer, contractor or the services and products of the owner, when placed on construction sites, which signs shall be removed upon completion of the construction;
(d) signs required to be maintained by law;
(e) small signs displayed to direct the public to public services or locations;
(f) non-electrical interior signs;
(g) signs and notices displayed upon the occasion of any religious or patriotic manifestation or any exhibition;
(h) any notice bearing the name and announcements of a church, elementary or secondary school, cemetery, orphanage or other permanent public institution and erected on the site of such institution; and
(i) a single, unlighted sign one-half of a square metre (0.5 m2) or less in area, placed on any real property advertising such property for sale or rent.

<u>Maintenance</u>

32E(8) Any sign, together with its structures and all its supports, braces, bolts, cables, guys, anchors, and other parts, shall be constructed and erected in such manner and with such materials as to remain safe and secure with proper maintenance during the lifetime of the sign.

32E(9) Nothing within this By-law shall prevent the repair or restoration of a sign or part thereof to a safe condition when it has been damaged or when it requires maintenance.

32E(10) All signs shall be kept in proper repair in accordance with the provisions of this by-law.

32E(11) Whenever a sign is found to be unsafe, insecure or likely to endanger the safety of the public or property or which is not erected in accordance with approved plans or the provisions of this by-law, or is likely to become unsafe, the owner shall be notified that the said sign is unsafe and in what respect it is unsafe or not in accordance with the approved plans or the provisions of this by-law.

<u>Electrical and Illuminated Signs</u>

32E(12) Any electrical sign shall be approved, constructed and installed in accordance with the standards set by the Canadian Standard Association and shall bear a CSA stamp of approval.

DRAFT

32E(13) **Each illuminated sign shall have the maker's name, contractor or erector's name, evidence of approval, the size, weight and the voltage and wattage of the sign permanently attached to or painted on the exterior of the sign in such a manner that all such information may be readily seen after the sign is erected.**

32E(14) **The lamps and other electrical apparatus of or connected to any electrical sign shall at all times be maintained in good operating condition.**

<u>Prohibited Signs</u>

32E(15) **Any identification sign and any supports for such sign which advertises a business or service which is no longer on the land on which the sign is located beyond thirty (30) days of the date on which the business or service ceases to be on the premises.**

32E(16) **No person shall erect or maintain any sign or the guy strays or attachments connected therewith including spotlights, floodlights, rotating beacons or flashing illuminations or any other special illumination of any building or structure or portion thereof or attach to or place any sign on any building so as to:**

- **(a)** **interfere with or obstruct the view of any traffic signal light, traffic sign or device or be likely to be confused with any traffic signal light, traffic sign or device;**
- **(b)** **impede the view at any street or highway intersection or the intersection of a street or highway with a railway crossing;**
- **(c)** **obstruct or cover any door, window, fire escape or other required exit; or**
- **(d)** **interfere with any public utility pole or wire or any apparatus or appliance connected therewith.**

<u>Signs Limitations</u>

32E(17) **In the Rl, R-1A (RC-Sep 8/09;E-Nov 14/09), R2, R3, R4, MFl, T, and TH zones under this By-law no sign shall be permitted except:**

- **(a)** **Deleted (RC-Feb 21/23;E-Sep 1/23)**
- **(b)** **a sign of two-tenths of a square metre (0.2m2) or less in area identifying a home occupation and placed on a wall or fascia.**

32E(18) **No person shall erect or place a freestanding sign greater than 9.29 square metres in area within 8 metres of the property line of an abutting lot containing a single family or two family dwelling.**

32E(19) **On a property which is a non-conforming use, no sign shall be permitted except:**

- **(a)** **non-illuminated wall sign; or**
- **(b)** **one of the following:**
  - **(i)** **a non-illuminated awning sign;**
  - **(ii)** **a non-illuminated canopy sign; or**
  - **(iii)** **a non-illuminated under canopy sign.**

DRAFT

(c) within the Main Street Designation, those signs permitted within that Designation. (RC-Sep 10/13;E-Nov 30/13)

32E(20) A canopy or awning sign may extend the full length of the canopy or awning but no part of the sign shall project beyond any portion of the canopy or awning.

32E(21) Except in the Main Street Core Area, no (RC-Sep 10/13;E-Nov 30/13) ground sign or projecting sign or any portion thereof shall be set nearer the street line than 4.6 metres and for the purposes of this section, the street line shall be the boundary of the street right of way whether or not it is improved as a street or sidewalk.

32E(21A) Within the Main Street Designation Ground Signs in front yards on Lakecrest Drive, or in any yard within the Neighbourhood Live-Work (NLW) Zone shall:

(a) not exceed a height of 2 metres [6.5 feet] above Established Grade;
(b) comprise no more than two Sign Faces, which shall be affixed back to back;
(c) not exceed 2.97 square metres [32 sq. ft.] in area for each Sign Face;
(d) not exceed 3 metres [10 ft] in the width of each Sign Face;
(e) have their supports and base in a Landscaped area or immediately above a flower bed or planter measuring no less than 0.6 metres [2ft] wide; and
(f) notwithstanding 32E(21) be set back at least 3 metres [10 ft] from the curb or from the edge of the pavement or travelled way where there is no curb, and shall not encroach upon the public right-of-way. (RC-Sep 10/13;E-Nov 30/13)

32E(21B) Within the Kuhn Road Designation as shown on Schedule "AI", ground signs shall be permitted on the lands located within Schedule "AI-1" subject to the conditions set forth in subsection 32E(21A). (RC-Oct 6/15;E-Dec 5/15)

32E(22) Notwithstanding Section 32A(21), a projecting sign may be placed over the sidewalk if:

(a) there is not less than 3.0 metres between its lower edge and the street or sidewalk and;
(b) it is
(i) made of wood except for any supports, braces, bolts, cables, guys or anchors, or
(ii) a canopy sign;
(iii) not flashing, if illuminated;
(iv) in compliance with all other provisions of this by-law.

32E(23) An affixed sign may extend above the parapet walls and may require that the construction details be certified by an engineer or architect.

32E(24) All projecting signs shall leave a minimum clearance of three (3) metres above the level of the ground immediately below the sign.

<u>Temporary Signs</u>

DRAFT

32E(25) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).

32E(26) Further to Section 32A(25), any sign provision within this By-law referring to temporary signage is superceded by HRM By-law S-800. (RC-Sep 26/06;E-Nov 18/06)

32F Ocean Infill Lots in Wright=s Cove

In the event that approval has been received to Ocean infill within the Wright=s Cove Secondary Plan Area, the zoning applied to the abutting lot shall be deemed to be applied to the area that has been infilled and any development on the infilled lands shall conform with the provisions of this Land Use By-law. (R-May 26/09;E-Jul 25/09)

32G <u>WIND ENERGY FACILITIES</u> (RC-Jun 25/14;E-Oct 18/14)

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

I DEFINITIONS

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

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

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

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

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

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

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

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

DRAFT

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).**

DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

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

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

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

c) RESTRICTED ZONE (R)

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;

DRAFT

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.

DRAFT

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

32H <u>MAIN STREET DESIGNATION – ARCHITECTURAL REQUIREMENTS</u> (RC-Sep 10/13;E-Nov 30/13)

32H.1 EXEMPTIONS

All development within the Main Street Designation shall comply with the Architectural Requirements set forth in this Section with the exception of:

(a) Single unit Dwellings
(b) Auxiliary Dwelling Units
(c) Accessory Buildings
(d) Temporary construction uses
(e) Changes in use or occupancy within an existing Building; or

(f) Internal renovations with no extension to an existing Building.

32H.2 EXTERIOR CLADDING

(a) Where masonry style finishes are used for a portion of a Building:
- **(i) the masonry-finished portion shall be closer to the ground than any wood-style finish on the same wall; and**
- **(ii) the masonry-finished portion shall continue around each corner of the Building at least 0.6 m [2 ft] before any transition to another style of finish.**

(b) The following external wall finishes shall not be permitted:
- **(i) unfinished concrete, except for foundation walls no greater than 0.6 m [2 ft] above Established Grade;**
- **(ii) unfinished plywood;**
- **(iii) particleboard, chipboard or strandboard;**
- **(iv) corrugated plastic, corrugated fibreglass or corrugated metal; or**
- **(v) metal siding utilizing exposed fasteners.**

32H.3 ENTRANCES

(a) Every building shall have at least one identifiable, convenient and accessible pedestrian entry door which is:
- **(i) adjacent to, and visible from a sidewalk or walkway, providing access to the building from the street during regular business hours;**
- **(ii) accessible by pedestrians from the sidewalk or front lot line without the need to cross a parking lot or drive-through lane; and**
- **(iii) with separate entry doors for Residential and Commercial portions of a Building.**

32H.4 FACADES

(a) At least one of the following architectural elements shall be incorporated at intervals of at least every 12.2 m (40 ft) on every Facade within an R-3 Zone or Neighbourhood Live-Work (NLW) Zone, and at least every 15.2 m (50 feet) (RC-May 23/24;E-Jun 13/24) on every facade within the C-2 Zone:
- **(i) Protrusions;**
- **(ii) Recesses;**
- **(iii) Offsets;**
- **(iv) Bay Windows;**
- **(v) Porches; or**
- **(vi) Pillars.**

(b) Facades in the C-2 Zone shall have retractable or fixed awnings or overhangs along at least 70% of the facade length, projecting at least 1.5 metres [5 ft] from the streetwall, or to the front lot line, whichever is less;

(c) Utility connections, fill pipes, exhaust vents and ventilators on facades shall be screened from the view of pedestrians by landscaping, solid board fencing, a decorative wall or an architectural feature; and

(d) Garage doors shall occupy no more than 50 percent of the streetwall length of any building.

DRAFT

32H.5 WINDOWS

(a) Windows shall be provided along at least 35% of the facade length on each storey and, within the C-2 zone, display windows shall also be provided along at least 50% of the facade length at sidewalk level.

(b) All windows in all facades shall be vertical or square in general orientation, except for glass walls and retail display windows.

(c) All windows shall be accentuated by design details such as frames, arches, hoods, decorative moldings, lintels, pediments or sills, except for glass walls and retail display windows.

32H.6 ROOFS

(a) Flat roofs shall not be permitted except where:

- **(i) the flat roof is a deck or balcony; or**
- **(ii) the flat roof is located above a roof with no less than 7:12 and no more than 24:12 pitch on all sides of the building, or**
- **(iii) the flat roof is surrounded by decorative parapets; or**
- **(iv) the flat roof has eaves with decorative moldings or cornices where the underside of the eaves joins the building walls.**

(b) At least one of the following architectural roof elements shall be incorporated at intervals of at least every 12.2 m (40 ft) within an R-3 Zone or NLW Zone, or at least every 15.2 m (50 feet) (RC-May 23/24;E-Jun 13/24) within a C-2 Zone:

- **(i) Offsets**
- **(ii) Changes in Roof pitch**
- **(iii) Raised or protruding parapets**
- **(iv) Cross-Gables**
- **(v) Dormers**
- **(vi) Cupolas**
- **(vii) Masonry-finished chimneys**

(c) All rooftop equipment, including satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans, shall be visually screened from the street by the roof structure through the use of architectural features.

32H.7 STREETWALL STEPBACKS

(a) Within the C-2 and R-3 Zone, every Building shall have a Stepback above the maximum Streetwall Height specified on Schedule AG, as follows:

The minimum Stepback shall be 1.8 metres [6 ft] except:

DRAFT

(i) where the distance between the Streetline and the Streetwall equals or exceeds the total minimum Front Yard plus the minimum Stepback, no Stepback shall be required; and

(ii) uncovered decks, balconies, railings, parapets, and roofs, other than flat roofs, are permitted to encroach into the Stepback.

32I <u>PUBLIC TRANSIT FACILITIES</u> (RC-Jun 25/14;E-Oct 18/14)

Public transit facilities shall be permitted in all zones and shall not be required to conform to any zone requirements. (RC-Oct 11/22;E-Nov 16/22)

33 <u>Development Permit Exemptions (RC- Oct 05/21;E-Jan 08/22)</u>

(a) An accessory hen use is exempt from the requirement to obtain a development permit.

(b) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit. (RC-Feb 21/23;E-Sep 1/23)

(c) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit. (RC-Feb 21/23;E-Sep 1/23)

34 <u>SHORT-TERM RENTALS</u> (RC-Feb 21/23;E-Sep 1/23)

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

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

i) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;

ii) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;

iii) The operator of the short-term bedroom rental resides on site while any bedrooms are rented;

iv) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and

v) One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.

DRAFT

SECTION 3: ZONES

30. For the purpose of this by-law and in accordance with the map contained on Schedule 1 – Zoning Map for Dartmouth, the City is divided into zones.

31. The following zones are established:

R-1	Single Family Residential Zone
R-1M	Single Family (Modified) Residential Zone
R-1A	**Auxiliary Dwelling Unit Zone (RC-Sep 8/09;E-Nov 14/09)**
R-2	Two Family Residential Zone
R-3	Multiple Family Residential Zone (medium density)
R-4	Multiple Family Residential Zone (high density)
TH	Town Housing Zone
T	Mobile Home Park Zone
NLW	**Neighbourhood Live-Work Zone (RC-Sep 10/13;E-Nov 30/13)**
C-1	Local Business Zone
C-2	General Business Zone
C-3	General Business Zone
C-4	**Massage Parlour Zone (As amended by By-law C-383, Sep 29/80)**
I-1	Light Industrial Zone
I-2	General Industrial Zone
I-3	Harbour Oriented Industrial Zone
I-4	**Salvage Zone (As amended by By-law C-562, Apr 27/86)**
P	Park Zone
OS	**Public Open Space Zone (As amended by By-law C-471, Aug 7/85)**
RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
S	Institutional Zone
C	Conservation Zone
H	Holding Zone
US	**Urban Settlement Zone (RC-Jun 25/14;E-Oct 18/14)**
UR	**Urban Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**
MF-1	Multiple Family Residential Zone
GC	General Commercial Zone
SC	Service Commercial Zone
CDD	**Comprehensive Development District (As amended by By-law C-698, Jun 18/93)**
BCDD	**Burnside Comprehensive Development District (RC-Jun 25/14;E-Oct 18/14)**
CD-1	**C&D Materials Transfer Stations Zone (RC-Sept 10/02;E-Nov 9/02)**
CD-2	**C&D Materials Processing Facilities Zone (RC-Sep 10/02;E-Nov 9/02)**
CD-3	**C&D Materials Disposal Sites Zone (RC-Sep 10/02;E-Nov 9/02)**
ICH	**Infrastructure Charge Holding Zone (RC-Jul 2/02;E-Aug 17/02)**
TR	**Transportation Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**
BP	**Business Park Zone (RC-Sep 30/20;E-Dec 5/20)**
CI	**Commercial Industrial Zone (RC-Sep 30/20;E-Dec 5/20)**
BGI	**Burnside General Industrial Zone (RC-Sep 30/20;E-Dec 5/20)**
PA	**Protected Area Zone (Special Area Task Force-Jan 26/23;E-Feb 3/23)**
US-E	**Urban Settlement-Employment Zone**

DRAFT

31.(a) In addition, a CDD - Comprehensive Development District is established, pursuant to Policies H-3 and H-3A,B,C and D of the municipal planning strategy. <u>(As amended by By-law C-698, Jun 18/93)</u>

DRAFT

PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE

32(1) The following uses only shall be permitted in an R-1Zone:

(a) Single family dwellings;
(a.1) Two-family dwellings within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
(a.2) Apartment building containing 3 or 4 dwelling units within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
(b) places of worship and associated halls; (HECC-Dec 4/08; E-Dec 27/08)
(c) schools, colleges, universities, libraries, art galleries, and museums;
(d) public parks and playgrounds;
(e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
(f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
(g) uses accessory to any of the foregoing uses;
(h) within the Waverley Road designation, expanded home occupations are permitted subject to site plan approval, in accordance with the requirements of Section 23A of the General Provisions. (RC-Sep 8/09;E-Nov 14/09)

32(2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 square feet
(b) Lot coverage maximum - 35 %
(c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
(d) Repealed (RC – Oct 26/21; E – Nov 27/21)
(e) Lot frontage minimum - 15.24 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)
(f) Notwithstanding Paragraph (e), lot frontage minimum for a semi-detached dwelling - 7.62 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)

32(3) Repealed (RC – Oct 26/21; E – Nov 27/21)

32(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:

(1) Zone Requirements:

Minimum Side Yard	**8 feet**
Minimum Rear Yard	**8 feet**

(2) The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)

DRAFT

32(5) Notwithstanding clause 32(2) (a) of this By-law, institutional uses permitted in the R-1 Zone shall comply with the following standards:

(a) The lot area minimum for all institutional uses, excluding public parks and playgrounds - 10,000 square feet

(i) Section 19 of this by-law does not apply to institutional uses permitted in the R-1 zone.

(b) For any new or expanded institutional use, the following landscaping provisions shall apply:

(i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.

(ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width. (HECC-Dec 4/08;E-Dec 27/08)

32(6) For any R-1 zoned lot abutting Basinview Drive, no new single family dwellings shall be permitted; but existing single family dwellings and accessory uses may be replaced, repaired, and additions made to in accordance with the R-1 Zone and any other general provision of this By-law. (RC-May 26/09;E-Jul 25/09)

DRAFT

PART 2: R-1M (SINGLE FAMILY (MODIFIED) RESIDENTIAL) ZONE

32A(1) The following uses only shall be permitted in an R-1M Zone:

(a) R-1 uses as hereinbefore set out; and
(b) Daycare facilities as home occupations, occupying not more than 50 percent of the total floor area of the dwelling; notwithstanding Section 23(g) of this by-law.

(2) Buildings used for R-1M Zone shall comply with the following requirements:

(a)	**Lot area minimum:**	**2,800 square feet**
(b)	**Lot frontage minimum:**	**30 feet**
(c)	**Front yard minimum:**	**20 feet**
(d)	**Rear yard minimum:**	**10 feet**
(e)	**Side yard minimum:**	**5 feet (subject to the Building By-law of the City)**
(f)	**Lot coverage maximum:**	**35 per cent**
(g)	**Height of Primary Building Maximum:**	**35 feet**

(3) In an R-1M Zone where a lot fronts on the outside of a street curve having a radius of 100 feet or less, the required lot frontage may be reduced by 50 percent.

(<u>As amended by By-law C-694, Dec 6/91</u>)

DRAFT

PART 1A: R-1A (AUXILIARY DWELLING UNIT) ZONE (RC-Sep 8/09;E-Nov 14/09)

32B(1) The following uses only shall be permitted in a R-1A Zone:

(a) R-1 uses as hereinbefore set out;
(b) auxiliary dwelling units; and
(c) uses accessory to any of the foregoing uses.

32B(2) Within the Waverley Road designation, expanded home occupations are permitted subject to site plan approval, in accordance with the requirements of Section 23A of the General Provisions.

32B(3) Buildings used for R-1 and R-1A uses in a R-1A Zone shall comply with the requirements of the R-1 Zone.

32B(4) OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS:

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

(a) no more than forty (40) percent of the gross floor area of the dwelling shall be devoted to the auxiliary dwelling unit;
(b) dwellings containing an auxiliary dwelling unit shall be designed to maintain the appearance of a single unit dwelling from the street; and
(c) one (1) off-street parking space shall be provided for the auxiliary dwelling unit.

32B(5) OTHER REQUIREMENTS: MAIN STREET DESIGNATION (RC-Sep 10/13;E-Nov 30/13)

Notwithstanding Section 32B(3), within the Main Street Designation R-1 and R-1A uses shall comply with the following requirements:

Lot area minimum:	**371.6 square metres (4,000 square feet)**
Lot frontage minimum:	**12.2 metres (40 feet)**
Rear yard minimum:	**6.1 metres (20 feet)**
Side and flanking yard minimum:	**2.4 metres (8 feet)**
Height of main building:	**10.7 metres (35 feet)**

DRAFT

PART 3: R-2 (TWO FAMILY RESIDENTIAL) ZONE

33(1) The following uses only shall be permitted in an R-2 Zone:

(a) R-1 uses as hereinbefore set out,
(b) a semi-detached dwelling,
(c) a duplex dwelling,
(d) repealed (RC-May 23/24;E-Jun 13/24)
(e) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit, (RC-Aug 9/22;E-Sep 15/22)
(f) any uses accessory to any of the foregoing uses.

33(2) Buildings used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.

33(3) Buildings used for R-2 uses in an R-2 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 sq. ft.
(b) Lot coverage maximum - 35%
(c) Side and rear yards shall be provided on each side and at the rear of a building as specified in the Building By-laws of the City.
(d) notwithstanding anything contained in this section, a lot in an R-2 Zone created by the subdivision of a lot containing two semi-detached dwellings shall be permitted, provided that each lot resulting from the subdivision and each individual dwelling unit complies with the following requirements:
  (i) Lot area minimum - 2,500 square feet
  (ii) Lot frontage minimum - 25 feet
  (iii) Lot coverage maximum - 35%
  (iv) compliance with the building by-laws of the City.
(e) Height Maximum -35 feet on all parcels of land situated within the (RC – Oct 26/21; E – Nov 27/21) Main Street Designation as identified on Schedule AF (RC-Sep 10/13;E-Nov 30/13);
(f) Lot frontage minimum - 15.24 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)
(g) Notwithstanding Paragraph (f), lot frontage minimum for a semi-detached dwelling - 7.62 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)

33(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:

(1) Zone Requirements:

Minimum Side Yard	**8 feet, and the side yard shall be reduced to zero (0) on the side being common with another dwelling unit**
Minimum Rear Yard	**10 feet**

DRAFT

(2) The maximum building eave projection into the minimum required side yard shall be 2 feet

(HECC-Nov 1/01;E-Nov 25/01)

33(5) Notwithstanding the frontage requirement of Section 33 (3), an existing semi-detached dwelling in existence as of the 25th of July, 1978, on a lot that having less than 50' of street frontage, may be subdivided so that each unit is on its own lot provided that all other requirements of this by-law are met. (HECC-Sep 10/09;E-Oct 3/09)

33(6) Repealed (RC-May 23/24;E-Jun 13/24)

September 21, 1987

Legislation approved by the Minister of Municipal Affairs places additional restrictions on undersized residential lots (less than, 5,000 square feet in area and/or less than 50 feet of street frontage.) Please consult Planning staff for details.

DRAFT

PART 4: R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE - MEDIUM DENSITY

34(1) The following uses only shall be permitted in an R-3 Zone:

(a) R-1, R-2 and TH uses as herein set out,
(b) apartment buildings,
(c) uses accessory to any of the foregoing uses.
(d) shared housing use, (RC-Aug 9/22;E-Sep 15/22)
(e) Deleted (RC-Aug 9/22;E-Sep 15/22)
(f) day care facility within the Main Street Designation. (RC-Sep 10/13;E-Nov 30/13)
(fa) Notwithstanding clause (f), the maximum height of a main building with more than 4 units shall be 4 storeys.

34(2) Buildings used for R-1, R-2 and TH uses in an R-3 Zone shall comply with the requirements of an R-1, R-2 or TH Zone respectfully.

34(3) Buildings used for R-3 uses in an R-3 Zone shall comply with the following requirements:

(a) Lot coverage, maximum - **50% (RC-May 23/24;E-Jun 13/24)**
(b) Repealed (RC-May 23/24;E-Jun 13/24)
(c) On all buildings a minimum side and rear yard clearance of 15 feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
(d) The yard area located between the street line and the minimum setback line shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas.
(e) Repealed (RC – Oct 26/21; E – Nov 27/21)
(f) Maximum height of a main building shall be 12.2 metres (40 feet). (RC-May 23/24;E-Jun 13/24)
(g) Lot frontage minimum - 15.24 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)
(h) Notwithstanding Paragraph (g), lot frontage minimum for a semi-detached dwelling - 7.62 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)
(i) Lot area minimum - 464.5 square metres (5,000 square feet). (RC-May 23/24;E-Jun 13/24)
(j) Unit mix minimum - 25% of the total number of dwelling units must have 2 bedrooms or more in a dwelling unit. (RC-May 23/24;E-Jun 13/24)
(k) Notwithstanding Clause (j), requirements for dwelling unit mix shall not apply for a new apartment building that begins construction before April 1, 2028.

34(3A) Notwithstanding subsections 34(3) and 34(4), within the Main Street Designation no development permit shall be issued for an apartment building or a day care facility except in conformity with the following:

Minimum lot area	**372 square m [4000 sq. ft.]**
Minimum frontage	**14 m [46 ft], except for a flag lot, in which case the minimum lot frontage shall be not less than 9.1 m [30 ft] and the building shall be located within the widest portion of such lot**
Minimum Front or Flankage Yard	**3.0 metres [10 ft] (RC-May 23/24;E-Jun 13/24)**
Minimum Rear Yard	**6.1 metres [20 ft] (RC-May 23/24;E-Jun 13/24) for any portion of the Rear Yard abutting an R-1, R-1A or R-2 Zone**
Minimum Side Yard	**6.1 metres [20 ft] (RC-May 23/24;E-Jun 13/24) for any portion of the Side Yard abutting an R-1, R-1A or R-2 Zone**
Maximum Lot Coverage	**60 %**
Maximum Height of Main Building	**Refer to Schedule "AF"**

(RC-Sep 10/13;Nov 30/13)

34(3B) Within the Main Street Designation, the ground floor of the façade of (RC-May 23/24;E-Jun 13/24) an apartment building along the south side of Lakecrest Drive or the west side of Valleyfield Road shall comprise Grade-Related Dwelling Unit Uses and the main pedestrian entrance to the building (RC-May 23/24;E-Jun 13/24). (RC-Sep 10/13;Nov 30/13)

34(3C) Within the Main Street Designation, with the exception of driveway access, required yards shall be landscaped. (RC-Sep 10/13;Nov 30/13)

34(4) No uses other than those permitted in R-1 and R-2 shall be permitted unless the lot area is equal to or greater than ten thousand square feet and unless the street frontage is equal to or greater than one hundred feet.

34(5) All developments including three or more dwelling units shall provide, in addition to the site requirements set out in sub-section (3) of this section, amenity areas of not less than one hundred square feet for each bedsitting room or one bedroom dwelling unit; three hundred square feet for each two bedroom dwelling unit; and 500 square feet for each three or more bedroom dwelling units. An amenity area shall be a space set aside for recreational purposes such as communal play areas, recreational room, roof decks, balconies, swimming pools and tennis courts. An amenity area shall have no dimension less than thirty feet.

34**(6) Deleted (RC-Aug 9/22;E-Sep 15/22)**

34(7) KUHN ROAD DESIGNATION – OTHER REQUIREMENTS

(a) Notwithstanding subsections 34(3) and 34(4), within the Kuhn Road

Designation as shown on Schedule AI, no development permit shall be issued for an apartment building or townhouse dwelling in the R-3 (Multiple Family Residential) Zone except by development agreement in accordance with Policy C-66 of the Dartmouth Municipal Planning Strategy.

(b) Notwithstanding subsections 34(3), 34(4) and 34(7)(a), within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI, no development permit shall be issued for an apartment building, townhouse dwelling, new duplex dwelling unit, new semi-detached dwelling unit in the R-3 (Multiple Family Residential) Zone except where a piped sanitary sewer connection has been established to the satisfaction of the Municipal Engineer. (RC-Aug 9/22;E-Sep 15/22)

(c) Notwithstanding subsections 34(1) and 34(7)(b), the following additional uses shall be permitted within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI:

- **(i) Deleted (RC-Feb 21/23;E-Sep 1/23)**
- **(ii) Craftshops;**
- **(iii) Day spas;**
- **(iv) Studios;**
- **(v) Offices;**
- **(vi) Workshops;**
- **(vii) Greenhouses;**
- **(viii) Warehouses, including indoor vehicle storage;**
- **(ix) Self storage uses;**
- **(x) Places of worship and associated halls;**
- **(xi) Public parks except sportsfields or ball diamonds;**
- **(xii) Conservation related projects; and**
- **(xiii) Accessory retail on the same lot as any use set forth in this subsection.**

(d) Notwithstanding Subsections 34(2), 34(3) and 34(4), in the block bounded by Kuhn Road and Main Street ("South Block"), being within Schedule AI-1 as shown on Schedule "AI" – Kuhn Road Area Zoning:

- **(i) total lot coverage for all buildings shall not exceed 50%;**
- **(ii) building height shall not exceed 10.7 m (35 ft) except for apartment buildings or townhouses permitted by development agreement;**
- **(iii) all non-residential uses shall be entirely enclosed within buildings;**
- **(iv) greenhouses shall not be located less than 45.8 m (150 feet) from any watercourse;**
- **(v) greenhouses shall not have a flat roof, and shall be glazed with rigid, noncorrugated material; and**
- **(vi) at least 50% of the front yard shall be landscaped;**

(e) Notwithstanding Subsection 27A, in the block bounded by Kuhn Road and Main Street ("South Block"), being within Schedule AI-1 as shown on Schedule "AI" – Kuhn Road Area Zoning, accessory buildings may be greater than 4.5 metres (15 feet) in height or greater than 60.3 square metres (650 square feet) in area, provided that:

- **(i) the height of the accessory building does not exceed 10.7 m (35 ft);**
- **(ii) the footprint of the accessory building does not exceed 93 square metres (1000 square feet);**
- **(iii) the accessory building is located in the rear yard;**
- **(iv) the roof of the accessory building is pitched at a slope of at least 8:12;**

DRAFT

and

(v) the accessory building is not a quonset hut."

<u>NOTE</u>: Effective December 4, 1991, Multiple family residential developments in the City of Dartmouth may also be permitted (RC-May 23/24;E-Jun 13/24) by development agreement, except within the Main Street Designation (RC-Sep 10/13;E-Nov 30/13).

DRAFT

PART 5: R-4 (MULTIPLE FAMILY RESIDENTIAL) ZONE - HIGH DENSITY

35(1) The following uses only shall be permitted in an R-4 Zone:

(a) R-1, R-2, R-3 and TH uses as herein set out,
(b) apartment buildings,
(ba) shared housing use, (RC-Aug 9/22;E-Sep 15/22)
(c) uses accessory to any of the foregoing uses.

35(2) Buildings used for R-1, R-2, R-3 and TH uses in an R-4 Zone shall comply with the requirements of an R-1, R-2, R-3 or TH Zone respectfully.

35(3) Buildings used for R-4 uses in an R-4 Zone shall comply with the following requirements:

(a) Lot coverage, maximum - 50%
(b) Repealed (RC-May 23/24;E-Jun 13/24)
(c) Notwithstanding the provisions of paragraph (b) above, the number of permissible dwelling units for any site may be increased by:
  (i) 2% where at least one-third of the parking requirements are provided within the building; or
  (ii) 4% where at least two-thirds of the parking requirements are provided within the building; or
  (iii) 6% where all of the parking requirements are provided within the building; or
  (iv) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a City street from a five acre public open space.
(d) On all buildings a minimum side and rear yard clearance of fifteen feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
(e) Repealed (RC – Oct 26/21; E – Nov 27/21)
(f) Lot frontage minimum - 15.24 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)
(g) Notwithstanding Paragraph (f), lot frontage minimum for a semi-detached dwelling - 7.62 metres. If a lot has the front lot line as a curved line, the lot frontage shall be measured along a horizontal line between the side lot lines at twenty (20) feet (6.1 m) from the front lot line. (RC-May 23/24;E-Jun 13/24)
(h) Lot area minimum - 464.5 square metres (5,000 square feet). (RC-May 23/24;E-Jun 13/24)
(i) Unit mix minimum - 25% of the total number of dwelling units must have 2 bedrooms or more in a dwelling unit. (RC-May 23/24;E-Jun 13/24)
(j) Notwithstanding Clause (i), requirements for dwelling unit mix shall not apply for a new apartment building that begins construction before April 1, 2028.

DRAFT

35(4) No uses other than those permitted in R-1, R-2, and TH Zones shall be permitted unless the lot area is equal to or greater than ten thousand square feet and unless the street frontage is equal to or greater than one hundred feet.

35(5) All developments including three or more dwelling units shall provide in addition to the site requirements set out in Sub-section (3) of this section, amenity areas of not less than one hundred square feet for each bedsitting room or one bedroom dwelling unit; three hundred square feet for each two bedroom dwelling unit; and five hundred square feet for each three or more bedroom dwelling units. An amenity area shall be a space set aside for recreational purposes such as communal play areas, recreational rooms, roof decks, balconies, swimming pools and tennis courts. An amenity area shall have no dimension less than thirty feet.

NOTE: Effective December 4, 1991, Multiple family residential developments in the City of Dartmouth may also be permitted by development agreement.

DRAFT

PART 6: TH (TOWN HOUSING) ZONE

36(1) The following uses only shall be permitted in a TH Zone:

(a) Two or more one-family dwellings, which are attached vertically and which have their own independent entrances and exits;
(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
(b) schools;
(c) any use accessory to any of the foregoing uses.

36(2) Building used for TH uses in an TH Zone shall comply with the following requirements:

(a) Lot area minimum - 2,000 sq. ft. per unit
(b) Lot frontage minimum - 20 feet, except where the lot faces on the outside of a curve in a street in which case the minimum frontage shall be not less than 15 ft. and the dimension along the minimum set-back for the lot shall be not less than 20 feet.
(c) Lot coverage maximum – **45% except for a building containing not more than one storey above grade – 50% (HEMDCC-Jan 9/20; E-Jan 25/20)**
(d) not more than eight individual housing units shall be included in any one building block.
(e) A sideyard at least 10 feet in width shall be provided at each end of each building block.
(f) Every building block shall be located at a distance of not less than 15 feet from the street line.
(fa) Within the Main Street Designation a rear yard setback of not less than 6.1 metres (20 feet) shall be provided. (RC-Sep 10/13;E-Nov 30/13)
(g) Height Maximum - 35 feet on all parcels of land situated within the (RC – Oct 26/21; E – Nov 27/21) Main Street Designation as identified on Schedule AF (RC-Sep 10/13;E-Nov 30/13).

36(3) No more than 15 one-family dwelling houses which are attached vertically, as permitted in this zone shall be erected per acre.

DRAFT

PART 7: T (MOBILE HOME PARK) ZONE

37(1) No person shall use any building in whole or in part, or use any land in a T Zone for any other purpose than a Mobile Home Park or any accessory use.

37(2) Buildings or land used for T uses in a T Zone shall comply with the provisions of the Mobile Homes By-law and amendments thereto.

37(3) No person shall use any building in whole or in part, or use any land in a T Zone for the sale of mobile homes.

37(4) Repealed (RC–Oct 26/21; E–Nov 27/21)

DRAFT

PART 7A: NLW (NEIGHBOURHOOD LIVE-WORK) ZONE (RC-Sep 10/13;E-Nov 30/13)

37A(1) NLW USES PERMITTED

No development permit shall be issued in any NLW Zone except for:

Craftshops
Spas
Studios
Offices
Grade-Related Dwelling Unit Uses (RC-May 23/24;E-Jun 13/24) where each unit has access to an internal private driveway which services the development
R-1, R-1A, and S uses as hereinbefore set out

37A(2) Buildings used for R-1, R-1A, or S uses in the NLW Zone shall comply with the requirements of the R-1, R-1A, or S Zone respectively.

37A(3) REQUIREMENTS: OTHER USES

(a) No development permit shall be issued for a block of Grade-Related Dwelling Unit Uses (RC-May 23/24;E-Jun 13/24), craftshop, spa, studio or office except in conformity with the following:

Minimum Lot Area	**371.6 sq. m [4000 sq. ft]**
Minimum Frontage	**15 m [50 ft]**
Minimum Front Yard	**6 m [20 ft]**
Minimum Side or Flanking Yard	**2 m [6.6 ft] (RC-May 23/24;E-Jun 13/24)**
Minimum Rear Yard	**6 m [20 ft]**
Maximum Lot Coverage	**45 %**
Maximum Height of Main Building	**10.7 m [35 ft]**
Maximum Total Floor Area	**930 sq. m (10,000 sq. ft.)**

(b) Premises containing a craftshop, spa, studio or offices shall be designed to maintain the appearance of a single unit dwelling except that:
- **(i) the front yard may include one ground sign; and**
- **(ii) the facade may include one 2-sided projecting sign up to 0.5 square metres (5.3 sq. ft.) in area for each sign face;**

(c) All craftshop, spa, studio or office uses and associated storage areas shall be located within a Building; and

(d) The maximum Building Height shall be as shown on Schedule AF.

DRAFT

PART 8: C-1 (LOCAL BUSINESS) ZONE

38(1) The following uses only shall be permitted in C-1 Zone:

(a) R-1, R-2, and TH uses are herein set out;
(b) food and grocery stores,
(c) local offices including offices of professional people providing personal services,
(d) public offices,
(e) personal service shops, (As amended by By-law C-464, Sep 26/82)
(f) restaurants,
(fa) veterinary clinics without outdoor runs, (RC-Sep 8/09;E-Nov 14/09)
(g) uses accessory to any of the foregoing uses.

38(2) Buildings used for R-1, R-2 and TH uses in a C-1 Zone shall comply with the requirements of an R-1, R-2, TH Zone respectively.

38(3) Buildings used for C-1 uses in a C-1 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 square feet
(b) Height maximum - 2 storeys
(c) Lot coverage maximum - 50%
(d) Floor area maximum for local offices 5,000 square feet or 25% of the total building area, the larger prevailing.
(e) Side and rear yards shall be provided on each side and at the rear of buildings as specified in the Building By-laws of the City.

DRAFT

PART 8A: C-1A (NEIGHBOURHOOD COMMERCIAL) ZONE (RC-Sep 8/09;E-Nov 14/09)

38A(1) The following uses only shall be permitted in a C-1A Zone:

- **(a) Existing residential uses,**
- **(b) R-1, R-1A and R-2 uses, in conjunction with a commercial use,**
- **(c) TH uses as hereinbefore set out,**
- **(d) food and grocery stores,**
- **(e) restaurants, excluding new drive-through restaurants,**
- **(f) personal service shops,**
- **(g) veterinary clinics without outdoor runs,**
- **(h) offices (including offices of professional people providing personal services), not to exceed 5000 square feet,**
- **(i) retail, not to exceed 5000 square feet,**
- **(j) fitness centres, not to exceed 5000 square feet,**
- **(k) health clinics, not to exceed 5000 square feet,**
- **(l) uses accessory to any of the foregoing uses.**

38A(2) Buildings used for R-1, R-1A and R-2 uses in a C-1A Zone shall be permitted only in conjunction with a commercial use, and new accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.

38A(3) Buildings used for TH uses in a C-1A Zone shall comply with the requirements of the TH Zone, and new accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.

38A(4) Buildings used for commercial uses in a C-1A Zone shall comply with the following requirements:

- **(a) Lot area minimum - 5,000 square feet.**
- **(b) Height maximum - 45 feet, with two storeys (to a maximum of 30 feet measured from the ground) to be used for commercial uses.**
- **(c) Lot coverage maximum - 60%.**
- **(d) New accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.**
- **(e) Where the C-1A use abuts a residential use or zone:**
  - **(i) required parking and loading areas shall be set back from side and rear property boundaries;**
  - **(ii) a landscaped buffer of a minimum width of five (5) feet shall be provided in these portions of the property; and**
  - **(iii) an opaque fence or landscaping, to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use or zone.**
- **(f) No outdoor storage shall be permitted, and outdoor display shall be restricted to the temporary or seasonal display of plant materials or perishable goods normally associated with retail uses permitted in this zone, provided that no such display area is located within any parking area required pursuant to Section 14 of the General Provisions of this by-law.**

DRAFT

PART 8B: C-1B (MIXED USE COMMERCIAL) ZONE (RC-Sep 8/09;E-Nov 14/09)

38B(1) The following uses only shall be permitted in a C-1B Zone:

- **(a) R-1, R-1A, R-2, R-3, C-1, S and TH uses as herein set out;**
- **(b) Commercial uses except:**
  - **(i) drive-through restaurants;**
  - **(ii) adult entertainment uses;**
  - **(iii) cabarets;**
  - **(iv) amusement arcades;**
  - **(v) pawn shops;**
  - **(vi) vehicle service uses; and**
  - **(vii) recycling depots.**
- **(c) Existing municipally owned fleet service uses; and**
- **(d) Uses accessory to the foregoing uses.**

38B(2) Buildings used for R-1, R-1A, R-2, R-3, S and TH uses in a C-1B Zone shall comply with the requirements of an R-1, R-1A, R-2, R-3, S or TH Zone respectively, except:

- **(a) New accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only; and**
- **(b) Notwithstanding Section 45(1) (the permitted uses in a S (Institutional) Zone), long term care facilities in the C-1B Zone may only be considered by development agreement in accordance with Section 18(Ua)(b)(i) of this By-law.**

38B(3) Buildings used for commercial uses in a C-1B Zone shall comply with the following requirements:

- **(a) Lot area minimum - 5,000 square feet.**
- **(b) Height maximum - three storeys (to a maximum of 40 feet measured from the ground) to be used for commercial uses.**
- **(c) Maximum Lot coverage - 80%.**
- **(d) New accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.**
- **(e) Where the commercial use abuts a residential use or zone:**
  - **(i) required parking and loading areas shall be set back from side and rear property boundaries;**
  - **(ii) a landscaped buffer of a minimum width of five (5) feet shall be provided in these portions of the property; and**
  - **(iii) an opaque fence or landscaping, to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use or zone.**
- **(f) Existing municipally owned fleet services at 196 Waverley Road (PID 40789166) shall be permitted to expand through site plan approval, subject to the requirements of the C-1B Zone.**

DRAFT

PART 9: C-2 (GENERAL BUSINESS) ZONE

39(1) The following uses only shall be permitted in a C-2 Zone:

(a) R-1, R-2, R-3, C-1 and TH uses as herein set out;
(b) Business or commercial enterprises except:
  (i) obnoxious uses and uses creating a hazard to the public and
  (ii) offices other than those permitted in the C-1 Zone
  (iii) except Adult Entertainment uses (RC-Jan 31/06;E-Mar 16/06)
  (iv) cabarets (HECC- Dec 4/08;E-Dec 27/08)
  (v) pawn shops
(ba) Within the Main Street Designation, R-1 and R-2 (RC-May 23/24;E-Jun 13/24) uses are not permitted (RC-Sep 10/13;E-Nov 30/13);
(bb) Within the Main Street Designation a drive-through is not a permitted main use (RC-Sep 10/13;E-Nov 30/13);
(bc) Within the Main Street Designation, general office uses shall be permitted to occupy a maximum of 3 storeys (RC-Sep 10/13;E-Nov 30/13);
(c) Uses accessory to the foregoing uses.
(d) Deleted (RC-Aug 9/22;E-Sep 15/22)

39(2) **Except within the Main Street Designation, buildings (RC-May 23/24;E-Jun 13/24)** used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively.

39(3) Buildings used for C-2 uses in a C-2 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 sq. ft.
(b) Height maximum - 3 storeys for a building with an office function as its primary function.
(ba) Within the Main Street Designation, permissible residential uses along the ground floor façades of a building shall be grade-related dwelling unit uses, entrance lobbies, common areas and accessory uses. (RC-Sep 10/13;E-Nov 30/13) (RC-May 23/24;E-Jun 13/24)
(c) Maximum Lot coverage - **Except within the Main Street Designation, (RC-May 23/24;E-Jun 13/24)** 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
(d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building Bylaws of the City of Dartmouth.
(da) Within the Main Street Designation, where the yard abuts any R-1, R-1A or R-2 zone, a minimum 6.1 metre (20 ft.) side and rear yard is required. (RC-Sep 10/13;E-Nov 30/13)
(e) Repealed (RC – Oct 26/21; E – Nov 27/21)
(f) Within the Main Street Designation, the maximum height shall be as identified on Schedule AF. (RC-Sep 10/13;E-Nov 30/13)

39(4) Within the Main Street Designation, retail fuel outlets and accessory uses shall be

DRAFT

prohibited except where the main building is located between the sidewalk and the fuel pumps, which building shall have at least one facade parallel and adjacent to the front lot line, with a display window and a full-length canopy or awning extending out at least 1.5 metres [5 ft] in front of the façade. (RC-Sep 10/13;E-Nov 30/13)

39(5) Building walls and roofs facing an adjacent Residential Zone shall be finished with the same siding and roof cladding as predominate on the facade. (RC-Sep 10/13;E-Nov 30/13)

39(6) Within the Main Street Designation, utility connections, fill pipes, exhaust vents and ventilators on facades shall be screened from the view of pedestrians by landscaping, solid board fencing, a decorative wall or an architectural feature. (RC-Sep 10/13;E-Nov 30/13)

39(7) Within the Main Street Designation, no illuminated sign, no outdoor loudspeaker, nor any drive-through lane, shall be located less than 6 metres (20ft) from any adjacent residentially zoned property. (RC-Sep 10/13;E-Nov 30/13)

39(8) Within the Main Street Designation no drive-through lane, no drive-through window, nor any surface parking shall be located between the building and the street. (RC-Sep 10/13;E-Nov 30/13)

39(9) Notwithstanding Sections 15(fa) and 28(3A)(a) and (c), on lands shown on Schedule "AH" – Gordon Avenue and Tacoma Drive Development Agreement Lands, front yard setbacks exceeding the maximum set forth in this by-law may be considered only by development agreement in accordance with Policy C-51 of the Municipal Planning Strategy. (RC-Sep 10/13;E-Nov 30/13)

DRAFT

PART 10: C-3 (GENERAL BUSINESS) ZONE

40(1) The following uses only shall be permitted in a C-3 Zone:

(a) C-2 uses as herein set out, excepting therefrom any residential uses;
(i) except Adult Entertainment uses (RC-Jan 31/06;E-Mar 16/06)
(b) warehousing and distribution
(c) residential uses containing up to 4 units subject to the requirements of the R-1 (Single Family Residential) Zone

40(2) Buildings used for C-3 uses in a C-3 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 square feet
(b) Height maximum - 3 storeys for a building with an office function as its primary function.
(c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
(d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City of Dartmouth.
(e) Repealed (RC – Oct 26/21; E – Nov 27/21)

DRAFT

PART 11: C-4 (MASSAGE PARLOUR) ZONE (Deleted: RC-Jan 31/06;E-Mar 16/06)

40A. (Deleted: RC-Jan 31/06;E-Mar 16/06)

PART 12: I-1 ZONE - LIGHT INDUSTRIAL ZONE

41(1) The following uses only shall be permitted in an I-1Zone:

(a) C-3 uses as herein set out,
(i) except Adult Entertainment uses (RC-Jan 31/06;E-Mar 16/06)
(b) industrial uses except:
(i) obnoxious uses,
(ii) uses creating a hazard to the public and
(iii) uses creating heat, humidity and glare.
(c) cabarets (HECC-Dec 4/08;E-Dec 27/08)
(d) pawn shops (HECC-Dec 4/08;E-Dec 27/08)
(e) cannabis production facilities (RC-Sep18/18; E-Nov 3/18)

41(2) Buildings used for C-3 uses in an I-1 Zone shall comply with the requirements of a C-3 Zone**, excepting that the provisions of 41 (3) (c) (ii) and 41 (3) (d) shall apply where the property abuts a residential or park zone or existing residential use. (RC-Oct 2/01;E-Oct 31/01)**

41(3) Buildings used for I-1 uses in an I-1 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 square feet
(b) Lot coverage, maximum - 50%
(c) (i) No area for parking, loading, storage or any other like purpose shall be permitted within the minimum front yard provided that this shall not prohibit the use of a portion of the front yard for such walks or driveways as may be necessary.
(ii) Yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City except, where the side or rear boundary of a site abuts a residential district, it shall have a minimum yard of 30 feet.
(d) Appearance
(i) All buildings shall be of good architectural design
(ii) All yards shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
(iii) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences or a combination thereof.

41(4) Where a lot containing a cannabis production facility abuts a lot (RC-Sep18/18; E-Nov 3/18)

(i) zoned or used for residential purposes, or

DRAFT

(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

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

DRAFT

PART 13: I-2 ZONE - GENERAL INDUSTRIAL ZONE

42(1) The following uses only shall be permitted in a I-2 Zone:

(a) C-3 uses as herein set out;
(i) except Adult Entertainment uses (RC-Jan 31/06;E-Mar 16/06)
(b) industrial enterprises except obnoxious uses and uses creating a hazard to the public.
(c) cabarets (HECC-Dec 4/08; E-Dec 27/08)
(d) pawn shops (HECC-Dec 4/08; E-Dec 27/08)
(e) Within lands designated Highway Commercial on Schedule AA, only permitted C-3 or S zone uses and existing industrial uses shall be permitted.
(f) Within lands designated Harbour-Related Commercial/Residential on Schedule AA, existing uses shall be permitted and may expand in accordance with the I-2 Zone provisions, but no change of use shall be permitted except in accordance with Clause 18(U) of this By-law. (R-May 26/09;E-Jul 25/09)
(g) cannabis production facilities (RC-Sep18/18; E-Nov 3/18)

42(1A) Repealed (RC-Sep 30/20;E-Dec 5/20)

42(2) Buildings used for C-3 uses in an I-2 Zone shall comply with the requirements of a C-3 Zone.

42(3) Buildings uses for I-2 uses in an I-2 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 square feet
(b) Lot coverage, maximum - 100% if the requirements for 100% lot coverage in the Building By-laws of the City of Dartmouth are met.
(c) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City of Dartmouth.

42(4) Any dwelling in existence in this zone at the date this by-law comes into effect may be:

(a) repaired **and renovated (RC-Oct 2/01;E-Oct 31/01)**
(b) increased in size,
(c) replaced **(Deleted: RC-Oct 2/01;E-Oct 31/01)**
(d) used for home occupations as per Part 2, Section 23 of this Bylaw, and
(e) in no event may any repair, renovation, addition, or replacement result in the creation of an additional dwelling unit.

42(5) A landscaped area of at least ten (10) feet in depth measured at right angles from the property boundary abutting any street(s) shall be provided, except where driveway or sidewalk access is required. <u>This area may be reduced to five (5) feet in depth if the ten (10) foot requirement would result in the development being unable to meet the parking or driving aisle requirements.</u> (HECC-Jul 10/03;E-Aug 3/03)

42(6) Where the side or rear boundary of a site abuts a residential, park or institutional zone, or existing residential use, the following shall apply:

(a) A minimum yard of 30 feet shall be provided,

(b) Required yards shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

(c) All storage, freightage or trucking yards shall be enclosed or completely screened from the abutting residential, park or institutional zone by buildings, trees, landscaped features, or fences or a combination thereof. (RC-Oct 2/01;E-Oct 31/01)

42(7) Notwithstanding clause 42(6)(a), where a lot containing a cannabis production facility abuts a lot

(i) zoned or used for residential purposes, or

(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

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

DRAFT

PART 14: I-3 (HARBOUR-ORIENTED INDUSTRIAL) ZONE

43(1) The following uses only shall be permitted in the I-3 Zone:

(a) industrial uses requiring direct access to the salt water,
(b) construction, maintenance and repair of marine vessels,
(c) marine research,
(d) handling and storage of bulk container and general cargo,
(e) recreational uses,
(f) any uses accessory to the foregoing.

43(2) Buildings used for I-3 uses in an I-3 Zone shall comply with the following requirements:

(a) Lot area, minimum - 5,000 square feet
(b) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City of Dartmouth.

43(3) Any dwelling in existence in this zone at the date this by-law comes into effect may be:

(a) repaired **and renovated (RC-Oct 2/01;E-Oct 31/01)**
(b) increased in size,
(c) replaced **(Deleted: RC-Oct 2/01;E-Oct 31/01)**
(d) used for home occupations as per Part 2, Section 23 of this Bylaw.
(e) in no event may any repair, renovation, addition, or replacement result in the creation of an additional dwelling unit.

43(4) Lands used for Harbour-Oriented Industrial uses shall comply with the following requirements: (RC-Oct 2/01;E-Oct 31/01)

(a) Minimum front and flankage yard - 30 feet
This yard shall be landscaped, except for required driveways and walkways, and where there is frontage on a local street appropriate plantings shall be spaced sufficiently close to provide an effective screen of any working yards, loading areas or storage areas. Areas within this yard not planted with trees or hedges shall be planted with grass or otherwise suitably landscaped and maintained with shrubs and/or planting beds.
(b) Where the proposed use abuts a zone other than an industrial or commercial zone, or an existing residential use, a yard of thirty feet (30') shall be provided to ensure adequate screening of working yards, loading areas, storage areas, buildings and parking areas from the abutting property. Such yard shall include:
(i) a raised, landscaped berm of at least six (6) feet in height measured from grade of the abutting property, with coniferous plantings along the berm at minimum intervals of ten (10) feet, which shall be maintained in good order;
(ii) a solid opaque fence located behind the berm, said fence to be at least ten (10) feet in height;
(c) Where the proposed use is located within five hundred (500) feet of a residential, park, conservation or institutional zone, or existing residential use,

all welding, fabrication, sandblasting and similar potentially obnoxious uses and operations shall be fully contained within a building or other suitable structure designed to contain noise, odours, and dust.

(d) Required yards, buffers and landscaped areas shall not be used for storage, parking, loading, unloading or similar uses.

DRAFT

PART 15: I-4 (SALVAGE) ZONE

43A(1) The following uses only shall be permitted in an I-4 Zone:

(a) salvage yard and;
(b) any use accessory to the foregoing.

43A(2) Prior to the issuance of any permit for development in an I-4 Zone, the applicant shall provide to the Development Officer evidence that all necessary approvals from other government agencies have been obtained and shall indicate any conditions attached thereto.

43A(3) Lands used for I-4 uses in an I-4 Zone shall comply with the following requirements:

(a) the salvage operations, scrap materials and scrap items on the site shall be completely enclosed and screened from the view of any adjacent sites or streets;
(b) without restricting the generality of clause (a) above, a fence shall be constructed around the entire property which fence shall be:
  (i) not less than twelve (12) feet in height;
  (ii) constructed of opaque material;
  (iii) set back a minimum of twenty (20) feet from the property line on any side abutting a City street;
(c) all areas between the fence and the street line, with the exception of driveways and walkways,shall be landscaped and maintained by the owner. Landscaping shall include sodding to the curb and decorative shrubs or trees suitable for the location;
(d) landscaped areas shall not be used for outside storage, parking, loading, unloading or similar uses;
(e) the submission of a site plan;
(f) minimum lot size 5,000 square feet.

(As amended by By-law C-562, Apr 27/86)

DRAFT

PART 16: P (PARK) ZONE

44(1) The following uses only shall be permitted in a P Zone:

(a) public parks;
(b) recreational fields and facilities;
(c) golf courses;
(d) cemeteries;
(e) circuses, sports meets or uses of a similar nature on motion of the City Council for limited periods of time;
(f) uses accessory to any of the foregoing uses.

44(2) Notwithstanding the provisions of subsection (1) transit terminal facilities are permitted on land identified by Schedule "M". (As amended by By-law C-722, Jun 9/95)

44(3) Repealed (RC – Oct 26/21; E – Nov 27/21)

DRAFT

PART 17: OS (OPEN SPACE) ZONE (RC-Feb 8/05;E-Apr 23/05)

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

(a) passive recreation areas;
(b) cemeteries; or
(c) uses accessory to the foregoing uses. (As amended by By-law C-471, Aug 7/85)

44(A)(2) Repealed (RC – Oct 26/21; E – Nov 27/21)

DRAFT

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

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%**

DRAFT

PART 19: S (INSTITUTIONAL) ZONE

45(1) The following uses only shall be permitted in an S-Zone:

(a) P uses as herein set out;
(b) sports clubs, either public or private;
(c) public or private community purpose buildings;
(d) hospitals, schools, colleges, universities, masteries, libraries, museums, art galleries, and other institutions of a similar nature. **(deleted: HECC-Dec 4/08; E-Dec 27/08)**
(e) health clinics;
(f) Shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)
(fa) Shared housing use with 10 or fewer bedrooms; (RC-Aug 9/22;E-Sep 15/22)
(g) day nurseries;
(h) places of worship and associated halls; and
(i) uses accessory to any of the foregoing uses. (HECC-Dec 4/08; E-Dec 27/08)

45(2) Buildings used for S uses in an S Zone shall comply with the following requirements:

(a) Lot area, minimum - 5,000 square feet
(b) Maximum coverage - 50%
(c) Repealed (RC – Oct 26/21; E – Nov 27/21)
(ca) Within the Main Street Designation, maximum height shall be as identified on Schedule AF. (RC-Sep 10/13;E-Nov 30/13)
(d) For any new or expanded institutional use, the following landscaping provisions shall apply:
(i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.
(ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width. (HECC-Dec 4/08;E-Dec 27/08)

DRAFT

PART 20: C (CONSERVATION) ZONE

46(1) The following uses only shall be permitted in a C-Zone:

(a) conservation related projects;
(b) watersheds;
(c) cemeteries;
(d) passive recreational activities;
(e) facilities for storage, transmission, treatment, distribution or supply of water; and (As amended by By-law C-711, Sep 27/94)
(f) transportation access to I-3 zone uses (RC-May 26/09;E-Jul 25/09)
(g) uses accessory to any of the foregoing uses.

46(2) Notwithstanding the provisions of subsection (1), communications facilities are permitted on the land identified by Schedule "J". (As amended by By-law C-710, Dec 9/94)

46(3) Repealed (RC – Oct 26/21; E – Nov 27/21)

DRAFT

PART 21: H (HOLDING) ZONE

47(1) The following uses only shall be permitted in an H Zone:

(a) R-1, C, and P uses as herein set out;
(b) uses accessory to any of the foregoing uses.
(c) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation. (RC-Mar 22/05;E-Apr 23/05)

47(2) Buildings used for R-1, C or P uses in an H Zone shall comply with the requirements of an R-1, C or P Zone respectively.

DRAFT

PART 22: US (URBAN SETTLEMENT) ZONE (RC-Jun 25/14;E-Oct 18/14)

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
(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
(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**

DRAFT

PART 23: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

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
(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
(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**

DRAFT

PART 24: MF-1 (MULTIPLE FAMILY RESIDENTIAL) ZONE

48(1) No person shall, in any MF-1 Zone erect, alter, repair, maintain or use any building in whole or in part, or use land for any purpose other than the following uses, namely:

(a) Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)
(b) Apartment house
(c) Hospitals, excepting hospitals for the treatment of infectious diseases
(d) Institutions, other than for corrections use or for the treatment of mental cases
(e) Sports or social club
(f) Fire station
(g) Hotel or motel
(h) Short-term rental (RC-Feb 21/23;E-Sep 1/23)
(i) Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)
(j) Any use accessory to any of the foregoing uses.

48(2) Buildings erected, altered, repaired, maintained or used for MF-1 uses in an MF-1 Zone other than residential uses shall comply with the following requirements:

(a) Lot coverage maximum - 40%
(b) **Minimum Front Yard – 15 ft (RC-May 23/24;E-Jun 13/24)**

48(3) Buildings erected, altered, repaired, maintained or used for residential uses in a MF-1 Zone shall comply with the following requirements:

(a) Lot coverage maximum - 40%
(b) Area of site in square feet required per dwelling unit for apartments:

TYPE OF DWELLING UNIT

Number of Storeys	Bed-Sitting Room	One Bedroom	Two Bedrooms	Three or more Bedrooms
1	440 sq. ft.	550 sq. ft.	890 sq. ft.	1230 sq. ft.
2	410	510	820	1130
3	380	470	760	1050
4 & over	350	440	700	970

(c) The area of site required in sub-section 2 above may be reduced by:
  (i) 2% where at least one-quarter of the parking requirements are provided within the building;
  (ii) 4% where at least one-half of the parking requirements are provided within the building;
  (iii) 6% where at least three-quarters of the parking requirements are provided within the building;
  (iv) 8% where all the parking requirements are provided within the building;
  (v) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a city street from a public open space having a minimum size of five acre.
(d) Every building shall be located at a distance from the street line as specified by the

DRAFT

building line applicable to the street on which the proposed building is to be located. Where no building line exists the Development Officer may establish a building line for the street. If no building line exists and no building line is established by the Development Officer the building line shall be taken as the mean distance of the set-backs of existing buildings from the street line in the block portion of the street on which the proposed building is to be located or the building line may be set by the Development Officer provided that no part of a building for residential use shall be located with respect to any street so that the height of the part exceeds the set-back plus two-thirds the width of the street on which it fronts.

(e) Yards having a minimum width of seven and one-half feet each shall be provided on each side and at the rear of the building.

(f) A minimum side and rear yard clearance of seven and one-half feet shall be maintained for all buildings up to and including three storeys in height, the minimum side and rear clearances shall be increased by five additional feet for each storey over three.

(g) Maximum height - four storeys exclusive of any storeys not containing one or more apartments.

(h) Repealed (RC – Oct 26/21; E – Nov 27/21)

<u>NOTE</u>: Effective December 4, 1991, Multiple family residential developments in the City of Dartmouth are permitted only by development agreement.

DRAFT

PART 25: ~~GC (GENERAL COMMERCIAL) ZONE~~

~~52(1) The following uses only shall be permitted in a GC Zone:~~

~~(a) **R-4** uses as herein set out;~~
~~(b) any business or commercial enterprise except obnoxious uses and uses creating a hazard to the public.~~

~~52(2) Buildings used for **R-4** uses in a GC Zone shall comply with the requirements of an **R-4** Zone.~~

~~52(3) Where apartments are to be constructed above commercial uses, the maximum density of apartments shall be as in the **R-4** Zone, provided however, that the commercial uses may cover 100% of the lot. In this case, the area of any floor where any portion is devoted to apartments shall not exceed 40% of the total area.~~

~~**(As amended by By-law C-392, Dec 22/79)**~~

DRAFT

PART 26: SC (SERVICE COMMERCIAL) ZONE

53 The following uses only shall be permitted in an SC Zone:

(a) commercial or industrial enterprises, except:
  (i) stores for the purpose of retail trade and service other than grocery stores or drug stores;
  (ii) obnoxious uses, uses creating a hazard to the public and uses creating heat, humidity and glare.

(b) Repealed (RC – Oct 26/21; E – Nov 27/21)

DRAFT

PART 27: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

53(A) (a) The following uses only shall be permitted in a CDD:

(i) residential uses;

(ii) commercial, institutional and recreational uses.

(iii) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation. (RC-Mar 22/05;E-Apr 23/05)

(b) No development permit shall be issued except in conformity with an agreement pursuant to Section 56(3) of the Planning Act.

(As amended by By-law C-698, Jun 18/93)

DRAFT

PART 28: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

53(B)(1) CD -1 USES PERMITTED

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

- **Construction and Demolition Materials Transfer Stations**
- **Uses accessory to permitted use**

53(B)(2) CD-1 ZONE REQUIREMENTS

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

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

53(B)(3) OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

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

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

(b) notwithstanding Section 53(B)(3)(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 53(B)(3)(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

DRAFT

53(B)(4) GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

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

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

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

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

(d) notwithstanding Section 53(B)(4)(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

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

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-1M, R-2, R-3, R-4, TH, T, and H) or community use (P, OS, S, and C); and

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

53(B)(5) GENERAL REQUIREMENTS: SITE PLAN APPROVAL

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

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

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

c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts

DRAFT

upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

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

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

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

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

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

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

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

DRAFT

PART 29: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 10/02)

53(C)(1) CD-2 USES PERMITTED

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

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

53(C)(2) CD-2 ZONE REQUIREMENTS

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

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

53(C)(3) OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone.

53(C)(4) OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

(i)	**from any property line**	**60 metres (196.8 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

DRAFT

(b) **notwithstanding Section 53(C)(4)(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).**

(c) **notwithstanding Section 53(C)(4)(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).**

53(C)(5) GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

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

(a) **the operation complies with the general zone requirements as outlined in Section 53(B)(4).**

(b) **notwithstanding Sections 53(C)(2) to 53(C)(4), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.**

53(C)(6) GENERAL REQUIREMENTS: SITE PLAN APPROVAL

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 53(B)(5).

DRAFT

PART 30: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

53(D)(1) CD-3 USES PERMITTED

No development permit shall be issued in any CD-3 (C&D Disposal) Zone except for the following, pursuant to the Site Plan Approval process:

- **Construction and Demolition Materials Disposal Sites**
- **All CD-2 zone uses**
- **Uses Accessory to permitted uses**
- **Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance**

53(D)(2) CD-3 ZONE REQUIREMENTS

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

Minimum Lot Area	**11,148 square metres (120,000 square feet)**
Minimum Frontage	**15 metres (49.2 feet) central services**
	30 metres (98.4 feet) on-site services
Minimum Front Yard	**50 metres (164 feet)**
Minimum Side Yard	**50 metres (164 feet)**
Minimum Rear Yard	**50 metres (164 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.1 feet)**

53(D)(3) OTHER REQUIREMENTS: CD-1 AND CD-2 ZONE USES

In any CD-3 Zone, no development permit will be issued for any:

(a) C&D Materials Processing Facility except in conformity with the provision for such a use as contained within the CD-2 Zone; and
(b) C&D Materials Transfer Station except in conformity with the provision for such a use as contained within the CD-1 Zone.

53(D)(4) OTHER REQUIREMENTS: C&D MATERIALS DISPOSAL SITES

No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:
  (i) from any property line 50 metres (164 feet)
  (ii) from the nearest residential dwelling

DRAFT

	or institutional use	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

53(D)(5) GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

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

(a) the operation complies with the general zone requirements as outlined in Section 53(B)(4).

(b) Notwithstanding Sections 53(D)(2) to 53(D)(4), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

53(D)(6) GENERAL REQUIREMENTS: SITE PLAN APPROVAL

C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 53(B)(5).

DRAFT

PART 31: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

53(E)(1) ICH USES PERMITTED

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (July 2, 2002) of this zone for the following:

- **Single Unit Dwellings**
- **Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)**
- **Open Space Uses**

53(E)(2) ICH ZONE REQUIREMENTS

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.

DRAFT

PART 32: TR (TRANSPORTATION RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

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.

DRAFT

PART 33: BCDD (BURNSIDE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Jun 25/14;E-Oct 18/14)

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

(i) townhouse;
(ii) apartment building;
(ii.5) shared housing use; (RC-Aug 9/22;E-Sep 15/22)
(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.

DRAFT

PART 34: BP (BUSINESS PARK) ZONE (RC-Sep 30/20;E-Dec 5/20)

PERMITTED USES

55 (1) The following uses only shall be permitted in a BP Zone:

- **(a) Banks and financial institutions;**
- **(b) Brewery, winery and distillery uses;**
- **(c) Broadcast uses;**
- **(d) Caretaker units;**
- **(e) Day care facilities;**
- **(f) Emergency services uses;**
- **(g) Existing uses;**
- **(h) Fitness centre uses;**
- **(i) Hotels;**
- **(j) Industrial training;**
- **(k) Industrial uses, except:**
  - **i. Heavy industrial uses;**
  - **ii. Salvage yards; and**
  - **iii. CD-1, CD-2, and CD-3 Zone uses;**
- **(l) Kennels, pet daycare uses and veterinary clinics;**
- **(m) Medical clinics;**
- **(n) Office uses;**
- **(o) Personal service uses;**
- **(p) Recreation uses, including commercial recreation;**
- **(q) Recreational vehicle sales;**
- **(r) Restaurants, full-service and Restaurants, take-out;**
- **(s) Retail building suppliers and used building material retail outlets;**
- **(t) Retail uses;**
- **(u) Self-storage facilities;**
- **(v) Service uses;**
- **(w) Utility uses;**
- **(x) Vehicle services; and**
- **(y) Accessory uses**
- **(z) Short-term rental (RC-Feb 21/23;E-Sep 1/23)**
- **(aa) Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)**

REQUIREMENTS: ALL USES

55 (2) Premises used for BP uses in a BP Zone shall comply with the following requirements:

- **(a) Lot area minimum: 5,000 sq. ft. (464.5 sq. m);**
- **(b) Minimum front or flankage yard: 20 ft. (6.1 m);**
- **(c) Maximum building height: 5 storeys;**
- **(d) The external cladding of main buildings shall include one or more of the following materials:**
  - **i. architectural masonry units, excluding concrete block and cinder block;**
  - **ii. natural stone;**

DRAFT

iii. precast concrete;
iv. steel panels; or
v. glass panels;

(e) Subject to clause (f) below, every new or expanded main building shall have at least one barrier-free entrance which:
i. faces the public street; and
ii. is accessed from a barrier-free walkway;

(f) For lots with frontage on Burnside Drive and another public street, barrier-free entrances may face Burnside Drive only;

(g) Every new main building or addition to a main building shall have a barrier-free walkway that:
i. provides access from the public street to any barrier-free entrance referred to in clauses (e) and (f) above;
ii. is clearly separated from any vehicle parking or driving areas by:
(A) changes in grade; or
(B) changes in materials;

(h) Outdoor storage and outdoor display are prohibited;

(i) Except where driveway or walkway access is required, a 10 ft. (3 m) wide strip of soft landscaping shall be provided abutting the street line, excluding the street line of 100-series highways. Soft landscaping shall include:
i. salt-tolerant groundcover plants;
ii. one ornamental shrub for every 100 sq. ft. (9.29 sq. m.) of required landscaped area; and
iii. at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15.24 linear m) of lot frontage;

(j) Garbage and waste containers shall be screened from view from adjacent properties and public streets with an effective visual barrier, such as an opaque fence or landscaping; and

(k) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: INDUSTRIAL USES

55 (3) Industrial uses shall be entirely contained within a building, except for parking and loading facilities

OTHER REQUIREMENTS: RETAIL USES

55 (4) Standalone retail uses shall not exceed a maximum gross floor area of 3000 sq. ft. (278.7 sq. m) per retail premises. In a multi-tenant building, this requirement applies to each retail premises within the building. This requirement shall not apply to:

(a) recreational vehicle sales;
(b) retail building suppliers;
(c) used building material retail outlets;
(d) vehicle services; or
(e) retail uses accessory to a permitted industrial use.

DRAFT

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

55 (5) Cannabis production facilities in the BP Zone shall meet the following requirements:

(a) Where a lot containing a cannabis production facility abuts a lot
- **i. zoned or used for residential purposes, or**
- **ii. that is used for a daycare, community centre, school, religious institution, public park or playground,**

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

OTHER REQUIREMENTS: CARET AKER UNITS

55 (6) Each industrial premises shall be permitted one caretaker unit. Subject to the requirements of the Building Code Act, caretaker units in the BP Zone shall:

(a) be located within a main building that contains a permitted industrial use;
(b) include no more than two bedrooms; and
(c) have a maximum gross floor area of 602.8 sq. ft. (56 sq. m).

OTHER REQUIREMENTS: EXISTING USES

55 (7) Existing uses shall meet the following requirements:

(a) Uses lawfully existing September 5th, 2020 shall be considered permitted uses in the BP Zone;
(b) Existing uses shall be permitted:
- **i. to be extended, enlarged or altered;**
- **ii. to resume operation if discontinued for not more than two years; and**
- **iii. to be replaced or rebuilt if destroyed;**

on the lot on which they occupied on September 5th, 2020, subject to the requirements of this Part; and

(c) Where an existing use is converted to another permitted use in the BP Zone, clause (b) above shall not apply.

DRAFT

PART 35: CI (COMMERCIAL INDUSTRIAL) ZONE (RC-Sep 30/20;E-Dec 5/20)

PERMITTED USES

56(1) The following uses only shall be permitted in a Cl Zone:

- **(a) Banks and financial institutions;**
- **(b) Brewery, winery and distillery uses;**
- **(c) Broadcast uses;**
- **(d) Caretaker units;**
- **(e) Day care facilities;**
- **(f) Emergency services uses;**
- **(g) Existing uses;**
- **(h) Fitness centre uses;**
- **(i) Garden centres;**
- **(j) Heavy equipment sales and service uses;**
- **(k) Industrial training;**
- **(l) Industrial uses, except:**
  - **i. Heavy industrial uses;**
  - **ii. Salvage yards; and**
  - **iii. CD-1, CD-2, and CD-3 Zone uses;**
- **(m) Kennels, pet daycare uses and veterinary clinics;**
- **(n) Medical clinics;**
- **(o) Personal services;**
- **(p) Recreation uses, including commercial recreation;**
- **(q) Recreational vehicle sales;**
- **(r) Recycling depots;**
- **(s) Restaurant, drive-through; Restaurant, full-service; Restaurant, take-out;**
- **(t) Retail building suppliers and used building material retail outlets;**
- **(u) Retail uses;**
- **(v) Self-storage facilities;**
- **(w) Service uses;**
- **(x) Utility uses;**
- **(y) Vehicle services; and**
- **(z) Accessory uses.**

REQUIREMENTS: ALL USES

56 (2) Premises used for Cl uses in a Cl Zone shall comply with the following requirements:

- **(a) Lot area minimum: 5,000 sq. ft. (464.5 sq. m);**
- **(b) Minimum front or flankage yard: 20 ft. (6.1 m);**
- **(c) The external cladding of main buildings shall not have the appearance of:**
  - **i. unfinished concrete, except for foundation walls no greater than 2 ft. (0.6m) above grade and loading docks;**
  - **ii. plywood; or**
  - **iii. particle board, chip board or strand board;**
- **(d) Subject to clause (e) below, every new main building or addition to a main building shall have at least one barrier-free entrance which:**

DRAFT

i. faces the public street; and
ii. is accessed from a barrier-free walkway;

(e) For lots with frontage on Burnside Drive and another public street, barrier-free entrances may face Burnside Drive only;

(f) Every new or expanded main building shall have a barrier-free walkway that:
i. provides access from the public street to any barrier-free entrance referred to in clauses (d) and (e) above;
ii. is clearly separated from any vehicle parking or driving areas by:
A. changes in grade; or
B. changes in materials;

(g) No outdoor storage shall be permitted within any yard abutting a street line, excluding the street line of a 100-series highway;

(h) Except for areas where landscaping is required, outdoor display shall be permitted in any yard;

(i) Except where driveway or walkway access is required, a 10 ft. (3 m) wide strip of soft landscaping shall be provided abutting the street line, excluding the street line of a 100-series highway. Soft landscaping shall include:
i. salt-tolerant groundcover plants;
ii. one ornamental shrub for every 100 sq. ft. (9.29 sq. m.) of required landscaped area; and
iii. at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15 linear m) of lot frontage;

(j) Where a lot abuts a 100-series highway, landscaping shall be provided along the street line of the 100-series highway that consists of at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15.24 linear m);

(k) Garbage and waste containers shall be screened from view from adjacent properties and public streets with an effective visual barrier, such as an opaque fence or landscaping; and

(l) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: RETAIL USES

56 (3) Standalone retail uses shall not exceed a maximum gross floor area of 3000 sq. ft. (278.7 sq. m) per retail premises. In a multi-tenant building, this requirement applies to each retail premises within the building. This requirement shall not apply to:

(a) garden centres;
(b) heavy equipment sales and service uses;
(c) recreational vehicle sales;
(d) retail building suppliers;
(e) used building material retail outlets;
(f) vehicle services; or
(g) retail uses accessory to a permitted industrial use.

DRAFT

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

56 (4) Cannabis production facilities in the Cl Zone shall meet the following requirements:

(a) Where a lot containing a cannabis production facility abuts a lot
- **i. zoned or used for residential purposes, or**
- **ii. that is used for a daycare, community centre, school, religious institution, public park or playground,**

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

OTHER REQUIREMENTS: CARETAKER UNITS

6 (5) Each industrial premises shall be permitted one caretaker unit. Subject to the requirements of the Building Code Act, caretaker units in the Cl Zone shall:

(a) be located within a main building that contains a permitted industrial use;
(b) include no more than two bedrooms; and
(c) have a maximum floor area of 602.8 sq. ft. (56 sq. m.)

OTHER REQUIREMENTS: EXISTING USES

56 (6) Existing uses shall meet the following requirements:

(a) Uses lawfully existing on September 5th, 2020 shall be considered permitted uses in the Cl Zone;
(b) Existing uses shall be permitted:
- **i. to be extended, enlarged or altered;**
- **ii. to resume operation if discontinued for not more than two years; and**
- **iii. to be replaced or rebuilt if destroyed;**

on the lot on which they occupied on September 5th, 2020, subject to the requirements of this Part; and
(c) Where an existing use is converted to another permitted use in the Cl Zone, clause (b) above shall not apply.

DRAFT

PART 36: BGI (BURNSIDE GENERAL INDUSTRIAL) ZONE (RC-Sep 30/20;E-Dec 5/20)

57 (1) PERMITTED USES

The following uses only shall be permitted in a BGI Zone:

(a) Brewery, winery and distillery uses;
(b) Broadcast uses;
(c) Caretaker units;
(d) CD-1 and CD-2 Zone uses;
(e) Emergency services uses;
(f) Existing uses;
(g) Heavy equipment sales and service uses;
(h) Industrial training;
(i) Industrial uses, except:
  i. CD-3 Zone uses;
(j) Kennels;
(k) Recreational vehicle sales;
(l) Recycling depots;
(m) Retail building suppliers and used building material retail outlets;
(n) Salvage yards;
(o) Self-storage facilities;
(p) Service uses;
(q) Utility uses;
(r) Vehicle services; and
(s) Accessory uses.

57 (2) Premises used for all BGI uses in a BGI Zone shall comply with the following requirements:

(a) Lot area minimum: 5,000 sq. ft. (464.5 sq. m);
(b) Minimum front or flankage yard: 20 ft. (6.1 m);
(c) Except for areas where landscaping is required, outdoor storage and outdoor display shall be permitted in any yard;
(d) Except where driveway or walkway access is required, a 10 ft. (3 m) wide strip of soft landscaping shall be provided abutting the street line, excluding the street line of a 100-series highway. Soft landscaping shall include:
  i. salt-tolerant groundcover plants;
  ii. one ornamental shrub for every 100 sq. ft. (9.29 sq. m.) of required landscaped area; and
  iii. at least one tree with a minimum base caliper of 50 millimetres for every 50 linear ft. (15 linear m) of lot frontage;
(e) Where a lot abuts a 100-series highway, landscaping shall be provided along the street line of the 100-series highway that consists of at least one tree with a minimum base caliper of 50 millimetres for every 50 linear ft. (15.24 linear m);
(f) Garbage and waste containers shall be screened from view from adjacent properties and public streets with an effective visual barrier, such as an opaque fence or landscaping; and

DRAFT

(g) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: HEAVY INDUSTRIAL USES

57 (3) Heavy industrial uses in the BGI Zone shall meet the following requirements:

(a) Notwithstanding Clause57(2)(a), lot area minimum: 107,639 sq. ft. (1.0 ha);
(b) Where a lot containing a heavy industrial use abuts:
i. a lot in the Cl Zone, buildings, structures, and outdoor storage shall be set back a minimum of 24.6 ft. (7.5 m) from the abutting lot line; or
ii. a lot in any other zone or a 100-series highway, then buildings, structures, and any outdoor storage shall be set back a minimum of 230 ft. (70 m) from the abutting lot line;
(c) Outdoor storage may be permitted within the required set back defined in clause (b) above, if landscaping is provided that acts as an effective visual screen. The landscaping shall consist of at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15 linear m).

OTHER REQUIREMENTS: SALVAGE YARDS

57 (4) Salvage yards in the BGI Zone shall meet both the requirements for heavy industrial uses in Subsection 57(3) above, and the following requirements:

(a) Salvage operations and scrap materials storage on the site shall be screened from the view of any adjacent sites or streets;
(b) Fencing shall be constructed around the entire property which shall be:
i. not less than 6 ft. (1.8 m) in height;
ii. constructed of opaque material; and
iii. set back a minimum of 20 ft. (6.1 m) from the street line; and
(c) A lot containing a salvage yard must be separated a minimum distance of 500 ft. (152.4 m) from, and shall not immediately abut any lot that is:
i. zoned or used for residential purposes, or
ii. that is used for a daycare, community centre, school, religious institution, or public park.

OTHER REQUIREMENTS: CD-1 and CD-2 ZONE USES

57 (5) CD-1 and CD-2 Zone uses in the BGI Zone shall meet both the requirements of clause 57{3)(a) and the requirements of their respective zones.

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

57 (6) Cannabis production facilities in the BGI Zone shall meet the following requirements:

(a) Where a lot containing a cannabis production facility abuts a lot
i. zoned or used for residential purposes, or

ii. that is used for a daycare, community centre, school, religious institution, public park or playground,

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

OTHER REQUIREMENTS: CARET AKER UNITS

57 (7) Each industrial premises shall be permitted one caretaker unit. Subject to the requirements of the Building Code Act, caretaker units in the BGI Zone shall:

(a) be located within a main building that contains a permitted industrial use;
(b) include no more than two bedrooms; and
(c) have a maximum gross floor area of 602.8 sq. ft. (56 sq. m).

OTHER REQUIREMENTS: EXISTING USES

57 (8) Existing uses shall meet the following requirements:

(a) Uses lawfully existing on September 5th, 2020 shall be considered permitted uses in the BGI Zone;
(b) Existing uses shall be permitted:
i. to be extended, enlarged or altered;
ii. to resume operation if discontinued for not more than two years; and
iii. to be replaced or rebuilt if destroyed;
on the lot on which they occupied on September 5th, 2020, subject to the requirements of this Part; and
(c) Where an existing use is converted to another permitted use in the BGI Zone, clause {b) above shall not apply.

DRAFT

PART 37: PA (PROTECTED AREA) Zone (Special Area Task Force-Jan 26/23;E-Feb 3/23)

58(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

58(2) PA ZONE REQUIREMENTS

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

Minimum Lot Area: 930 m2
Minimum Frontage: 30.5 m
Minimum Front or Flankage Yard: 20 m
Minimum Side or Rear Yard: 20 m

58(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.

DRAFT

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

59(1) US-E USES PERMITTED

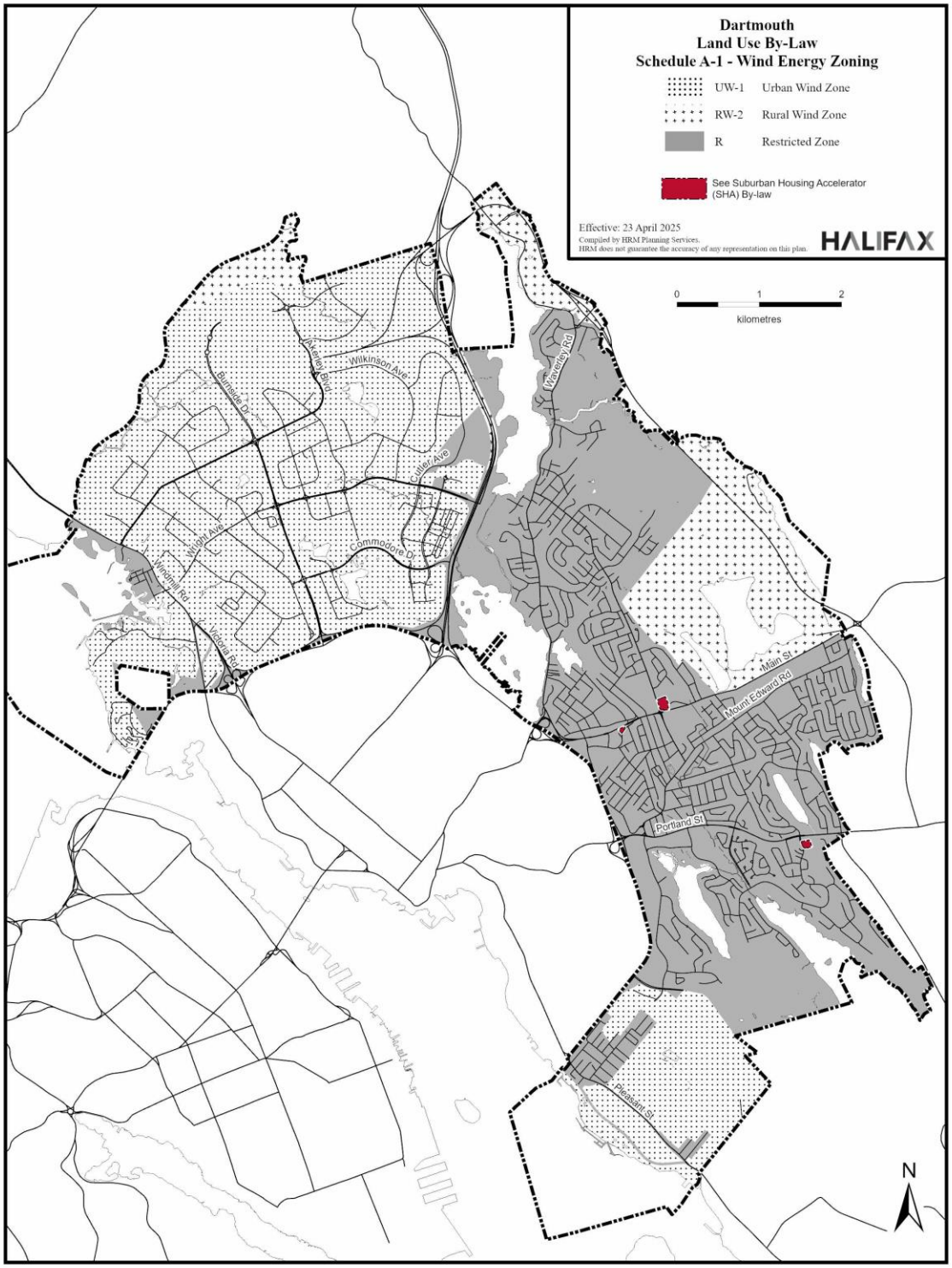
No development permit shall be issued in any US-E Zone except for the following:
Utilities
Conservation uses
Public parks and playgrounds

DRAFT

SECTION 4: SCHEDULING

DRAFT

SCHEDULE A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (RC-Feb 15/22;E-Apr 9/22) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr

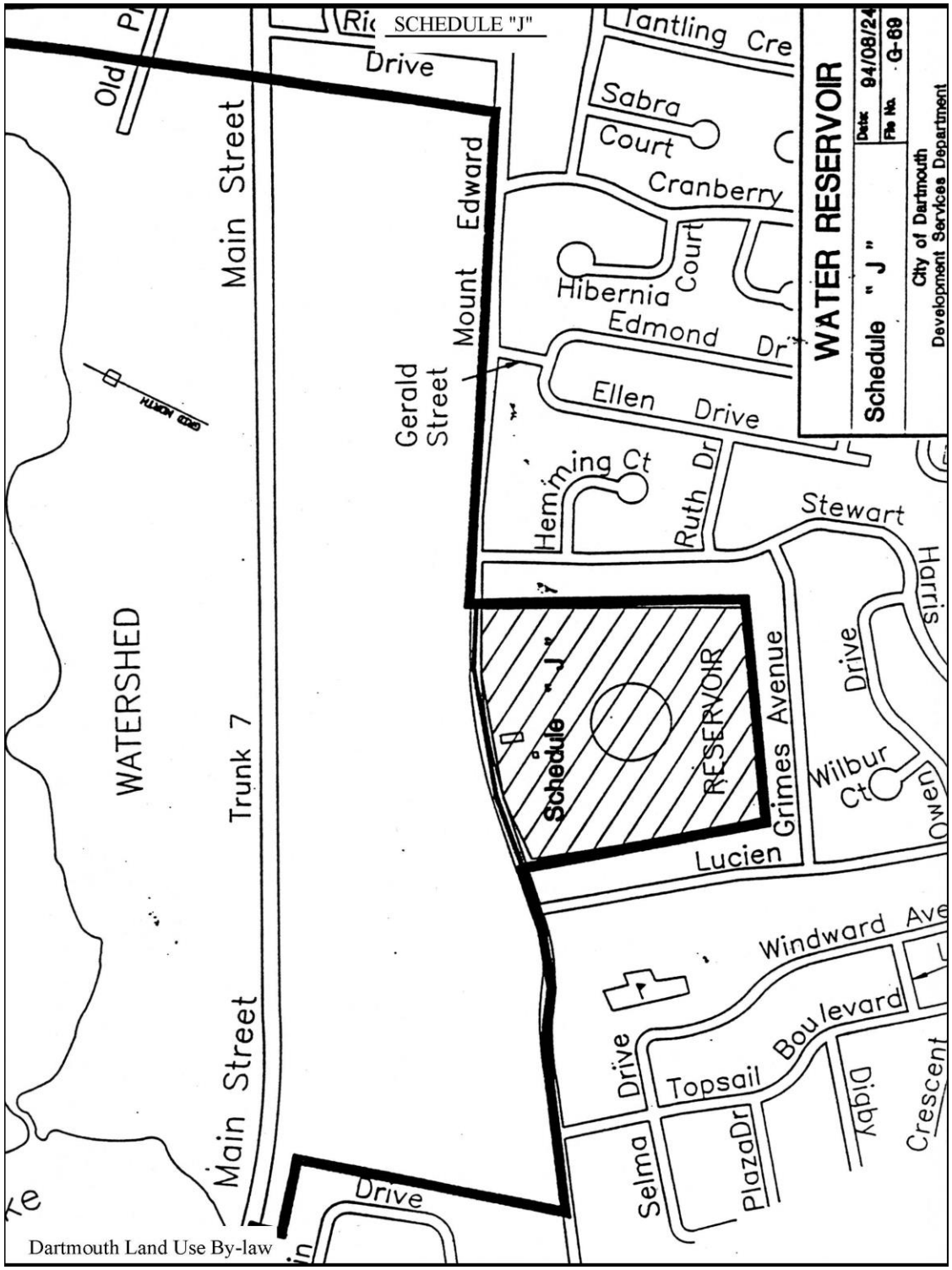


23/25)

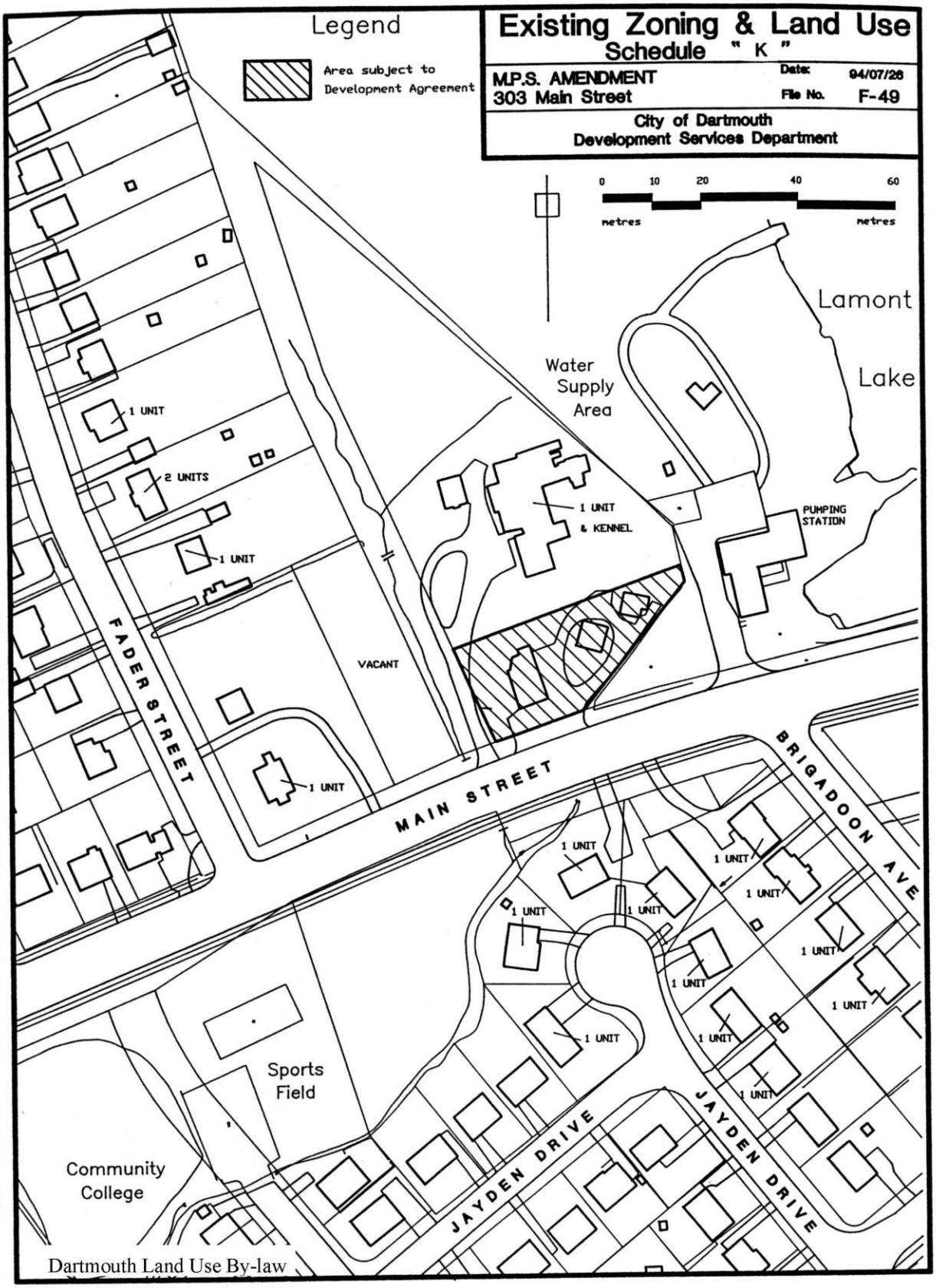
DRAFT

SCHEDULE H: Repealed (RC-Sep 30/20;E-Dec 5/20)

SCHEDULE J:WATER RESERVOIR



SCHEDULE K: EXISTING ZONNIG & LAND USE (303 MAIN STREET)

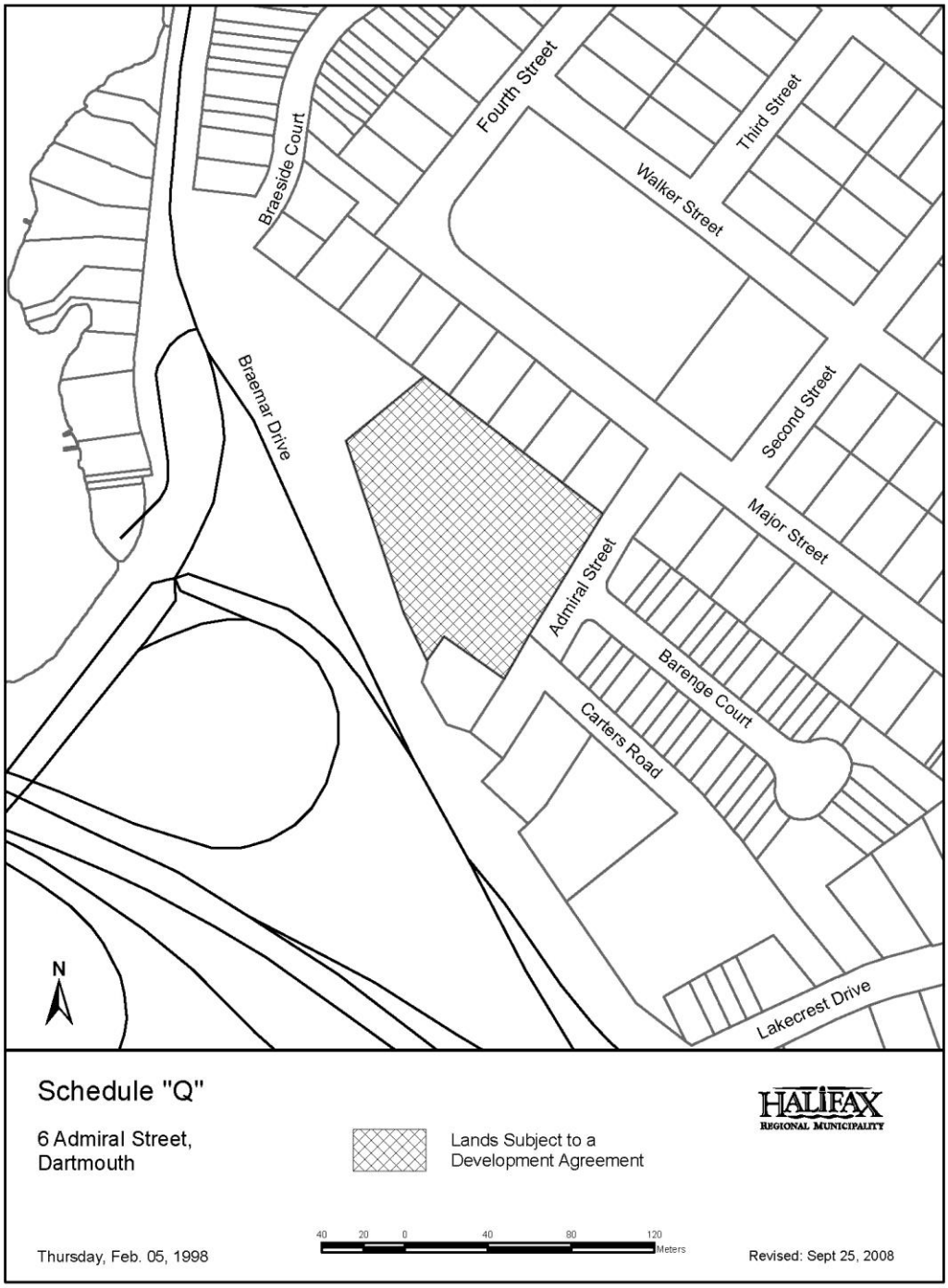


SCHEDULE M: DARTMOUTH & DOWNTOWN DARTMOUTH PLAN AREA
Repealed (RC–Oct 26/21;E–Nov 27/21)

SCHEDULE N - Repealed (RC-Sep 18/19;E-Nov 30/19)

SCHEDULE Q: 6 Admiral Street

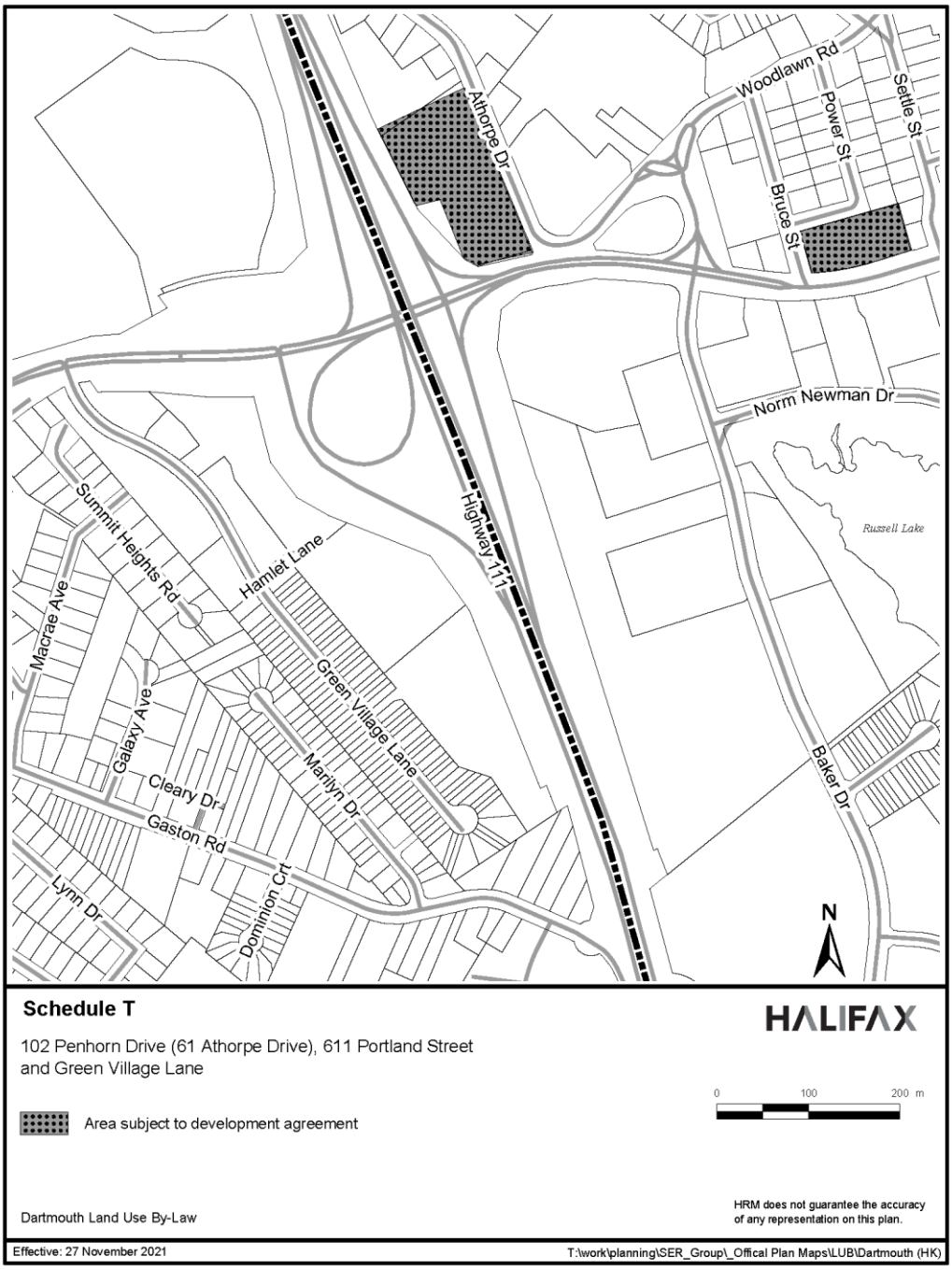
SCHEDULE "Q"



Dartmouth Land Use By-law

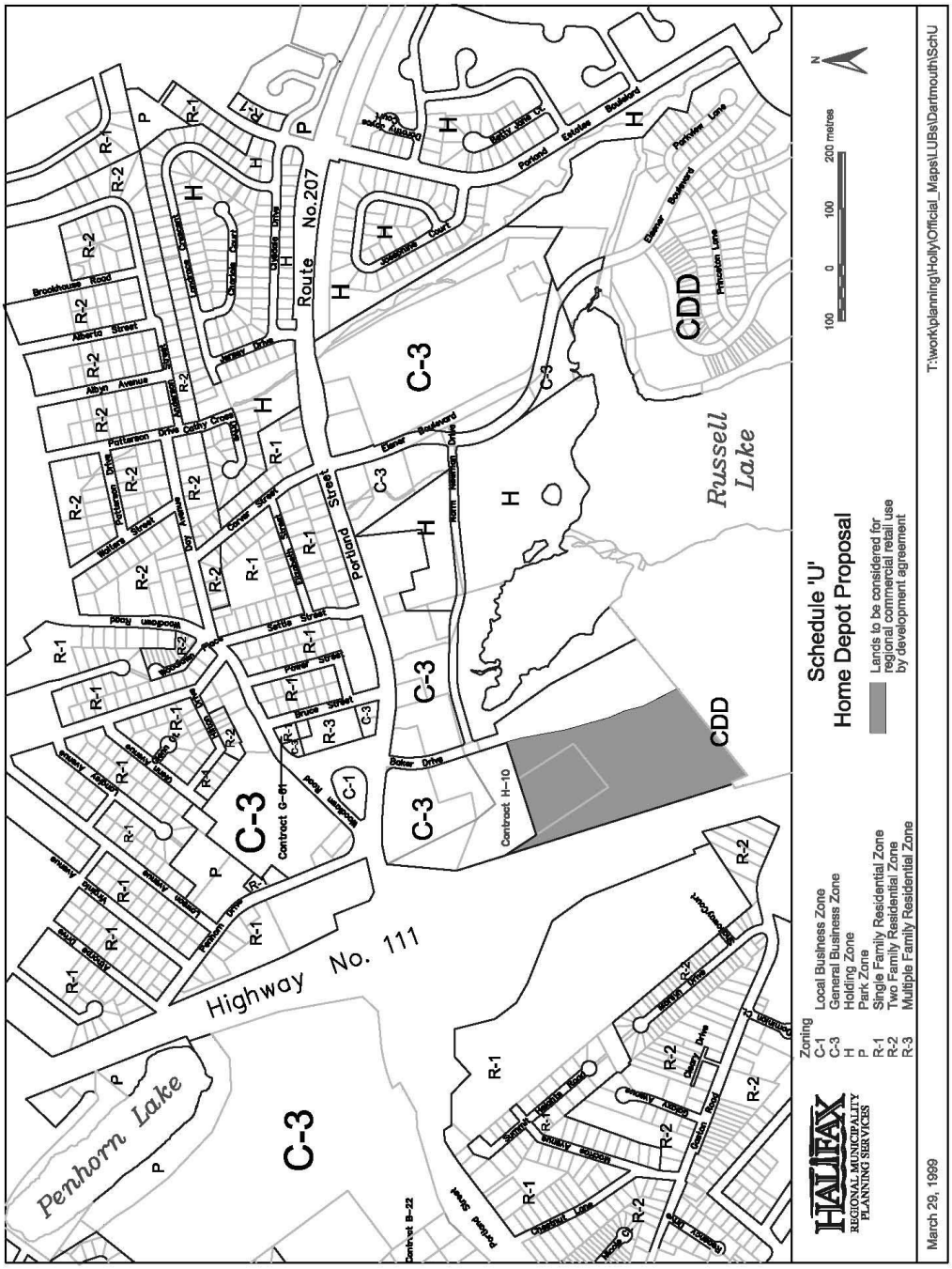
SCHEDULE R - Repealed (RC-Sep 18/19;E-Nov 30/19)

SCHEDULE T: Penhorn Drive/Portland Street/Green Village Lane (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21)



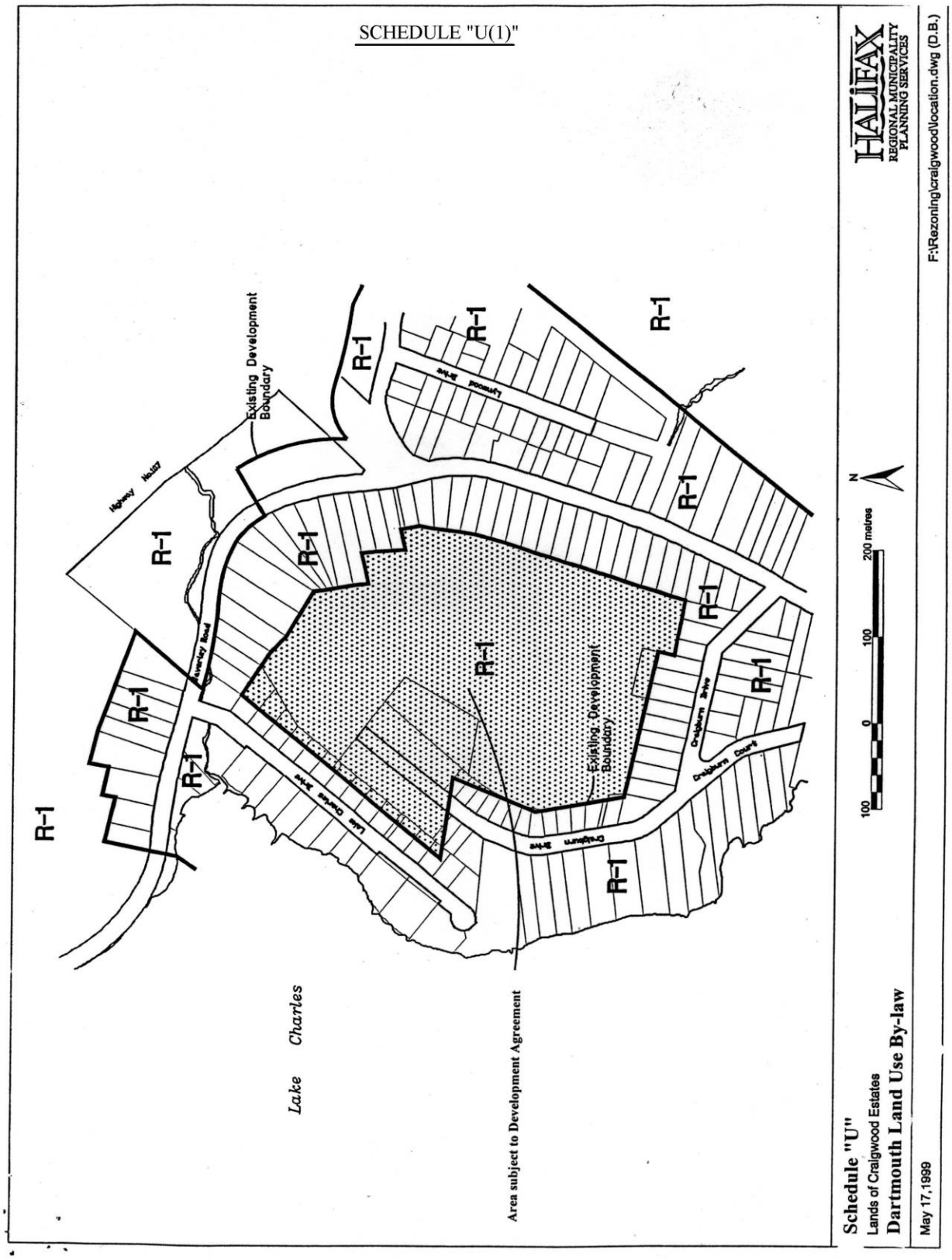
SCHEDULE U: Home Depot Proposal

SCHEDULE "U"



Dartmouth Land Use By-law

SCHEDULE U(1): Lands of Craigwood Estates



SCHEDULE V: Woodland Avenue East - Deleted (RC-Sep 18/19;E-Nov 30/19)

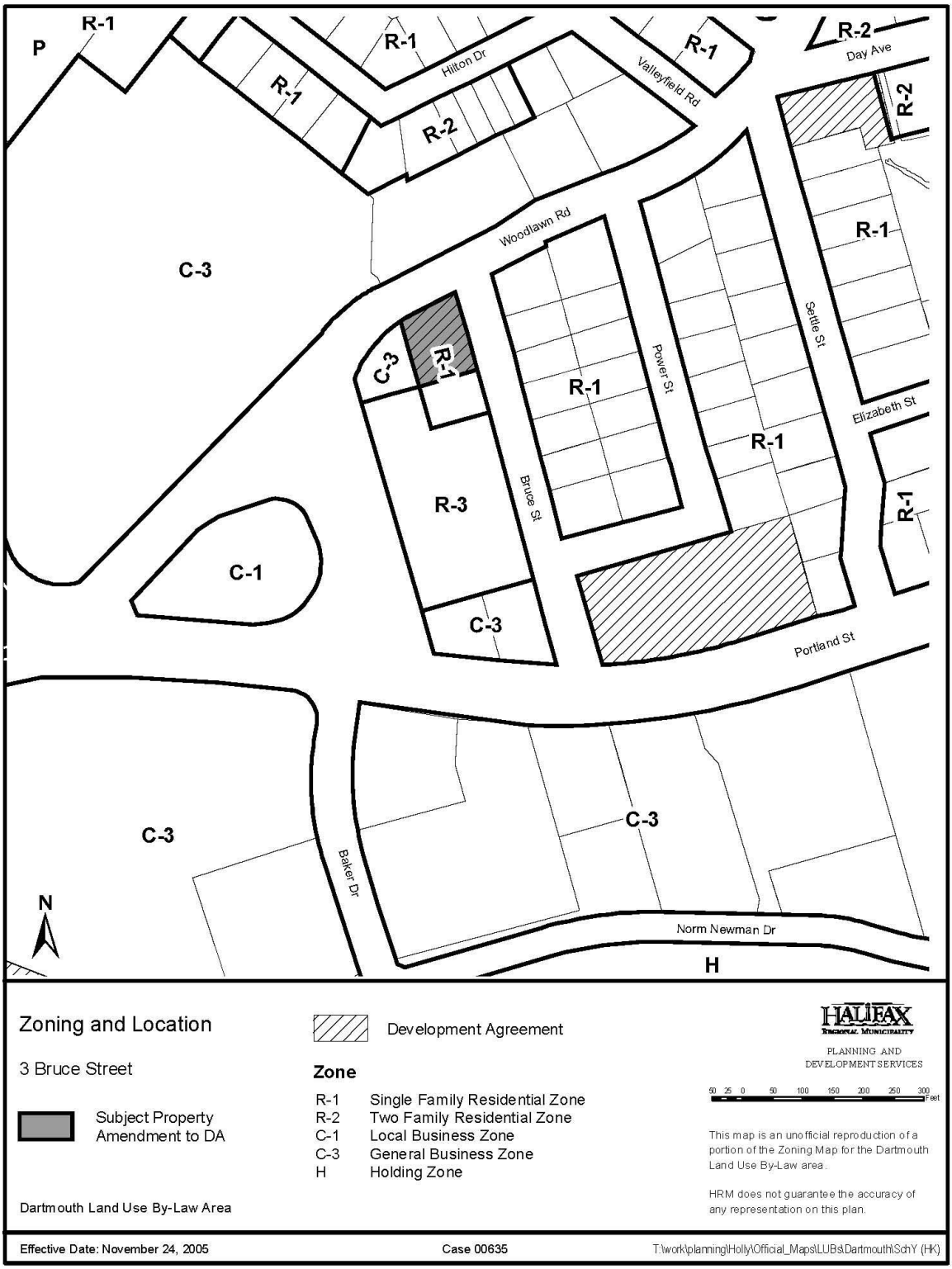
SCHEDULE W: Lake Banook Canoe Course Area – Repealed (RC–Oct 26/21;E–Nov 27/21)

SCHEDULE X - Repealed (RC-Sep 18/19;E-Nov 30/19)

DRAFT

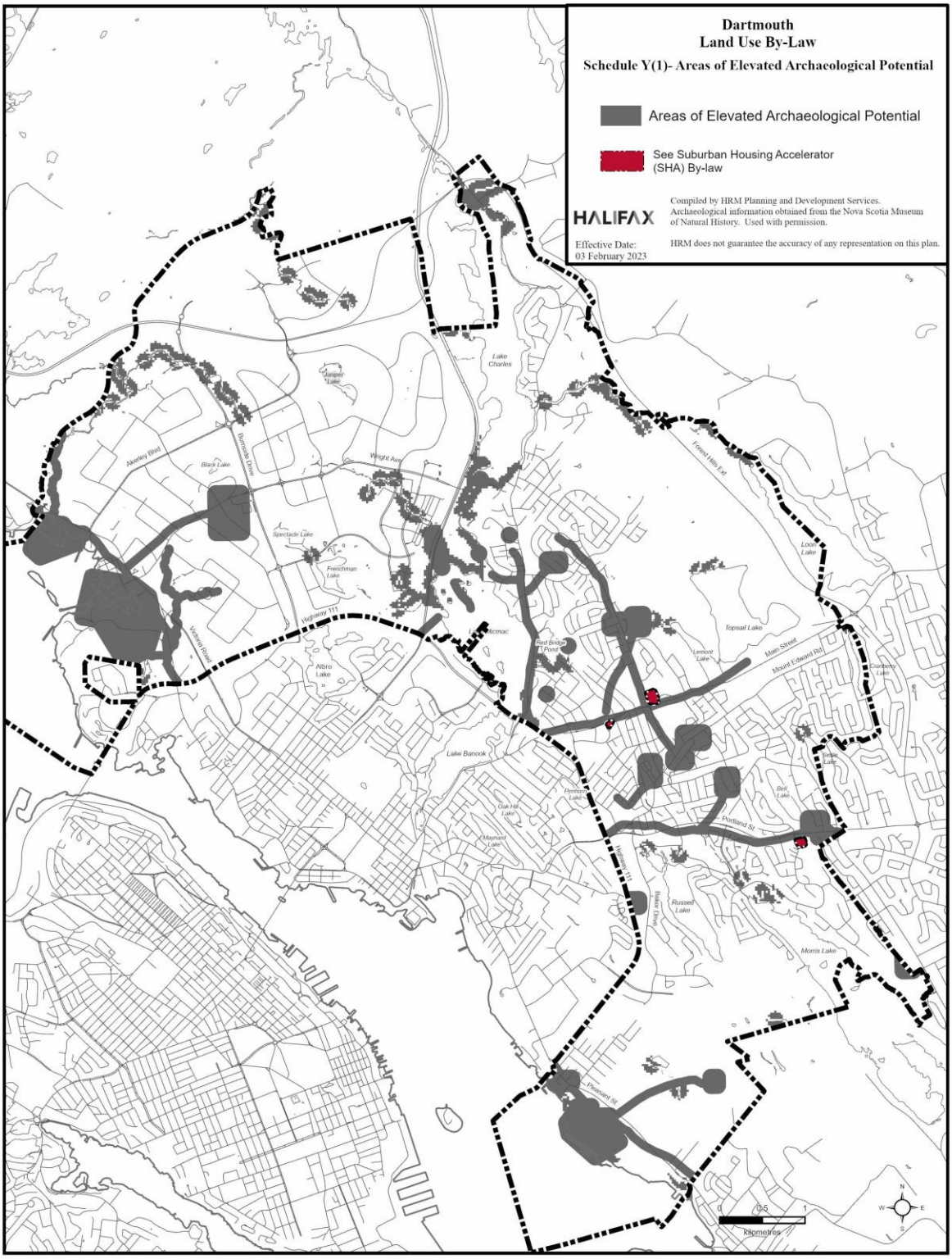
SCHEDULE Y: 3 Bruce Street

SCHEDULE "Y"

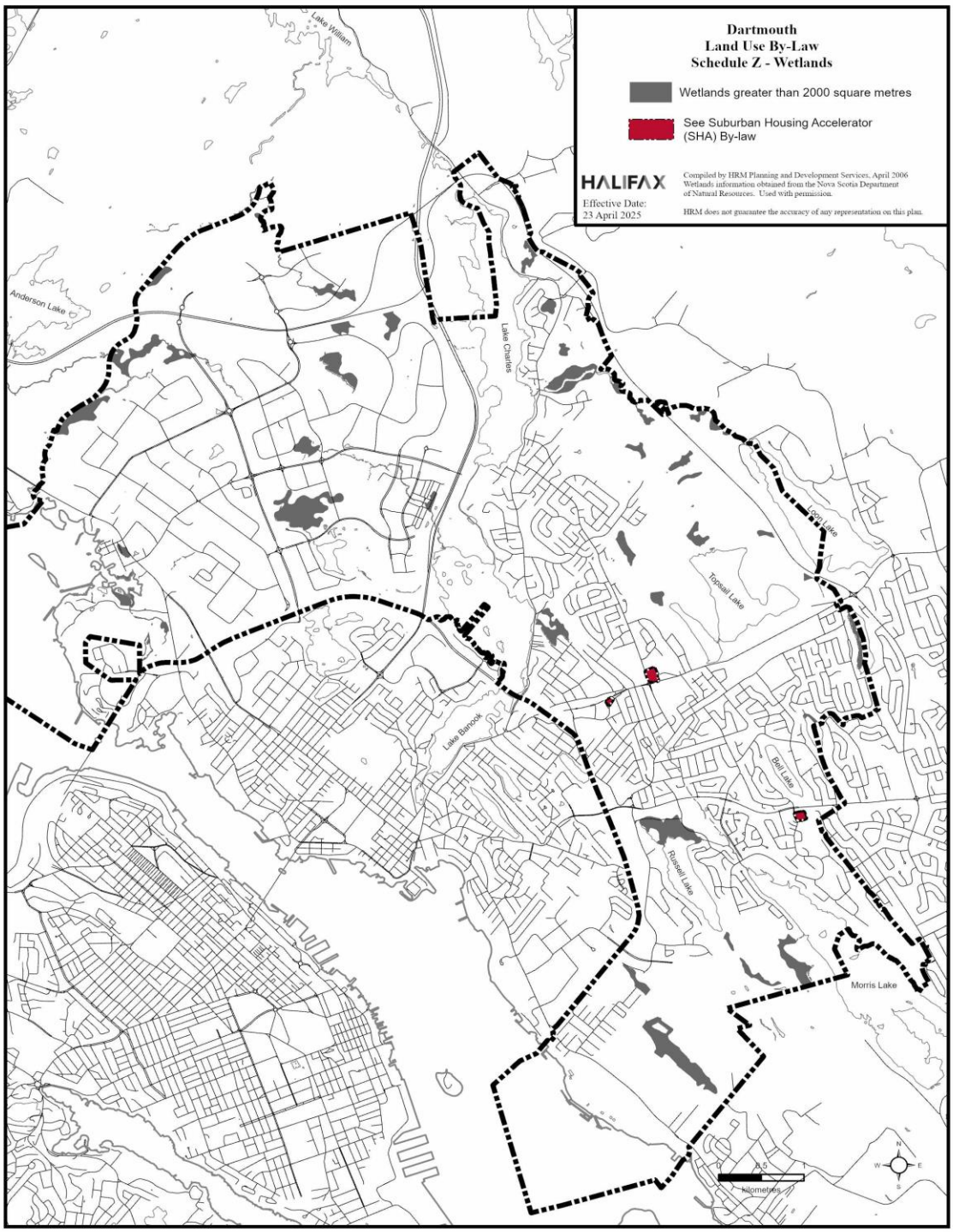


Dartmouth Land Use By-law

SCHEDULE Y(1): Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (Special Area Task Force-Jan 26/23;E-Feb 3/23)



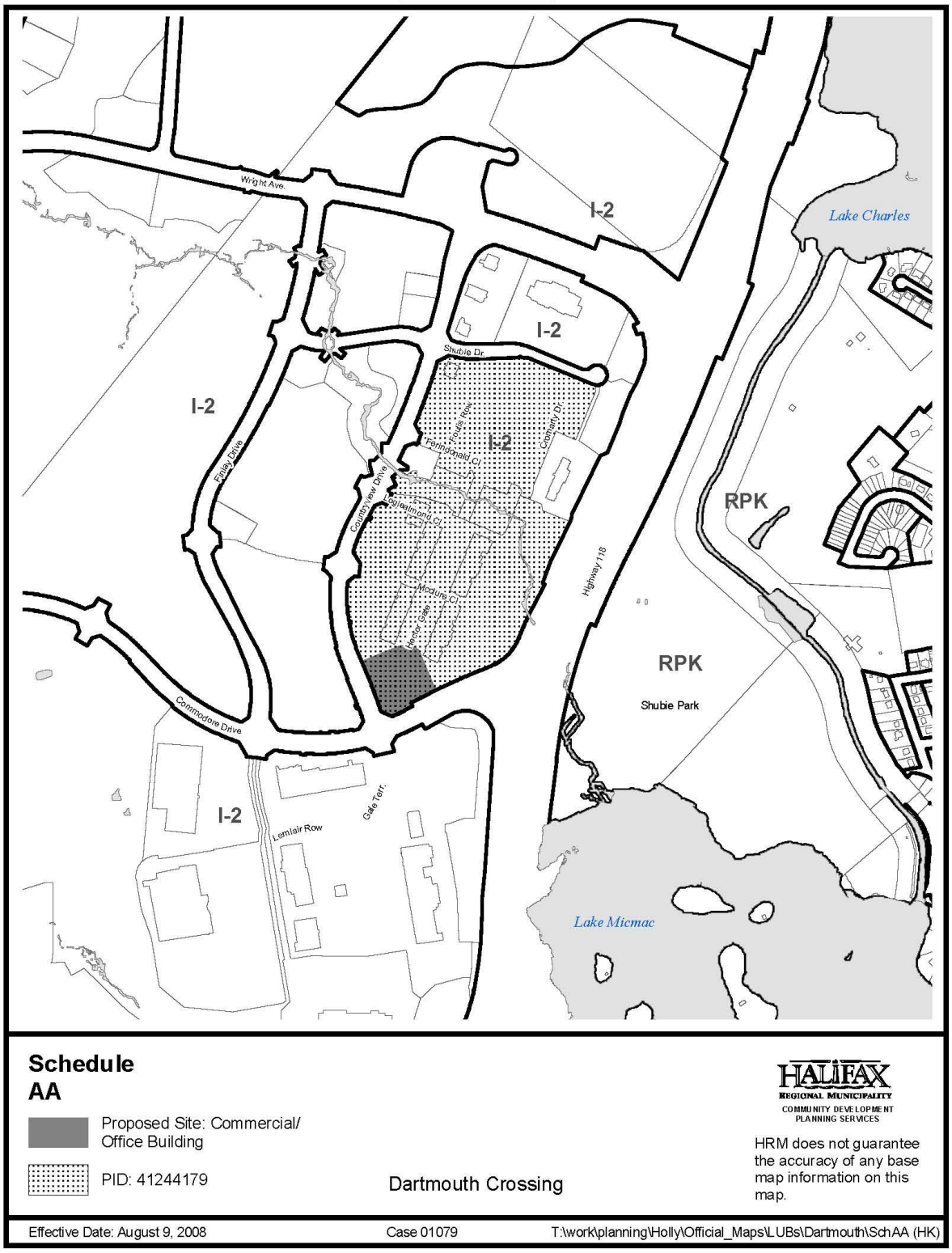
SCHEDULE Z: Wetlands (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25)



SCHEDULE Z(1): 32 Primrose Street - Repealed (RC-Sep 18/19;E-Nov 30/19)

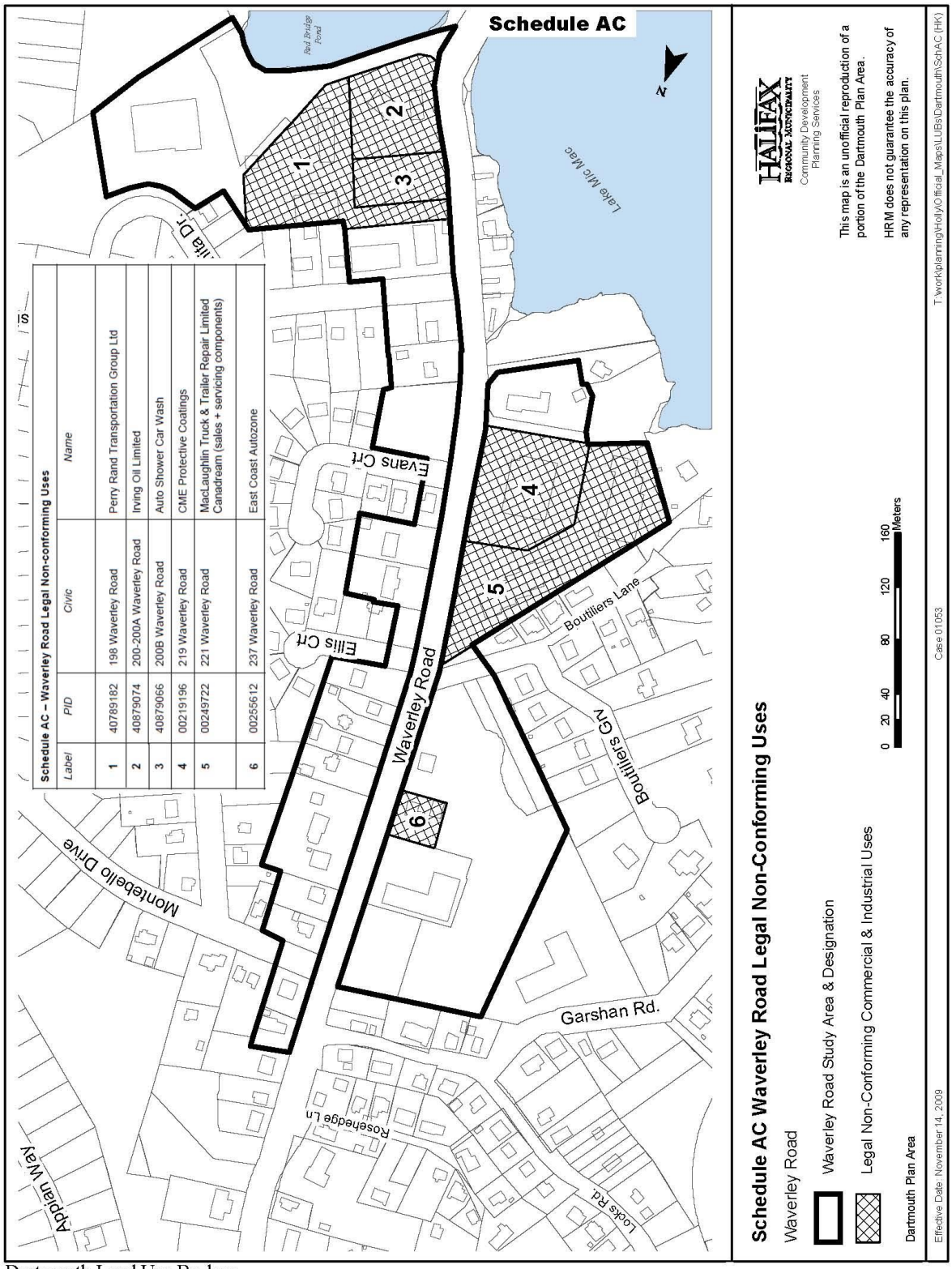
SCHEDULE AA: Dartmouth Crossing (RC-Jun 24/08;E-Aug 9/08)

SCHEDULE "AA"

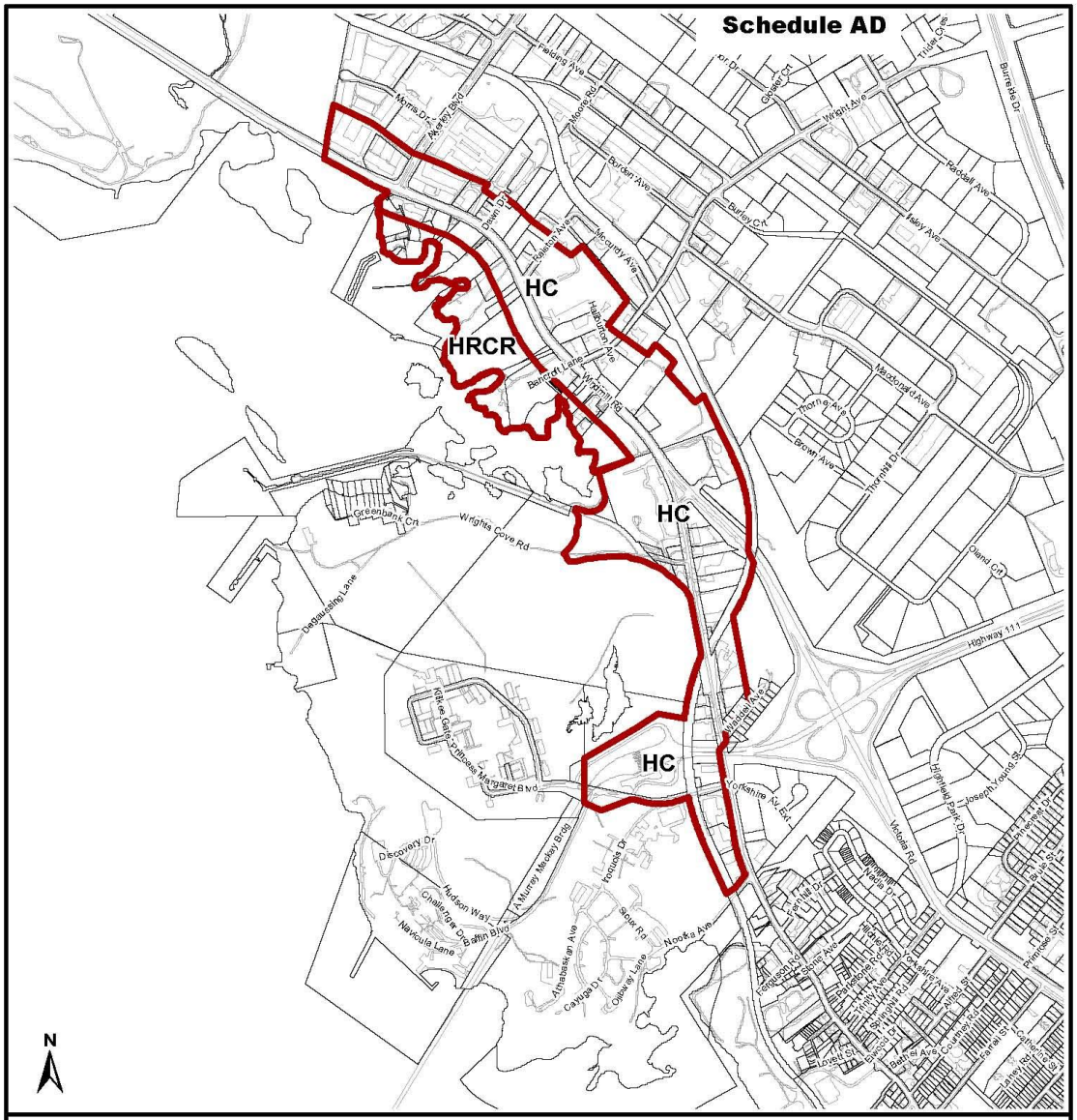


Dartmouth Land Use By-law

SCHEDULE AC: Waverley Road Legal Non-conforming Uses (RC-Sep 8/09;E-Nov 14/09)



SCHEDULE AD (RC-May 26/09;E-Jul 25/09)



Schedule AD

(Schedule AA)
Wright's Cove
Commercial Precincts

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 200 400 m

Designation

HC Highway Commercial
HRCR Harbour Related Commercial Residential

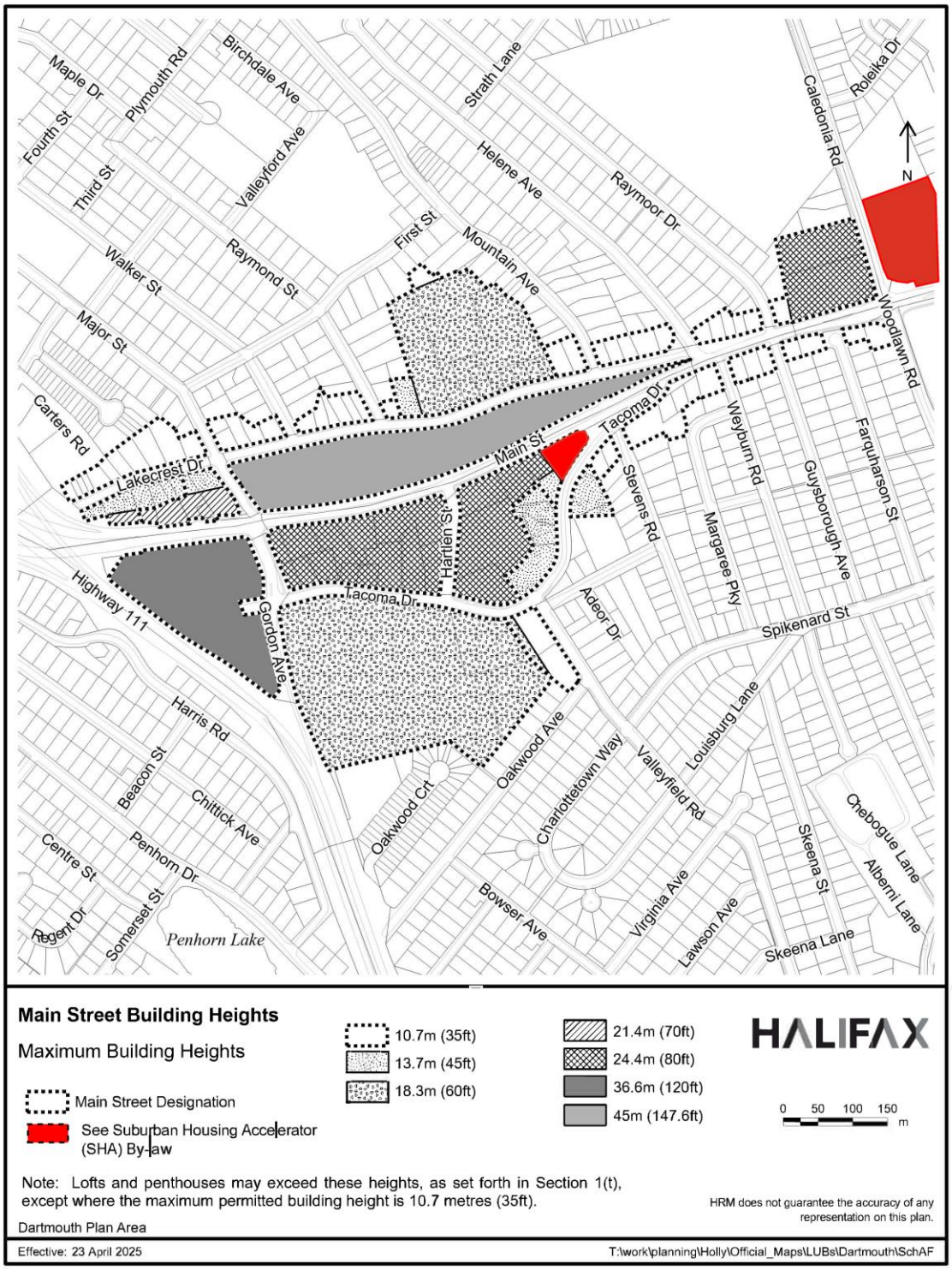
Dartmouth Land Use By-Law

HRM does not guarantee the accuracy of any representation on this plan.

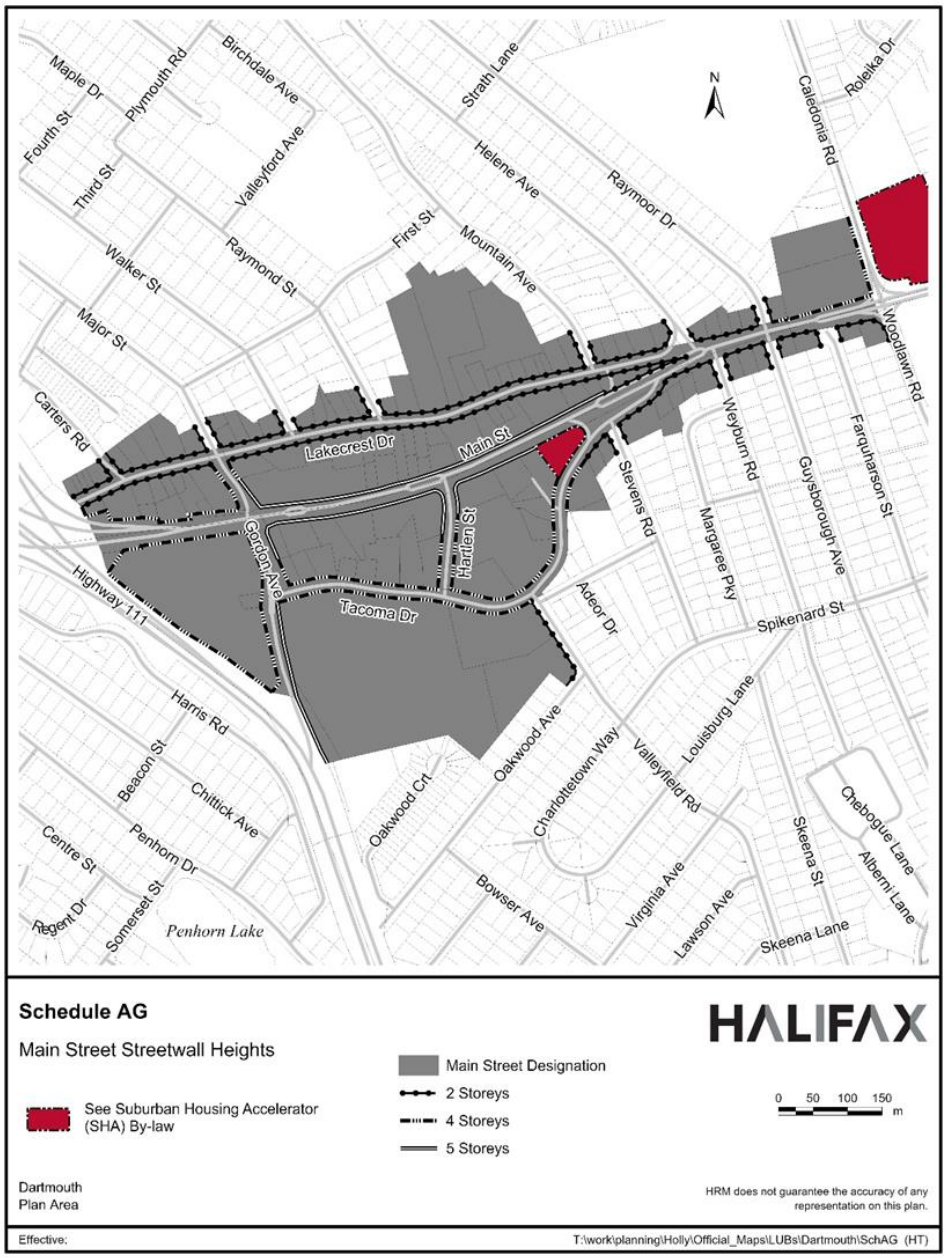
Effective Date: July 25, 2009 | Case 01031 | T:/work/planning/Holly/Official_Maps/LUBs/Dartmouth/SchAD (HK)

Dartmouth Land Use By-Law

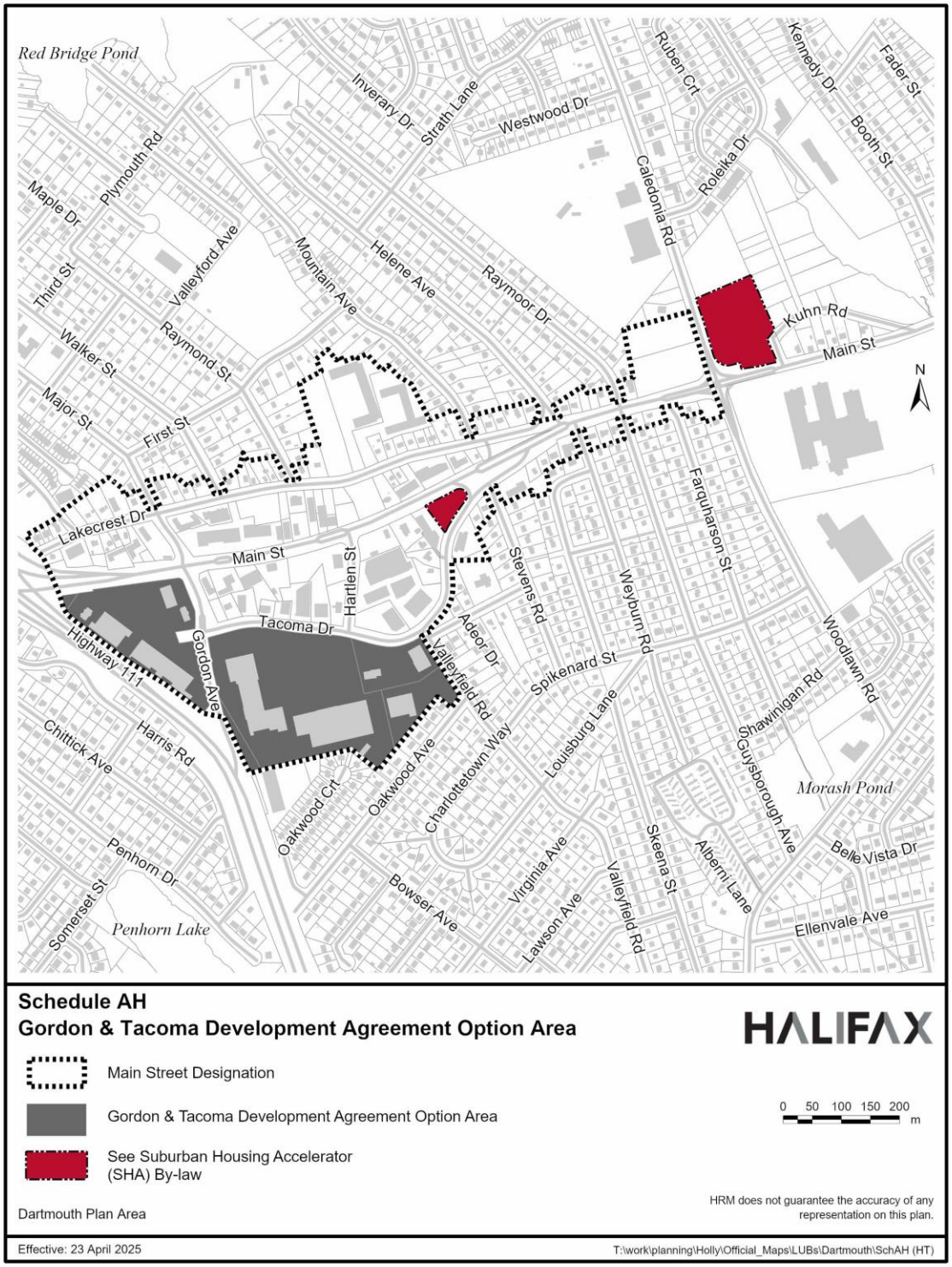
SCHEDULE AF (RC-Sep 10/13;E-Nov 30/13) (RC-May 23/24;E-Jun 13/24) (RC-Mar 18/25; EFF Apr 23/25)



SCHEDULE AG: Main Street Streetwall Heights (PROPOSED MAP AMENDMENT)



SCHEDULE AH: Gordon & Tacoma Development Agreement Option Area (RC-Sep 10/13;E-Nov 30/13) (RC-Mar 18/25; EFF Apr 23/25)



Schedule AH
Gordon & Tacoma Development Agreement Option Area

HALIFAX

Main Street Designation

Gordon & Tacoma Development Agreement Option Area

See Suburban Housing Accelerator (SHA) By-law

0 50 100 150 200 m

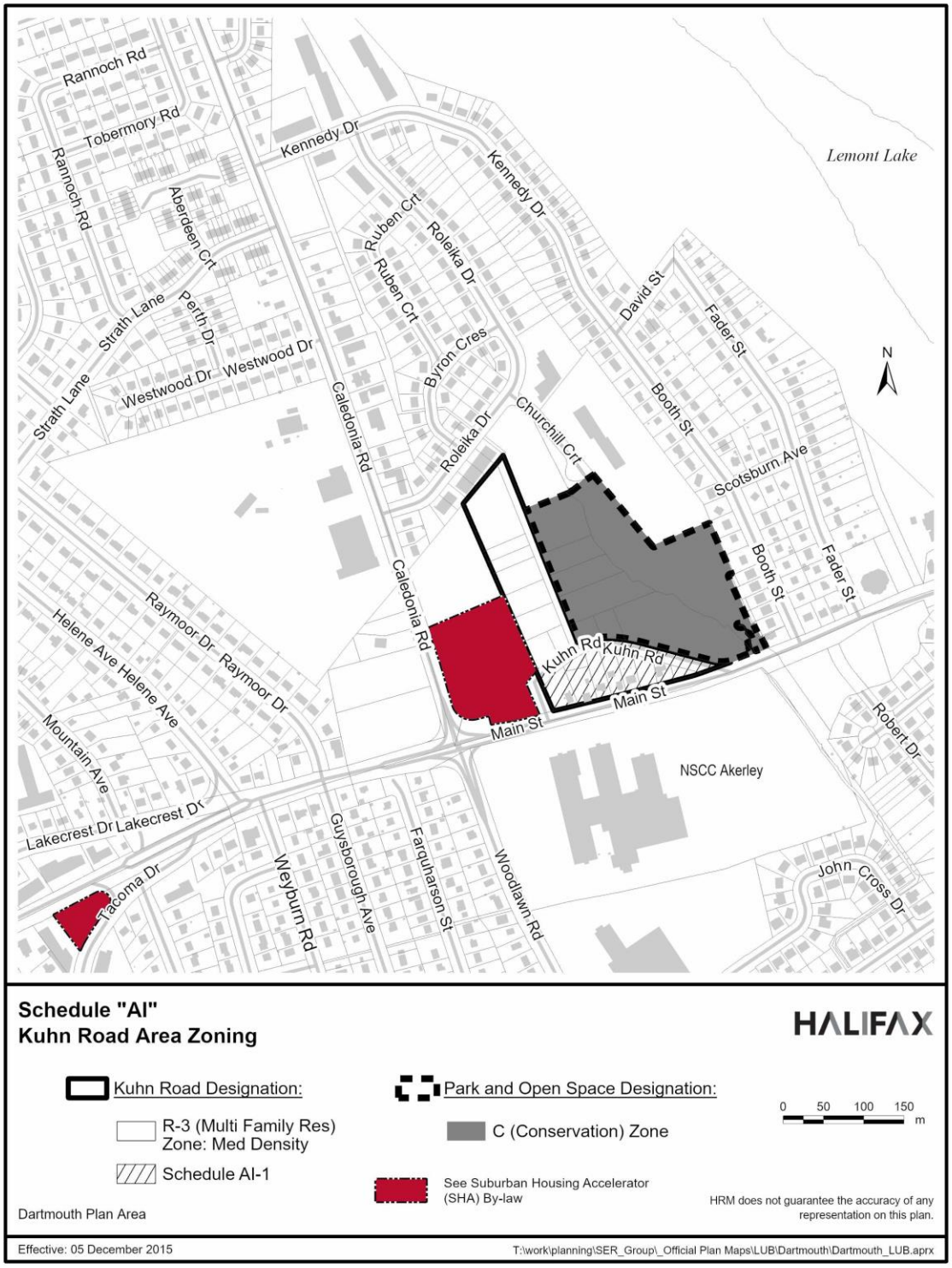
Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan.

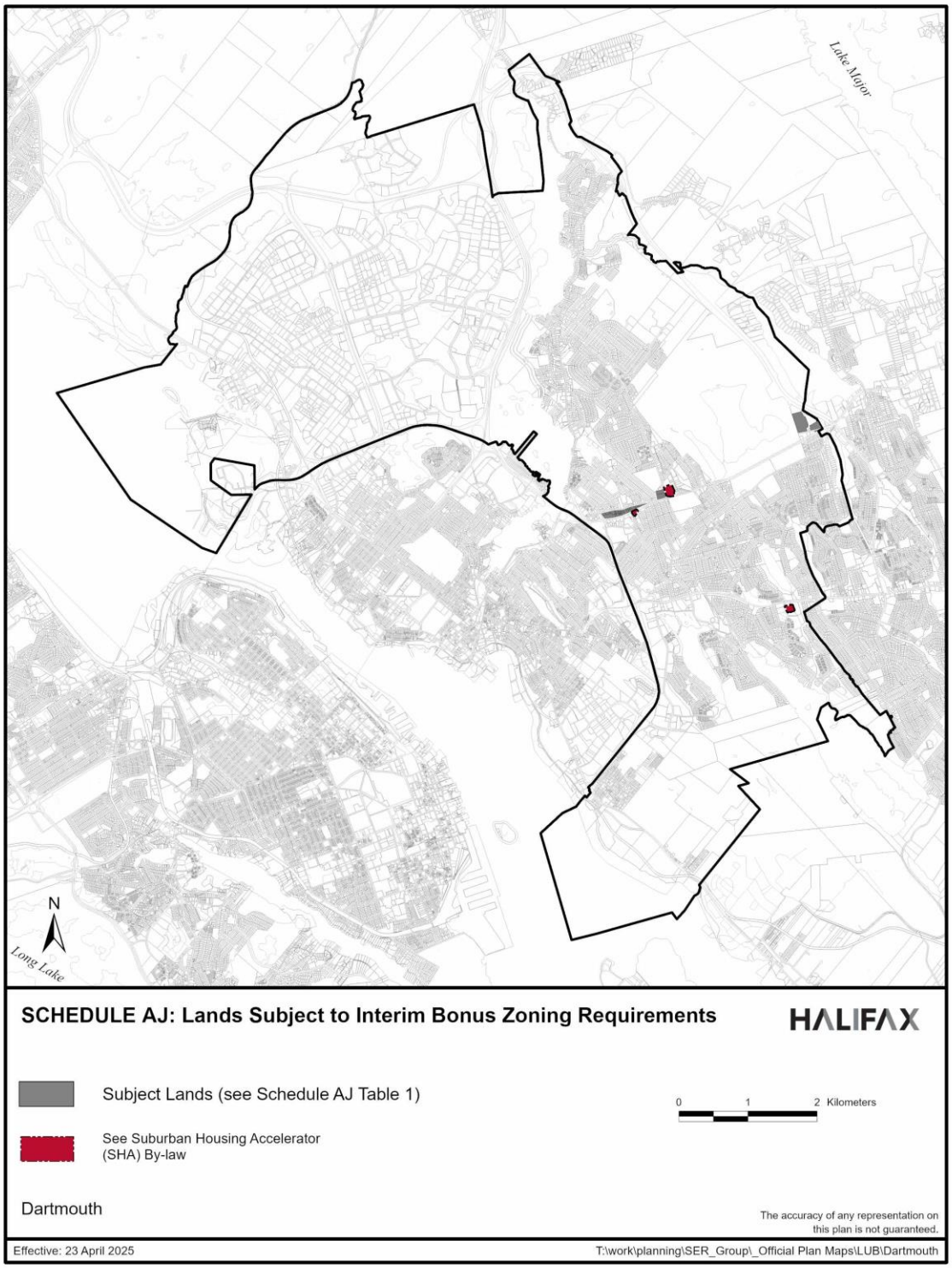
Effective: 23 April 2025

T:\work\planning\Holly\Official_Maps\LUBs\Dartmouth\SchAH (HT)

SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15) (RC-Mar 18/25; EFF Apr 23/25)



Schedule AJ: Lands Subject To Interim Bonus Zoning Requirements (RC-MAR 21/23;E-APR 19/23) (RC-May 23/24;E-Jun 13/24) (RC-Mar 18/25; EFF Apr 23/25)



Schedule AJ, Table 1: Lands Subject To Interim Bonus Zoning Requirements (RC-MAR 21/23;E-APR 19/23) (RC-May 23/24;E-Jun 13/24) (RC-Mar 18/25; EFF Apr 23/25)

Ref. #	Case #	PIDs
SS021 (Case 24660)	2023-01065 (HAF)	40612228, 40612236
SS033	2023-01065 (HAF)	00602474
SS040	2023-01065 (HAF)	40271488, 00191676, 40271504, 40271496
SS157	2023-01065 (HAF)	00191726
SS160	2023-01065 (HAF)	00261917, 41053281
SS201	2023-01065 (HAF)	00191775
N/A	2024-01198 (HAF-2)	00191742, 00191759, 00191718, 40400657, 00191700, 00191684, 40638694, 00191643, 40699258, 00191627, 00191817, 00191825, 00191593, 40279945, 00191585, 00191577, 00191668, 00191783

DRAFT

SECTION 5: NON-CONFORMING USES

<u>NOTE</u>: This section is reproduced from "The Planning Act", Chapter 9, Statutes of Nova Scotia, 1983. (Section 83, 84, 85, 86, 87.)

Non-conforming

83(1) Subject to this Act, a non-conforming structure or a non-conforming use of land or a structure, existing at the date of the first publication of the notice of intention to adopt a land-use by-law or amend or revise a land-use by-law, may continue to exist.

Existing use

83(2) For the purpose of subsection (1), a non-conforming structure or a non-conforming use of land or a structure shall be deemed to be existing if

(a) the non-conforming structure, or structure containing the non-conforming use, was lawfully under construction; or

(b) the permit for its construction or use was in force and effect, except that this clause shall not apply unless the construction or use is commenced within twelve months after the date of the issuance of the permit and is completed in conformity with the permit within a reasonable time. 1983, c. 9, s. 83.

Cancellation of permit

84(1) A council may cancel any permit issued by the municipality in the circumstances of clause (b) of subsection (2) of Section 83, where the construction or use has not been commenced, and shall pay to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans and promotion of the development as may be agreed upon by the parties.

Arbitration

84(2) In the event the parties are unable to agree upon the amount to be paid, the person on whose behalf the permit was obtained may, by written notice, require that the municipality submit the claim to arbitration.

Arbitrator

84(3) The arbitration shall be by one arbitrator appointed by the parties, or appointed by the Minister if they are unable to agree. 1983, c. 9, s. 84.

Restriction on non-conforming use

85(1) No increase in volume of or any addition to a structure shall, except as required by an enactment, be made while a non-conforming use therein is continued, but such use may be extended throughout the structure.

Change in use

85(2) A non-conforming use shall not be changed to any other use unless the use is permitted for that property by the land-use by-law.

Change of occupant

85(3) A change of tenant, occupant or owner of any land or structure shall not of itself be deemed to affect the use of the land or structure for the purposes of this Section.

DRAFT

Repair or Maintenance

85(4) Subject to Section 86, this Act does not preclude the repair or maintenance of a structure. 1983, c. 9, s. 85.

Destruction or damage

86(1) If a non-conforming structure or a structure containing a non-conforming use is destroyed or damaged by fire or otherwise

(a) to an extent of less than seventy-five per cent of the market value of the structure, it may be rebuilt, repaired or re-occupied if the structure is substantially the same as it was before the destruction or damage and it is used for the same non-conforming use; or

(b) to an extent of seventy-five per cent or more of the market value of the structure, it shall not be rebuilt, repaired or re-occupied except in conformity with the requirements of land-use by-law applicable to the property.

Discontinuance

86(2) A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of six months, and in such event the land or structure shall not thereafter be used except in conformity with the requirements of the land-use by-law applicable to the property. 1983, c. 9, s. 86.

Variations in Section 85 or 86 restrictions

87(1) A municipal planning strategy may provide for the variation of the provisions of Section 85 or 86, but no variation shall increase the restrictions in Sections 85 and 86.

Policies

87(2) The policies adopted pursuant to subsection (1) may provide for

(a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;

(b) the extension of a non-conforming use of land;

(c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;

(d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.

87(3) The policies adopted pursuant to this Section may be carried out through the land-use by-law, or by development agreement, and where the council has provided for the latter, Sections 66 to 73 apply mutatis mutandis to any agreement entered into pursuant to this Section. 1983, s. 9, s. 87.

DRAFT

SECTION 6: APPEAL PROCEDURE

<u>NOTE</u>: This section is reproduced from "The Planning Act", Chapter 9, Statutes of Nova Scotia, 1983. (Section 63, 64)

Appeal

63(1) The amendment, revision of refusal by a council to amend or revise the land-use by-law may be appealed by

(a) an aggrieved person;
(b) the applicant;
(c) the Director;
(d) the council of an adjoining municipality.

Service

63(2) An appeal filed pursuant to subsection (1) shall be served on the Board within twenty-one days of the date of publication of the advertisement required under subsection (3) of Section 60 or, in the case of a refusal to amend the land-use by-law, within twenty-one days of the date of the decision of the council.

Determination by Board

63(3) The Board shall determine whether the decision of of the council reasonably carries out the intent of the municipal planning strategy.

Decision by Board

63(4) The Board may

(a) confirm the decision of the council;
(b) allow the appeal by reversing the decision of the council amending or revising the land-use by-law; or
(c) allow the appeal by instructing the council to amend the by-law in the manner prescribed by the Board.

Restriction on decision

63(5) The Board shall not allow the appeal unless the Board determines that the decision of the council cannot reasonably be said to carry out the intent of the municipal planning strategy.

Transitional Restriction

63(6) Where there is an appeal from a decision of council with respect to a zoning by-law in force by Section 112, the Board shall not interfere with the decision unless the decision of the council is inconsistent with or unnecessary for the protection of the best interests of the municipality.

Further Restriction

63(7) Notwithstanding subsections (5) and (6), the Board may allow an appeal by an applicant if, in the opinion by the Board;

(a) the applicant would suffer undue hardship; or

DRAFT

(b) extraordinary and compelling circumstances are present.

Exception

63(8) Notwithstanding subsection (1), an amendment to a land-use by-law are pursuant to clause (c) of subsection (4) is not subject to an appeal pursuant to this Section. 1983, c. 9, s. 63.

By-law

64 The provisions of a land-use by-law are severable and the illegality of any part does not affect the validity of the remainder of the by-law. 1983, c. 9, s. 64.

DRAFT

APPENDIX A: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar 21/23;E-Apr 19/23)

Definitions

1. For the purpose of Appendix A and Schedule AJ the following definitions shall apply:

(a) ACCESSORY STRUCTURE means a structure that is:
- **(i) subordinate, incidental, and devoted to a main use or structure, and**
- **(ii) not attached to any main building;**

(b) AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

(c) APPLICANT means any person, including an owner, applying for a development permit, or development agreement;

(d) APPRAISER means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.

(e) BUILDING means every continuous enclosed area with exterior walls on a lot that:
- **(i) is built, erected, and framed of a combination of materials,**
- **(ii) is either portable or fixed,**
- **(iii) has a roof,**
- **(iv) forms a structure for the shelter of persons, animals, or property, and**
- **(v) is located, in whole or in part, above or below grade;**

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and *the Nova Scotia Building Code Act*; (NWCC-Feb 20/24;E-Mar 6/24)

(f) FLOOR AREA means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
- **(i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,**
- **(ii) any floor area below a ground floor of a building or parking structure,**
- **(iii) elevator shafts,**
- **(iv) accessory structures,**
- **(v) rooftop greenhouses,**
- **(vi) any space open to a floor below, and**
- **(vi) pedways;**

(g) GREENHOUSE means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

(h) INCENTIVE OR BONUS ZONING means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements

DRAFT

or undertakes other action, in the public interest, as specified in the requirements;

(i) INCENTIVE OR BONUS ZONING AGREEMENT means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;

(j) NOT-FOR-PROFIT ORGANIZATION MEANS:

(i) a society incorporated pursuant to the Societies Act,R.S.N.S.1989 c.435, as amended,

(ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,

(iii) a non-profit association to which the Co-operative Associations Act applies,

(iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or

(v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;

(k) PARKING STRUCTURE means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;

(l) PEDWAY means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;

(m) PREMISES means a structure or portions of a structure occupied by a use;

(n) PROFESSIONAL ARTIST means an artist who:

(i) has proven, specialized training in an artistic field,

(ii) is recognized as a professional by their peers who are working in the same artistic tradition, and

(iii) has a history of public presentation or publication;

(o) PUBLIC ART means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;

(p) REGISTERED CANADIAN CHARITABLE ORGANIZATION means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

(q) REGISTERED HERITAGE BUILDING means a building on a registered heritage property that:

(i) has been registered pursuant to the *Heritage Property Act*, and

(ii) contributes to the character-defining elements on the registered heritage property; and

(r) REGISTERED HERITAGE PROPERTY means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

<u>Requirement to Provide a Public Benefit for Bonus Zoning</u>

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule AJ: Lands Subject to Interim Bonus Zoning Requirements.

3. Incentive or bonus zoning shall not be required for developments identified on Schedule AJ if the Development Officer is satisfied that:

(a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;

(b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;

(c) a minimum of 60% of the development is for housing; and

(d) the property that is the subject of the application is solely owned by one or a combination of the following:

(i) the applicant,

(ii) the Municipality,

(iii) the Provincial Government,

(iv) the Federal Government, or

(v) an agent of the Provincial or Federal Government.

4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.

5. Subject to section 3, no development permit shall be issued where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office. (NWCC-Feb 20/24;E-Mar 6/24)

(b) Deleted (NWCC-Feb 20/24;E-Mar 6/24)

5A Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement. (NWCC-Feb 20/24;E-Mar 6/24)

<u>Public Benefit Value</u>

6. (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.

(2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.

7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:

(a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;

(b) Factor #2 is 0.20; and

(c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in

Section 11.

8. (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.

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

(3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.

(4) The cost of any appraisal shall be paid for by the applicant.

(5) The terms of reference for the appraisal shall be determined solely by the Municipality.

(6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:

(a) where there is one appraisal, the monetary value of the land from that appraisal; or
(b) where there are two appraisals, the average monetary values of the land from the two appraisals.

<u>Deadline to Complete Public Benefit</u>

10. Any required public benefit shall be completed by the applicant prior to certificate of occupancy being issued or as specified in the applicable development agreement. (NWCC-Feb 20/24;E-Mar 6/24)

(a) Repealed (NWCC-Feb 20/24;E-Mar 6/24)
(b) Repealed (NWCC-Feb 20/24;E-Mar 6/24)

<u>Bonus Zoning Rate</u>

11. The bonus zoning rate for the area identified on Schedule AJ is $162/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

<u>Bonus Zoning Rate Adjustments</u>

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on

April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.

(2) The bonus zoning rate shall be adjusted using the method specified as follows:

<u>Step 1:</u> The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

(a) using the formula:
(A/B x 100) minus 100 = percentage change in CPI

(b) where:

(i) "A" is the previous year's Halifax All-Items Consumer Price Index, and

(ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

<u>Step 2:</u> The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

<u>Step 3:</u> The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.

14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.

(2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

<u>Public Benefit: Money-in-Lieu for Affordable Housing</u>

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.

(2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:

(a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or

registered Canadian charitable organization;

(b) the acquisition of buildings, housing units, or properties for affordable housing;

(c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;

(d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or

(e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:

(a) additional money-in-lieu for affordable housing;

(b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;

(c) money-in-lieu for the conservation of a registered heritage building; or

(d) the conservation of a building located within a heritage conservation district;

(e) money-in-lieu for the acquisition or improvement of municipal parks;

(f) money-in-lieu for affordable community or cultural indoor space;

(g) money-in-lieu for public art; or

(h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:

(a) a registered heritage building that is on the site of the development; or

(b) a building within a heritage conservation district that is on the site of the development.

(2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.

18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:

(a) be located on the site of the development, and allow direct public access or

viewing of the public art;

(b) be designed by a professional artist; and

(c) have a minimum cost of $100,000.

20. The following items shall not qualify as public art under Clause 16(h):

(a) interpretive, wayfinding, or other functional signage;

(b) branding or promotional projects;

(c) plaques and supporting infrastructure;

(d) stock and mass-produced items;

(e) memorials, where:

(i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,

(ii) the memorial has not been designed and created by a professional artist, or

(iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or

(f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

Incentive or Bonus Zoning Agreement

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:

(a) the identification of the development site;

(b) design drawings, provided by the applicant, for any required or provided public benefit;

(c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;

(d) the identification of any conditions required by the Municipality before the public benefit is accepted;

(e) where required, provisions for the auditing and reporting of public benefits; and

(f) any other terms or conditions the Development Officer requires.

22. An incentive or bonus zoning agreement shall be signed by the owner.

23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

(a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;

(b) discharge an incentive or bonus zoning agreement, in whole or in part, in

DRAFT

accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and

(c) sign the discharge, including a discharge agreement, on behalf of the Municipality.

24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.

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

DRAFT

SECTION PG: PLANNED GROWTH (Special Area Task Force-Jan 26/23;E-Feb 3/23)

DRAFT

PART I: ADMINISTRATION

DRAFT

Part I, Chapter 1: General Administration

Introduction

PG-1 The Planned Growth Section enables:

(a) as-of-right development; and
(b) specific developments by development agreement.

Title

PG-2 This Section is cited as the Planned Growth Section of the Dartmouth Land Use By-law.

Lands Governed by the Planned Growth Section

PG-3 The Planned Growth Section applies to the properties shown on Schedule PG-1.

Compliance with the Planned Growth Section

PG-4 (1) The provisions of the Planned Growth Section shall apply to all properties and all developments located within the boundaries shown on Schedule PG-1.

(2) A person shall comply with the Planned Growth Section, even if a development is exempt from the requirement for a development permit contained in Section PG-10.

(3) Any person who violates a provision of the Planned Growth Section shall be subject to prosecution as provided for by Section 369 of the Charter.

(4) All developments shall be completed in accordance with the development permit.

(5) In the Planned Growth Section, any use not permitted in a particular zone, as shown in Table PG-1, is prohibited.

Requirement for a Development Permit

PG-5 Subject to Section PG-10, no person shall undertake any development without first obtaining a development permit.

Compliance with Other Legislation and By-laws

PG-6 (1) The Planned Growth Section does not exempt any person from any other enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.

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

DRAFT

Administration by the Development Officer

PG-7 The Planned Growth Section shall be administered by the Development Officer.

Applicability of the Planned Growth Section with a Development Agreement for the Port Wallace Lands

PG-8 For the Port Wallace Lands, as shown on Schedule PG-1, the following zones shall apply together with their respective zone-specific requirements:

(a) In the absence of a development agreement, the entire Port Wallace Lands shall:
- (i) fall under the PW-CDD zone, as shown on Schedule PG-2, and
- (ii) the PW-CDD zone-specific requirements continue to apply; or

(b) In the presence of a development agreement that is applied to the Port Wallace Lands, in whole or in part:
- (i) the zones that are shown on the land use schedule that is attached to the said development agreement shall be deemed to replace the underlying PW-CDD zone for the purpose of specifying zone-specific requirements, so long as the development agreement continues to be in effect, and
- (ii) the zone-specific requirements for these zones shall be those contained under the Planned Growth Section.

Comprehensive Development District Agreement

PG-9 Subject to Table PG-1 and Part V, Chapter 2, any development within the PW-CDD zone shall require a development agreement.

DRAFT

Part I, Chapter 2: Development Permit

Development Permit Exemptions

PG-10 (1) Subject to Subsection PG-10(2), the following developments are exempt from the requirement to obtain a development permit:

(a) accessory structures that are 20.0 square metres of floor area or less, unless used as a backyard suite use;
(b) excluding foundations, piles, and footings, uncovered structures less than 0.6 metre in height, such as decks and patios;
(c) home office uses;
(d) temporary uses;
(e) excluding temporary rock crushers, temporary construction uses;
(f) fences;
(g) the construction, replacement, or repair of infrastructure by utilities or municipal, provincial, or federal governments;
(h) public transit shelters;
(i) any sign exempted under Section PG-208;
(j) monument uses on municipally, provincially, or federally owned land;
(k) the painting of buildings;
(l) the replacement of windows and doors within existing openings;
(m) urban farm uses;
(n) the keeping of egg-laying hens as an accessory use;
(o) the keeping of bees as an accessory use;
(p) short-term bedroom rental use; and
(q) short-term rental use.

(2) Even where a development permit is not required, a development shall meet all applicable requirements contained in the Planned Growth Section.

Development Permit Applications

PG-11 A development permit application shall include documents and plans, drawn to scale, that include the following, where applicable:

(a) floor plans with dimensions shown and all rooms labelled with their intended use;
(b) elevation drawings with:
  (i) height measurements and dimensions shown for all sides of proposed structures,
  (ii) external cladding material type and detail labelled, and
  (iii) any architectural details where required;
(c) roof plans;
(d) a site plan showing:
  (i) lot dimensions and lot lines,
  (ii) the location of all existing and proposed structures and uses,
  (iii) setbacks,
  (iv) the location and dimensions of all parking lots, parking spaces, driveways, driving aisles, off-street loading spaces, and parking lot entrances and

DRAFT

exits,
(v) the location and dimensions of all pedestrian walks and walkways,
(vi) the location of hard landscaping and soft landscaping, and
(vii) the location of solid waste management areas;

(e) where a watercourse, or a wetland that is contiguous to a watercourse, exists and is located on the lot where a development is being proposed or within 60.0 metres of the lot where a development is being proposed, a site plan which shows the following:
(i) the location of any watercourse,
(ii) the location of any wetland that is contiguous to a watercourse,
(iii) the required watercourse buffer,
(iv) existing vegetation limits, and
(v) where required by the Development Officer, land contours with lot grading information, certified by a surveyor or professional engineer;

(f) the location of all wetlands within or adjacent to the lot where a development is being proposed;

(g) the location of bicycle parking areas;

(h) the location of building utilities;

(i) the location of all exterior lighting;

(j) excluding height-exempted building rooftop features under Section PG-68 or any building that is located at a distance greater than 40.0 metres from a streetline, for a new building or an addition to an existing building that results in a building greater than 20.0 metres in height:
(i) a pedestrian wind impact assessment report that meets the protocol contained in Appendix PG-1, and is prepared by a professional engineer, and
(ii) if the pedestrian wind impact assessment report recommends on-site wind mitigation measures, then the measures that are recommended must be implemented in the design and construction of the building;

(k) excluding any developments located within the PW-LDR or PW-CH zone, or any development in a PW-CDD zone that does not require a development agreement, a landscape plan that meets the requirements of Section PG-181, for:
(i) a new building equal to or greater than 2,000 square metres, or
(ii) an addition equal to or greater than 1,000 square metres; and

(l) any other information that the Development Officer requires to determine if the development complies with the Planned Growth Section.

Approval

PG-12 The Development Officer shall issue a development permit where the development meets:

(a) the requirements of the Planned Growth Section; or
(b) the terms of an approved development agreement.

Expiry

PG-13 A development permit shall expire 24 months from the date it is issued.

DRAFT

Revocation

PG-14 The Development Officer may revoke a development permit if:

(a) the development is not in accordance with:
  (i) the Planned Growth Section,
  (ii) the plans associated with the approved development permit, or
  (iii) an approved development agreement;
(b) the permit was issued based on incorrect information provided by the applicant when applying for a development permit; or
(c) the permit was issued in error.

Fees

PG-15 The fees for applications under the Planned Growth Section shall be set out by Administrative Order.

DRAFT

Part I, Chapter 3: Non-Conforming Structures and Uses

Non-Conforming Structures

PG-16 (1) In any zone, the restrictions in the Charter respecting non-conforming structures that are not primarily used for residential purposes are relaxed by allowing them to be extended, enlarged, or altered if the extension, enlargement, or alteration does not further increase a non-conformity with a requirement of the Planned Growth Section.

(2) In any zone, on a lot that contains a structure that is primarily used for residential purposes, the restrictions in the Charter respecting non-conforming structures are relaxed by allowing them to be extended, enlarged, altered, or reconstructed if the extension, enlargement, alteration, or reconstruction does not further increase a non-conformity with a requirement of the Planned Growth Section.

Non-Conforming Uses

PG-17 (1) This Section relaxes certain non-conforming uses in accordance with Section 257 of the Charter.

(2) Where a non-conforming use in a structure exists, the volume of the structure containing that non-conforming use may be extended, enlarged, or altered, providing:

(a) the structure is located in a PW-CDD or a PW-LDR zone;
(b) the extension, enlargement, or alteration to the volume of the structure is used as a non-conforming low-density dwelling use; and
(c) all other applicable requirements of the Planned Growth Section are met.

(3) Where a non-conforming use in a structure exists, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, up to one-hundred percent of the market value of the building including its foundation, providing:

(a) the structure is located in a PW-CDD or a PW-LDR zone;
(b) the non-conforming use is a low-density dwelling use and that use will occupy the rebuilt, replaced, or repaired structure; and
(c) all other applicable requirements of the Planned Growth Section are met.

(4) Where a non-conforming use in a structure exists, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, up to one hundred percent of the market value of the building including its foundation, providing:

(a) the structure is located in a PW-CDD or a PW-LDR zone;
(b) the rebuilt, replaced, or repaired structure is substantially the same as it was before the destruction or damage; and

DRAFT

(c) the non-conforming use is a multi-unit dwelling use and that use will occupy the rebuilt, replaced, or repaired structure.

DRAFT

Part I, Chapter 4: Variances

Variances

PG-18 A variance may be considered under Subsection 250(1) of the Charter.

Part I, Chapter 5: Interpretation of the Planned Growth Section

Diagrams

PG-19 All diagrams in the Planned Growth Section are:

(a) for explanatory purposes only;
(b) do not form a part of this By-law; and
(c) not to scale.

Defined Terms

PG-20 All terms not defined in Part XI of the Planned Growth Section, in the Charter, or by the Nova Scotia Interpretation Act shall have their ordinary and grammatical meaning.

More Restrictive Requirement Applies

PG-21 Where two or more requirements of the Planned Growth Section conflict, the more restrictive requirement applies.

DRAFT

Part I, Chapter 5: Interpretation of the Planned Growth Section

Diagrams

PG-19 All diagrams in the Planned Growth Section are:

(a) for explanatory purposes only;
(b) do not form a part of this By-law; and
(c) not to scale.

Defined Terms

PG-20 All terms not defined in Part XI of the Planned Growth Section, in the Charter, or by the Nova Scotia Interpretation Act shall have their ordinary and grammatical meaning.

More Restrictive Requirement Applies

PG-21 Where two or more requirements of the Planned Growth Section conflict, the more restrictive requirement applies.

DRAFT

Part I, Chapter 6: Schedules and Appendices

List of Schedules and Appendices

PG-22 (1) The following schedules form part of the Planned Growth Section:

(a) Schedule PG-1: Port Wallace Boundary;
(b) Schedule PG-2: Zone Boundaries;
(c) Schedule PG-3: Wind Energy Overlay Zone Boundaries;
(d) Schedule PG-4: Wetlands; and
(e) Schedule PG-5: Areas of Elevated Archaeological Potential.

(2) The following appendices form part of the Planned Growth Section:

(a) Appendix PG-1: Pedestrian Wind Impact Assessment Protocol; and
(b) Appendix PG-2: Invasive or Highly Toxic Plant Species.

DRAFT

PART II: ZONES

DRAFT

Part II, Chapter 1: Establishment of Zones

List of Zones

PG-23 The Planned Growth Section establishes:

(a) Port Wallace Comprehensive Development District (PW-CDD) zone, as shown on Schedule PG-2; and
(b) the following zones, which are applied within the development agreement for the Port Wallace Lands:
  (i) Port Wallace Centre (PW-CEN),
  (ii) Port Wallace Higher-Order Residential (PW-HR),
  (iii) Port Wallace Low-Density Residential (PW-LDR),
  (iv) Port Wallace Cluster Housing (PW-CH),
  (v) Port Wallace Park and Community Facility (PW-PCF), and
  (vi) Port Wallace Conservation (PW-CON).

Interpretation of Zone and Precinct Boundaries

PG-24 The location of a zone or height precinct boundary shown on a schedule of the Planned Growth Section is determined as follows:

(a) Where a zone or height precinct boundary is indicated as following a street, the boundary shall be the streetline;
(b) Subject to Clause PG-24(c), where a zone or height precinct boundary is indicated as following a street, the boundary shall follow any change made by the Municipality or the Province to the streetline;
(c) Where any portion of a street is closed to public use, the former street lands shall be assigned a zone or height precinct as follows:
  (i) where the abutting lands are part of a single zone or height precinct, the former street lands are assigned the same zone or height precinct as the abutting lands, or
  (ii) where the abutting lands are part of more than one zone or height precinct, the centreline of the former street becomes a boundary, and the lands on each side of the boundary are assigned the same zone or height precinct as the abutting lands;
(d) Where a zone or height precinct boundary is shown following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision after the coming into force date of the Planned Growth Section, the boundary shall remain unchanged and as shown on the appropriate schedule;
(e) Where a zone or height precinct boundary is shown not following lot lines, the boundary is as shown on the appropriate schedule, and if the lot lines are modified by subdivision after the coming into force date of the Planned Growth Section, the boundary shall remain unchanged and as shown on the schedule;
(f) Where a zone or height precinct boundary follows a shoreline and where infill occurs, the boundary shall follow the new ordinary high water mark;
(g) Where a building is constructed over water beyond the limits of the shoreline, any portion of a building constructed over water shall be included in the same zone or height precinct as the on-shore portion of the same lot;

DRAFT

(h) Where Clauses PG-24(a) to PG-24(g) do not apply, the boundary is as shown on the appropriate schedule referenced within the Planned Growth Section; and

(i) Where a transportation reserve is applied to an area of land, Section 239 of the Charter applies.

DRAFT

Part II, Chapter 2: Zones and Permitted Uses

Interpretation of Permitted Uses

PG-25 Subject to Sections PG-26 and PG-28, and except for transportation reserves, which are addressed in Section PG-27, the use of land is regulated as follows:

(a) The first column of Table PG-1 list each use;
(b) The remaining columns of Table PG-1 correspond to each zone;
(c) Header cells shaded black with white text within Table PG-1 (e.g., "**RESIDENTIAL**", "**COMMERCIAL**") are for organizational purposes only;
(d) Each use listed in Table PG-1 is defined in Part XI;
(e) A black dot (˜) within Table PG-1 indicates that the use in that row is permitted in the zone of that column, and subject to all other applicable provisions of the Planned Growth Section;
(f) A white circle containing a number in black text (e.g., ①) within Table PG-1 indicates that the use in that row is permitted in the zone of that column, subject to additional conditions in a corresponding footnote below Table PG-1, and subject to all other applicable provisions of the Planned Growth Section;
(g) The absence of a black dot (˜), or a white circle containing a number in black text (e.g., ①), indicates that the use in that row is prohibited in the zone of that column; and
(h) Where a use is defined in Part XI, the definition may be deemed to include any similar use, except where expressly excluded.

Additional Provisions Elsewhere in the Planned Growth Section

PG-26 No development permit shall be issued for a use permitted in Table PG-1, unless the use meets all applicable requirements of the Planned Growth Section.

Uses in a Transportation Reserve

PG-27 All development is prohibited in a transportation reserve.

Obnoxious Uses Prohibited

PG-28 No owner or occupier of a lot shall undertake or conduct any obnoxious use.

DRAFT

Table PG-1: Permitted uses by zone (PW-CDD, PW-CEN, PW-HR, PW-LDR, PW-CH, PW-PCF, and PW-CON)

RESIDENTIAL	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Single-unit dwelling use	●			●	●		
Semi-detached dwelling use				●			
Townhouse dwelling use				①			
Two-unit dwelling use				●			
Three-unit dwelling use				①			
Four-unit dwelling use				①			
Multi-unit dwelling use		●	●				
Secondary suite use				●			
Backyard suite use				●			
Small shared housing use		●	●	●	●		
Large shared housing use		●	●		●		
Home occupation use	●	③	③	●	●		
Home office use	●	●	●	●	●		
Work-live unit use		●	●				
Grade-related dwelling unit use		●	●				
Model suite use		●	●	●	●		
Cluster housing use					●		
Short-term bedroom rental use		●	●	●	●		
Short-term rental use		●	●	●	●		
COMMERCIAL	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Broadcast and production studio use		●					
Cannabis lounge use		●					
Cannabis retail sales use		●					
Casino use							
Catering use		●	②				
Commercial recreation use							
Dealership use							
Drinking establishment use		●					
Financial institution use		●					
Fitness centre use		●	②				
Garden centre use		●					
Grocery store use		●					
Hotel use		●					
Kennel use							
Local commercial use		●	②				
Local drinking establishment use		●					
Makerspace use		●	②				
Micro-brewery use		●					
Micro-distillery use		●					
Office use		●					
Pawn shop use		●					
Personal service use		●	②				
Pet daycare use		●	②				
Quick charging station use		●					
Restaurant use		●	②				
Retail use		●					
Self-storage facility use		●	②				
Service station use		●					
Service use		●					
Studio use		●	②				
Veterinary facility use		●	②				
Any other commercial use (if not prohibited above)		●					

DRAFT

URBAN AGRICULTURE	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Educational farm use						●	
Farmers' market use		●	●			●	
Urban farm use	●	●	●	●	●	●	
INSTITUTIONAL	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Convention centre use		●					
Cultural use		●	●			●	
Daycare use		●	●	④	④	●	
Emergency services use		●	●				
Hospital use							
Library use		●	●			●	
Minor spectator venue use		●				●	
Major spectator venue use						●	
Medical clinic use		●	②				
Public building use		●				●	
Religious institution use		●	●				
School use		●	●			●	
Shelter use		●	●				
University or college use		●					
INDUSTRIAL	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Auto repair use							
Cannabis production facility use							
Car wash use		●					
Crematorium use							
Data storage centre use		●					
Industrial training facility use							
Light manufacturing use							
Marine-related use							
Marine-related use existing on the coming into force date of the Planned Growth Section							
Recycling depot use		●					
Research and development facility use		●					
Storage yard use							
Warehousing use							
Wholesale food production use		●					
Wholesale use							
PARK AND COMMUNITY FACILITIES	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Cemetery use						●	
Club recreation use		●	●			●	
Community recreation use		●	●	●	●	●	
Conservation use	●	●	●	●	●	●	●
Park use	●	●	●	●	●	●	●
WATER ACCESS	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Water access structure use	●	●	●	●	●	●	
MILITARY	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Military use							
OTHER	**PW-CDD**	**PW-CEN**	**PW-HR**	**PW-LDR**	**PW-CH**	**PW-PCF**	**PW-CON**
Accessory structure or use	●	●	●	●	●	●	●
Existing uses	●						
Historic site or monument use		●	●	●	●	●	●
Parking structure use		●	●			●	
Temporary construction use	●	●	●	●	●	●	
Temporary use		●				●	
Transportation facility use	●	●	●	●	●	●	

DRAFT

Utility use	●	●	●	●	●	●	●
PROHIBITED IN ALL ZONES	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Adult entertainment use							
C&D transfer, processing, and disposal use							
Heavy industrial use							
Salvage use							

① Use is permitted except where it abuts a lot that is located outside of the Port Wallace Lands, as shown on Schedule PG-1, and contains a single-unit dwelling use.
② Use is permitted within a mixed-use building that has no less than 75% of its floor area occupied by residential uses.
③ Use is permitted within a grade-related dwelling unit use only.
④ Use is permitted in accordance with the requirements of Section PG-38.

DRAFT

PART III: LAND USE

DRAFT

Part III, Chapter 1: General Land Use Requirements

Access Uses Prohibited

PG-29 It is prohibited to access a use in one zone from a different zone, unless:

(a) the use being accessed is permitted in both zones; or
(b) the access from one zone to a different zone is specifically permitted in Table PG-1.

Exterior Lighting

PG-30 Exterior lighting shall not be directed towards abutting lots or streets.

Recreational Vehicles

PG-31 Excluding when used as a temporary construction use, a recreational vehicle shall not be used as a dwelling unit or a backyard suite use.

Cannabis-Related Uses

PG-32 (1) Cannabis retail sales uses and cannabis lounge uses are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

(2) Where a lot containing a cannabis production facility use abuts any lot containing a residential use, daycare use, community recreation use, school use, or religious institution use, the cannabis production facility use, including any building or storage yard, shall be set back no less than 70.0 metres from the lot line that abuts such use.

Temporary Rock Crushers

PG-33 (1) Subject to Subsection PG-33(2), a development permit is required for a temporary rock crusher and shall be valid for the time specified on such permit and which shall not exceed 60 calendar days from the time the permit is issued. The development permit for a temporary rock crusher may be renewed for a period of not longer than 30 calendar days at a time, if the Development Officer determines that an extension is warranted.

(2) A development permit for the use of a temporary rock crusher accessory to the construction of primary or secondary services, pursuant to the HRM Regional Subdivision By-Law, shall be valid for any period not exceeding the construction time schedule specified in the subdivision agreement, as amended.

(3) A temporary rock crusher shall only be used at:

(a) the site of demolition of a structure;
(b) the site of construction of primary or secondary services, pursuant to the HRM Regional Subdivision By-Law; or

DRAFT

(c) the site of a development permitted by the Planned Growth Section.

(4) A temporary rock crusher shall not be located within 3.0 metres of any lot line.

(5) A temporary rock crusher shall not be located within 10.0 metres of any building used for a residential use or an institutional use, except for temporary rock crushers used to construct public infrastructure.

(6) Subject to Subsection PG-33(7), a temporary rock crusher shall not be used to process material for export to another site, or to process material imported to the site.

(7) A temporary rock crusher may be used to process demolished material for export to a disposal site, if the requirements of HRM By-law L-200, the C&D Materials Recycling and Disposal License By-law, as amended from time to time, are met.

Solid Waste Management Areas

PG-34 (1) For any building in a PW-CEN zone:

(a) that contains commercial uses only, excluding a hotel use, any outdoor solid waste management areas shall be located in a courtyard, side yard, or rear yard, and shall not be located within 3.5 metres of any lot line abutting a low-density residential use (Diagram PG-12);

(b) that contains residential uses only and is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building;

(c) that contains a combination of residential and commercial uses and is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building; or

(d) that contains a residential use and is less than 2,000 square metres in floor area, any outdoor solid waste management areas shall be located in a courtyard, side yard, or rear yard, and shall not be located within 3.5 metres of any lot line abutting a low-density residential use (Diagram PG-12).

(2) For any building in a PW-HR zone:

(a) that is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building; or

(b) that contains a residential use and is less than 2,000 square metres in floor area, any outdoor solid waste management areas shall be located in a courtyard, side yard, or rear yard, and shall not be located within 3.5 metres of any lot line abutting a low-density residential use (Diagram PG-12).

(3) For any development in a PW-CH zone that exceeds six cluster housing dwelling

DRAFT

units, outdoor solid waste management areas shall be located in a side or rear yard, and shall not be located within 3.5 metres of any lot line abutting a low-density residential use (Diagram PG-12).

(4) Screening requirements for outdoor solid waste management areas are contained in Section PG-175.

DRAFT

Part III, Chapter 2: Residential Use Requirements

Combination of Uses in a PW-CDD, PW-LDR, or PW-CH Zone

PG-35 Where permitted in Table PG-1, only one of the following uses shall be permitted, at any time, on a lot in a PW-CDD, PW-LDR, or PW-CH zone:

(a) home occupation use; or
(b) daycare use.

Home Occupation Uses

PG-36 (1) Excluding a home occupation use contained within a grade-related dwelling unit or a cluster housing use, a home occupation use shall:

(a) be limited to one per lot; and
(b) not be permitted within a multi-unit dwelling use.

(2) The following uses are permitted as a home occupation use:

(a) broadcast and production studio use;
(b) catering use;
(c) makerspace use;
(d) grooming and haircutting salon;
(e) medical clinic use;
(f) office use;
(g) pet daycare use, limited to a maximum of 5 animals;
(h) pet grooming;
(i) studio use;
(j) tailoring and shoe repair;
(k) tattooing; or
(l) tutoring.

(3) The retailing of products that are accessory to a permitted home occupation use, listed in Subsection PG-36(2), is permitted.

(4) The principal operator of a home occupation use shall reside on the lot where the use is located.

(5) The number of permitted employees for a home occupation use, that are not a resident of the lot, is limited to one.

(6) Any home occupation use shall be wholly contained within a dwelling unit or an accessory structure.

(7) Excluding permitted signage, a home occupation use shall not be apparent from the outside of the dwelling unit or the accessory structure.

(8) The maximum floor area for a home occupation use is 35% of the dwelling unit's

DRAFT

floor area, to a maximum of 50.0 square metres.

(9) Signage requirements for a home occupation use are:

(a) in any PW-CEN or PW-HR zone, contained in Section PG-217; or
(b) in any PW-CDD, PW-LDR, or PW-CH zone, contained in Section PG-218.

(10) Motor vehicle parking requirements for a home occupation use shall comply with Section PG-184.

Home Office Uses

PG-37 (1) Home office uses are permitted in all dwelling units.

(2) The principal operator of a home office use, and any employees, shall reside on the lot where the use is located.

(3) Any home office use shall be wholly contained within a dwelling unit or an accessory structure, and shall not be apparent from the outside of the dwelling unit or accessory structure.

(4) No signage is permitted for a home office use.

Daycare Uses in the PW-LDR or PW-CH Zone

PG-38 Within a PW-LDR or PW-CH zone, a daycare use shall meet the following requirements:

(a) A maximum of one daycare use is permitted on any lot containing a low-density dwelling use or a cluster housing use;
(b) The principal operator of a daycare use shall reside in the dwelling unit where the daycare use is located, and may employ additional staff;
(c) Excluding staff and the principal operator, a maximum of 14 people may attend a daycare use at any time;
(d) Any outdoor recreational spaces or play areas, accessory to a daycare use, shall meet the screening requirements of Subsection PG-174;
(e) Signage for a daycare use shall comply with Section PG-218; and
(f) Motor vehicle parking requirements for a daycare use shall comply with Section PG-184.

Short-Term Rental Uses

PG-39 A short-term rental use shall be permitted in conjunction with a permitted dwelling unit, where that dwelling unit is the primary residence of the short-term rental operator.

DRAFT

Short-Term Bedroom Rental Uses

PG-40 Short-term bedroom rental uses shall be allowed in a permitted dwelling unit, where that dwelling unit is the primary residence of the short-term rental operator, subject to the following additional provisions:

(a) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the establishment;
(b) Not more than three (3) bedrooms may be rented as a short-term bedroom rental at the same time;
(c) The operator of the short-term bedroom rental use shall reside on site while any bedrooms are rented;
(d) Signage requirements for a short-term bedroom rental use are:
  (i) in any PW-CEN or PW-HR zone, contained in Section PG-217, or
  (ii) in any PW-LDR, or PW-CH zone, contained in Section PG-218; and
(e) Motor vehicle parking requirements for a short-term bedroom rental use shall comply with Section PG-184.

Secondary Suite Uses

PG-41 (1) Subject to Subsection PG-41(2), where a secondary suite use is permitted in Table PG-1, a lot may contain a secondary suite use in conjunction with:

(a) a single-unit dwelling use;
(b) a two-unit dwelling use;
(c) a semi-detached dwelling use;
(d) a three-unit dwelling use; or
(e) a townhouse dwelling use.

(2) A lot shall not contain both a secondary suite use and a backyard suite use.

(3) A secondary suite use shall not exceed a floor area of 80.0 square metres.

(4) A secondary suite use shall not be counted towards the dwelling unit total.

Backyard Suite Uses

PG-42 (1) Subject to Subsection PG-42(2), where a backyard suite use is permitted in Table PG-1, a lot may contain a backyard suite use, within the rear yard only, in conjunction with:

(a) a single-unit dwelling use;
(b) a two-unit dwelling use;
(c) a semi-detached dwelling use;
(d) a three-unit dwelling use; or
(e) a townhouse dwelling use.

DRAFT

(2) A lot shall not contain both a secondary suite use and a backyard suite use.

(3) A backyard suite use shall meet the accessory structure built form and siting requirements of Sections PG-138 to PG-143 and Section PG-145.

(4) A backyard suite use shall have unobstructed access to a street on the same lot on which the backyard suite is located.

(5) A backyard suite use shall not be counted towards the dwelling unit total.

Maximum Number of Bedrooms for Small Shared Housing Uses in the PW-LDR Zone

PG-43 On any lot zoned PW-LDR, a small shared housing use shall be limited to a maximum of 10 bedrooms.

Dwelling Unit Mix – New Buildings and Additions in a PW-HR Zone

PG-44 (1) In a PW-HR zone, a new building or an addition to an existing building that results in 40 dwelling units or more shall provide a dwelling unit mix of

(a) no less than 20% of all dwelling units shall be required to contain a minimum of two bedrooms; and
(b) no less than 5% of all dwelling units shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

(a) in Subsection PG-44(1), shall be rounded up to the nearest whole number; and
(b) in Clause PG-44(1)(b), shall not be counted towards the requirement of Clause PG-44(1)(a).

Dwelling Unit Mix – Internal Conversions in a PW-HR Zone

PG-45 (1) In a PW-HR zone, a change of use in an existing building that results in 40 dwelling units or more, shall provide a dwelling unit mix of:

(a) no less than 20% of all dwelling units shall be required to contain a minimum of two bedrooms, and
(b) no less than 5% of all dwelling units shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

(a) in Subsection PG-45(1), shall be rounded up to the nearest whole number; and
(b) in Clause PG-45(1)(b)), shall not be counted towards the requirement of Clause PG-45(1)(a).

DRAFT

Amenity Space – High-Density Dwelling Use

PG-46 (1) Any new building or an addition to an existing building that contains a high-density dwelling use shall be required to provide amenity space, at a rate of 5.0 square metres per dwelling unit, for use by the building's residents. No less than 40% of all required amenity space shall be provided within the building.

(2) Except for outdoor amenity space associated with an individual dwelling unit within a high-density dwelling use, such as balconies, decks, and patios, all amenity space required by Subsection PG-46(1) shall:

(a) be provided in increments of no less than 30.0 contiguous square metres;
(b) have no linear dimension less than 3.0 metres; and
(c) be available for shared use by the building's residents.

(3) For any high-density dwelling use within an PW-HR zone, a minimum of 25% of the required amenity space shall be:

(a) provided outdoors;
(b) located at-grade or on a roof top; and
(c) available for shared use by the building's residents.

Ground Floor Uses for Buildings Containing a Multi-Unit Dwelling Use

PG-47 Excluding any main building that is located 30.0 metres or more from a streetline, where a lot in any PW-CEN or PW-HR zone:

(a) contains a building with a multi-unit dwelling use; and
(b) has a minimum frontage of 8.0 metres on at least one street;

a minimum of 40% of the total length of all ground floors of the buildings facing a streetline, excluding an entrance to internal parking or a portal, shall be occupied by either one or a combination of the following:

(c) commercial uses;
(d) grade-related dwelling units; or
(e) work-live units.

Work-Live Units

PG-48 (1) Subject to Subsection PG-48(3), only one of the following commercial or institutional uses are permitted in a work-live unit:

(a) broadcast and production studio use;
(b) catering use;
(c) makerspace use;
(d) medical clinic use;
(e) office use;
(f) personal service use;
(g) pet daycare use; or
(h) studio use.

DRAFT

(2) The retailing of products that are accessory to a permitted commercial use or institutional use in a work-live unit, listed in Subsection PG-48(1), are permitted.

(3) No more than 50% of the total floor area of a work-live unit, to a maximum of 140.0 square metres, may be used for one of the uses listed in Subsection PG-48(1).

(4) The uses listed in Subsection PG-48(1) shall be located on the ground floor.

(5) The principal operator of a commercial use or an institutional use within a work-live unit shall reside in the unit and may have no more than three non-resident employees.

(6) Signage for a work-live unit shall meet the requirements of Section PG-217.

(7) Motor vehicle parking for a work-live unit shall comply with the requirements of Section PG-184.

DRAFT

Part III, Chapter 3: Urban Agriculture Use Requirements

General Urban Agriculture Use Requirements

PG-49 (1) The processing of urban agricultural products is permitted as an accessory use to any urban agriculture use listed in Table PG-1.

(2) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use to an educational farm use or an urban farm use.

(3) Except for an educational farm use, the keeping of horses, swine, roosters, and ruminants is prohibited.

(4) A greenhouse, including a rooftop greenhouse, may be used to contain all or part of an urban farm use.

(5) Signage requirements for an urban agriculture use are:

(a) in any PW-CEN, PW-HR, or PW-PCF zone, contained in Sections PG-213 to PG-216; or
(b) in any PW-CDD, PW-LDR, or PW-CH zone, contained in Sections PG-218 and PG-219.

(6) Excluding beehives, an accessory structure associated with an urban agriculture use shall meet the accessory structure built form and siting requirements of Sections PG-138 to PG-144.

Keeping of Bees as an Accessory Use

PG-50 (1) In every zone, the keeping of bees as an accessory use is permitted, to a maximum of:

(a) two beehives on lots of less than 2,000 square metres in area; or
(b) four beehives on lots equal to or greater than 2,000 square metres in area.

(2) Beehives shall be required to be located no less than 3.0 metres from any lot line (Diagram PG-1), unless they are located on a rooftop.

DRAFT

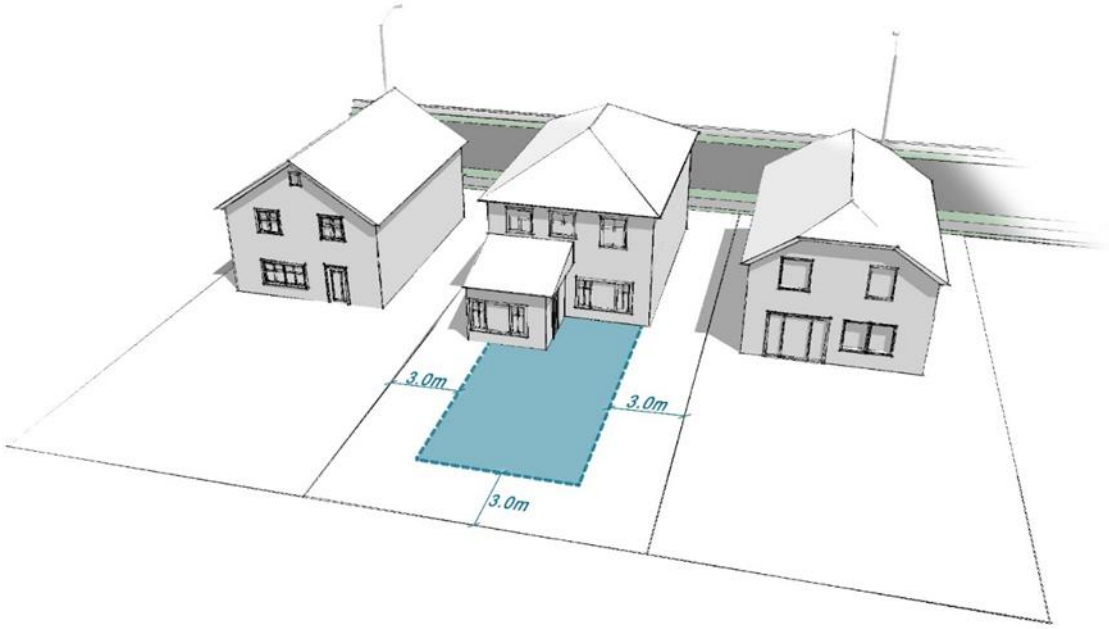


Diagram PG-1: Shaded area denotes where beehives are permitted at grade, per Subsection PG-50(2)

Keeping of Egg-Laying Hens as an Accessory Use

PG-51(1) An accessory hen use is permitted in conjunction with a residential use in all zones.

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

(a) on lots less than 4,000 square metres in area, a maximum of 10 hens;
(b) on lots equal to or greater than 4,000 square metres in area but less than 6,000 square metres in area, a maximum of 15 hens;
(c) on lots equal to or greater than 6,000 square metres in area but less than 10,000 square metres in area, a maximum of 20 hens; or
(d) on lots equal to or greater than 10,000 square metres in area, a maximum of 25 hens.

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

(a) is located in a rear yard;
(b) has a 1.0-metre setback from any side or rear lot line;
(c) meets the watercourse buffer requirements contained in Section PG-52, but in no circumstance shall the exemptions in Subsection PG-52(5) be used to reduce the required watercourse buffer; and
(d) meets the accessory structure built form requirements contained in Sections PG-142 to PG-144.

(4) The on-site slaughtering or euthanizing of hens is prohibited.

DRAFT

Part III, Chapter 4: Environmental Requirements

Watercourse Buffers

PG-52 (1) A development permit shall not be issued for any development within 20 metres of the ordinary high water mark of any watercourse (Diagram PG-2).

Diagram PG-2: Minimum required watercourse buffer, per Subsection PG-52(1)

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

(3) Where a wetland and a watercourse are contiguous, the watercourse buffer shall be applied from the outermost boundary of the wetland and watercourse.

(4) Subject to Subsections PG-52(5) and PG-52(8), within the watercourse buffer required in Subsections PG-52(1), PG-52(2), and PG-52(3), no excavation, infilling, or the removal of any tree, stump, or other vegetation, nor any other change, is permitted.

(5) Within the watercourse buffer required in Subsections PG-52(1), PG-52(2), and PG-52(3), vegetation may be removed to permit the following activities:

(a) subject to Subsection PG-52(6), one accessory structure, including a boathouse, and one attached uncovered deck or patio, occupying a maximum of 20.0 square metres, combined;
(b) boardwalks, walkways, trails, and driveways not exceeding 3.0 metres in width;
(c) fences;
(d) water access structure uses, boat ramps, marine-related uses, parks on

public land, and historic site or monument uses;
(e) streets; or
(f) water, wastewater, and stormwater infrastructure.

(6) Where a main building existed on the coming into force date of the Planned Growth Section and is located within a required watercourse buffer, accessory structures permitted in Clause PG-52(5)(a) shall not be located any closer to the watercourse than the main building that existed on the coming into force date of the Planned Growth Section.

(7) Where the configuration of a lot is such that no main building can be located on the lot, the watercourse buffer distance required in Subsections PG-52(1), PG-52(2), and PG-52(3) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if the other setback distance requirements are met, for lots that:

(a) existed before August 26, 2006; or
(b) were approved as a result of a tentative or final subdivision application on file before August 26, 2006.

(8) Within a required watercourse buffer, the Development Officer may authorize the removal of windblown, diseased, or dead trees that are deemed to be hazardous or unsafe to persons or property, or the selective removal of vegetation to maintain the overall health of the buffer, if a management plan is submitted by a qualified professional.

Wetlands and Areas of Elevated Archaeological Potential

PG-53 (1) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been received from the Province of Nova Scotia.

(2) All development is prohibited within any wetland, as shown on Schedule PG-4, unless an approval that permits the alteration or infilling of a wetland has been received from the Province of Nova Scotia.

(3) Where excavation is required for a development on an area identified on Schedule PG-5, a development permit may be issued and the application may be referred to the Province of Nova Scotia for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

DRAFT

PART IV: LOT REQUIREMENTS

DRAFT

Part IV, Chapter 1: Lot Requirements

Regional Subdivision By-law

PG-54 In addition to the requirements of this Part, the subdivision of land is regulated by the HRM Regional Subdivision By-Law, as amended from time to time.

Undersized Lots

PG-55 (1) A lot with less than the minimum required lot area, lot frontage, or lot dimensions, as per the requirements of Sections PG-56 and PG-57, created as a result of an acquisition of a portion of the land by the Province of Nova Scotia or the Municipality for a provincial or municipal purpose, may be developed as per the requirements of the applicable zone.

(2) The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the HRM Regional Subdivision By-law, where an undersized lot has had its boundaries altered.

Minimum Lot Area

PG-56 The minimum lot area requirements are as set out in Table PG-2.

Table PG-2: Minimum lot area requirements

Zone / Use	Minimum lot area
PW-CDD	315.0 square metres
PW-CEN	371.0 square metres
PW-HR	558.0 square metres
PW-LDR for a single-unit dwelling use, a two-unit dwelling use, a three-unit dwelling use, or a four-unit dwelling use	315.0 square metres
PW-LDR for a semi-detached dwelling use (per dwelling unit)	230.0 square metres
PW-LDR for a townhouse dwelling use (per interior dwelling unit)	130.0 square metres
PW-LDR for a townhouse dwelling use (per end dwelling unit)	185.0 square metres
PW-CH (per dwelling unit)	130.0 square metres
PW-PCF	232.0 square metres
PW-CON	232.0 square metres

Minimum Lot Frontages and Dimensions

PG-57 (1) Subject to Subsection PG-57(3), the minimum lot frontage requirements are as set out in Table PG-3.

DRAFT

Table PG-3: Minimum lot frontage requirements

Zone	Minimum lot frontage
PW-CDD	10.3 metres
PW-CEN	6.1 metres
PW-HR	6.1 metres
PW-LDR for a single-unit dwelling use, a two-unit dwelling use, a three-unit dwelling use, or a four-unit dwelling use	10.3 metres
PW-LDR for a semi-detached dwelling use (per dwelling unit)	7.2 metres
PW-LDR for a townhouse dwelling use (per interior dwelling unit)	5.4 metres
PW-LDR for a townhouse dwelling use (per end dwelling unit)	7.2 metres
PW-CH	6.1 metres
PW-PCF	8.0 metres
PW-CON	6.1 metres

(2) Within the PW-CH zone, a lot shall not have a dimension less than 6.1 metres.

(3) When a lot faces the outside of a curve on a street, the minimum frontage requirements of Subsection PG-57(1) may be reduced:

(a) excluding interior townhouse units, by 40%; or
(b) for interior townhouse units, by 40%, if the lot has a minimum width of 5.4 metres between side lot lines at a location of 3.0 metres from the streetline.

DRAFT

PART V: BUILT FORM AND SITING REQUIREMENTS

DRAFT

Part V, Chapter 1: General Built Form and Siting Requirements

General Requirement: Number of Main Buildings on a Lot

PG-58 (1) Every main building shall be located on a lot.

(2) Excluding a building containing a semi-detached dwelling use or a townhouse dwelling use, a main building shall not be located on more than one lot.

(3) A maximum of one main building is permitted on a lot, except:

(a) in a PW-CEN, PW-HR, or PW-PCF zone; or
(b) in a PW-CH zone, a maximum of 24.

General Requirement: Prohibited External Cladding Materials

PG-59 The following external cladding materials are prohibited:

(a) in any PW-CEN zone:
- (i) vinyl siding,
- (ii) plastic,
- (iii) plywood,
- (iv) unfinished concrete greater than 0.6 metre in average height above grade,
- (v) exterior insulation and finish systems where stucco is applied to rigid insulation, and
- (vi) darkly tinted or mirrored glass, except for spandrel glass panels; or

(b) in any PW-HR zone:
- (i) plastic,
- (ii) plywood,
- (iii) unfinished concrete greater than 0.6 metre in average height above grade, and
- (iv) darkly tinted or mirrored glass, except for spandrel glass panels.

General Requirement: Setback of Entrances

PG-60 (1) Any pedestrian entrance to any main building facing a streetline shall be required to be set back a minimum of 1.5 metres from the streetline.

(2) Any motor vehicle entrance to any main building facing a streetline shall be required to be set back a minimum of 4.5 metres from the streetline.

General Requirement: Permitted Encroachments into Setbacks, Stepbacks, or Separation Distances

PG-61 (1) Any setback or stepback for any main building, or any separation distance between main buildings or between any main building and accessory structures, required in Part V, shall be required to be open and unobstructed, except:

(a) patios that are less than 0.6 metre in height, access ramps, walkways,

DRAFT

lifting devices, uncovered steps, and staircases are permitted in any required setback, stepback, or separation distance;

(b) sills, eaves, gutters, downspouts, cornices, chimneys, fireplace and stove bump outs, and other similar features may project into any required setback, stepback, or separation distance by no more than 0.6 metre; and

(c) window bays and solar collectors may project into any required setback, stepback, or separation distance by no more than 1.0 metre.

(2) Subject to Subsection PG-61(3) and Section PG-62, balconies and decks may project into any required setback, stepback, or separation distance by no more than:

(a) 1.5 metres at the ground floor; or

(b) 2.0 metres at the second storey or above.

(3) Subject to Subsection PG-61(4), in a PW-CEN or PW-HR zone that abuts a PW-LDR, PW-CH, or PW-PCF zone, a balcony, deck, railing system, unenclosed porch, canopy, or awning shall not project into any required setback or stepback that faces the lot line of that abutting zone.

(4) Balconies facing a lot line that abuts a PW-LDR, PW-CH, or PW-PCF zone may project into any required stepback, providing any main building that is above grade is setback by:

(a) 8.5 metres for mid-rise buildings;

(b) 12.5 metres for tall mid-rise buildings; and

(c) 12.5 metres for high-rise buildings.

General Requirement: Aggregate Width of Balconies

PG-62 Within either the PW-CEN or PW-HR zone, if the aggregate width of all balconies per storey, above the height of the streetwall, exceeds 50% of the horizontal width of a building face, then the balconies shall:

(a) not be allowed to encroach into any required setback, stepback, or separation distance; and

(b) be included in the calculation of maximum building dimensions for a high-rise typology, including width and depth.

General Requirement: Encroachments into Streets

PG-63 Encroachments into streets shall meet the requirements of the applicable municipal by-law.

General Requirement: Drive-Throughs

PG-64 Drive-throughs are permitted in the PW-CEN zone only.

DRAFT

General Requirement: Pedways

PG-65 (1) Pedways that connect main buildings over a street are prohibited.

(2) Pedways that do not connect main buildings over a street are permitted in a PW-CEN or PW-HR zone.

(3) Permitted pedways are exempt from the following built form requirements:

(a) maximum lot coverage; and
(b) maximum building dimensions.

General Requirement: Self-Storage Facility Uses

PG-66 Where a self-storage facility use is permitted in Table PG-1, individual storage units shall not be directly accessible from outside the main building, except where facing a rear yard.

General Requirement: Transportation Facility Use

PG-67 The only built form requirements of Part V, Chapters 2 to 9 that apply to a transportation facility use are:

(a) maximum building height, as specified in the development agreement that is applied to the Port Wallace Lands; and
(b) minimum front and flanking setbacks of the applicable zone.

General Requirement: Building Rooftop Features

PG-68 (1) Excluding any low-density dwelling uses and cluster housing uses, which are addressed in Subsection PG-68(6), Table PG-4 regulates the height, coverage, and setback of building features located on the rooftops of any main building.

(2) Features listed in Table PG-4 may exceed a height above the maximum height permitted, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than the amount specified in Column 1.
(3) Features listed in Table PG-4 shall not count towards:

(a) the overall building height as specified in the development agreement that is applied to the Port Wallace Lands;
(b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections PG-221(130), PG-221(142), PG-221(234), or PG-221(104);
(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections PG-221(143), PG-221(235), or PG-221(105); or
(d) the height determination for a pedestrian wind impact assessment report under Appendix PG-1.

(4) Excluding any main building within a PW-PCF zone, all features identified with a

DRAFT

black dot (˜) in Column 2 of Table PG-4 shall not, in total, occupy more than 30% of the main building rooftop area on which they are located.

(5) Features with a minimum roof edge setback that are specified in Columns 3 or 4 of Table PG-4 shall be located no closer than indicated:

Table PG-4: Main building rooftop features

Feature	Column 1: Maximum height above roof	Column 2: 30% coverage restrictio n	Column 3: Minimum setback fromroof edge facing front or flanking lot lines	Column 4: Minimum setback fromroof edge facing side or rear lot lines
Antenna	Unlimited		3.0 metres	3.0 metres
Chimney	Unlimited			
Clear glass guard and railing system	2.0 metres			
Clock tower or bell tower	Unlimited	●		
Communication tower required to support uses and activities in the building	Unlimited	●	3.0 metres	3.0 metres
Cooling tower	Unlimited	●	3.0 metres	3.0 metres
Elevator enclosure	5.5 metres	●	3.0 metres	
Flagpole	Unlimited			
Heating, ventilation, and air conditioning equipment and enclosure	5.5 metres	●	3.0 metres	3.0 metres
High-plume laboratory exhaust fan	Unlimited	●	3.0 metres	3.0 metres
Hard landscaping or soft landscaping	4.5 metres			
Lightning rod	Unlimited			
Penthouse	4.5 metres	●	3.0 metres	3.0 metres
Parapet	2.0 metres			
Rooftop cupola	4.5 metres	●		
Rooftop greenhouse	6.0 metres		3.0 metres	3.0 metres
Skylight	1.5 metres			
Solar collector	4.5 metres			
Spire, steeple, minaret, and similar features	Unlimited	●		
Staircase or staircase enclosure	4.5 metres	●	3.0 metres	
Windscreen	4.5 metres			

(6) For any low-density dwelling use or cluster housing use, the following features may exceed the maximum required height, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than 3.0 metres:

(a) chimneys and stovepipes;
(b) antennas;
(c) flagpoles;
(d) solar collectors;
(e) clear glass guard and railing systems;
(f) lightning rods;
(g) a staircase;
(h) a staircase enclosure that does not exceed 6.0 square metres in area;
(i) a rooftop greenhouse;
(j) vents; and
(k) an elevator enclosure that does not exceed 6.0 square metres in area.

(7) Features contained in Subsection PG-68(6) shall not count towards:

(a) the overall building height;
(b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections PG-221(130), PG-221(142), PG-221(234), or PG-221(104); or
(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections PG-221(143), PG-221(235), or PG-221(105).

General Requirement: Height Exemption for Sloped Roofs

PG-69 (1) Within any PW-CEN or PW-HR zone, the uninhabitable portion of any main building, within a sloped roof, may exceed the maximum permitted height, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than 4.5 metres.

(2) Within a PW-LDR zone, the uninhabitable portion of any main building, within a sloped roof, may exceed the maximum permitted height, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than 3.0 metres.

(3) A sloped roof under Subsections PG-69(1) and PG-69(2) shall not count towards:

(a) the overall building height as specified in the development agreement that is applied to the Port Wallace Lands;
(b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections PG-221(130), PG-221(142), PG-221(234), or PG-221(104); or
(c) the determination of a mid-rise typology, a tall mid-rise typology, or a

DRAFT

high-rise typology, as defined in Subsections PG-221(143), PG-221(235), or PG-221(105).

General Requirement: Streetwall Height Determination within a PW-CEN or PW-HR Zone

PG-70 (1) For any main building within a PW-CEN or a PW-HR zone, a streetwall width of 8.0metres or less shall have its streetwall height determined at the centre point of the streetwall width.

(2) For any main building within a PW-CEN or a PW-HR zone, a streetwall width exceeding 8.0 metres shall have its streetwall divided into 8.0 metres portions, except for one portion which may be less than 8.0 metres, and separate streetwall heights shall be determined by measuring the height at the centre point of each portion (Diagram PG-3).

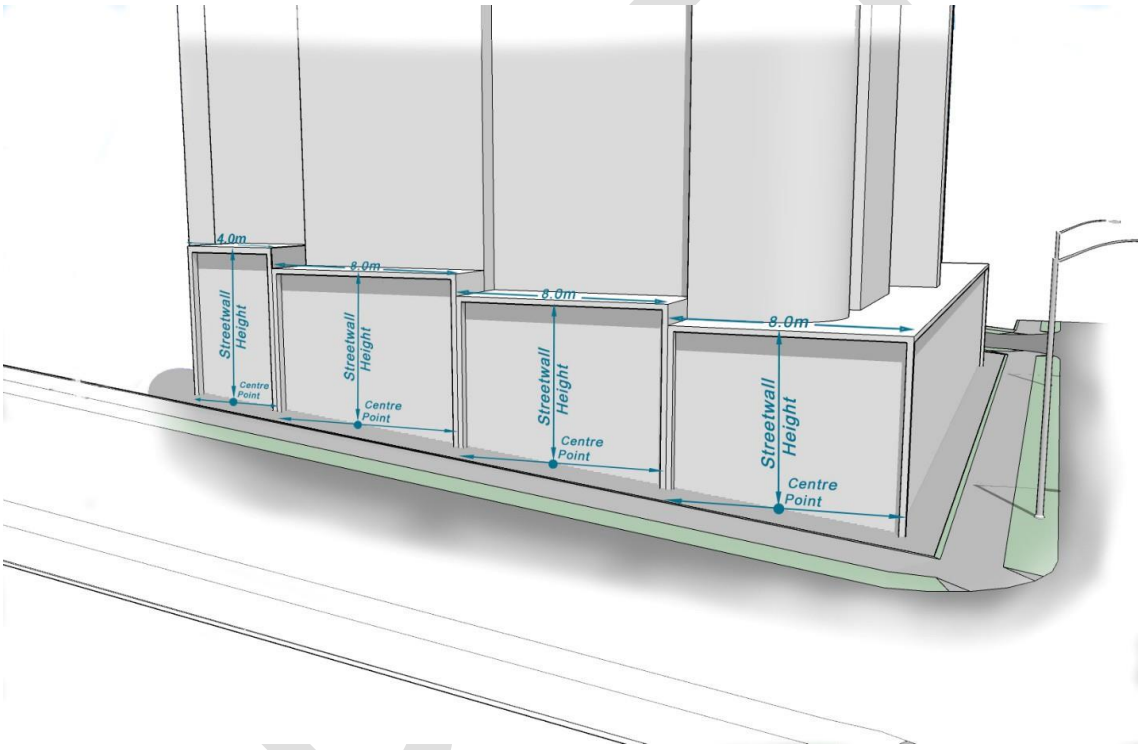


Diagram PG-3: Method for determining streetwall height, per Section PG-70

General Requirement: Streetwall Break Determination

PG-71 (1) Subject to Subsection PG-71(2), on a corner lot where two intersecting streetwalls do not make a 90-degree angle, the break between both streetwalls shall be the mid-point of the curve or angle connecting both streetwalls so that each can meet the applicable streetwall requirement.

(2) In order to determine the mid-point of the curve or angle, as stated in Subsection PG-71(1), the break between front and flanking streetwalls shall be the mid-point, as determined for the following scenarios:

(a) where a front lot line and a flanking lot line meet at a 90-degree angle, the line cast from the point of intersection of the front and flanking lot lines towards the building at equal angles (Diagram PG-4); or

(b) where a front lot line and a flanking lot line do not meet at a 90-degree angle, the line cast from the point of intersection of the projected front and flanking lot lines towards the building at equal angles (Diagram PG-5).

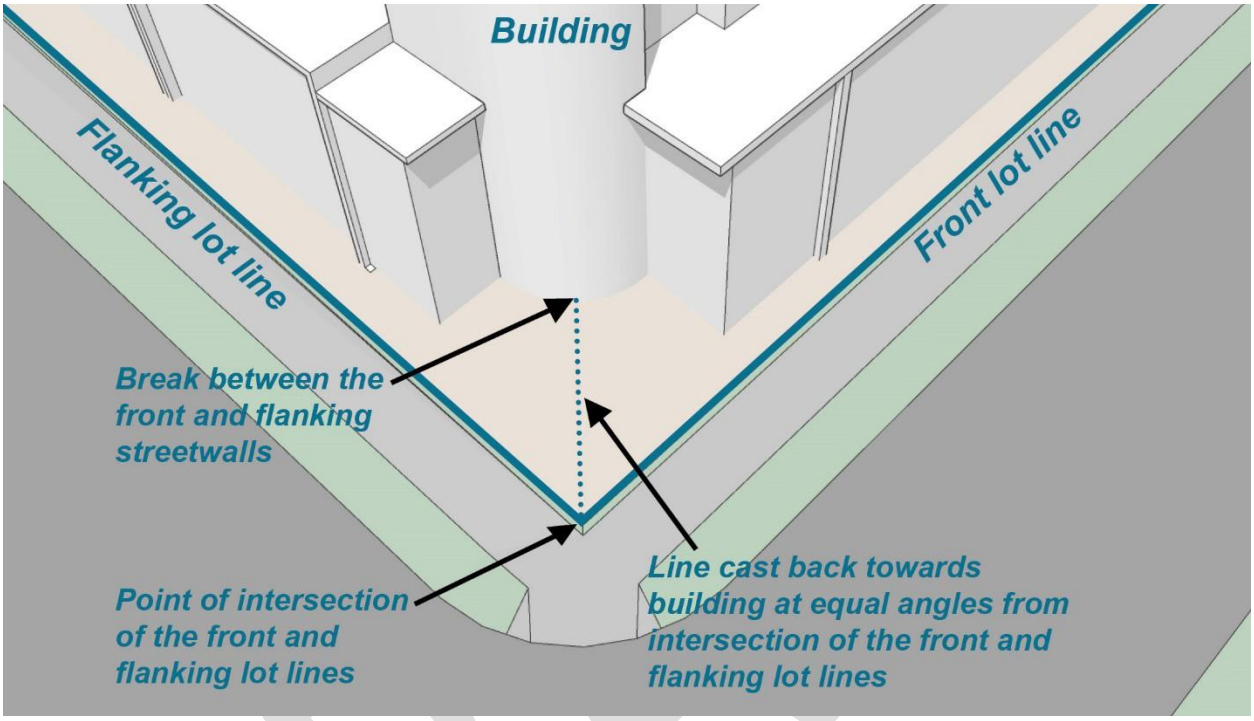


Diagram PG-4: Streetwall break determination where front and flanking lot lines create a 90-degree angle, per Clause PG-71(2)(a)

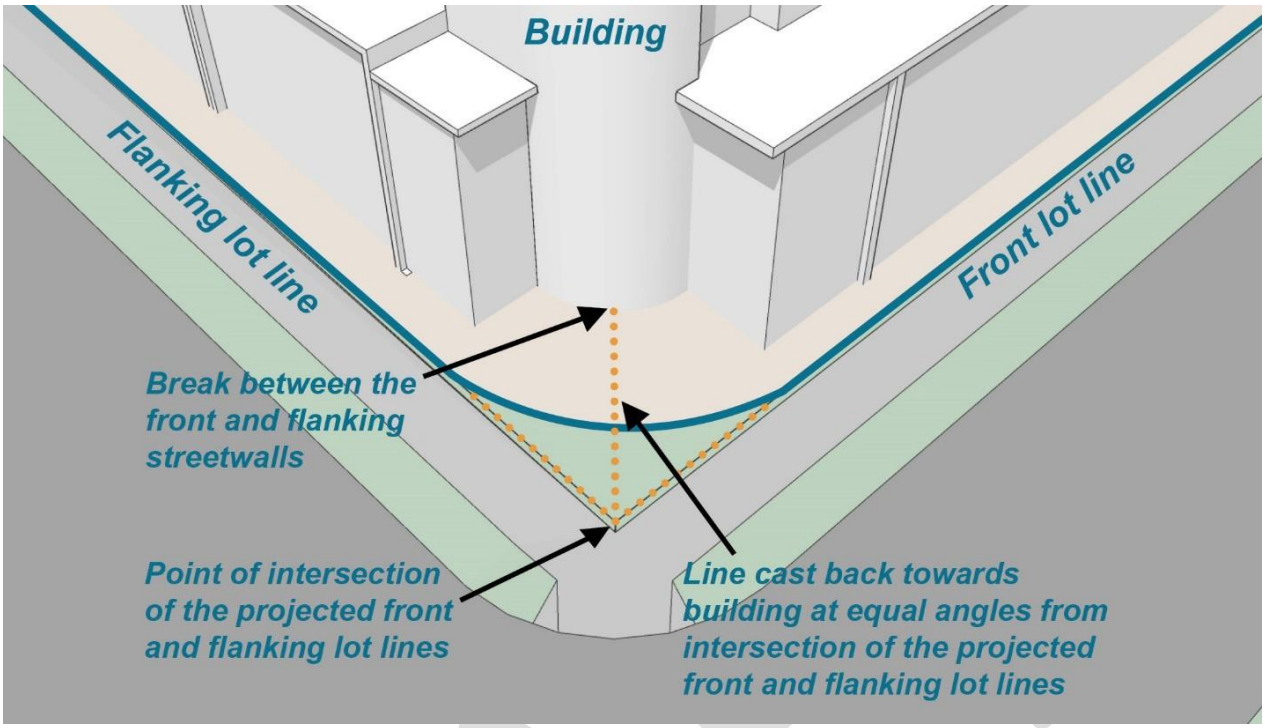


Diagram PG-5: Streetwall break determination where front and flanking lot lines do not create a 90-degree angle, per Clause PG-71(2)(b)

DRAFT

Part V, Chapter 2: Built Form and Siting Requirements within the PW-CDD Zone

Applicability

PG-72 Subject to Section PG-8, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CDD zone shall meet the built form and siting requirements of this Chapter.

Development in a PW-CDD Zone

PG-73 Subject to Section PG-9, the only additions to main buildings or new main buildings that are permitted in the PW-CDD zone, without a development agreement, shall be:

(a) one addition, to a main building that is existing on the coming into force date of the Planned Growth Section, of no more than:
  (i) 100 square metres in floor area, and
  (ii) a maximum height of 11.0 metres; or

(b) one new main building containing a use permitted in the PW-CDD zone, as shown in Table PG-1, and that:
  (i) is on a lot that is existing and vacant on the coming into force date of the Planned Growth Section, and
  (ii) meets the built form requirements of Clause PG-73(a).

Built Form and Siting Requirements

PG-74 For main buildings, the built form and siting requirements contained within Table PG-5 shall apply.

Table PG-5: PW-CDD built form and siting requirements

Provision	Requirement
Maximum building height	Subject to Section PG-68, 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Minimum front or flanking setbacks, either above or below grade	If a lot line abuts a controlled-access highway, 6.0 metres
	3.0 metres elsewhere
Minimum side setbacks	1.25 metres
Maximum side setback	None
Minimum rear setback	6.0 metres
Maximum rear setback	None
Maximum lot coverage	35%

Maximum Lot Coverage Exemption

PG-75 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

DRAFT

Accessory Structures

PG-76 Accessory structures shall meet the requirements of Part V, Chapter 9.

DRAFT

Part V, Chapter 3: Built Form and Siting Requirements within the PW-CEN Zone

Applicability

PG-77 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CEN zone shall meet the built form and siting requirements of this Chapter.

Maximum Building Height

PG-78 Subject to Sections PG-68 and PG-69, any main building shall not exceed a height of 14.0 metres, unless otherwise specified in the development agreement that is applied to the Port Wallace Lands.

Minimum Front or Flanking Setbacks

PG-79 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback of 1.5 metres.

Maximum Front or Flanking Setbacks

PG-80 (1) On a lot with continuous frontage that is greater than 16.0 metres, one main building shall be required to be located within 10.0 metres of:

(a) the front or flanking lot line; or
(b) where a transportation or utility easement abuts the streetline and has a depth greater than 10.0 metres, the edge of the easement that is located farthest from the streetline.

(2) For a main building located within the maximum setback in Subsection PG-80(1), a minimum of 50% of the building width shall be required to be located within that setback.

Side Setback Requirements

PG-81 (1) Subject to Subsections PG-81(2) and PG-81(3), and Section PG-178, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone, 6.0 metres from the side lot line abutting such zone; or
(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable side yard.

(3) For a high-rise building, a minimum required setback of 12.5 metres from any side lot line shall apply:

DRAFT

(a) in the presence of a streetwall, above the streetwall height; or
(b) in the absence of a streetwall, above 14.0 metres in height.

(4) There is no maximum permitted side setback.

Rear Setback Requirements

PG-82 (1) Subject to Subsections PG-82(2), PG-82(3), and PG-82(5), and Section PG-178, the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone, 6.0 metres from the rear lot line abutting such zone;
(b) 3.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable rear yard.

(3) Subject to Subsection PG-82(4), for a tall mid-rise building, any portion of the main building exceeding a height of 20.0 metres shall have a minimum required setback of 4.5 metres from a rear lot line.

(4) The requirement of Subsection PG-82(3) shall be reduced to zero where abutting lots are developed over a continuous foundation, footing, or underground parking structure.

(5) For a high-rise building, a minimum required setback of 12.5 metres from any rear lot line shall apply:

(a) in the presence of a streetwall, above the streetwall height; or
(b) in the absence of a streetwall, above 14.0 metres in height.

Maximum Streetwall Heights

PG-83 (1) Subject to Subsections PG-83(2), PG-83(3), and PG-83(4), any main building's maximum
permitted streetwall height shall be 14.0 metres.

(2) On a site having sloping conditions, the maximum streetwall height required in Subsection PG-83(1), may be exceeded by:

(a) 10%, where any main building has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or
(b) 20%, where any main building has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) The maximum permitted streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

DRAFT

(4) No streetwall is required where any main building is located 30.0 metres or more from a streetline.

Minimum Streetwall Heights

PG-84 (1) Subject to Subsections PG-84(2), PG-84(3), and PG-84(4), any main building's minimum required streetwall height shall be:

(a) for any main building less than 8.0 metres in height, the building height; or
(b) 8.0 metres elsewhere.

(2) Thirty percent or less of the entire streetwall width may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram PG-6).

(3) The minimum streetwall height required in Subsection PG-84(1) may be reduced to3.5 metres, if the slope of the abutting grade exceeds 4% across the entire width of the streetwall.

(4) No streetwall is required where any main building is located 30.0 metres or more from a streetline.

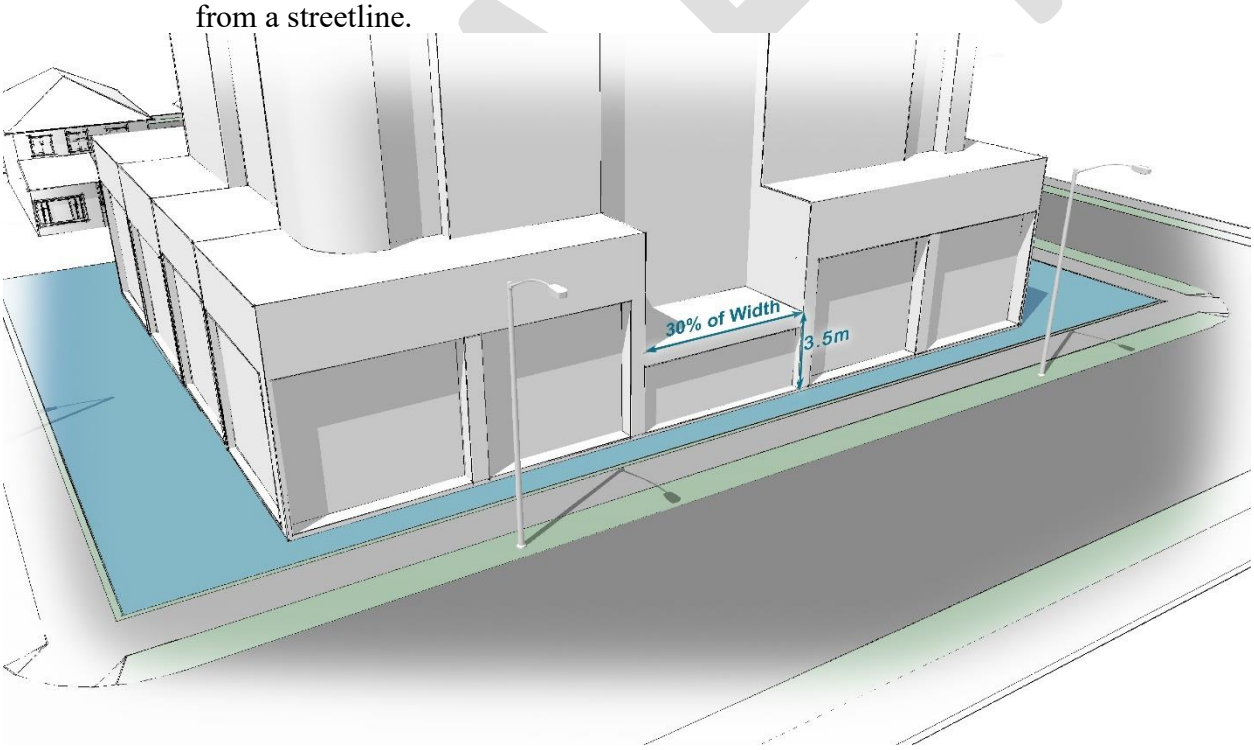


Diagram PG-6: Streetwall height reduction, per Subsections PG-84(2) and PG-101(2)

Streetwall Stepbacks

PG-85 (1) Subject to Subsections PG-85(2), PG-85(3), and PG-85(4), any main building shall have a minimum required streetwall stepback of:

(a) 2.5 metres for mid-rise buildings;
(b) 3.0 metres for tall mid-rise buildings; or
(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required:

(a) for a maximum of 30% of the length of any main building facing each streetline; and

(b) as long as:

(i) each section not having a streetwall stepback does not exceed 16.0 metres in length along the streetline, and

(ii) there is a minimum required separation distance of 16.0 metres along the streetline between sections not having a streetwall stepback.

(3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

(4) No streetwall is required where any main building is located 30.0 metres or more from a streetline.

Recessed Portions and Cantilevers within Streetwalls

PG-86 (1) Subject to Subsection PG-86(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection PG-86(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

PG-87 (1) The maximum permitted lot coverage shall be 80%.

(2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

Ground Floor Requirements

PG-88 (1) Subject to Subsections PG-88(2) and PG-88(3), and excluding Highway 107, any controlled-access connectors to Highway 107, or Montague Road, a ground floor shall be established facing any streetline.

(2) On a corner lot, for any streetwall that has a finished grade abutting the building that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) The requirements of Subsection PG-88(1) do not apply where any main building is located 30.0 metres or more from a streetline.

(4) A ground floor shall have a minimum required depth of 3.0 metres, as measured

DRAFT

from any exterior wall of any main building that is facing a streetline.

(5) Subject to Subsection PG-88(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) commence no lower than 0.6 metre below the finished grade abutting the building; and
(b) commence no higher than 0.6 metre above the finished grade abutting the building.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) commence no lower than 1.5 metres below the finished grade abutting the building; and
(b) commence no higher than 1.5 metres above the finished grade abutting the building.

(7) Excluding a grade-related dwelling unit use or a residential lobby on a floor containing a grade-related dwelling unit use, the minimum required ground floor height shall be 3.5 metres.

Grade-Related Dwelling Units

PG-89 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Side and Rear Stepbacks

PG-90 (1) Subject to Subsections PG-90(3) and PG-90(4), where a lot abuts a PW-LDR, PW-CH, or PW-PCF zone, the wall of any main building facing such zone shall have a required side or rear stepback, as indicated in Subsection PG-90(2), at a height between 6.0 metres and 14.0 metres, as measured from the lowest finished grade on that side of the main building.

(2) The side or rear stepback in Subsection PG-90(1) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;
(b) 2.5 metres for mid-rise buildings;
(c) 6.0 metres for tall mid-rise buildings; or
(d) 6.0 metres for high-rise buildings.

(3) The rear stepback under Subsection PG-90(1) is not required if an entire main building, excluding an underground parking structure, has a minimum rear setback of:

(a) 8.5 metres for mid-rise buildings;
(b) 12.0 metres for tall mid-rise buildings; or
(c) 12.0 metres for high-rise buildings.

DRAFT

(4) The side stepback under Subsection PG-90(1) is not required if an entire main building, excluding an underground parking structure, has a minimum side setback of:

(a) 8.5 metres for mid-rise buildings;
(b) 12.0 metres for tall mid-rise buildings; or
(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

PG-91 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection PG-58(3), a minimum required separation distance shall be provided between main buildings, as follows:

(a) 4.0 metres between low-rise buildings; or
(b) 10.0 metres elsewhere.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance shall be provided between the above grade portions, as follows:

(a) 4.0 metres between low-rise portions; or
(b) 10.0 metres elsewhere.

(3) Above the streetwall height, or in the absence of a streetwall above the height of 14.0 metres, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;
(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;
(c) 12.5 metres between a mid-rise typology and a high-rise typology;
(d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;
(e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or
(f) 25.0 metres between a high-rise typology and another high-rise typology.

(4) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres.

Maximum Building Dimensions

PG-92 (1) Excluding any structure below 0.6 metre above the average finished grade, a low-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 120.0 metres; and
(b) a building depth of 120.0 metres.

DRAFT

(2) A mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 90.0 metres; and
(b) a building depth of 90.0 metres.

(3) A tall mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 40.0 metres; and
(b) a building depth of 46.0 metres.

(4) A high-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 36.0 metres;
(b) a building depth of 38.0 metres; and
(c) a floor area of 1,100.0 square metres per storey.

(5) For the purpose of measuring building dimensions in Subsections PG-92(1), PG-92(2), PG-92(3), and PG-92(4), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

PG-93 Accessory structures shall meet the requirements of Part V, Chapter 9.

DRAFT

Part V, Chapter 4: Built Form and Siting Requirements within the PW-HR Zone

Applicability

PG-94 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-HR zone shall meet the built form and siting requirements of this Chapter.

Maximum Building Height

PG-95 Subject to Sections PG-68 and PG-69, any main building shall not exceed the maximum permitted building height of 14.0 metres, unless otherwise specified in the development agreement that is applied to the Port Wallace Lands.

Minimum Front or Flanking Setbacks

PG-96 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback of 1.5 metres.

Maximum Front or Flanking Setbacks

PG-97 (1) Unless otherwise stated in a development agreement for the Port Wallace Lands, on a lot with continuous frontage that is greater than 16.0 metres, one main building shall be required to be located within 10.0 metres of:

(a) the front or flanking lot line; or
(b) where a transportation or utility easement abuts the streetline and has a depth greater than 10.0 metres, the edge of the easement that is located farthest from the streetline.

(2) For a main building located within the maximum setback in Subsection PG-97(1), a minimum of 50% of the building width shall be required to be located within that setback.

Side Setback Requirements

PG-98 (1) Subject to Subsections PG-98(2) and PG-98(3), the minimum required side setback for any main building shall be:

(a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone:
  (i) 3.0 metres from the side lot line abutting such zone for any low-rise building, or
  (ii) 6.0 metres from the side lot line abutting such zone for any mid-rise, tall mid-rise, or high-rise building;
(b) where a lot line abuts a PW-CEN zone, 2.5 metres; or
(c) 4.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished

DRAFT

grade in the applicable side yard.

(3) For a high-rise building, a minimum required setback of 12.5 metres from any side lot line shall apply:

(a) in the presence of a streetwall, above the streetwall height; or
(b) in the absence of a streetwall, above 14.0 metres in height.

(4) There is no maximum side setback.

Rear Setback Requirements

PG-99 (1) Subject to Subsections PG-99(2), PG-99(3), and PG-99(4), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone, 6.0 metres from the rear lot line abutting such zone; or
(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable rear yard.

(3) For any tall mid-rise building, any portion of the main building exceeding a height of 20.0 metres shall have a minimum required setback of 4.5 metres from a rear lot line.

(4) For a high-rise building, a minimum required setback of 12.5 metres from any rear lot line shall apply:

(a) in the presence of a streetwall, above the streetwall height; or
(b) in the absence of a streetwall, above 14.0 metres in height.

Maximum Streetwall Heights

PG-100 (1) Subject to Subsections PG-100(2), PG-100(3), and PG-100(4), any main building's maximum permitted streetwall height shall be 14.0 metres.

(2) On a site having sloping conditions, the maximum streetwall height permitted in Subsection PG-100(1), may be exceeded by:

(a) 10%, where any main building has a finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or
(b) 20%, where any main building has a finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) The maximum permitted streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

DRAFT

(4) No streetwall is required where any main building is located 30.0 metres or more from a streetline.

Minimum Streetwall Heights

PG-101 (1) Subject to Subsections PG-101(2), PG-101(3), and PG-101(4), any main building's minimum required streetwall height shall be:

(a) for any main building less than 8.0 metres in height, the building height; or
(b) 8.0 metres elsewhere.

(2) Thirty percent or less of the entire streetwall width, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram PG-6).

(3) The minimum streetwall height required in Subsection PG-101(1) may be reduced to 3.5 metres facing a streetline, if the slope of the finished grade abutting the building exceeds 4% across the entire width of the streetwall.

(4) No streetwall is required where any main building is located 30.0 metres or more from a streetline.

Streetwall Stepbacks

PG-102 (1) Subject to Subsections PG-102(2), PG-102(3), and PG-102(4), any main building shall have a minimum required streetwall stepback of:

(a) 2.5 metres for mid-rise buildings;
(b) 3.0 metres for tall mid-rise buildings; or
(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required:

(a) for a maximum of 30% of the length of any main building facing each streetline; and
(b) as long as:
(i) each section not having a streetwall stepback does not exceed 16.0 metres in length along the streetline, and
(ii) there is a minimum required separation distance of 16.0 metres along the streetline between sections not having a streetwall stepback.

(3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

(4) No streetwall is required where any main building is located 30.0 metres or more from a streetline.

DRAFT

Recessed Portions and Cantilevers within Streetwalls

PG-103 (1) Subject to Subsection PG-103(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection PG-103(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

PG-104 (1) The maximum permitted lot coverage shall be 60%.

(2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation

Ground Floor Requirements

PG-105 (1) Subject to Subsections PG-105(2) and PG-105(3), and excluding Highway 107,any controlled-access connectors to Highway 107, or Montague Road, a ground floor shall be established facing any streetline.

(2) On a corner lot, for any streetwall that has a finished grade abutting the building that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) The requirements of Subsection PG-105(1) do not apply where any main building is located 30.0 metres or more from a streetline.

(4) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

(5) Subject to Subsection PG-105(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) commence no lower than 0.6 metre below the finished grade abutting the building; and
(b) commence no higher than 0.6 metre above the finished grade abutting the building.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) commence no lower than 1.5 metres below the finished grade abutting the building; and
(b) commence no higher than 1.5 metres above the finished grade abutting the building.

(7) Excluding a grade-related dwelling unit use or a residential lobby on a floor

DRAFT

containing a grade-related dwelling unit use, the minimum required ground floor height shall be 3.5 metres.

Grade-Related Dwelling Units

PG-106 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Side and Rear Stepbacks

PG-107 (1) Subject to Subsection PG-107(2), any portion of a tall mid-rise building above the height of the streetwall shall have a minimum required:

(a) side stepback of 2.5 metres; and
(b) rear stepback of 4.5 metres.

(2) Subject to Subsection PG-107(4), where a lot abuts a PW-LDR, PW-CH, or PW-PCF zone, the wall of any main building facing such zone shall have a required side or rear stepback, as indicated in Subsection PG-107(1), at a height between 6.0 metres and 14.0 metres, as measured from the lowest finished grade on that side of the main building.

(3) The side or rear stepback in Subsection PG-107(2) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;
(b) 2.5 metres for mid-rise buildings;
(c) 6.0 metres for tall mid-rise buildings; or
(d) 6.0 metres for high-rise buildings.

(4) The rear stepbacks under Subsections PG-107(1) and PG-107(2) are not required if an entire main building, excluding an underground parking structure, has a minimum rear setback of:

(a) 8.5 metres for mid-rise buildings;
(b) 12.0 metres for tall mid-rise buildings; or
(c) 12.0 metres for high-rise buildings.

(5) The side stepback under Subsection PG-107(1) and PG-107(2) is not required if an entire main building, excluding an underground parking structure, has a minimum applicable side setback of:

(a) 8.5 metres for mid-rise buildings;
(b) 12.0 metres for tall mid-rise buildings; or
(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

PG-108 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection PG-58(3), a minimum required separation distance shall be

DRAFT

provided between main buildings, as follows:

(a) 4.0 metres between low-rise buildings; or
(b) 10.0 metres elsewhere.

(2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance shall be provided between the above grade portions, as follows:

(a) 4.0 metres between low-rise portions; or
(b) 10.0 metres elsewhere.

(3) Above the streetwall height, or in the absence of a streetwall above the height of 14.0 metres, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;
(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;
(c) 12.5 metres between a mid-rise typology and a high-rise typology;
(d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;
(e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or
(f) 25.0 metres between a high-rise typology and another high-rise typology.

(4) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres.

Maximum Building Dimensions

PG-109 (1) Excluding any structure below 0.6 metre above the average finished grade, a low-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 120.0 metres; and
(b) a building depth of 120.0 metres.

(2) A mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 90.0 metres; and
(b) a building depth of 90.0 metres.

(3) A tall mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 40.0 metres; and
(b) a building depth of 46.0 metres.

DRAFT

(4) A high-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

(a) a building width of 36.0 metres;
(b) a building depth of 38.0 metres; and
(c) a floor area of 1,100.0 square metres per storey.

(5) For the purpose of measuring building dimensions in Subsections PG-109(1), PG-109(2), PG-109(3), and PG-109(4), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

PG-110 Accessory structures shall meet the requirements of Part V, Chapter 9.

DRAFT

Part V, Chapter 5: Built Form, Siting, and Design Requirements within the PW-LDR Zone

Applicability

PG-111 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-LDR zone shall meet the built form, siting, and design requirements of this Chapter.

Built Form and Siting Requirements

PG-112 For main buildings, the built form and siting requirements contained within Table PG-6 shall apply.

Table PG-6: PW-LDR built form and siting requirements

Provision	Requirement
Maximum building height	Subject to Sections PG-68, 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Minimum front or flanking setbacks, either above or below grade	If a lot line abuts a controlled-access highway, 10.0 metres
	3.0 metres elsewhere
Minimum side setbacks – general requirement	1.25 metres
Minimum side setback – semi-detached dwelling use	0.0 metres along a common wall
	1.25 metres elsewhere
Minimum side setback – townhouse dwelling use	0.0 metres along a common wall
	2.4 metres elsewhere
Maximum side setback	None
Minimum rear setback	6.0 metres
Maximum rear setback	None
Maximum lot coverage	Subject to Section PG-113, 50%

Maximum Lot Coverage Exemption

PG-113 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

Driveway Pairing

PG-114 (1) Subject to Subsection PG-114(2), driveways for low-density dwelling uses shall be paired.

(2) The Development Officer may waive the requirement to pair driveways in Subsection PG-114(1) for one of the following conditions:

(a) the number of dwelling units under consideration results in an uneven number, then one dwelling unit is exempt from the pairing requirement; or

DRAFT

(b) the pairing of driveways is deemed unfeasible due to one of the following constraints:
  (i) the placement of services and utilities,
  (ii) changes in grade, or
  (iii) the curvature of the road.

Attached Garages

PG-115 (1) For any garage which is attached to a low-density dwelling use, the garage door(s) facing the front or flanking lot line shall not project any closer to the streetline than the edge of the roof along the longest wall of the attached main dwelling that faces the same streetline as the garage door(s).

(2) For any garage which is attached to a low-density dwelling use, garage doors facing the front or flanking lot line shall not exceed a maximum width of 50% of the entire combined width of the façade that faces the same streetline as the garage door(s) to a maximum of 6.0 metres.

Number of Townhouses

PG-116 The maximum number of townhouse dwelling units permitted in a townhouse block is eight.

Design Requirement: Townhouse Façade Articulation

PG-117(1) Subject to Subsection PG-117(2), where a townhouse block contains 5 or more townhouse dwelling units, the façade of each unit that faces a street shall be differentiated from abutting townhouse dwelling unit(s) by using a minimum of one of the following methods:

(a) different colours;
(b) different materials;
(c) different textures;
(d) projections; or
(e) recesses.

(2) Projections or recesses used under Subsection PG-117(1) shall be required to:

(a) be no less than 0.3 metre in depth; and
(b) extend from the ground to the top of the façade facing the streetline.

Accessory Structures

PG-118 Accessory structures shall meet the requirements of Part V, Chapter 9.

DRAFT

Part V, Chapter 6: Built Form, Siting, and Design Requirements within the PW-CH Zone

Applicability

PG-119 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CH zone shall meet the built form, siting, and design requirements of this Chapter.

Built Form and Siting Requirements

PG-120 For main buildings, the built form and siting requirements contained within Table PG-7 shall apply.

Table PG-7: PW-CH built form and siting requirements

Provision	Requirement
Maximum building height	Subject to Sections PG-68, 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Maximum number of dwelling units per lot	48
Maximum number of dwelling units per cluster housing block	8
Minimum front or flanking setbacks, either above or below grade	3.0 metres
Minimum side setbacks	1.25 metres
Maximum side setback	None
Minimum rear setback	6.0 metres
Maximum rear setback	None
Maximum lot coverage	Subject to Section PG-121, 50%
Minimum lot area per cluster housing dwelling unit	130.0 square metres
Minimum separation distance between main buildings	3.0 metres

Maximum Lot Coverage Exemption

PG-121 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

Design Requirement: Walkways for Cluster Housing Uses

PG-122 Cluster housing dwelling units shall be connected to any streetline and any accessory parking lot by walkways or pedestrian walks.

DRAFT

General Lighting for Cluster Housing Uses

PG-123 The following features shall be required to be illuminated:

(a) walkways or pedestrian walks as per the requirements of Section PG-122; and
(b) accessory parking lots.

Accessory Structures

PG-124 Accessory structures shall meet the requirements of Part V, Chapter 9.

DRAFT

Part V, Chapter 7: Built Form and Siting Requirements within the PW-PCF Zone

Applicability

PG-125 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-PCF zone shall meet the built form and siting requirements of this Chapter.

Built Form and Siting Requirements

PG-126 For main buildings, the built form and siting requirements contained within Table PG-8 shall apply.

Table PG-8: PW-PCF built form and siting requirements

Provision	Requirement
Maximum building height	Subject to Sections PG-68, 14.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Minimum front or flanking setbacks, either above or below grade	3.0 metres
Minimum side setbacks	Subject to Section PG-127, 2.5 metres
Maximum side setback	None
Minimum rear setback	Subject to Section PG-128, 2.5 metres
Maximum rear setback	None
Maximum lot coverage	Subject to Section PG-129, 40%

Side Setback Requirement Exceptions

PG-127 Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable side yard.

Rear Setback Requirement Exceptions

PG-128 Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable rear yard.

Maximum Lot Coverage Exemption

PG-129 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

Minimum Separation Distances

PG-130 (1) Where more than one main building is permitted on a lot in Subsection PG-58(3), a minimum required separation distance of 3.0 metres shall be provided between main buildings.

DRAFT

(2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance of 3.0 metres shall be provided between the above grade portions.

Accessory Structures

PG-131 Accessory structures shall meet the requirements of Part V, Chapter 9.

DRAFT

Part V, Chapter 8: Built Form and Siting Requirements within the PW-CON Zone

Applicability

PG-132 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CON zone shall meet the built form and siting requirements of this Chapter.

Maximum Building Height

PG-133 Subject to Section PG-68, the maximum permitted building height is 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands.

Minimum Front or Flanking Setbacks

PG-134 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback of 3.0 metres.

Side Setback Requirements

PG-135 (1) The minimum required side setback for any main building shall be 2.5 metres.

(2) There is no maximum side setback.

Rear Setback Requirements

PG-136 (1) The minimum required rear setback for any main building shall be 2.5 metres.

(2) There is no maximum rear setback.

DRAFT

Part V, Chapter 9: Accessory Structures and Backyard Suite Uses

Applicability of Accessory Structure and Backyard Suite Use Requirements

PG-137 Any accessory structure or backyard suite use erected, constructed, reconstructed, altered, or located, or an addition to any accessory structure or backyard suite use, shall meet the built form and siting requirements of this Chapter.

Accessory Structure Location

PG-138 (1) Any accessory structure shall be required to be located:

(a) in the same zone as the main building or use that it is intended to serve; or
(b) in an abutting zone in which the main building or use is permitted; and
(c) on the same lot as the main building or use that it is intended to serve; or
(d) on a lot that abuts or is directly across a street from the lot that contains the main building or use.

(2) In the case that the accessory structure is not located on the same lot as the main building or use that it is intended to serve, then both lots are required to be under common ownership.

Accessory Structure Front or Flanking Setbacks

PG-139 (1) Subject to Subsection PG-139(2), accessory structures shall meet the minimum front or flanking setback requirements that are applicable for any main building in the same zone.

(2) Accessory structures in a PW-CDD, PW-LDR, or PW-CH zone shall not be located closer to any streetline than any main building.

Accessory Structure Side or Rear Setbacks

PG-140 Accessory structures shall be required to be located a minimum of 1.25 metres from any side or rear lot line.

Accessory Structure Separation Distances

PG-141 An accessory structure shall be separated from any main building or any other accessory structure on the same lot by no less than 1.25 metres.

Accessory Structure Height

PG-142 An accessory structure's height shall not exceed 5.5 metres.

Accessory Structure Lot Coverage Exemption

PG-143 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

DRAFT

Accessory Structure Footprint

PG-144 (1) Any accessory structure in a PW-CEN, PW-HR, or PW-CH zone shall not have a footprint greater than 200.0 square metres.

(2) Any accessory structure in a PW-CDD, PW-LDR, PW-PCF, or PW-CON zone shall not have a footprint greater than 80.0 square metres.

Backyard Suite Footprint and Area

PG-145 (1) Any accessory structure in a PW-LDR zone that is used as a backyard suite use shall not have a footprint greater than 80.0 square metres.

(2) In a PW-LDR zone, the portion of an accessory structure that is used as a backyard suite use shall not have a floor area greater than 90.0 square metres.

Quonset Huts

PG-146 Quonset huts are prohibited.

DRAFT

PART VI: DESIGN REQUIREMENTS FOR THE PW-CEN, PW-HR, AND PW-PCF ZONES

DRAFT

Part VI, Chapter 1: General Design Requirements

Development Subject to Design Requirements

PG-147 With the exception of the developments listed under Section PG-148 and subject to Sections PG-149 and PG-150, any developments in the PW-CEN, PW-HR, or PW-PCF zone shall meet all the applicable design requirements contained within this Chapter.

Development Exempted from Design Requirements

PG-148 The following developments are exempted from all design requirements contained within this Chapter:

(a) any development exempted from requiring a development permit under the Planned Growth Section;
(b) alterations and replacements in existing window and door openings;
(c) new window and door openings on any portion of a building, except within the streetwall;
(d) a building addition with a floor area of 500 square metres or less, which does not alter a streetwall;
(e) a building addition that alters a streetwall, where the addition does not exceed 8.0 metres along the width of the streetwall;
(f) changes to external cladding materials for no more than 20% of any wall that is not a streetwall;
(g) changes to external cladding materials for no more than 10% of any streetwall;
(h) interior renovations;
(i) the installation and replacement of minor building features;
(j) a change of use or tenancy in a building that does not change the external appearance of the building, beyond what is already exempted within this Section;
(k) temporary construction uses;
(l) accessory structures;
(m) steps, stairs, ramps, and other building entrances or entrance features;
(n) signs; and
(o) transportation facility uses.

Applicability of the Design Requirements for Additions

PG-149 For any addition to a main building that requires the applicability of the design requirements, the design requirements shall only apply to the addition.

Applicable Design Requirements by Zone

PG-150 (1) The applicable design requirements by zone are set out in:

(a) Table PG-9 for new main buildings; or
(b) Table PG-10 for additions to existing main buildings.

(2) The interpretation of Table PG-9 and Table PG-10 shall be as follows:

DRAFT

(a) The first column of Table PG-9 and Table PG-10 lists each design requirement;

(b) The remaining columns of Table PG-9 and Table PG-10 correspond to zones;

(c) A black dot (□) indicates that the design requirement in that row is applicable to the particular zones of that column;

(d) A white circle containing a number in black text (e.g., ①) within Table PG-9 and Table PG-10 indicates that the design requirement in that row is applicable to the zones of that column, subject to additional conditions in a corresponding footnote below Table PG-9 and Table PG-10 and subject to all other applicable provisions of the Planned Growth Section; and

(e) The absence of a black dot (□), or a white circle containing a number in black text (e.g., ①), indicates that the design requirement of that row is not applicable to the zones of that column.

DRAFT

Table PG-9: Applicable design requirements by zone for new buildings

Design Requirements	PW-CEN PW-HR Zones	PW-PCF Zone
Outdoor Amenity Space (Section PG-151)	●	
Privacy for Grade-Related Dwelling Units (Section PG-152)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 90.0 Metres or Less in Width (Section PG-153)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 90.0 Metres inWidth (Section PG-154)	●	
Corner Treatment (Section PG-155)	●	●
Pedestrian Entrances Along Streetwalls (Section PG-156)	●	●

DRAFT

Design Requirements	PW-CEN PW-HR Zones	PW-PCF Zone
Ground Floor Transparency (Section PG-157)	①	①
Weather Protection for Entrances (Section PG-158)	●	●
Exposed Foundations and Underground Parking Structures (Section PG-159)	●	●
Rooftop Mechanical Features (Section PG-160)	●	
Parking Internal to a Building or Within a Parking Structure (Section PG-161)	●	●
General Lighting (Section PG-162)	●	●
Prohibited Awning or Canopy Materials (Section PG-163)	●	●

① Design requirement does not apply to structures that are primarily occupied by one or more of the following:

(a) an arena;
(b) a chemical storage facility;
(c) an emergency services use;
(d) a shelter use;
(e) a gymnasium;
(f) a major spectator venue use;
(g) a minor spectator venue use; or
(h) a religious institution use.

DRAFT

Table PG-10: Applicable design requirements by zone for additions to existing buildings

Design Requirements	PW-CEN PW-HR Zones	PW-PCF Zone
Outdoor Amenity Space (Section PG-151)	●	
Privacy for Grade-Related Dwelling Units (Section PG-152)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 90.0 Metres or Less in Width (Section PG-153)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 90.0 Metres in Width (Section PG-154)	●	
Corner Treatment (Section PG-155)		
Pedestrian Entrances Along Streetwalls (Section PG-156)	●	●
Ground Floor Transparency (Section PG-157)	①	①
Weather Protection for Entrances (Section PG-158)	●	●
Exposed Foundations and Underground Parking Structures	●	●

(Section PG-159)		
Design Requirements	**PW-CEN PW-HR Zones**	**PW-PCF Zone**
Rooftop Mechanical Features (Section PG-160)	●	
Parking Internal to a Building or Within a Parking Structure (Section PG-161)	●	●
General Lighting (Section PG-162)	●	●
Prohibited Awning or Canopy Materials (Section PG-163)	●	●

① Design requirement does not apply to structures that are primarily occupied by one or more of the following:

(a) an arena;
(b) a chemical storage facility;
(c) an emergency services use;
(d) a shelter use;
(e) a gymnasium;
(f) a major spectator venue use;
(g) a minor spectator venue use; or
(h) a religious institution use.

DRAFT

Part VI, Chapter 2: Site Design Requirements

Design Requirement: Outdoor Amenity Space

PG-151(1) This Section applies where outdoor amenity space is:

(a) provided either at-grade or on a rooftop;
(b) required by Section PG-46; and
(c) equal to or greater than 30.0 square metres in size.

(2) Outdoor amenity space shall:

(a) include both of the following elements:
  (i) permanent seating, and
  (ii) general lighting, as per the requirements of Section PG-162; and
(b) offer weather protection to its users, by providing a minimum of one of the following methods (Diagram PG-7):
  (i) within the outdoor amenity space, a new deciduous tree that is not a shrub or the retention of an existing deciduous tree that is not a shrub with a minimum base caliper of 100 millimetres,
  (ii) within the outdoor amenity space, structures such as gazebos, pergolas, or covered site furnishings,
  (iii) canopies or awnings on facades that abut the outdoor amenity space,
  (iv) a recessed entrance or facade that abuts the outdoor amenity space, or
  (v) a cantilever over an entrance of a main building that abuts the outdoor amenity space.

(3) Subject to Subsection PG-151(4), in addition to the requirements of Subsection PG-151(2), outdoor amenity space shall provide a minimum of one of the following materials for groundcover:

(a) vegetation;
(b) brick pavers;
(c) stone pavers;
(d) concrete pavers;
(e) permeable vegetated grid system;
(f) wood; or
(g) composite materials.

(4) Subsection PG-151(3) shall not apply to swimming pools, sports courts, or

DRAFT

playgrounds.

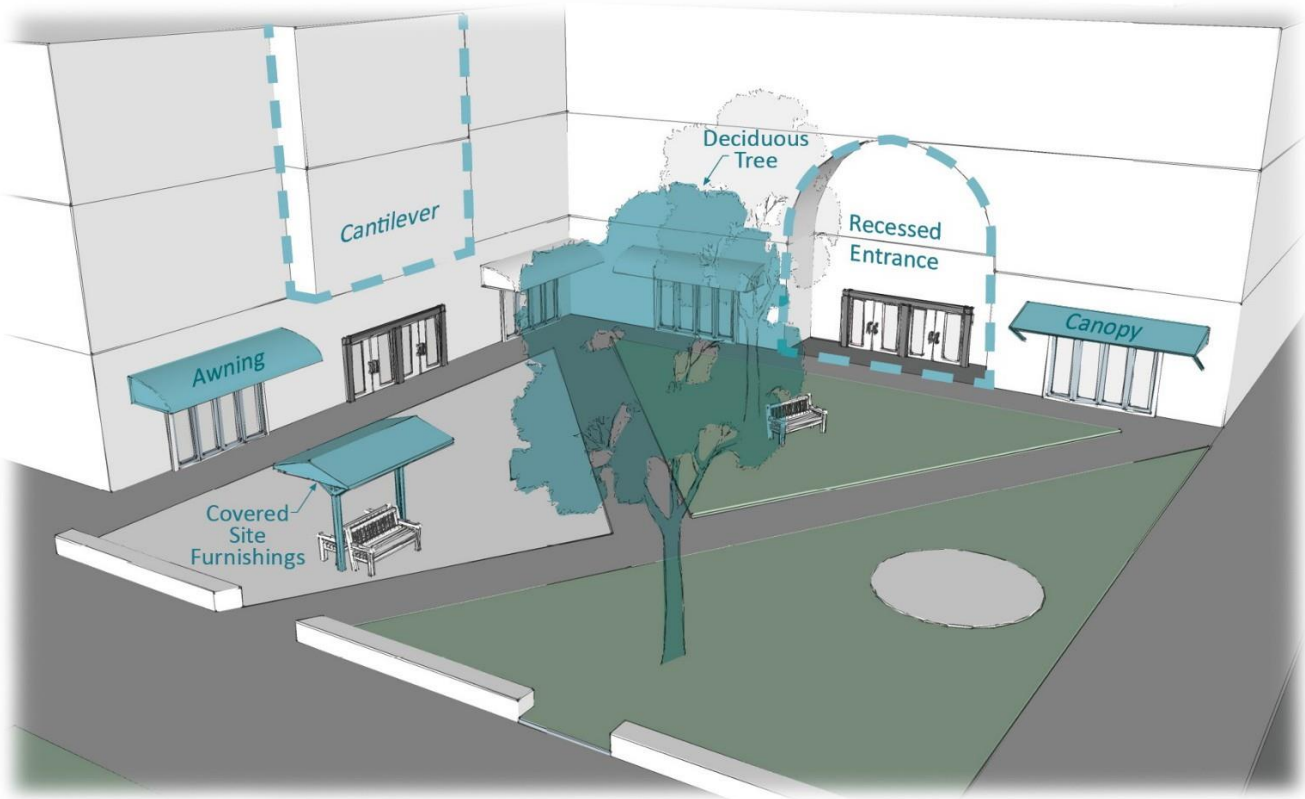


Diagram PG-7: Weather protection for outdoor amenity space, per Clause PG-151(2)(b)

Design Requirement: Privacy for Grade-Related Dwelling Units

PG-152 Where grade-related dwelling units are provided, the space located between each grade-related dwelling unit and the streetline shall include one of the following methods for privacy (Diagram PG-8):

(a) the planting of a deciduous tree, that is not a shrub, with a minimum base caliper of 50 millimetres;
(b) the planting of a minimum of two shrubs, each no less than 1.0 metre in height;
(c) the installation of a planter ranging in height from 0.25 to 1.0 metre; or
(d) the installation of a masonry wall or decorative fence ranging in height from 0.25 to 1.0 metre.

DRAFT

Diagram PG-8: Methods for providing privacy to grade-related dwelling units, per Section PG-152

DRAFT

Part VI, Chapter 3: Building Design Requirements

Design Requirement: Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 90.0 Metres or Less in Width

PG-153(1) This Section applies to an exterior wall that is 90.0 metres or less in width and is either:

(a) a streetwall; or
(b) an exterior wall that abuts a front or flanking yard.

(2) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width no greater than 90.0 metres, shall be divided into distinct sections between 1.0 metre and 16.0 metres in width, extending from the ground to the top of the streetwall.

(3) Each distinct section required under Subsection PG-153(2) shall be differentiated from abutting distinct sections by using a minimum of two of the following methods (Diagram PG-9):

(a) different colours;
(b) different materials;
(c) different textures;
(d) living walls;
(e) projections; or
(f) recesses.

(4) Projections or recesses used under Subsection PG-153(3) shall be no less than 0.15 metre deep.

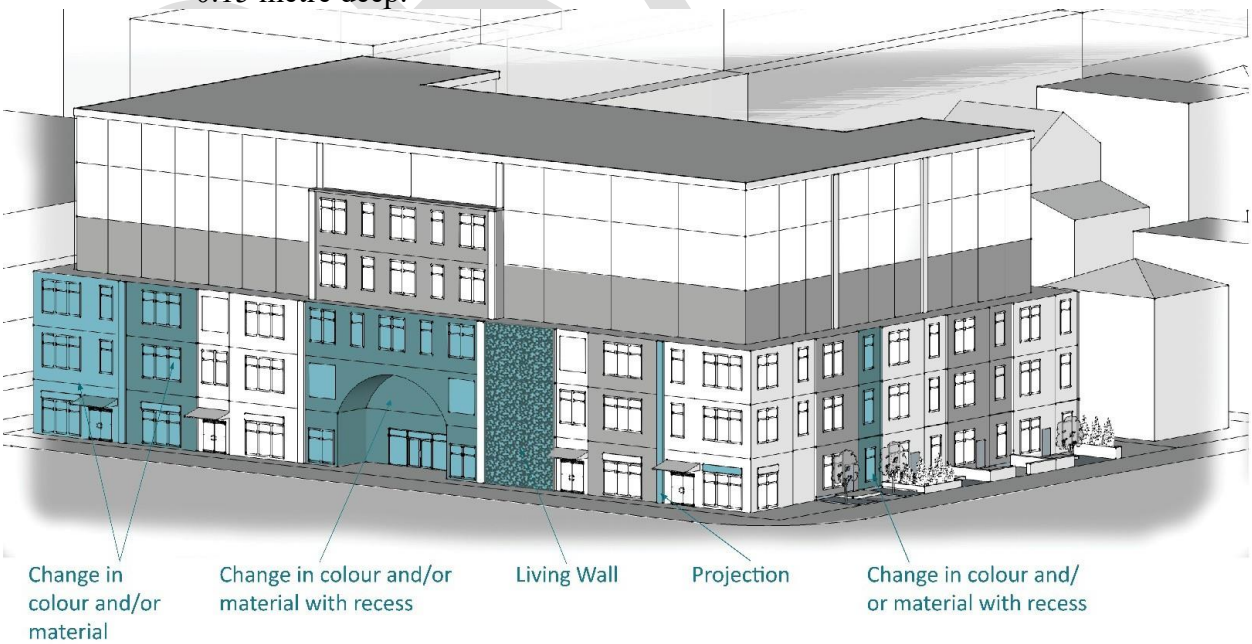


Diagram PG-9: Methods for articulation for streetwalls or exterior walls that abut a front or flanking yard, per Sections PG-153 or PG-154

Design Requirement: Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 90.0 Metres in Width

PG-154(1) This Section applies to an exterior wall that is greater than 90.0 metres in width and is either:

(a) a streetwall; or
(b) an exterior wall that abuts a front or flanking yard.

(2) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width greater than 90.0 metres, shall be divided into distinct sections between 1.0 metre and 16.0 metres in width, extending from the ground to the top of the streetwall.

(3) Each distinct section required under Subsection PG-154(2) shall be differentiated from abutting distinct sections by (Diagram PG-9):

(a) providing projections or recesses that are no less than 0.6 metre deep; and
(b) using a minimum of two of the following methods:
  (i) different colours,
  (ii) different materials,
  (iii) different textures, or
  (iv) living walls.

(4) Streetwalls or exterior walls that abut a front or flanking yard under this Section shall incorporate a minimum of one recess in the wall, that extends vertically from the ground to the top of the wall, which has a minimum required dimension of 5.0 metres in width and 2.0 metres in depth.

Design Requirement: Corner Treatment

PG-155 Any main building at the corner of two streets shall be detailed in a manner that provides visual prominence to that corner of the building by:

(a) providing a consistent architectural treatment to both streetwalls; and
(b) using a minimum of two of the following methods:
  (i) a change in the building massing at the corner that has a dimension either vertically or horizontally of no less than 1.0 metre,
  (ii) the use of a distinctive architectural treatment at the corner, such as a spire, a turret, a belvedere, a portico, an arcade, or an archway,
  (iii) the provision of a corner pedestrian entrance,
  (iv) public art,
  (v) an eroded building corner (Diagram PG-10), or
  (vi) a change in both material and color.

DRAFT

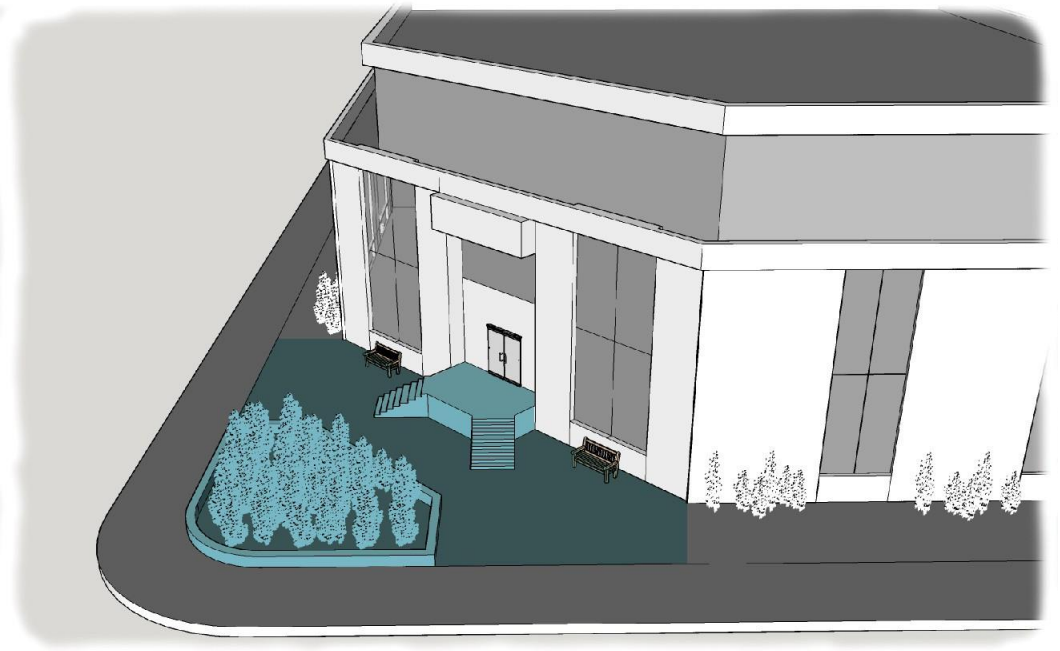


Diagram PG-10: Eroded building corner, per Subclause PG-155(b)(v)

Design Requirement: Pedestrian Entrances Along Streetwalls

PG-156(1) Excluding entrances for grade-related dwelling units, pedestrian entrances in the streetwall shall be distinguished from the streetwall by using a minimum of two of the following methods:

(a) different colours;
(b) different materials;
(c) projections;
(d) recesses;
(e) a change in height; or
(f) a change in the roofline.

(2) Projections or recesses used under Subsection PG-156(1) shall be a minimum depth of 0.15 metre.
(3) Canopies or awnings shall not be used to meet the requirements of Subsection PG-156(1).

Design Requirement: Ground Floor Transparency

PG-157 Within a streetwall, the building's ground floor façade shall consist of clear glass glazing as follows:

(a) for commercial uses, a minimum requirement of 30%; or
(b) for all other uses, a minimum requirement of 20%.

DRAFT

Design Requirement: Weather Protection for Entrances

PG-158(1) Subject to Subsection PG-158(2), where entrances for multi-unit dwelling uses, any commercial uses listed under the "**COMMERCIAL**" heading in Table PG-1, or any institutional uses listed under the "**INSTITUTIONAL**" heading in Table PG-1 are provided in the streetwall, weather protection for pedestrians shall be required above the entrances and shall consist of a minimum of one of the following methods (Diagram PG-11):

(a) canopies;
(b) awnings;
(c) recessed entrances;
(d) second storey balconies; or
(e) cantilevers.

(2) Subsection PG-158(1) shall not apply to the entrances of grade-related dwelling units.

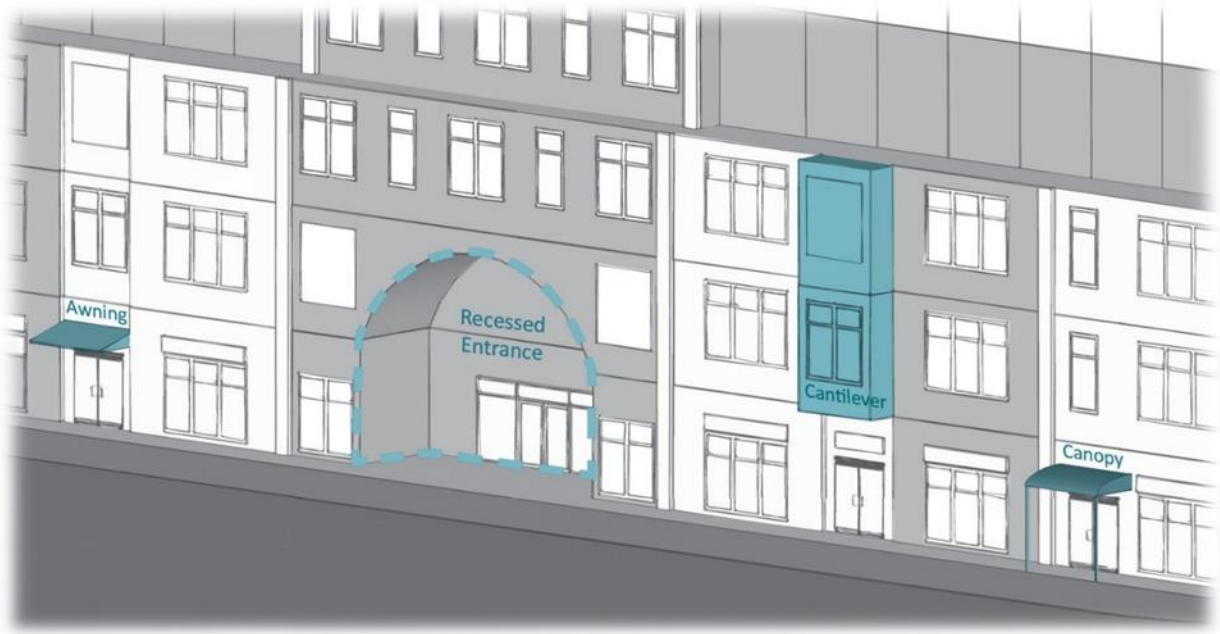


Diagram PG-11: Methods of weather protection for entrances, per Section PG-158

Design Requirement: Exposed Foundations and Underground Parking Structures

PG-159 Exterior foundation walls and underground parking structures protruding more than 0.6 metre above grade shall be required to be clad in the same material as those used on the wall that connects to the exterior foundation wall or underground parking structure.

Design Requirement: Rooftop Mechanical Features

PG-160 Rooftop mechanical features shall be required to be visually integrated into the overall design of the building top and screened from view from any streetline abutting the subject property.

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

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

PG-161 Where parking is internal to a building, including a parking structure, motor vehicle parking areas shall be required to be screened from view from any streetline abutting the subject property.

DRAFT

Part VI, Chapter 5: Other Design Requirements

Design Requirement: General Lighting

PG-162 The following features shall be required to be illuminated:

(a) common building entrances;
(b) pedestrian walks, as per the requirements of Subsection PG-195(1);
(c) shared outdoor amenity spaces, as per the requirements of Section PG-151; and
(d) accessory parking lots.

Design Requirement: Prohibited Awning or Canopy Materials

PG-163 Vinyl or high-gloss fabrics shall be prohibited materials in awnings or canopies.

DRAFT

PART VII: WIND ENERGY FACILITIES

DRAFT

Part VII, Chapter 1: Wind Energy Facility Requirements

Wind Energy Overlay Zone

PG-164 For the purposes of this Part, the Planned Growth Section establishes the Restricted (R) wind energy overlay zone, as shown on Schedule PG-3.

Restricted (R) Zone

PG-165 Wind energy facilities are prohibited in the R zone.

DRAFT

PART VIII: LANDSCAPING

DRAFT

Part VIII, Chapter 1: General Landscaping Requirements

Exemptions for a Change of Use and Minor Additions

PG-166 Additional hard landscaping or soft landscaping shall not be required for:

(a) a change of use in a structure; or
(b) an addition to any main building less than 200.0 square metres of floor area.

Existing Soft Landscaping

PG-167(1) Existing trees and shrubs may be counted toward the requirements of Part VIII if they are:

(a) adequately protected from damage during development;
(b) meet the minimum size or caliper requirements specified within the applicable section(s) of this Part; and
(c) present and in good health, as certified by a landscape architect or arborist prior to the issuance of the first occupancy permit.

(2) Any existing tree or shrub in a required landscaped buffer may be counted as one tree or shrub toward the requirements of Sections PG-178 to PG-180.

Requirement to Maintain Soft Landscaping

PG-168 All soft landscaping required under the Planned Growth Section shall be maintained.

Soft Landscaping Species

PG-169(1) Where soft landscaping is required, a minimum number of unique plant species shall be provided, as follows:

(a) if Part VIII requires the planting of a minimum of 10 trees or shrubs, but less than 20 trees or shrubs, a minimum of three different tree or shrub species are required; or
(b) if Part VIII requires the planting of 20 or more trees or shrubs, a minimum of four different tree or shrub species are required.

(2) Invasive or highly toxic plant species, as listed in Appendix PG-2, are prohibited as soft landscaping material.

Soft Landscaping for Accessory Parking Lots

PG-170(1) Where permitted in Part IX and with the exception of an accessory parking lot that is shared between two properties, an accessory parking lot that is located in a PW-CEN, PW-HR, PW-CH, or PW-PCF zone, but is not located within an interior courtyard, shall meet the following soft landscaping requirements along any portion of a lot line that runs adjacent to the accessory parking lot:

DRAFT

(a) a 2.5-metre wide strip of soft landscaping with one of either:
  (i) one shrub no less than 1.0 metre in height for every 2.0 linear metres, or
  (ii) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres;
(b) an existing strip of vegetation that has a minimum width of 2.5 metres; or
(c) a combination of Clauses PG-170(1)(a) and PG-170(1)(b).

(2) Excluding accessory parking lots for a community recreation use or a school use, accessory parking lots shall contain soft landscaping, as per the following requirements:

(a) for every 20 parking spaces in a row, a raised landscaped area shall be provided at each end of the row;
(b) each raised landscaped area shall be delineated with curbs and shall contain a minimum of two trees that are not shrubs, with a minimum base caliper of 50 millimetres; and
(c) each raised landscaped area's ground area shall include soft landscaping.

Landscaping Treatment for the Roof Slabs of Underground Parking Structures

PG-171(1) In any zone, the roof slab of an underground parking structure, which protrudes above grade, shall be treated with soft landscaping or hard landscaping on any above grade portion that is exposed.

(2) The roof slab landscaping treatment required under Subsection PG-171(1) shall be certified by a professional engineer to ensure that the structure is capable of supporting the load.

DRAFT

Part VIII, Chapter 2: Zone Specific Hard Landscaping or Soft Landscaping Requirements

Specific Landscaping Requirements in any PW-CEN or PW-HR zone

PG-172(1) In any PW-CEN or PW-HR zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, patio areas, or accessory structures shall be landscaped.

(2) No less than 50% of the required landscaping on a lot shall be soft landscaping.

(3) Excluding decks and patios, at-grade outdoor amenity space that contains soft landscaping may be counted towards the requirement in Subsection PG-172(2).

(4) In any PW-CEN zone, fences are prohibited within the required front or flanking setbacks, excluding grade-related dwelling units.

Specific Landscaping Requirements in any PW-CDD, PW-LDR, or PW-CH Zone

PG-173(1) In any PW-CDD, PW-LDR, or PW-CH zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be landscaped.

(2) In any PW-CDD, PW-LDR, or PW-CH zone, a minimum of one new tree that is not a shrub, with a minimum base caliper of 50 millimetres, shall be required for any new main building.

(3) An existing tree that is not a shrub, which meets the minimum base caliper of 50 millimetres, can be counted towards the new tree required in Subsection PG-173(2).

DRAFT

Part VIII, Chapter 3: Screening Requirements

Screening for Daycare Uses

PG-174 In any PW-LDR or PW-CH zone, outdoor recreational spaces or play areas associated with a daycare use shall be required to be screened from any residential use on an abutting lot, along the portions of the lot line that runs adjacent to the outdoor recreational spaces or play areas, with a minimum of one of the following:

(a) a continuous coniferous hedge no less than 1.8 metres in height;
(b) an opaque fence no less than 1.8 metres in height; or
(c) a masonry wall no less than 1.8 metres in height.

Screening for Solid Waste Management Areas

PG-175 Except where associated with a low-density dwelling use, any outdoor solid waste management area shall be fully enclosed by an opaque fence or a masonry wall that is no less than 1.8 metres in height (Diagram PG-12).

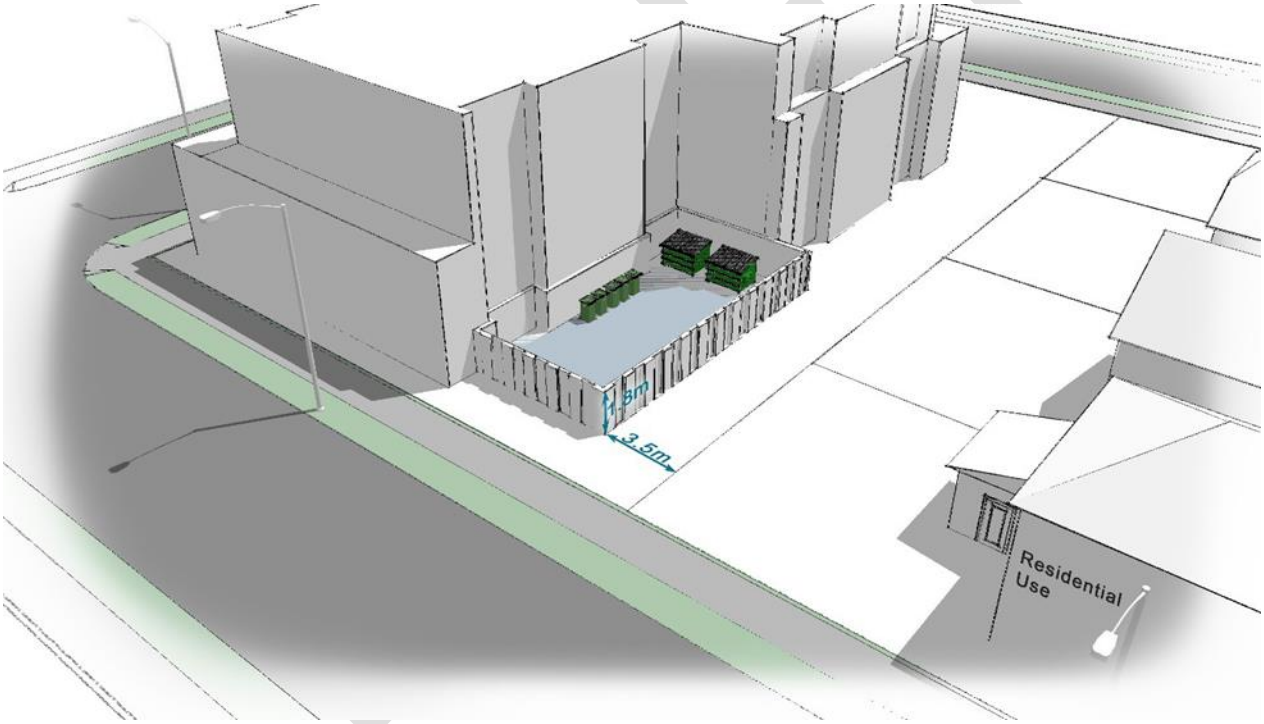


Diagram PG-12: Screening requirements for solid waste management areas, per Section PG-34 and PG-175

Screening for Accessory Parking Lots or Off-Street Loading Spaces

PG-176(1) Subject to Subsections PG-176(2) and PG-176(3), in addition to the soft landscaping requirements for accessory parking lots contained within Section PG-170, along the edge of any accessory parking lot or off-street loading space that is located within a yard that abuts any PW-LDR, PW-CH, or PW-PCF zone, a minimum of one of the following shall be required:

(a) a continuous coniferous hedge no less than 1.2 metres in height;
(b) an opaque fence no less than 1.2 metres in height; or
(c) a masonry wall no less than 1.2 metres in height.

(2) Existing natural vegetation may be used as an alternative to the screening requirement of Subsection PG-176(1), if the existing natural vegetation can adequately screen the accessory parking lot or off-street loading space from the view of the abutting property.

(3) The screening requirement under Subsection PG-176(1), shall not apply if a lot line is required to have an L2 landscaped buffer under Section PG-178.

DRAFT

Part VIII, Chapter 4: Landscaped Buffers

Development Exempted from Landscaped Buffers

PG-177 The requirements of Sections PG-178, PG-179, and PG-180 shall not apply to:

(a) any development exempted from requiring a development permit;
(b) a change of use or tenancy in a structure;
(c) accessory structures located in a PW-CEN or PW-HR zone;
(d) an addition to any main building less than 200.0 square metres in floor area;
(e) low-density dwelling uses;
(f) interior renovations;
(g) exterior renovations that do not alter the footprint or volume of a building; or
(h) temporary construction uses.

General Landscaped Buffer Requirements

PG-178(1) A landscaped buffer, where required in Table PG-11, shall be provided where a development abuts a different zone. The required landscaped buffer shall be either "L1" or "L2", as shown in Table PG-11.

(2) Any landscaped buffer, if required in Subsection PG-178(1), shall be provided along each lot line that separates the development from the different zone.

(3) Any required landscaped buffer shall have a minimum width of 2.5 metres.

(4) No structures or parking areas are permitted within any required landscaped buffer, except for:

(a) masonry walls or opaque fences required in Sections PG-176 or PG-180; or
(b) subject to Subsection PG-178(5), underground parking structures that do not protrude more than 0.6 metre above the average finished grade within any side or rear yard.

(5) If an underground parking structure extends into the required landscaped buffer, as permitted in Clause PG-178(4)(b), then the applicable landscape buffer shall apply to the surface of the underground parking structure.

DRAFT

Table PG-11: Landscaped buffer requirement

Zone where the development is located	Zone abutting the development			
	PW-CEN	PW-HR	PW-LDR PW-CH	PW-PCF
PW-CEN		L1	L2	L1
PW-HR			L1	

L1 General Landscaped Buffer

PG-179(1) Any required L1 landscaped buffer shall contain either:

(a) one shrub no less than 1.0 metre in height for every 2.0 linear metres of buffer; or
(b) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.

(2) Trees or shrubs required in Clauses PG-179(1)(a) and PG-179(1)(b) may be grouped.

(3) The remainder of a required L1 landscaped buffer shall contain soft landscaping.

L2 Screen Landscaped Buffer

PG-180(1) Any required L2 landscaped buffer shall contain:

(a) subject to Subsection PG-180(2), a continuous coniferous hedge no less than 1.0 metre in height; and
(b) a minimum of one tree with a base caliper that is no less than 50 millimetres for every 4.5 linear metres of buffer.

(2) Where an L2 landscaped buffer abuts a PW-LDR or PW-CH zone, an opaque fence, masonry wall, or coniferous hedge no less than 1.8 metres in height shall be required along the lot line abutting the PW-LDR or PW-CH zone.

(3) Trees in a required L2 landscaped buffer may be grouped.

(4) The remainder of a required L2 landscaped buffer shall contain soft landscaping.

DRAFT

Part VIII, Chapter 5: Landscape Plan Requirements

Requirement to Submit a Landscape Plan

PG-181(1) Excluding any developments located within the PW-CDD, PW-LDR, or PW-CH zone, a landscape plan is required when submitting a development permit application for:

(a) a new building equal to or greater than 2,000 square metres; or
(b) an addition equal to or greater than 1,000 square metres.

(2) When landscape plan is required in Subsection PG-181(1), it shall be stamped and signed by a landscape architect, certifying that the plan meets the minimum requirements of the Planned Growth Section.

(3) The landscape plan shall depict the design of all hard landscaping or soft landscaping required for the development, and where applicable shall indicate:

(a) the current and proposed site topography, including the location of any significant gradients;
(b) the footprints of all existing and proposed buildings, including underground parking structures;
(c) the planting areas and details for all new vegetation and groundcover, including location, quantity, size, and both the common and botanical names that identify the species and variety;
(d) the location and identification of existing vegetation that will be used to meet the requirements of Section PG-167;
(e) the soft landscaping on the roof slab of any underground parking structure, as per the requirements of Section PG-171;
(f) the protection measures, such as hoardings, for any existing soft landscaping that is to be maintained;
(g) the construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
(h) the manufacturers' specifications, such as model and colour, for all seating, light standards and fixtures, waste receptacles, bicycle parking racks, roofed bicycle cages, enclosed bicycle lockers, tree grates or guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management area enclosures, railings, and fencing; and
(i) any other information that the Development Officer requires to determine if the development complies with The Planned Growth Section.

(4) All soft landscaping specified on a landscape plan shall comply with the latest edition of the *Canadian Landscape Standard*.

DRAFT

PART IX: PARKING AND OFF-STREET LOADING

DRAFT

Part IX, Chapter 1: Motor Vehicle Parking

General Motor Vehicle Parking Requirements

PG-182(1) All accessory parking lots and parking spaces shall be located on the same lot as the main use.

(2) A change of use in an existing structure shall not require any additional parking, and parking that is already provided shall remain unless it exceeds the minimum required number of motor vehicle parking spaces.

(3) Subsections PG-182(4) and PG-182(5) do not apply to parking spaces or accessory parking lots associated with any:

(a) low-density dwelling use;
(b) cluster housing use;
(c) secondary suite use;
(d) backyard suite use;
(e) small shared housing use; or
(f) home occupation use.

(4) All accessory parking lots shall be required to be:

(a) surfaced with a hard material such as asphalt, concrete, or permeable pavers; and
(b) delineated by concrete curbs, with all motor vehicle parking spaces and driving aisles clearly delineated.

(5) The parking or storage of motor vehicles is prohibited in any driveway or driving aisle associated with an accessory parking lot.

Parking Space and Driving Aisle Dimensions

PG-183(1) For any accessory parking lot, parking structure use, or parking internal to a building:

(a) subject to Clause PG-183(1)(b), any required motor vehicle parking space shall be a minimum of 2.4 metres in width and 5.5 metres in length (Diagram PG-13); and
(b) in the case of parking parallel to an internal driveway, any required motor vehicle parking space shall be a minimum of 6.1 metres in length (Diagram PG-13).

DRAFT

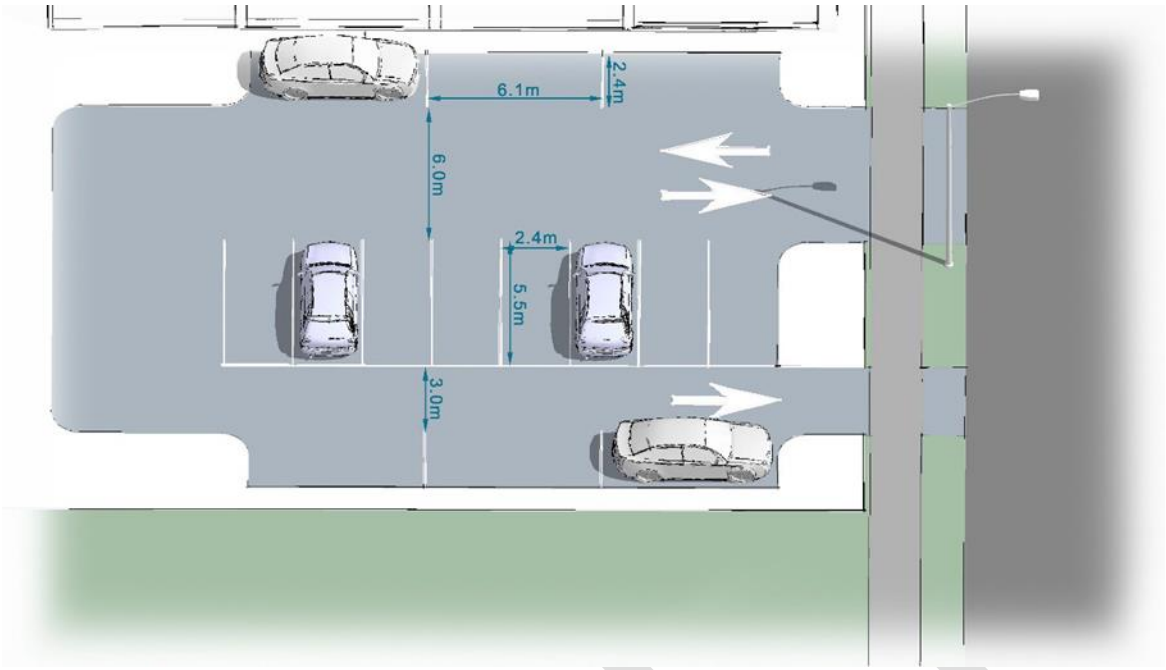


Diagram PG-13: Motor vehicle parking space and driving aisle dimensions, per Section PG-183

(2) Driving aisles between rows of motor vehicle parking spaces in an accessory parking lot, in a parking structure, or for parking internal to a building shall be required to be 6.0 metres in width for two-way traffic, and 3.0 metres in width for one-way traffic (Diagram PG-13).

Minimum Number of Motor Vehicle Parking Spaces

PG-184(1) Table PG-12 sets out the minimum number of motor vehicle parking spaces required by zone for each listed use. Where a use is not listed in Table PG-12, no minimum parking requirement applies.

(2) If there is more than one use requiring motor vehicle parking, as listed in Table PG-12, then the amount of motor vehicle parking required on-site shall be the cumulative total of what is required for each use.

(3) Where bicycle parking spaces are required in Section PG-199, two additional bicycle parking spaces of any type may be provided in substitution for one required motor vehicle parking space, to a maximum of 25% of required motor vehicle parking spaces.

(4) In addition to the substitution permitted in Subsection PG-184(3), one enhanced bicycle parking space may be substituted for a maximum of one required motor vehicle parking space.

DRAFT

Table PG-12: Required minimum number of motor vehicle parking spaces per lot, by zone and use

Use	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF
Single-unit dwellinguse	Not required	Not applicable	Not applicable	Not required	Not required	Not applicable
Semi-detached dwelling use; Townhouse dwelling use; Two-unit dwellinguse	Not applicable	Not applicable	Not applicable	Not required	Not applicable	Not applicable
Three-unit dwelling Use; Four-unit dwelling use	Not applicable	Not applicable	Not applicable	Minimum of 1 space per lot	Not applicable	Not applicable
Cluster housing use	Not applicable	Not applicable	Not applicable	Not applicable	Minimum 0.5 space per unit	Not applicable
Multi-unit dwellinguse	Not applicable	Minimum 0.5 space per unit	Minimum 0.5 space per unit	Not applicable	Not applicable	Not applicable
Small shared housing use; Short-term rental use	Not applicable	Not required	Not required	Not required	Not required	Not applicable
Large shared housing use	Not applicable	Not required	Not required	Not applicable	Not applicable	Not applicable
Secondary suite useor backyard suite use	Not applicable	Not applicable	Not applicable	Not required	Not applicable	Not applicable
Shelter use	Not applicable	Minimum 1 space	Minimum 1 space	Not applicable	Not applicable	Not applicable
Daycare use	Not applicable	Minimum 1 space per 100 square metres	Minimum 1 space	Minimum 1 space	Minimum 1 space	Minimum 1 space
Home office use	Not required	Not required	Not required	Not required	Not required	Not applicable
Home occupation use	Minimum 1 space	Not required	Not required	Minimum 1 space	Minimum 1 space	Not applicable
Work-live unit use	Not applicable	Minimum 1 space	Minimum 1 space	Not applicable	Not applicable	Not applicable
Short-term bedroom rental use	Not applicable	In addition to what is required for the dwelling unit, 1 space for each bedroom that is rented	In addition to what is required for the dwelling unit, 1 space for each bedroom that is rented	In addition to what is required for the dwelling unit, 1 space for each bedroom that	In addition to what is required for the dwelling unit, 1 space for each bedroom that is rented	Not applicable

Use	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF
				is rented		
Restaurant use; Drinking establishment use;Local drinking establishment use	Not applicable	Minimum 1 space for every 35 sq. m of floor area	Minimum 1 space for every 35 sq. m of floor area	Not applicable	Not applicable	Not applicable
Fitness centre use	Not applicable	Minimum 1 space for every 25 sq. m of floor area	Minimum 1 space for every 25 sq. m of floor area	Not applicable	Not applicable	Not applicable
Hotel use	Not applicable	Minimum 1 space per room	Not applicable	Not applicable	Not applicable	Not applicable
Local commercial uses	Not applicable	Not required	Not required	Not applicable	Not applicable	Not applicable
Office use; Financial institutionuse	Not applicable	Minimum of 1 space for every 75 square metres of floor area	Not applicable	Not applicable	Not applicable	Not applicable
Any other commercial use notlisted within this table	Not applicable	Minimum of 1 space for every 35 square metres of floor area	Not applicable	Not applicable	Not applicable	Not applicable
Minor spectator venue use; Cultural use	Not applicable	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Not applicable	Not applicable	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less
Medical clinic use; Religious institutionuse	Not applicable	Minimum 1 space for every 100 square metres of floor area	Minimum 1 space for every 100 square metres of floor area	Not applicable	Not applicable	Not applicable
School use	Not applicable	1.5 spaces per classroom	1.5 spaces per classroom	Not applicable	Not applicable	1.5 spaces per classroom
Major spectator venue use	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Minimum 1 space for every 5 permanent seats
University or college use	Not applicable	4 spaces per classroom	Not applicable	Not applicable	Not applicable	Not applicable
Industrial use	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Community recreation use	Not applicable	Not required	Not required	Not required	Not required	Not required
Club recreation use	Not applicable	Minimum 1 space for every 400 square metres of lot area	Minimum 1 space for every 400 square metres of lot area	Not applicable	Not applicable	Minimum 1 space for every 400 square metres of lot area

Parking Prohibition in PW-CON Zone

PG-185 Motor vehicle parking spaces are not permitted in a PW-CON zone.

Rounding Regulation

PG-186 Where the calculation for motor vehicle parking results in a fraction of a motor vehicle parking space, the required number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

Parking Within a Front or Flanking Yard for Low-Density Dwelling Uses

PG-187 For a low-density dwelling use, a maximum of 50% of the width of any front or flanking yard may be used for the parking and maneuvering of motor vehicles.

Commercial Vehicles

PG-188(1) Subject to Subsection PG-188(2), any commercial vehicle that exceeds a weight of 3,000 kilograms of gross vehicle weight shall be prohibited in any PW-CDD, PW-LDR, or PW-CH zone.

(2) A commercial vehicle described in Subsection PG-188(1) is permitted to park in any PW-CDD, PW-LDR, or PW-CH zone, if:

(a) the vehicle is necessary for the purposes of construction; and
(b) the vehicle is parked on the lot during the period of construction.

Motor Vehicle Sharing Spaces

PG-189 Any required motor vehicle parking space may be used as a motor vehicle sharing space.

Parking Structure Use

PG-190(1) All parking spaces associated with a parking structure use shall be required to be located inside the parking structure or on the roof of the parking structure.

(2) Rooftop parking on a parking structure shall not be visible from any streetline.

(3) All parking structure uses shall meet the requirements of Part V.

Automated Vehicle Parking System

PG-191(1) Motor vehicle parking space and driving aisle dimension requirements do not apply where an automated vehicle parking system is used.

(2) An automated vehicle parking system shall be required to be located internal to a building or in a parking structure.

DRAFT

Parking Lots

PG-192 Parking lots are prohibited in all zones, except for accessory parking lots which meet the requirements of Sections PG-193 or PG-194.

Accessory Parking Lots: PW-CEN Zone

PG-193(1) Accessory parking lots are permitted in a PW-CEN zone.

(2) Accessory parking lots in a PW-CEN zone shall not be located:

(a) within any required front or flanking yard; and
(b) between the closest building to a streetline and the streetline.

Accessory Parking Lots: All Other Zones

PG-194(1) Accessory parking lots are permitted in a PW-HR zone, but only in a side yard, rear yard, or an internal courtyard.

(2) Accessory parking lots are permitted in a PW-CH zone and shall meet the following requirements:

(a) be located within any yard;
(b) not exceed groupings of 12 motor vehicle parking spaces; and
(c) each grouping of motor vehicle parking spaces shall be separated by soft landscaping.

(3) Accessory parking lots are permitted in any PW-PCF zone, but shall not be located in any minimum required front or flanking setback.

Pedestrian Walks Through Accessory Parking Lots

PG-195(1) A minimum of one pedestrian walk through an accessory parking lot shall be required where more than 24 spaces are provided, and shall provide a direct route between parking areas, building entrances, and the nearest streetline.

(2) Pedestrian walks within accessory parking lots shall be required to be no less than 1.8 metres wide.

(3) Pedestrian walks within accessory parking lots shall consist of:

(a) poured concrete;
(b) brick pavers;
(c) stone pavers;
(d) concrete pavers; or
(e) asphalt.

(4) Where a pedestrian walk crosses a driving aisle in an accessory

DRAFT

parking lot, the surface of the pedestrian walk shall be delineated with a change of colour or material from the driving aisle.

DRAFT

Part IX, Chapter 2: Bicycle Parking

Bicycle Parking Exemptions for Specific Uses

PG-196 Bicycle parking spaces are not required for any of the following uses:

(a) low-density dwelling use;
(b) cluster housing use;
(c) grade-related dwelling units;
(d) secondary suite use;
(e) backyard suite use;
(f) daycare use in any PW-LDR or PW-CH zone;
(g) home occupation use;
(h) home office use;
(i) small shared housing use;
(j) work-live unit use;
(k) car wash use;
(l) self-storage facility use;
(m) urban agriculture use;
(n) cemetery use; or
(o) accessory structure or accessory use.

Bicycle Parking Exemptions for a Change of Use

PG-197 A change of use in a structure shall not:

(a) require bicycle parking beyond what is already provided on-site; and
(b) reduce any existing bicycle parking that is provided on-site, unless it exceeds the minimum required number of bicycle parking spaces.

General Bicycle Parking Requirements

PG-198(1) Direct access to all bicycle parking spaces shall be required from a streetline.

(2) All bicycle parking spaces shall be required to be illuminated.

(3) All bicycle parking racks shall be required to provide two points of contact between each bicycle and rack.

Required Number of Bicycle Parking Spaces

PG-199(1) Table PG-13 sets out the bicycle parking space requirements that shall apply for each use listed.

(2) If there is more than one use requiring bicycle parking, as listed in Table PG-13, then the amount of bicycle parking required on-site shall be the cumulative total of what is required for each use.

DRAFT

Table PG-13: Required number of bicycle parking spaces

Use	General requirement	Required percentage ofClass A or Class B bicycle parking	Minimum requirement forClass B bicycle parking	Maximum permitted
Multi-unit dwelling use	1 space for every 2 units	80% Class A 20% Class B	4 spaces	Not Applicable
Large shared housing use	1 space for every 20 bedrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Hotel use	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Retail use; Local commercial use;Personal service use; Grocery store use; Restaurant use	1 space for every 300 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Financial institution use; Office use; Hospital use; Medical clinic use; Religious institution use	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable
Cultural use; Minor spectator venue use; Major spectator venue use	1 space for every 20 permanent seats or 1 space for every 250 sq. m of floor area, whichever is less	20% Class A 80% Class B	2 spaces	50 spaces
School use; University or college use	1 space for every 150 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Club recreation use; Community recreation use (indoor facilities)	10 spaces if less than 500 sq. m of floor area; 20 spaces for larger facilities	20% Class A 80% Class B	Not Applicable	Not Applicable
Community recreation use (outdoor facilities)	1 space for every 1,250 sq. m lot area	100% Class B	2 spaces	50 spaces
Parking structure use	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces	50 spaces
Any other use not specified in this Table or not exempted from bicycle parking requirements in Sections PG-196 and PG-197	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable

DRAFT

Rounding Regulation

PG-200 Where the calculation for bicycle parking results in a fraction of a bicycle parking space, the required number of bicycle parking spaces shall be rounded down to the nearest whole number.

Class A Bicycle Parking Requirements

PG-201(1) Required Class A bicycle parking racks shall be located:

(a) within a room that is dedicated to the storage of bicycles;
(b) within a roofed bicycle cage outside of a building;
(c) within an enclosed bicycle locker outside of a building;
(d) within a covered parking area reserved for bicycles; or
(e) within a resident storage unit located in an indoor parking area that is associated with a multi-unit dwelling use.

(2) Any bicycle room, roofed bicycle cage, enclosed bicycle locker, covered parking area, or resident storage unit reserved for bicycles shall be lockable.

(3) Required Class A bicycle parking racks shall be one or more of the following types:

(a) inverted-U that is a minimum of 0.90 metre in height;
(b) post-and-ring that is a minimum of 0.90 metre in height;
(c) vertical racks that are wall-mounted, not exceeding 50% of the total number of required Class A bicycle parking spaces; or
(d) two-tier racks with a lift-assist.

(4) All bicycle parking racks and bicycle lockers shall be required to be secured to the ground, floor, or wall.

(5) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.

(6) All indoor Class A bicycle parking spaces shall be required to be:

(a) located on a ground floor; or
(b) located within one storey of a ground floor and be:
    (i) accessible from a ground floor with ramps, which are protected from motor vehicle traffic, or
    (ii) accessible from a ground floor by elevator.

(7) The distance from any Class A bicycle parking space to the nearest building entrance shall not exceed 200 metres.

Class B Bicycle Parking Requirements

PG-202(1) Subject to Subsection PG-202(6), Class B bicycle parking spaces shall be located

DRAFT

outside of a building in a location that is:

(a) visible and accessible from the street; or
(b) where a building is located more than 30 metres from a streetline, within 20 metres of a common building entrance.

(2) Required Class B bicycle parking racks shall be a minimum height of 0.90 metre and be one or more of the following types:

(a) inverted-U; or
(b) post-and-ring.

(3) All bicycle parking racks shall be required to be secured to the ground, floor, or wall.

(4) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.

(5) The required distance from any Class B bicycle parking space to the nearest visitor-accessible building entrance shall not exceed:

(a) 15.0 metres for unsheltered bicycle parking; or
(b) 30.0 metres for sheltered bicycle parking.

(6) If the location of the main building prohibits the requirements of this Section from being satisfied, then:

(a) the owner may request an encroachment license from the Municipality to install the required Class B bicycle parking spaces in the adjacent public right-of-way. If the Municipality has granted an encroachment license allowing Class B bicycle parking spaces to be located in the street, then any Class B bicycle parking space provided in accordance with that license may be counted towards any required Class B bicycle parking; or
(b) the amount of Class B bicycle parking required can be located inside the main building within 30.0 metres of the nearest visitor-accessible building entrance.

Minimum Bicycle Parking Geometric Requirements

PG-203(1) Bicycle parking racks are prohibited within 2.5 metres of any main building entrance (Diagram PG-14).

(2) Bicycle parking racks shall be required to be spaced:

(a) no less than 0.9 metre apart in the direction of a bicycle's width (Diagram PG-14); and
(b) centered no less than 1.8 metres apart in the direction of a bicycle's length (Diagram PG-14).

DRAFT

(3) A 1.5-metre wide clear aisle shall be provided between rows of any required bicycle parking racks (Diagram PG-14).

(4) Excluding wall-mounted racks, a space of 0.6 metre shall be required to be provided between bicycle parking spaces and any obstruction, on all sides (Diagram PG-14).

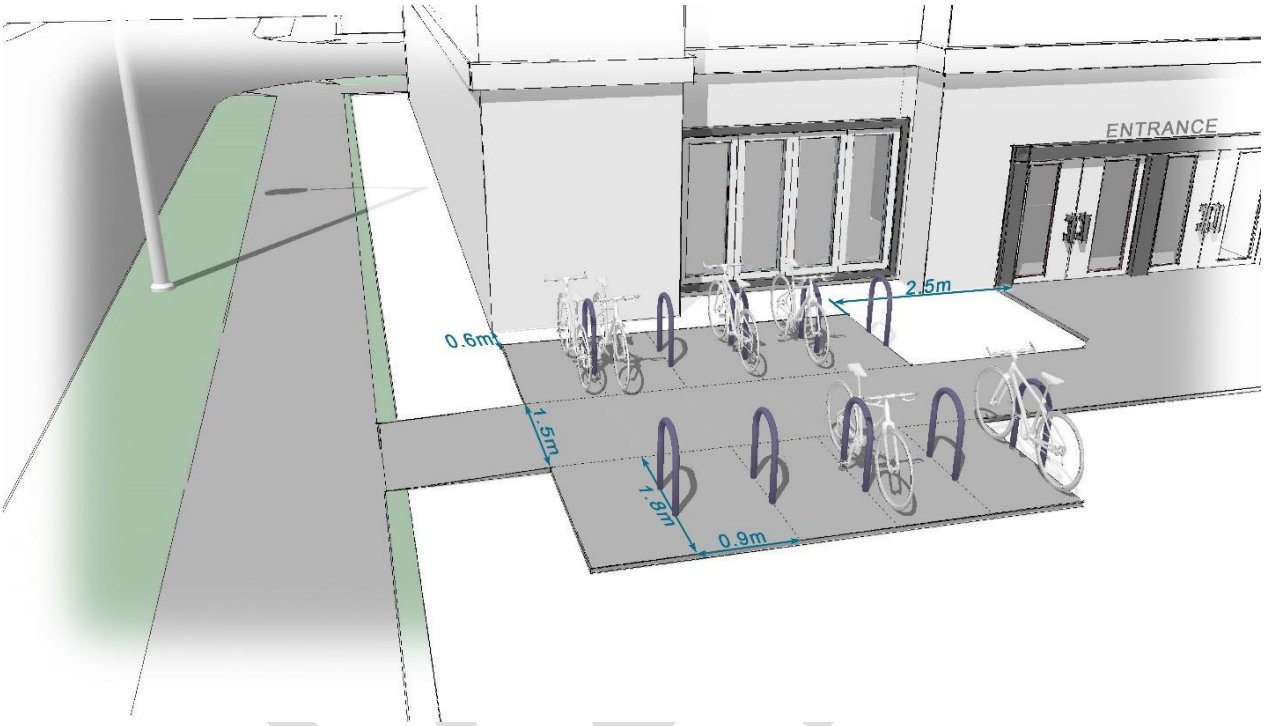


Diagram PG-14: Bicycle parking requirements, per Section PG-203

Part IX, Chapter 3: Off-Street Loading

Off-Street Loading Space

PG-204(1) Subject to Subsection PG-204(2), in any PW-CEN or PW-HR zone, in addition to any required motor vehicle parking spaces, off-street loading shall be required, as set out in Table PG-14, for the following uses:

Table PG-14: Minimum required number and type of off-street loading space per lot, by use

Use	Minimum required number and type of loading spaces
Multi-unit dwelling use – 40 units to 299 units	1 Type A
Multi-unit dwelling use – 300 units or more	2 Type A
Any commercial use – 500 square metres to 2,000 square metres of floor area	1 Type A
Any commercial use – greater than 2,000 square metres to 5,000 square metres of floor area	2 Type A
Any commercial use – greater than 5,000 square metres in floor area	2 Type A and 1 Type B
Minor spectator venue use	1 Type A
Major spectator venue use	1 Type A and 1 Type B

(2) Off-street loading spaces shall not be required:

(a) for a change of use within and existing structure; or
(b) for an addition that is less than 500 square metres of floor area.

(3) Any required off-street loading space shall be located on the same lot as the use it is intended to serve.

(4) Any required off-street loading space shall be surfaced with a hard material such as asphalt, concrete, and permeable pavers, and delineated by concrete curbs or painted lines.

(5) Subject to Subsection PG-204(6), any required off-street loading space shall be located:

(a) internal to a building;
(b) in a parking structure; or
(c) in any area of a lot where an accessory parking lot is permitted in Sections PG-193 and PG-194.

(6) For a multi-unit dwelling use that contains 120 units or less, an off-street loading

DRAFT

space may be located within a driving aisle, providing there is unobstructed access within the driving aisle of 3.0 metres to enable vehicles to maneuver around the loading space.

(7) The driving access to an off-street loading space shall meet the width and height requirements of Sections PG-205 or PG-206.

(8) The screening requirements for required off-street loading spaces are provided in Section PG-176.

(9) An off-street loading space shall not be used for motor vehicle parking.

Type A Off-Street Loading Space

PG-205 A Type A off-street loading space shall have the following minimum required dimensions:

(a) 3.0 metres in width;
(b) 6.0 metres in length; and
(c) 3.0 metres in height clearance.

Type B Off-Street Loading Space

PG-206 A Type B off-street loading space shall have the following minimum required dimensions:

(a) 3.5 metres in width;
(b) 17.0 metres in length; and
(c) 4.3 metres in height clearance.

DRAFT

PART X: SIGNS

DRAFT

Part X, Chapter 1: General Signage Requirements

Temporary Sign By-law

PG-207 The Planned Growth Section does not apply to any sign regulated by HRM By-law S-801, *A By-law Respecting Licensing of Temporary Signs*.

Sign Permit Exemptions

PG-208 The following signs are exempt from the requirement of a development permit:

(a) signs giving the name of a building or its civic address;
(b) signs regulating activities that are not related to traffic, such as "No Trespassing" or "Beware of Dog" signs, if the sign does not exceed 0.2 square metre in area;
(c) signs that pertain to the sale, rental, or lease of real property on a lot where the signs are displayed, if they:
    (i) are non-illuminated,
    (ii) do not exceed 2.0 square metres in area,
    (iii) are removed within 14 days following the sale, rental, or lease, and
    (iv) are limited in number to a maximum of one sign for every streetline;
(d) signs regulating traffic on a lot, including directional signage, if the sign does not exceed 0.5 square metre in area;
(e) signs erected by any government;
(f) notification signs required under municipal by-laws;
(g) signs interior to a structure;
(h) commemorative signs;
(i) signs identifying motor vehicle sharing spaces;
(j) signs that are incidental to a construction in progress, if the signs:
    (i) are non-illuminated,
    (ii) are located on the same lot as the construction in progress,
    (iii) do not exceed 5.0 square metres in area, and
    (iv) are removed within 14 days following the conclusion of construction;
(k) one internally illuminated menu-box sign per restaurant use, if the sign:
    (i) is located within 2.0 metres of the pedestrian entrance for the restaurant use,
    (ii) does not exceed 0.4 square metre in area, as measured from the outside of the box, and
    (iii) does not project more than 0.1 metre from the wall on which it is affixed;
(l) any sign related to a drive-through;
(m) subject to Sections PG-218 and PG-219, in a PW-CDD, PW-LDR, or PW-CH zone, signs for any of the following uses:
    (i) home occupation use,
    (ii) daycare use,
    (iii) sale of urban agricultural products as an accessory use, and
    (iv) urban farm use;
(n) the replacement of a sign face where there is no alteration of the structure holding the sign;
(o) community signs; and
(p) window and door signs.

DRAFT

Prohibited Signs

PG-209 The following types of signs are prohibited in all zones:

(a) signs that create a hazard to public safety;
(b) in the opinion of the traffic authority, signs that:
  (i) are a source of danger to traffic on the street, or that obstruct or interfere with the vision of road users because of their location, appearance, or illumination,
  (ii) obscure or interfere with any traffic control sign or device, or
  (iii) resemble the traffic control signs of any public authority, in shape, colour, message, symbol, or location;
(c) signs that obscure or interfere with any warning or instructional sign;
(d) signs that obstruct or interfere with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
(e) signs that obstruct access to any emergency related equipment or infrastructure, such as fire hydrants and firefighting hose connections;
(f) signs located on fences or retaining walls;
(g) excluding signs on a registered heritage property, signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation;
(h) signs located on the roof of any structure;
(i) signs that project above a roof edge or a streetwall stepback, or extend beyond the edges of any wall to which they are affixed;
(j) excluding any property located in an PW-CDD, PW-LDR, or PW-CH zone, signs affixed to or painted on natural objects such as trees or boulders;
(k) excluding neon gas tubing and variable message signs, signs that use fluorescent colours;
(l) internally-illuminated fascia signs, except for:
  (i) neon gas tubing,
  (ii) open or exposed neon gas tubing channel letters and characters,
  (iii) front-lit, individually raised profile letters and characters with LED illumination,
  (iv) front-lit, standard channel letters and characters with LED illumination, or
  (v) reverse channel (halo-lit) letters and characters with either neon gas tubing or LED illumination;
(m) internally-illuminated awning signs;
(n) signs that incorporate a strobe light or flashing light; and
(o) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication.

Variable Message Signs

PG-210 Variable message signs shall only be permitted:

(a) in a PW-CEN or PW-PCF zone; and

DRAFT

(b) if, in the opinion of the Engineer, the variable message sign does not pose a risk to public safety.

Neighbourhood Signs

PG-211 A neighbourhood sign shall:

(a) be permitted in a PW-CDD, PW-CEN, PW-HR, PW-LDR, or PW-CH zone;
(b) have a minimum front or flanking setback of 3.0 metres;
(c) not exceed a height of 4.6 metres; and
(d) not exceed an area of 8.0 square metres per sign face.

Billboards

PG-212 Billboards are prohibited in the PW-CDD, PW-CEN, PW-HR, PW-LDR, PW-CH, PW-PCF, or PW-CON zone.

DRAFT

Part X, Chapter 2: Signage Requirements for the PW-CEN, PW-HR, and PW-PCF Zones

Fascia Signs

PG-213 In any PW-CEN, PW-HR, or PW-PCF zone, the combined area of all fascia signs on a building wall shall not exceed 10% of the area of the wall that the signs are affixed.

Ground Signs

PG-214 (1) In the PW-CEN zone, no ground sign shall exceed:

(a) one per lot;
(b) a height of 7.6 metres; and
(c) an area of 14.0 square metres per sign face.

(2) In the PW-HR or PW-PCF zone, no ground sign shall exceed:

(a) one per lot;
(b) a height of 4.6 metres; and
(c) an area of 4.0 square metres per sign face.

Projecting Signs

PG-215(1) In any PW-CEN, PW-HR, or PW-PCF zone, projecting signs shall be required to:

(a) be separated from other projecting signs on the same lot by no less than 2.5 metres;
(b) be set back no less than 1.25 metres from any side or rear lot line;
(c) not be located within 3.5 metres of the ground directly below; and
(d) not exceed 2.0 square metres in area, per sign face.

(2) No more than one projecting sign is permitted per streetline for each premises.

Abutting Zone Requirements

PG-216 Where a lot is zoned PW-CEN or PW-HR, and abuts a lot that is zoned PW-LDR, PW-CH, or PW-PCF, the following requirements shall apply:

(a) all non-illuminated signs shall be set back no less than 3.0 metres from the abutting lot line; and
(b) all illuminated signs shall be set back no less than 10.0 metres from the abutting lot line.

Fascia Signs for Home Occupation Uses, Work-Live Unit Uses, and Short-Term Bedroom Rental Uses

PG-217 In any PW-CEN or PW-HR zone, one non-illuminated fascia sign, not exceeding 3.0 square metres in area, is permitted for:

DRAFT

(a) a home occupation use;
(b) the commercial use or institutional use component of a work-live unit use; or
(c) a short-term bedroom rental use.

DRAFT

Part X, Chapter 3: Signage Requirements for the PW-CDD, PW-LDR and PW-CH Zones

Signs for Home Occupation Uses, Daycare Uses, Short-Term Bedroom Rental Uses, and the Sale of Urban Agricultural Products as an Accessory Use

PG-218 In any PW-CDD, PW-LDR, or PW-CH zone, the following requirements shall apply to any sign advertising a home occupation use, daycare use, short-term bedroom rental use, or the sale of urban agricultural products as an accessory use:

(a) A maximum of one sign is permitted per use;
(b) The sign shall only be a ground sign, fascia sign, or projecting sign;
(c) The sign shall not exceed 0.6 square metre in area;
(d) Any ground sign shall not exceed a height of 1.2 metres; and
(e) The sign shall not be illuminated.

Signs for Urban Farm Uses

PG-219 In any PW-LDR or PW-CH zone, the following requirements shall apply to any sign advertising an urban farm use:

(a) A maximum of one ground sign is permitted per street frontage for any urban farm use;
(b) The ground sign shall not exceed 2.0 square metres in area, and shall not exceed a height of 1.2 metres; and
(c) The ground sign shall not be illuminated.

Signs for Community Recreation Uses

PG-220 In any PW-LDR or PW-CH zone, any sign for a community recreation use shall meet the requirements of Sections PG-213 to PG-216.

DRAFT

PART XI: DEFINITIONS

DRAFT

Part XI, Chapter 1: Definitions

PG-221 The Planned Growth Section uses the following terms as defined within this Section:

(1) **Accessory Hen Use** means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not for commercial purposes.

(2) **Accessory Parking Lot** means a parking lot, not contained within a structure, that supports the main use of a lot. For further clarity, a dealership use is not considered an accessory parking lot.

(3) **Accessory Structure** means a structure that is:

(a) subordinate, incidental, and devoted to a main use or structure; and
(b) not attached to any main building.

(4) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot.

(5) **Adult Cabaret** means premises where a person feels, handles, touches, paints, dances, is in the presence of, or is entertained by another person's nude body, or observes, views, or photographs any such activity. This definition excludes plays, dramas, ballets, and classes in any theatre, concert hall, fine arts academy, school use, institution of higher education, or other similar establishment, where nudity is used as a form of expression of opinion or in the communication of ideas or information.

(6) **Adult Entertainment Use** means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours, but excludes the standalone retailing of adult material.

(7) **Adult Theatre** means premises where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence, which are either unrated or have been classified as A (Adult) by the provincial film rating agency or its designate.

(8) **Amenity Space** means non-commercial indoor or outdoor space dedicated for private or shared use by a building's occupants, such as balconies, decks, grade-related dwelling unit patios, courtyards, planters and plots for gardening, rooftop barbeque areas, shared indoor and outdoor kitchens, swimming pools, saunas, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, and meeting rooms.

(9) **Applicant** means any person, including an owner, applying for a development permit, variance, site plan approval, or development agreement.

(10) **Arcade** means a structure characterized by a central covered passageway with the roof supported by a series of arches on piers or columns, providing refuge for

DRAFT

pedestrians from the weather.

(11) **Archway** means a standalone or attached curved structure forming a passageway or entrance.

(12) **Arena** means a building that is used for recreational purposes that may or may not contain a sheet of ice and is used primarily for indoor skating, figure skating, speed skating, hockey, ringette, lacrosse, arena soccer, or basketball. For additional clarity, an arena is not a minor spectator venue use or a major spectator venue use.

(13) **Assembly** means, for the purpose of a light manufacturing use, the fitting or joining together of parts of an item by means such as fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.

(14) **Attached** means a building that depends for structural support, upon a division wall or walls shared in common with an adjoining building or buildings.

(15) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.

(16) **Auto Repair Use** means premises used for the repair, servicing, or inspection of motor vehicles, engines, or motors.

(17) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure.

(18) **Awning** means a textile covering, and any supporting structure, that projects from the wall of a building.

(19) **Awning Sign** means a sign incorporated into an awning (Diagram PG-21).

(20) **Backyard Suite Use** means a dwelling unit that is:

(a) located within an accessory structure;
(b) located on its own footing or foundation; and
(c) not attached to a main building.

(21) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.

(22) **Belvedere** means a small-roofed structure on the rooftop of a building with open sides or windows.

(23) **Billboard** means a sign that does not relate to or advertise a use on the lot on which it is located, excluding a community sign or a neighbourhood sign.

(24) **Boathouse** means a structure that:

DRAFT

(a) is used for the shelter or storage of boats, watercraft, or marine accessories and equipment, but not for the shelter, storage, or accommodation of persons, animals, or motor vehicles;
(b) is roofed; and
(c) does not contain toilet facilities, a kitchen, or sleeping facilities.

(25) **Broadcast and Production Studio Use** means radio, television, film, or music production or broadcasting facilities.

(26) **Building** means every continuous enclosed area with exterior walls on a lot that:

(a) is built, erected, and framed of a combination of materials;
(b) is either portable or fixed;
(c) has a roof;
(d) forms a structure for the shelter of persons, animals, or property; and
(e) is located, in whole or in part, above or below grade.

(27) **Building Depth** means the distance between the wall of a building that is closest to the front lot line and the wall of the same building that is farthest away from the front lot line.

(28) **Building Width** means the distance between the outermost edges of two building walls that face:

(a) two side lot lines;
(b) a side lot line and a flanking lot line; or
(c) two flanking lot lines, excluding any flanking lot line that is opposite to the front lot line on a through lot.

(29) **C&D Materials Disposal Site Use** means land where C&D materials, or residue from C&D processing facilities, are disposed of by land application or burying, excluding the use of inert C&D materials, where approved by Nova Scotia Environment or its designate, for site rehabilitation within gravel pits or quarry operations licensed by the Province of Nova Scotia.

(30) **C&D Materials Processing Facility Use** means premises used to sort, alter, grind, or otherwise process C&D materials for reuse or recycling into new products, excluding:

(a) the retail of used building materials;
(b) the processing of inert C&D materials on the site of generation, where the processed material does not leave the site except for inert C&D materials described in Subsection 9(3) of *HRM C&D License By-law* (L-200);
(c) the de-construction of a building on site;
(d) a municipal processing facility for used asphalt or concrete;
(e) facilities associated with the reclamation of a gravel pit or quarry operation licensed by the Province of Nova Scotia; and

DRAFT

(f) forestry manufacturing processes.

(31) **C&D Materials Transfer Station Use** means land or premises at which C&D materials are received and sorted for subsequent transport to a C&D materials disposal site or a C&D materials processing facility.

(32) **Cannabis Lounge Use** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products, or any of its derivatives such as oils or edible products. A cannabis lounge may include cannabis retail sales.

(33) **Cannabis Production Facility Use** means premises licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including:
  (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
  (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction; and
(b) excluding:
  (i) industrial hemp, and
  (ii) premises used for personal production permitted by federal legislation.

(34) **Cannabis Retail Sales Use** means premises used for the retail sale of cannabis, cannabis products, or any of its derivatives, such as oils or edible products, to the public.

(35) **Canopy** means a rigid roofed structure that is connected to and projects outward from a building. A canopy may also include a supporting structure that extends to the ground.

(36) **Cantilever** means an enclosed portion of an upper floor extending beyond the ground floor façade, including window bays, but excluding balconies and any portion of the building above a recessed pedestrian entrance.

(37) **Car Wash Use** means premises where motor vehicles are washed within a permanent structure.

(38) **Casino Use** means premises primarily used for the purpose of playing or operating blackjack, roulette, baccarat, mini-baccarat, keno, video poker, video blackjack, video keno or similar game of chance or a slot machine and is conducted and managed by the Nova Scotia Gaming Corporation as an agent of Her Majesty in right of the Province.

(39) **Catering Use** means the business of preparing food at one location to be then distributed and consumed at a different location. Catering does not include a restaurant use.

DRAFT

(40) **Cemetery Use** means land used for the burial of the dead and accessory purposes, such as columbaria and mausoleums, but excludes a crematorium use.

(41) **Change of Use** means a change in the use of any land, building, structure, or any combination thereof.

(42) **Charter** means the Halifax Regional Municipality Charter, S.N.S., 2008, c. 39, as amended.

(43) **Chemical Storage Facility** means an accessory structure used for the storage of chemicals.

(44) **Clock Tower** means a structure which vertically extends from a building and contains a large clock at the top.

(45) **Club Recreation Use** means land or premises operated for recreational purposes, by membership, such as golf courses, country clubs, curling clubs, tennis clubs, lawn bowling clubs, boating clubs, marinas, and equine facilities.

(46) **Cluster Housing Block** means attached cluster housing dwelling units.

(47) **Cluster Housing Dwelling Unit** means a non-movable dwelling unit that:

(a) is located on a lot that is in the Port Wallace Cluster Housing (PW-CH) zone, as shown in the development agreement for the Port Wallace Lands;
(b) has an independent pedestrian entrance; and
(c) may be attached to another cluster housing dwelling unit on the same lot.

(48) **Cluster Housing Use** means land containing a cluster housing dwelling unit.

(49) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.

(50) **Commercial Recreation Use** means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, bingo halls, and miniature golf courses. For further clarity, a commercial recreation use excludes a club recreation use and a community recreation use.

(51) **Commercial Use** means any use listed under the "COMMERCIAL" heading in Table PG-1.

(52) **Commercial Vehicle** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles or any vehicle designed, maintained, or used primarily for the transportation of property or persons associated with a business, such as a truck, a bus, a delivery van or wagon, a tractor, a truck tractor, a trailer, heavy equipment, and construction equipment, but excludes a private passenger motor vehicle.

DRAFT

(53) **Community Recreation Use** means a publicly owned or operated recreation facility, such as a park, recreation centre, pool, skating rink, arena, gymnasium, picnic area, community oven, dog park, playground, splash pad, skateboard park, boating facility and ramps, sports court, field, and trail, but excludes a convention centre use, cultural use, minor spectator venue use, and major spectator venue use.

(54) **Community Sign** means a sign identifying a community or district that is erected by the Municipality, which may be erected on the behalf of a neighbourhood group or community organization.

(55) **Conservation Use** means a use carried out for the purposes of conserving soils, water, flora, or fauna, including a wildlife sanctuary.

(56) **Construction and Demolition (C&D) Materials** means materials that are normally used in the construction of structures, roadways, walls, or hard landscaping or soft landscaping, such as soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles, and metals.

(57) **Controlled-Access Highway** means a highway or a part of land that is designated under the *Public Highways Act*, S.N.S., 1989, c. 371, as amended.

(58) **Convention Centre Use** means indoor premises that are primarily used for hosting conventions, exhibitions, or other events.

(59) **Corner Lot** means a lot with contiguous frontage on two or more streets. (Diagram PG-15).

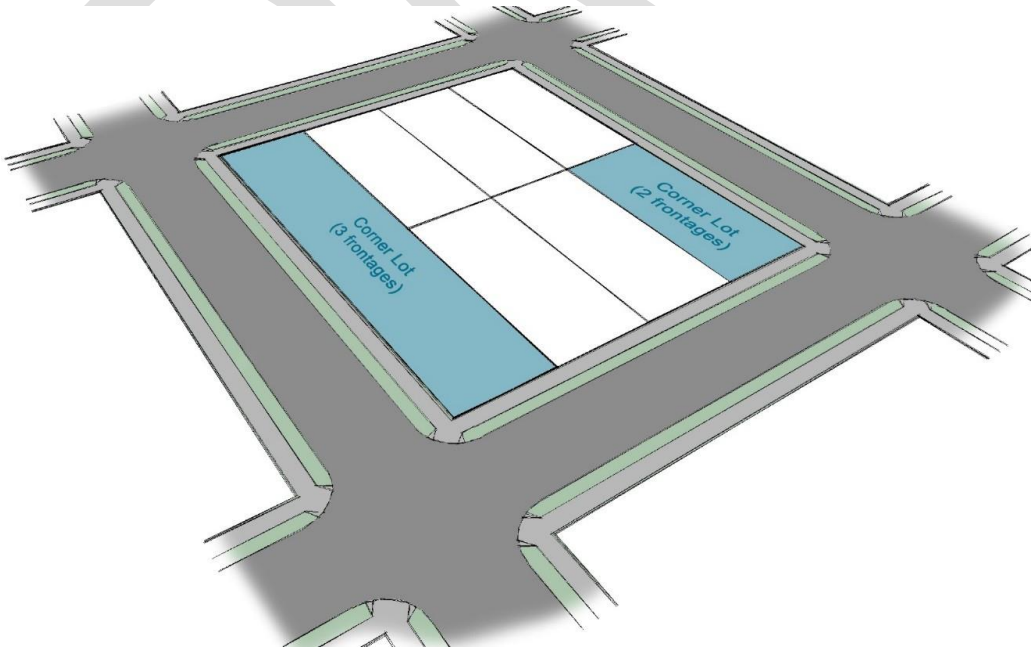


Diagram PG-15: Corner lot, per Subsection PG-221(59)

(60) **Council** means the Council of the Municipality.

(61) **Crematorium Use** means premises containing apparatus certified, intended, or used for the cremation of human or animal remains.

(62) **Cultural Use** means premises with permanent seating of between zero and 500 seats that are used for the production, collection, or presentation of art, films, musical or artistic performances, lectures, materials, or exhibits, including libraries, archives, museums, art galleries, and cultural centres. For further clarity, a cultural use excludes a minor spectator venue use, a major spectator venue use, a convention centre use, and a recreation use.

(63) **Data Storage Centre Use** means premises which contains a large group of networked computer servers that are used by organizations for the remote storage, processing, or distribution of large amounts of data.

(64) **Daycare Use** means premises in which supervision is provided for individuals during the day. This definition excludes a school use, a hospital use, a small shared housing use, a large shared housing use, and a community recreation use.

(65) **Dealership Use** means land or premises used primarily for the outdoor display and sale of products, and may include as an accessory use the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snow blowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excludes a garden centre use.

(66) **Decorative Fence** means a fence that is made of finished wood or finished metal, but does not include a chain link fence, a barbed wire fence, or a snow fence.

(67) **Development** means the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.

(68) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.

(69) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the Liquor Control Act, S.N.S., 1989, c. 260, as amended.

(70) **Drive-Through** means a designated on-site queueing area for motor vehicles and which provides or dispenses products or services using an attendant, window, or automated machine to customers in motor vehicles, but excludes a car wash use.

(71) **Dwelling Unit** means living quarters that:

DRAFT

(a) are accessible from a private entrance, either outside the building or in a common area within the building;
(b) are occupied or, if unoccupied, are reasonably fit for occupancy;
(c) contain kitchen facilities within the unit; and
(d) have toilet facilities that are not shared with the occupants of other dwelling units.

(72) **Educational Farm Use** means a farm that is used as an educational facility for preserving and interpreting the agricultural past, and which may include the keeping of livestock, but which excludes the slaughtering of animals.

(73) **Emergency Services Use** means premises housing personnel and equipment related to protective or first responder services, such as fire stations, police stations, search and rescue stations, emergency medical stations, and ambulance stations.

(74) **Enhanced Bicycle Parking** means bicycle parking that accommodates and secures bicycle trailers and cargo bikes.

(75) **Erect** means excavating ground for a foundation or footing, laying a foundation or footing, constructing, reconstructing, removing, or changing the location or orientation of a structure or any part thereof.

(76) **Façade** means a building wall facing a street, a park, or an outdoor amenity space.

(77) **Farmers' Market Use** means a market where individual sellers or a cooperative of producers offer items for sale to the public, such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages.

(78) **Fascia Sign** means a sign that is affixed directly to or painted on an exterior wall of a building (Diagram PG-21).

(79) **Financial Institution Use** means premises providing financial or banking services to customers, including banks, trust companies, savings banks, credit unions, and lending establishments.

(80) **Fitness Centre Use** means indoor premises that are primarily used for the purposes of human fitness, where people use equipment or space for physical exercise, such as health clubs, dance studios, and yoga studios.

(81) **Flanking Lot Line** means a streetline that is not the front lot line.

(82) **Flanking Yard** means a yard between the nearest exterior wall of the main building and a flanking lot line, but excludes any area of the lot that is a front yard (Diagram PG-26).

(83) **Floor Area** means the horizontal area of all floors of a building or a parking

DRAFT

structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:

(a) unenclosed space outside any exterior walls or located on a rooftop; such as balconies, decks, and patios;
(b) elevator shafts;
(c) rooftop greenhouses;
(d) any space open to a floor below; and
(e) pedways.

(84) **Footprint** means the area a building occupies on the ground in between the outermost edges of the exterior walls, including any land that has a cantilever portion that projects above the ground, but excludes eaves that project no more than 0.6 metre, unenclosed balconies, decks, stairs, and patios.

(85) **Four-Unit Dwelling Use** means a building containing four dwelling units on the same lot, but excludes a cluster housing use.

(86) **Front Lot Line** means:

(a) for an interior lot, the streetline;
(b) for a corner lot where the streetlines are not of equal length, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines;
(c) where a corner lot has streetlines of equal length, any streetline may be deemed to be the front lot line, and the remaining streetlines shall be deemed flanking lot lines;
(d) for a through lot, either streetline may be deemed to be the front lot line, and the other streetline shall be deemed a flanking lot line; or
(e) in the absence of a streetline, where a registered access easement crosses a lot line.

(87) **Front Yard** means the yard extending across the full lot width, between the front lot line and the nearest exterior wall of any main building on the lot (Diagrams PG-25 and PG-26)

(88) **Garden Centre Use** means land or premises where retail or wholesale gardening products are sold, which may include a nursery and greenhouses.

(89) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet facilities, a kitchen, or sleeping facilities.

(90) **Grade-Related Dwelling Unit Use** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.

(91) **Greenhouse** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.

DRAFT

(92) **Grocery Store Use** means a retail establishment with a minimum of 200 square metres of floor area that primarily sells food, including the accessory sale of food being prepared on-site, and that may also sell other convenience and household goods, but excludes a farmers' market use.

(93) **Ground Floor** means, for each streetwall, the first floor level of a main building that is predominantly above grade and faces a streetline or a transportation reserve. For the purposes of Subsections PG-48(4) and PG-201(6), a ground floor shall be the first floor of a main building that is predominantly above grade.

(94) **Ground Floor Height** means the distance between the floor of a ground floor and the floor directly above.

(95) **Ground Sign** means a sign affixed to the ground and supported by one or more posts, or other similar means (Diagram PG-21).

(96) **Gymnasium** means a building or room designed for indoor sports, exercise, or physical education.

(97) **Hard Landscaping** means an outdoor surface covered by solid or impermeable material, such as outdoor furniture, water fountains, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, wood decking, trees in soil cells, and trees in planters. For further clarity, hard landscaping excludes parking areas and driving aisles.

(98) **Heavy Industrial Use** means a use of land that involves:

(a) the manufacture or processing of products from raw materials, including animal processing beyond making cuts from pre-processed carcasses;
(b) the production or use of flammable, explosive, or hazardous products and materials; or
(c) the bulk storage of flammable, explosive, or hazardous products and materials.

(99) **Hedge** means a boundary or barrier formed by closely growing shrubs.

(100) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point.

(101) **Height Precinct** means the portion of a lot to which a single height limit applies.

(102) **Hen** means an adult female chicken.

(103) **High-Density Dwelling Use** means a building containing 13 or more dwelling units on the same lot, but excludes a cluster housing use.

(104) **High-Rise Building** means a main building that exceeds a height of 32.0 metres above the average finished grade.

DRAFT

(105) **High-Rise Typology** means a portion of a main building, above the height of a streetwall, or in the absence of a streetwall above a height of 14.0 metres, that exceeds a height of 32.0 metres above the average finished grade to the top of the roof.

(106) **Home Occupation Use** means the use of a portion of a dwelling unit or an accessory structure for gainful employment, but excludes a short-term rental use, a short-term bedroom rental use, a daycare use, a work-live unit use, and a home office use.

(107) **Home Office Use** means an office-related activity operated within a dwelling unit that does not regularly require direct in-person contact with clients on the premises, but excludes a home occupation use.

(108) **Hospital Use** means an institution providing human inpatient health services, including accessory facilities such as laboratories, treatment of patients on an outpatient basis, training facilities, and staff offices, but excludes a small shared housing use and a large shared housing use.

(109) **Hotel Use** means premises that are regulated as a roofed accommodation in accordance with the Tourist Accommodations Registration Act, S.N.S., 2019, c.9, as amended.

(110) **Industrial Training Facility Use** means a commercial facility that provides outdoor educational instruction and safety certification relating to industrial apparatus and activities.

(111) **Industrial Use** means any use listed under the "INDUSTRIAL" heading in Table PG-1.

(112) **Institutional Use** means any use listed under the "INSTITUTIONAL" heading in Table PG-1.

(113) **Interior Lot** means a lot with frontage on one street only (Diagram PG-16).

DRAFT

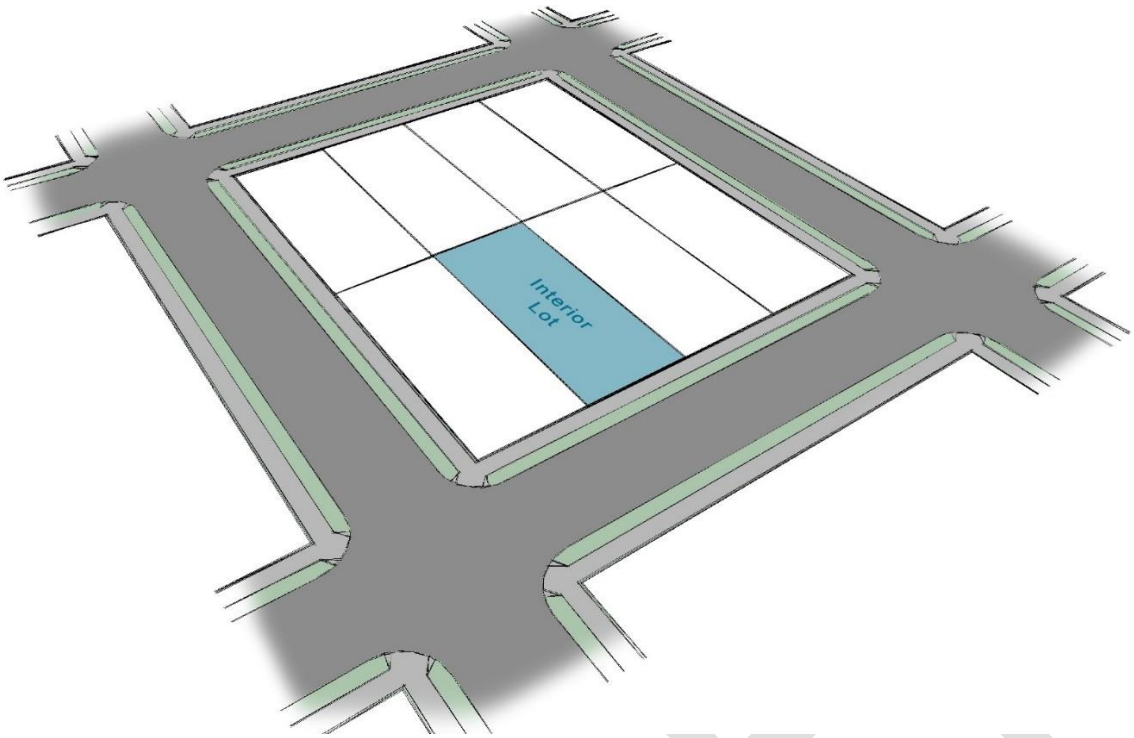


Diagram PG-16: Interior lot, per Subsection PG-221(113)

(114) **Internal Conversion** means the change of use in an existing building that does not increase the height or volume of the building. For further clarity, an internal conversion excludes the addition of an exterior staircase.

(115) **Kennel Use** means premises used for:

(a) the keeping of more than two dogs for the purposes of commercial breeding or sale;
(b) excluding for veterinary purposes, the overnight boarding of dogs;
(c) the commercial training of dogs; or
(d) the shelter of stray or abandoned animals.

(116) **Kitchen** means premises used for food preparation, and shall include:

(a) a refrigerator;
(b) any appliance used to heat food for consumption; and
(c) a sink.

(117) **Landscape Architect** means a full member in good standing with the Atlantic Provinces Association of Landscape Architects.

(118) **Large Shared Housing Use** means a shared housing use that contains a minimum of 11 bedrooms.

(119) **Large Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 300 kW.

DRAFT

(120) **Library Use** means a building which may contain literary, musical, artistic, or reference materials for the purposes of study, reference, or recreation, and does not include the retailing of such materials.

(121) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, or packaging of products from previously prepared materials, finished products or parts, but does not include the processing of animals.

(122) **Living Wall** means a vertical support system, that:

(a) is affixed to an external wall of a building;
(b) includes a growth medium, such as soil, substitute substrate, and hydroculture felt;
(c) has an integrated irrigation and drainage system; and
(d) supports vegetative growth.

(123) **Local Commercial Use** means commercial premises that:

(a) offers goods or products for sale or rent, including food prepared on or off site, but excludes a restaurant use and a grocery store use; or
(b) offers personal service uses.

(124) **Local Drinking Establishment Use** means a drinking establishment use with a customer service area not exceeding a floor area of 65 square metres. For further clarity, a customer service area does not include washroom areas, or areas that are only accessible by staff, such as a kitchen and a storage area.

(125) **Lot** means a parcel of land that is:

(a) described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 15th day of April 1987;
(b) described in a plan and deed pursuant to the *Land Titles Clarification Act*;
(c) approved on a plan of subdivision endorsed and filed in the Provincial Land Registration Office; or
(d) created pursuant to Section 278(2) of the *Charter*.

(126) **Lot Coverage** means the percentage of a lot that is covered by roofed structures that are a minimum of 0.6 metre in height, including any area over which a roofed structure projects, but excludes projecting roof eaves that are 0.6 metre or less.

(127) **Lot Depth** means the distance from the front lot line to the rear lot line, or between the front lot line and the flanking lot line on a through lot (Diagram PG-17).

DRAFT

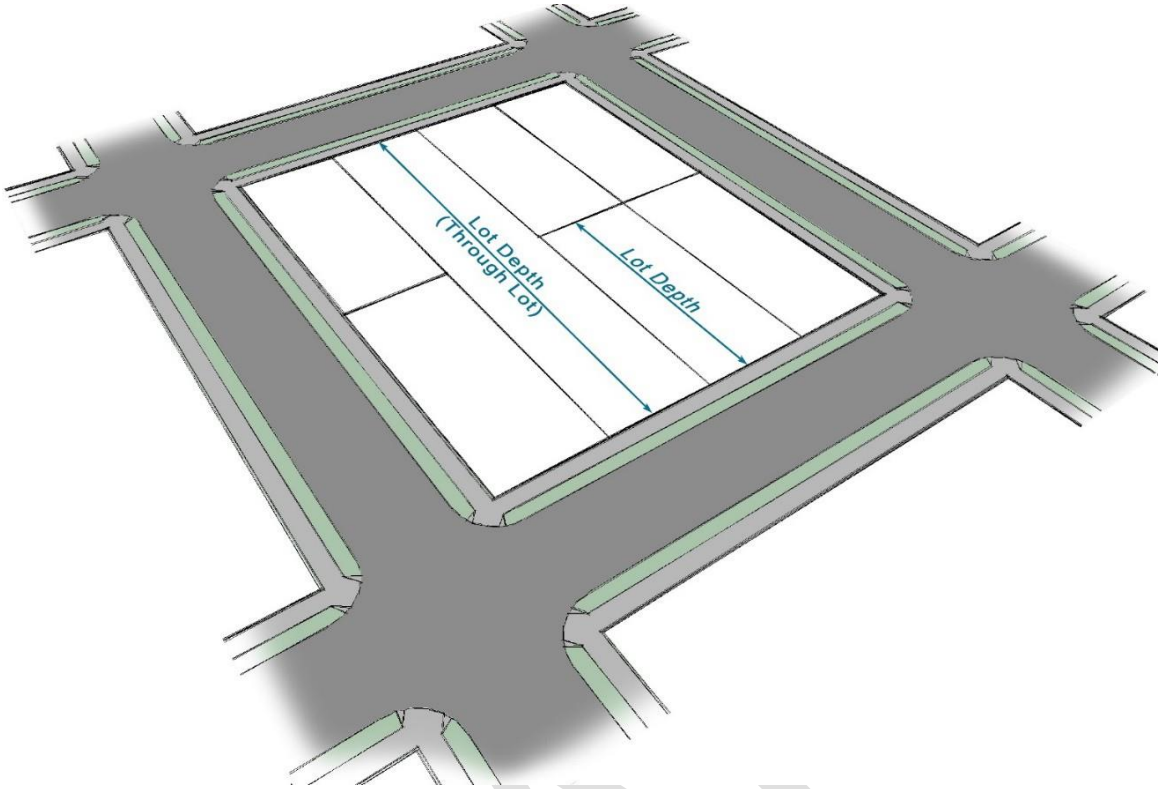


Diagram PG-17: Lot depth, per Subsection PG-221(127)

(128) **Lot Width** means the distance between the side lot lines, side and flanking lot lines, or parallel flanking lot lines, measured at a right angle to the lot depth (Diagram PG-18).

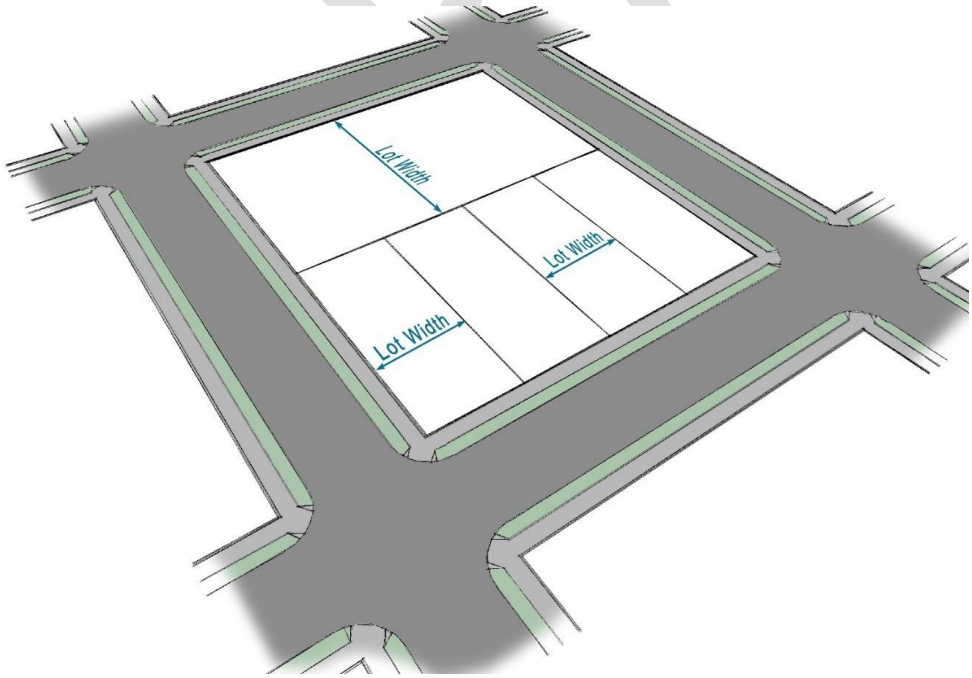


Diagram PG-18: Lot width, per Subsection PG-221(128)

(129) **Low-Density Dwelling Use** means a building that contains no more than four

dwelling units on a lot.

(130) **Low-Rise Building** means a main building that is 14.0 metres or less in height.

(131) **Main Building** means a building that contains a primary use on a lot.

(132) **Major Spectator Venue Use** means premises, with 3,000 or more permanent seats, where people gather for sports and other major events.

(133) **Makerspace Use** means indoor premises used for the artisanal production of goods in limited quantities. A makerspace use also includes premises where individuals may borrow tools or equipment for the purposes of designing, repairing, prototyping, or constructing objects.

(134) **Marine-Related Use** means a use that is dependent upon access to or use of the Atlantic Ocean, such as tugboat facilities, boat building facilities, ocean research and development, and accessory uses to the foregoing.

(135) **Massage Parlour** means premises where a massage, body rub, or similar activity is performed, offered, advertised, or solicited. This definition excludes premises where medical or therapeutic treatment is routinely offered or performed by a registered physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse.

(136) **Medical Clinic Use** means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinic, dentistry, optometry, podiatry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.

(137) **Medium Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW.

(138) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.

(139) **Micro-Brewery Use** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.

(140) **Micro-Distillery Use** means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.

DRAFT

(141) **Micro Wind Energy Facility** means a wind energy facility consisting of a single turbine, designed to supplement other electricity sources as an accessory use to existing buildings or facilities, and has a total rated capacity of 10 kW or less.

(142) **Mid-Rise Building** means a main building that is greater than 14.0 metres in height, but no more than 20.0 metres in height.

(143) **Mid-Rise Typology** means a portion of a main building, above the height of a streetwall, or in the absence of a streetwall above a height of 14.0 metres, that is:

(a) no more than 20.0 metres in height above the average finished grade to the top of the roof; and
(b) not connected above the height of the streetwall to any other portion of the building that would exceed a height of 20.0 meters from the average finished grade.

(144) **Minor Building Features** means portions of a building that are either flush with the exterior wall of a building or protrude beyond the exterior wall of a building, such as vents, downspouts, gutters, doorknobs, architectural detailing, sills, cornices, eaves, stovepipes, chimneys, shutters, and mailboxes.

(145) **Minor Spectator Venue Use** means indoor premises where people gather, with a capacity of more than 500 permanent seats and fewer than 3,000 permanent seats, such as cinemas, theatres, concert halls, auditoriums, social and cultural gathering places, and venues for sporting events. For further clarity, a minor spectator venue use excludes a convention centre use, a cultural use, a major spectator venue use, a club recreation use, a commercial recreation use, and a community recreation use.

(146) **Model Suite Use** means premises used to display a sample dwelling unit that is available for sale or rental in a residential development, approved by the Municipality, and may incorporate sales or rental offices.

(147) **Monument Use** means a structure that commemorates an event, individual, or group.

(148) **Motor Vehicle Sharing Space** means a parking space for motor vehicles that is marked and registered for use by a motor vehicle sharing service. The renting organization may be a commercial business, a company, a public agency, a cooperative, or an ad hoc grouping.

(149) **Multi-Unit Dwelling Use** means a building containing five or more dwelling units, but excludes a cluster housing use.

(150) **Municipality** means the Halifax Regional Municipality.

(151) **Nacelle** means the frame and housing at the top of the wind turbine that encloses the gearbox and generator.

DRAFT

(152) **Neighbourhood Sign** means a sign identifying a neighbourhood that is erected by the applicant.

(153) **Nude** means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.

(154) **Obnoxious Use** means any use that creates a nuisance or is offensive through the creation of noise, vibration, glare, electrical interference, fire, or explosion hazard, or the emission of gas, fumes, dust, smoke, oil, runoff, or objectionable odours.

(155) **Office Use** means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office use.

(156) **Off-Street Loading Space** means a dedicated area, located on a lot, that is designed for loading and unloading goods from motor vehicles.

(157) **Ordinary High Water Mark** means as defined in the Nova Scotia Land Surveyors Regulations.

(158) **Owner** means the owner of lot, which includes:

(a) a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of land or a building;
(b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession, or a person having the care or control of the land or building;
(c) a person who occupies shores, beaches, or shoals; or
(d) in the absence of proof to the contrary, the person assessed for the lot.

(159) **Parking Lot** means a surface parking area, not contained within a structure or on top of a structure, for five or more motor vehicles.

(160) **Parking Structure Use** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use.

(161) **Park Use** means land that is owned or operated by a government entity and primarily used for outdoor recreational purposes, either active or passive, but excludes commercial recreation uses. A park use may include land and buildings for uses that are accessory to the park use or uses associated with government or not-for-profit organizations.

(162) **Patio** means an uncovered flat surfaced area that is up to 0.6 metre in height above the finished grade.

(163) **Pawn Shop Use** means premises where a person may give, pledge, or deposit goods as security in return for a payment or loan, but excludes financial institution uses.

DRAFT

(164) **Pedestrian Walk**, for the purposes of Section PG-195, means an at-grade pathway system that:

(a) is intended for the movement of pedestrians;
(b) does not meet the definition of a street under the Planned Growth Section and
(c) does not meet the definition of a walkway under the Regional Subdivision By-law.

(165) **Pedway** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.

(166) **Penthouse** means an enclosed rooftop space used for residential, mechanical, or shared amenity space purposes.

(167) **Permanent Seating** means seats or benches that are affixed in place to the ground or affixed to a floor of a structure.

(168) **Permeable Vegetated Grid System** means a grid system made up of hard materials, such as plastic, concrete, or other similar materials, together with gaps to allow vegetation to grow throughout the grid pattern.

(169) **Personal Service Use** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, tutoring, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the retail sale of products accessory to any service provided. For further clarity, a personal service use does not include veterinary facility uses, kennel uses, pet daycare uses, and crematorium uses.

(170) **Pet Daycare Use** means premises where the daytime boarding and care of pets occurs, but excludes overnight boarding and a kennel use.

(171) **Playground** means a landscaped area that contains play equipment, such as swings, slides, sandboxes, and jungle gyms.

(172) **Portal** means an at-grade opening in a streetwall that provides a passage through the building to an unenclosed portion of the lot. A portal may be used for vehicular or pedestrian access, but is not a recessed pedestrian entrance.

(173) **Portico** means an open space lined with columns, and covered by a roof, serving as a porch or transition space before the entrance to a building.

(174) **Premises** means a structure or portions of a structure occupied by a use.

(175) **Primary Residence** means a dwelling unit owned or rented, and occupied by an individual either alone or jointly with others, in which the individual is ordinarily a resident.

DRAFT

(176) **Processing of Urban Agricultural Products** means activities associated with the chopping, packaging, pickling, or preserving of urban agricultural products.

(177) **Professional Artist** means an artist who:

(a) has proven, specialized training in an artistic field;
(b) is recognized as a professional by their peers who are working in the same artistic tradition; and
(c) has a history of public presentation or publication.

(178) **Professional Engineer** means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.

(179) **Projecting Sign** means a sign that (Diagram PG-21):

(a) projects horizontally from a supporting wall;
(b) is attached to the underside of a building; or
(c) is attached to a canopy.

(180) **Public Art** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia.

(181) **Public Building Use** means any municipal, provincial, or federal government owned building and includes any building owned by a corporation, board, commission, or other authority of the municipality, provincial government, or federal government.

(182) **Quick Charging Station Use** means infrastructure used for the rapid charging of electrical vehicles.

(183) **Quonset Hut** means a corrugated metal building with a wall that is not vertical, where the roof meets the foundation (Diagram PG-19).

DRAFT

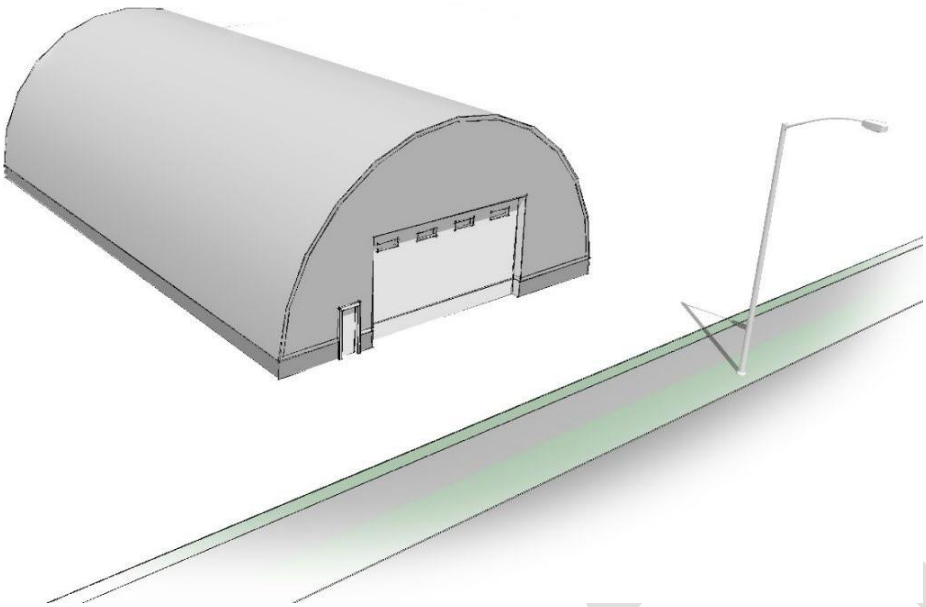


Diagram PG-19: Quonset Hut, per Subsection PG-221(183)

(184) **Rear Lot Line** means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line.

(185) **Rear Yard** means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main building on the lot, excluding any area of the lot that is a flanking yard, as shown on Diagrams PG-25 and PG-26.

(186) **Recessed Pedestrian Entrance** means a doorway that is recessed from the ground floor portion of the streetwall, but excludes a portal.

(187) **Recreational Vehicle** means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.

(188) **Recycling Depot Use** means a collection site for materials in a municipal or provincial recycling program that is licensed by the Province, but excludes a scrapyard or salvage use.

(189) **Religious Institution Use** means a place of worship, a place of religious gathering, or a columbarium, including accessory uses that are on-site, such as a rectory, a convent, a private school, a meeting hall, offices for administration of the institution, a daycare use, and a shelter use.

(190) **Research and Development Facility Use** means premises used for scientific or technical research, analysis, experimentation, or prototyping, which may include laboratories, workshops, or an accessory chemical storage facility. For further clarity, a research and development facility use does not involve the manufacturing or processing of products for the purpose of retailing or wholesaling.

DRAFT

(191) **Residential Use** means any use listed under the "RESIDENTIAL" heading in Table PG-1.

(192) **Restaurant Use** means premises, excluding a catering use, whose primary purpose is to prepare, serve, and sell food and non-alcoholic beverages for consumption on or off the premises. A restaurant use may be licensed to serve alcoholic beverages, but this shall be incidental to the preparation, serving, and selling of food.

(193) **Retail Use** means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items like those being sold.

(194) **Roof** means the portion of a structure forming the upper covering of that structure.

(195) **Roof Slab** means a thick plate of concrete supported by beams or columns that provides a flat surface at the top of the structure.

(196) **Salvage Use** means the collection, storage, and sale of waste materials. The collecting, dismantling, storage, salvaging, or sale of parts associated with motor vehicles, not in running condition, are considered salvage uses. For clarity, an impounding yard is not considered a salvage use.

(197) **School Use** means a public or private institution of learning for grades pre-primary to twelve.

(198) **Secondary Suite Use** means a self-contained subordinate dwelling unit contained within a main dwelling unit.

(199) **Self-Storage Facility Use** means premises in one building or a group of buildings that contain individually rented storage units.

(200) **Semi-Detached Dwelling Use** means two dwelling units, where each is located on an individual lot, but joined along a single lot line.

(201) **Service Station Use** means premises used primarily for:

(a) the retailing of motor vehicle fuels, lubricants, motor vehicle accessories; or
(b) the electric charging of motor vehicles; and

may also include an accessory car wash use.

(202) **Service Use** means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, and taxis.

(203) **Setback** means a required distance to a specified lot line or a transportation

DRAFT

reserve boundary from an exterior wall of a building or a use at, above, or below grade (Diagram PG-20).

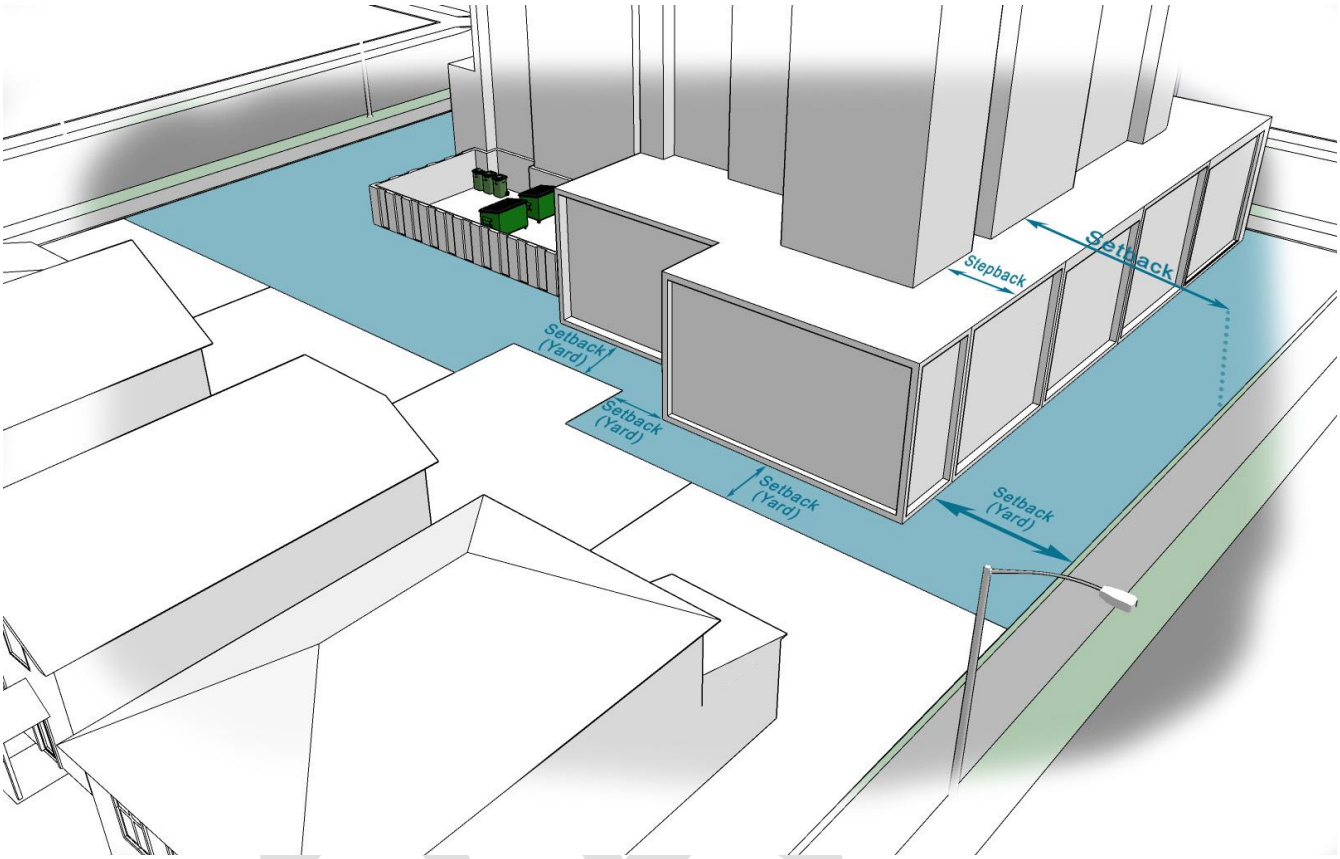


Diagram PG-20: Setback and stepback, per Subsections PG-221(203) and PG-221(223)

(204) **Shared Housing Use** means a use that contains 4 or more bedrooms, that meets one or more of the following:

(a) that are rented for remuneration as separate rooms for residential accommodation; or
(b) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use.

A shared housing use includes a shared housing with special care but does not include short-term rental use, a short-term bedroom rental use, hotel, motel, or tourist accommodation as defined in the *Tourist Accommodation Regulation Act*.

(205) **Shared Housing with Special Care** means a type of shared housing use that is designed to provide a level of care to residents with cognitive, physical, or behavioural limitations, and for further clarity, shared housing with special care may include individual dwelling units for occupants, and shall meet the definition of shared housing use.

(206) **Shelter Use** means premises providing an individual with overnight sleeping

accommodations, free of charge.

(207) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck.

(208) **Short-Term Bedroom Rental Use** means a short-term rental where individual bedrooms within a dwelling unit are rented as a separate temporary accommodation to separate parties or groups with or without meals.

(209) **Short-Term Rental Use** means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less.

(210) **Shrub** means a woody plant that has several main stems arising at or near the ground.

(211) **Side Lot Line** means a lot line that is not a front, flanking, or rear lot line.

(212) **Side Yard** means a yard between the front yard and the rear yard, and between the side lot line and the nearest exterior wall of any main building on the lot (Diagrams PG-25 and PG-26).

(213) **Sign** means any structure designed or intended to convey information using words, images, symbols, pictures, logos, or any combination thereof, for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea. For further clarity, decorations or festival signage are not considered a sign.

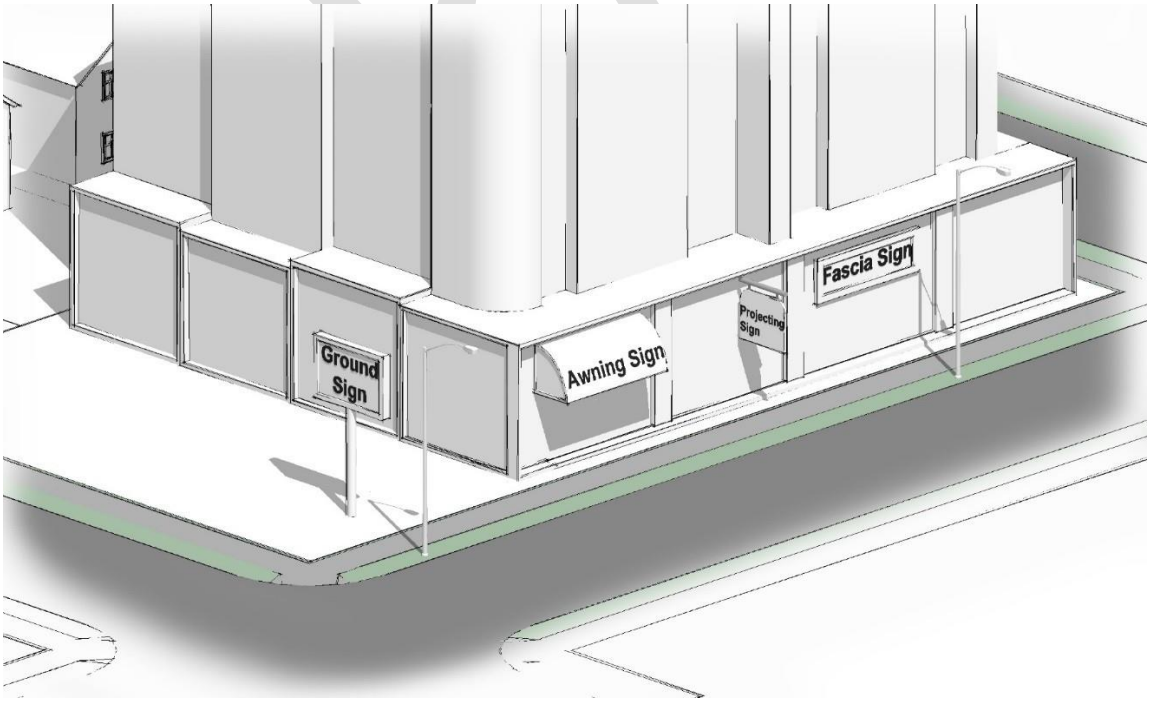


Diagram PG-21: Awning sign, fascia sign, ground sign, and projecting sign, per Subsections PG-221(19), PG-221(78), PG-221(95), and PG-221(179)

(214) **Sign Area** means the area or portion of a sign, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for outlines or borders. Where letters, logos, or images are mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.

(215) **Sign Height** means the vertical distance of a sign between the lowest point of grade directly below the sign and the highest point of the sign.

(216) **Single-Unit Dwelling Use** means a detached building containing one dwelling unit. For further clarity, a single-unit dwelling use shall include a mobile dwelling.

(217) **Sloped Roof** means a roof exceeding a pitch of 1/12 (rise to run).

(218) **Small Shared Housing Use** means a shared housing use that contains no less than 4 and no more than 10 bedrooms.

(219) **Small Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW.

(220) **Soft Landscaping** means covered by water-permeable material or vegetation, such as trees, hedges, shrubs, flowers, grass, mulch, fruit and vegetable plants, sod, planter boxes, another vegetative groundcover, or a permeable vegetated grid system. Excluding a swimming pool, a hot tub, or a water fountain, a water feature is considered soft landscaping.

(221) **Solar Collector** means a system designed to collect solar radiation and convert it to useable forms of energy, such as photovoltaic and solar thermal systems. For further clarity, a solar collector excludes windows, unless the windows are treated with a photovoltaic film.

(222) **Solid Waste Management Area** means an area of a building or a lot used for the storage of waste materials and separation into waste streams.

(223) **Stepback** means a horizontal recess that breaks the vertical plane of an exterior wall on a main building (Diagram PG-20).

(224) **Storage Yard Use** means the storage of equipment, merchandise, inventory, products, or materials outside a building that are not available for immediate sale, but excludes dealership uses and salvage uses.

(225) **Storey** means a portion of building between a floor and another floor, or a floor and a ceiling. Any portion of a building partly below the finished grade abutting the building will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the finished grade abutting the building.

(226) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge

DRAFT

and square, and the curbs, gutters, culverts, and retaining walls in connection therewith. For additional clarity, a road listed on Schedule A of the Regional Subdivision By-law shall also be considered a street under the Planned Growth Section.

(227) **Streetline** means any lot line dividing a lot from a street or private road.

(228) **Streetwall** means the wall of a building, or the portion of a wall of a building that:

(a) faces the streetline or a transportation reserve; and
(b) is located below the height of a specified stepback; or
(c) where no specified stepback is required, the streetwall is the wall facing the streetline or a transportation reserve.

A streetwall shall not apply to any wall of a building, or the portion of a wall of a building that faces Highway 107, any controlled-access connectors to Highway 107, or Montague Road, or is located 30.0 metres or more from a streetline.

(229) **Streetwall Height** means the vertical distance between the finished grade abutting the building and the top of the streetwall, extending across the width of the streetwall (Diagram PG-22).

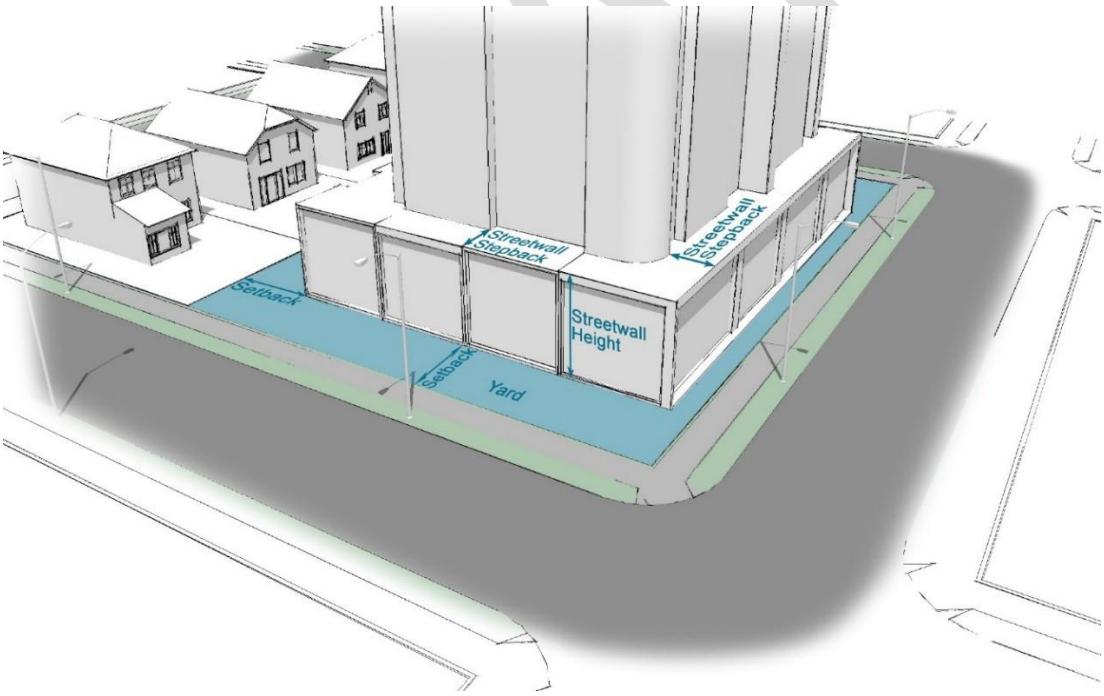


Diagram PG-22: Streetwall height and streetwall stepback, per Subsections PG-221(229) and PG-221(230)

(230) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram PG-22).

(231) **Structure** means everything that is erected, built, or constructed of parts joined together, and includes a building.

(232) **Studio Use** means the commercial use of space for artistic or artisanal purposes, with or without instruction, but excludes any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.

(233) **Surveyor** means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.

(234) **Tall Mid-Rise Building** means a main building that is greater than 20.0 metres in height, but not higher than 32.0 metres in height.

(235) **Tall Mid-Rise Typology** means a portion of a main building, above the height of a streetwall, or in the absence of a streetwall above a height of 14.0 metres, that:

(a) has an overall height from average finished grade to the top of the roof that is greater than 20.0 metres, but not higher than 32.0 metres; and
(b) is not connected above the height of the streetwall to any other portion of the building that would exceed a height of 32.0 meters from the average finished grade.

(236) **Temporary Construction Use** means a use, which in the opinion of the Development Officer, is of limited duration and accessory to a development in progress, such as:

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

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

(a) that is:
    (i) associated with a holiday or special event, or
    (ii) accessory to a permitted main use;
(b) is 90 cumulative days or less in duration within any one calendar year; and
(c) excludes a temporary construction use.

(238) **Three-Unit Dwelling Use** means a building containing three dwelling units on the same lot, but excludes a cluster housing use.

(239) **Through Lot** means a lot with frontage on two or more streets, where frontages are not contiguous (Diagram PG-23).

DRAFT

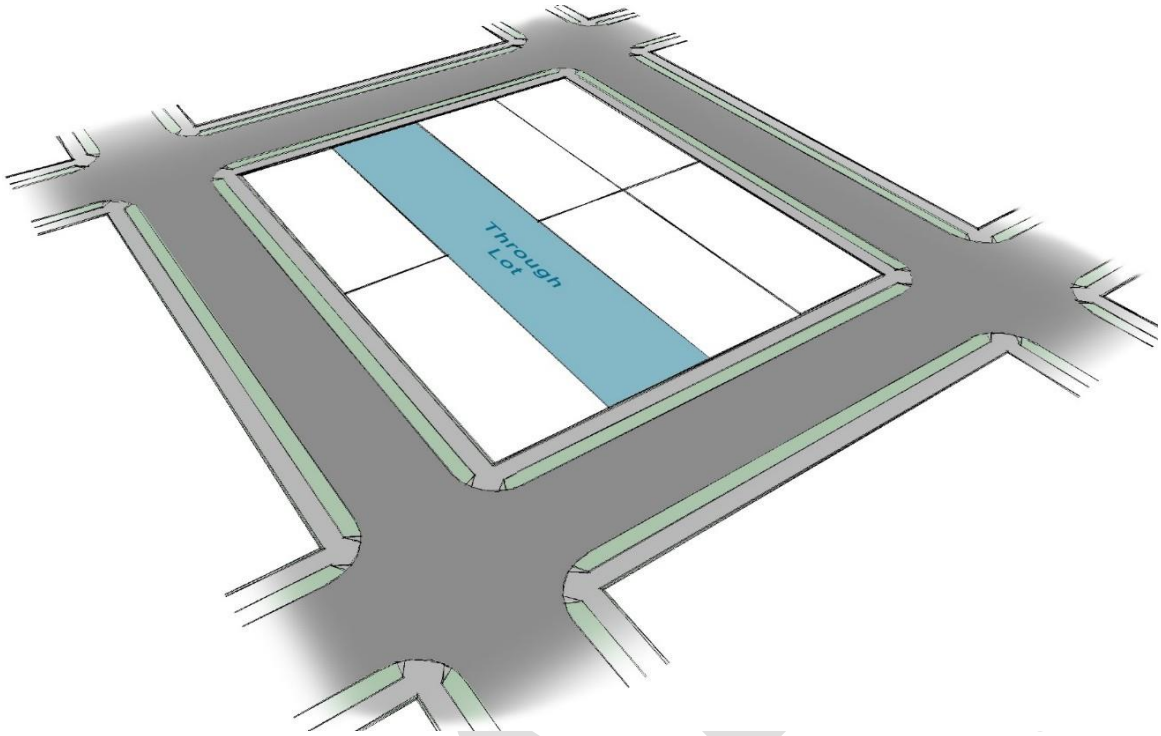


Diagram PG-23: Through lot, per Subsection PG-221(239)

(240) **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.

(241) Tower Portion means the portion of a high-rise building that:

(a) is located above the height of the streetwall; or
(b) in the absence of a streetwall, above a height of 14.0 metres.

(242) **Townhouse Block** means a specified number of attached townhouse dwelling units permitted to form a group of townhouses, constructed in a row.

(243) **Townhouse Dwelling Use** means a building that is divided vertically into three or more dwelling units, where each unit is located on a separate lot, and each unit has an independent pedestrian entrance.

(244) **Transportation Facility Use** means public or private transit facilities, bus stations, ferry terminals, and train stations, excluding storage yards and maintenance facilities.

(245) **Turret** means a small projecting tower at the corner of a building, or above the roof of a larger tower, which is either circular or octagonal in plan view.

(246) **Two-Unit Dwelling Use** means a building containing two dwelling units on the same lot, but excludes a cluster housing use.

DRAFT

(247) **University or College Use** means a post-secondary institution that awards individuals with academic degrees, diplomas, or certificates in various disciplines, such as universities, community colleges, trade schools, career colleges, language schools, and culinary schools.

(248) **Urban Agriculture Use** means any use listed under the "URBAN AGRICULTURE" heading in Table PG-1.

(249) **Urban Farm Use** means:

(a) the keeping of bees as an accessory use;
(b) the keeping of egg-laying hens as an accessory use; or
(c) the harvesting of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

undertaken by an owner, a community organization, or a commercial operator, including a community garden.

(250) **Use** means:

(a) the purpose for which a structure or land is used or occupied, or intended or designed to be used or occupied; or
(b) the conduct of an activity, or the performance of a function or operation, on a lot or in a structure.

(251) **Utility Use** means structures, equipment, or materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use.

(252) **Variable Message Sign** means any advertising display that is capable of displaying digital content, projected content, or automatically changing content.

(253) **Variance** means a variance under Sections 250 to 252 of the *Charter*.

(254) **Veterinary Facility Use** means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.

(255) **Warehousing Use** means a building or part of a building used for the storage or the wholesale and distribution of manufactured products, supplies, or equipment, but excludes a wholesale food production use.

(256) **Water Access Structure Use** means any structure connected to the shore that provides berthing for water-based vessels, including a dock and a wharf.

(257) **Watercourse** means a lake, river, stream, ocean, or other natural body of water.

(258) **Wholesale Food Production Use** means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the-

DRAFT

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

(259) **Wholesale Use** means premises where merchandise is sold or distributed to retailers, industrial, commercial, or institutional users, or other wholesalers.

(260) **Wind Energy Facility** means a wind energy conversion system to produce electricity, consisting of one or more roof mounted turbines or turbines at grade, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines.

(261) **Wind Turbine** means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.

(262) **Wind Turbine Height** means the distance measured from the average finished grade of a wind turbine to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation. In the case of a roof-mounted wind turbine, the distance measured from the building's average finished grade to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation (Diagram PG-24).

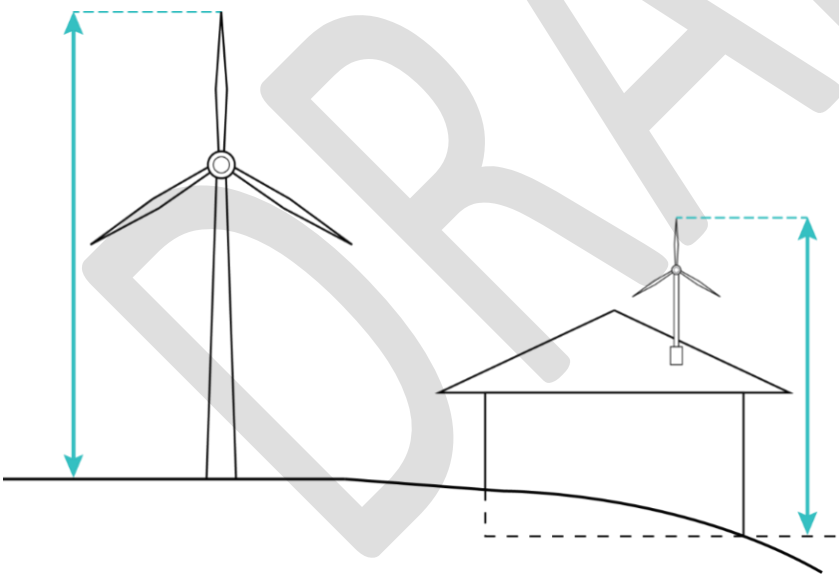


Diagram PG-24: Wind turbine height, per Subsection PG-221(262)

(263) **Work-Live Unit Use** means premises that contains both a dwelling unit and a permitted commercial use or institutional use, but excludes a home occupation use and a home office use.

(264) **Yard** means an open area at ground level that is uncovered by any main building, except those structural and building features permitted in Section PG-61.

Diagram PG-25: Front yard, side yard, and rear yard, per Subsections PG-221(87), PG-221(185), and PG-221(212)

Diagram PG-26: Front yard, flanking yard, side yard, and rear yard, per Subsections PG-221(82), PG-221(87), PG-221(185), and PG-221(212)

(265) **Zone** means any area identified on Schedule PG-2 or on a land use schedule contained within a development agreement for the Port Wallace Lands.

APPENDICES

DRAFT

Appendix PG-1: Pedestrian Wind Impact Assessment Protocol

Background

This protocol provides guidance for the preparation and review of pedestrian wind impact assessments, including detailed assessment methodologies and local wind climate data, as well as wind mitigation measures. It is intended to ensure enhanced consistency and accountability in the development approval process.
Buildings taller than their immediate surroundings are exposed to stronger winds at higher elevations. These winds can be redirected down by building walls and can subsequently accelerate around exposed building corners and along the gaps between buildings, resulting in high wind activity in pedestrian areas (Diagram PGA1-1).

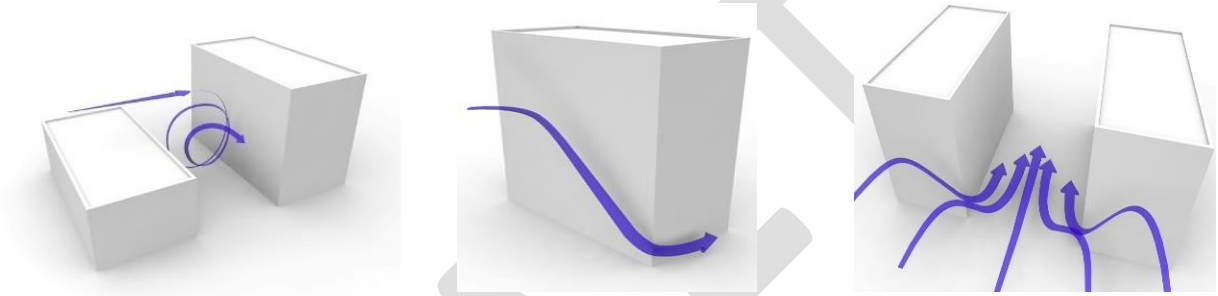


Diagram PGA1-1: Typical wind flow patterns around buildings

Increased wind speeds may affect pedestrian comfort and safety on and around a proposed development and, therefore, a project's success. The potential wind impact can be assessed through an experience-based review and computer simulations. If a negative wind impact is predicted, mitigation strategies shall be developed.

Qualitative Assessments

When an application is made for a new building or an addition to an existing building higher than 20.0 metres, a pedestrian wind impact assessment shall be conducted. Table PGA1-1 shall be used as a guide in the determination of an appropriate assessment approach for the proposed development.

A qualitative assessment of wind conditions, including a letter of opinion and a desktop analysis, is largely based on wind consultants' knowledge of wind flows around buildings, local wind climate, and experience with wind tunnel tests on similar building projects in the Halifax Regional Municipality. A desktop analysis may involve using numerical tools to predict wind conditions around simplified building forms. It may also use Computational Fluid Dynamics (CFD) software to visualize the flow patterns for select (or all) wind directions (Diagram PGA1-2).

The qualitative assessments shall cover key pedestrian areas on the development site and around the adjacent street blocks, typically including building entrances, sidewalks/walkways, bus stops, outdoor restaurant uses, parks, playgrounds, roof terraces, and so on.

DRAFT

Table PGA1-1: Assessment Approach According to the Proposed Building Height

Proposed building height	Assessment approach
20 to 40 metres, with the same or taller surroundings	An experience-based letter of opinion sufficient to: (a) identify any building design issues; and (b) provide conceptual solutions for wind control, where needed.
20 to 40 metres, with lower surroundings	For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD.
> 40 metres	For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD.

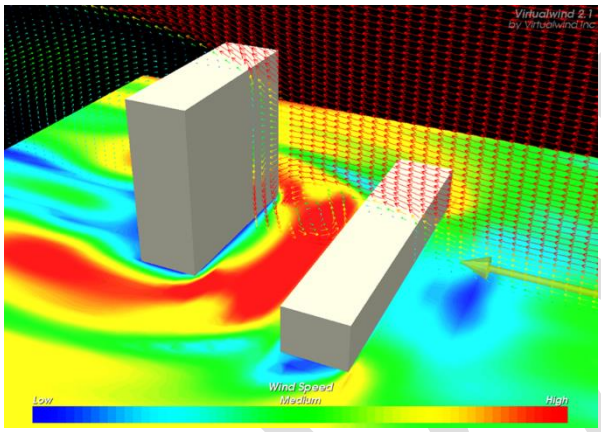


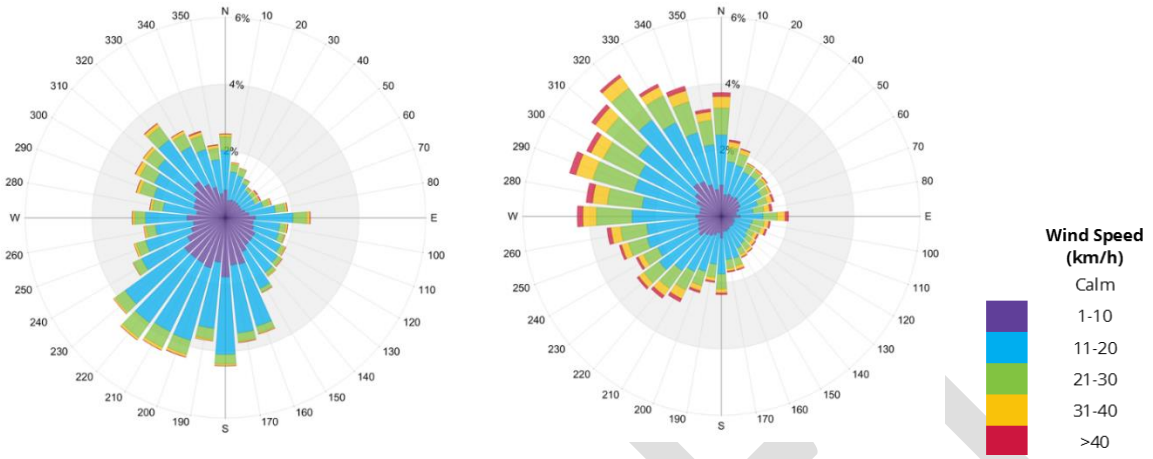
Diagram PGA1-2: An example of computer simulation (CFD) of wind flows around buildings

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

DRAFT

Local Wind Climate Data

Long-term data from Shearwater Airport (Diagram PGA1-3) shall be used as a reference for the wind assessment of projects in the Halifax Regional Municipality. The data shall be grouped into two seasons: summer (May to October) and winter (November to April), to account for the distinct differences in pedestrian outdoor activity during these two periods.



Summer (May to October) **Winter (November to April)**

Diagram PGA1-3: Seasonal distribution of winds approaching Shearwater Airport (1988–2017)

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

DRAFT

Mitigation Strategies

Wind mitigation may be required for areas where wind conditions are unsuitable for an intended pedestrian use. The most effective wind control measures involve adjustments to the building early in the design process (e.g., massing, shape, and orientation changes) that respond to the local wind climate. These can be assisted by tower setbacks, large podiums, tower shapes, corner articulations, colonnades/arcades, and so on, as illustrated by photos in Diagram PGA1-4.

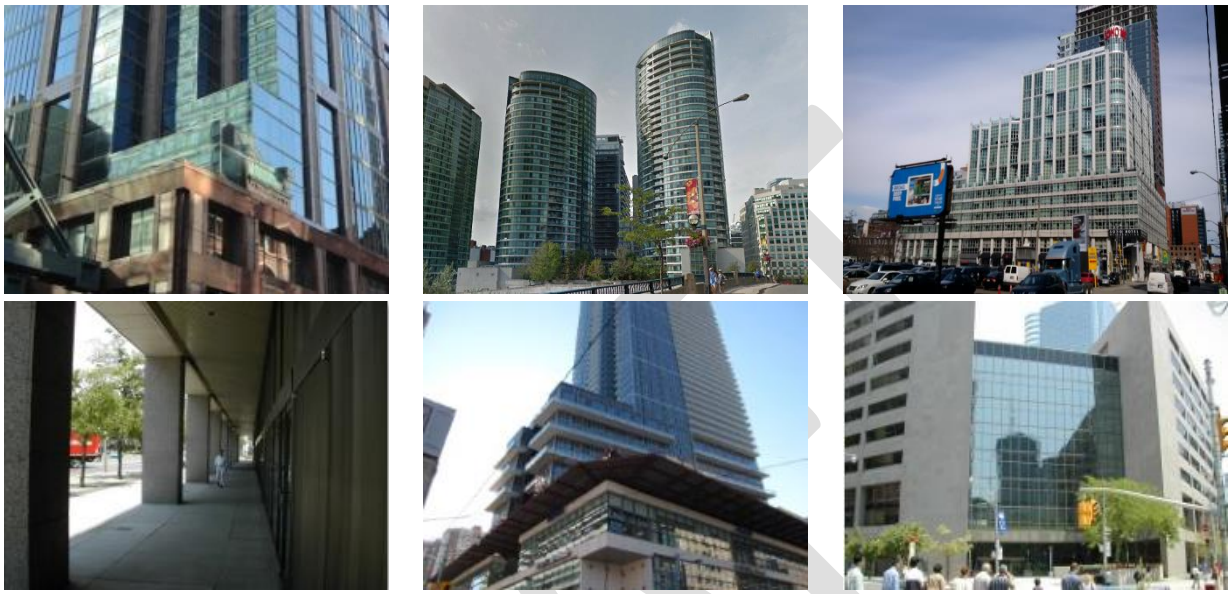


Diagram PGA1-4: Examples of large-scale wind control features

Smaller-scale measures such as canopies, trellises, wind screens, and street-level public art can also be used for local wind control. Soft landscaping elements, especially coniferous and marcescent species, are commonly used to reduce wind conditions to appropriate levels throughout the year; deciduous soft landscaping is most effective during the summer months. The use of soft landscaping for wind control requires consideration of species, size, and viability in the predicted local microclimate (i.e., sustainability in a windy environment). Diagram PGA1-5 shows several examples of design and soft landscaping features used for wind control.

Diagram PGA1-5: Examples of smaller-scale building elements and soft landscaping features for wind control.

DRAFT

Appendix PG-2: Invasive or Highly Toxic Plant Species

The following plant materials are considered invasive or highly toxic species under the Planned Growth Section:

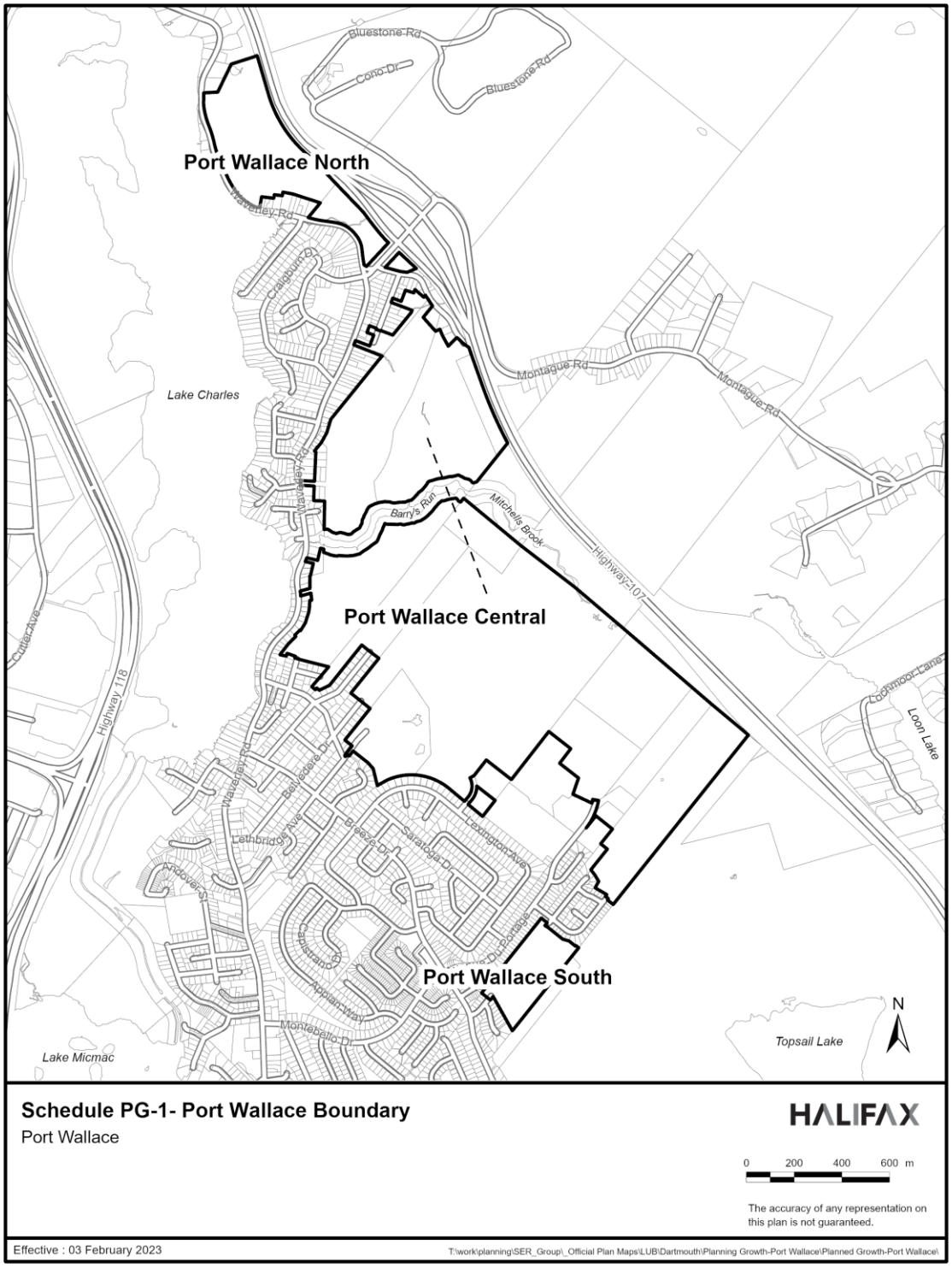
Number	Common Name	Latin Nomenclature (Genus, Species)
1	Belladonna	*Atropa belladonna*
2	Coltsfoot	*Tussilago farfara*
3	Common Burdock	*Arctium minus*
4	Giant Hogweed	*Heracleum mantegazzianum*
5	Goutweed	*Aegopodium podagraria*
6	Himalayan Balsam (aka Policeman's Helmet)	*Impatiens glandulifera*
7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

DRAFT

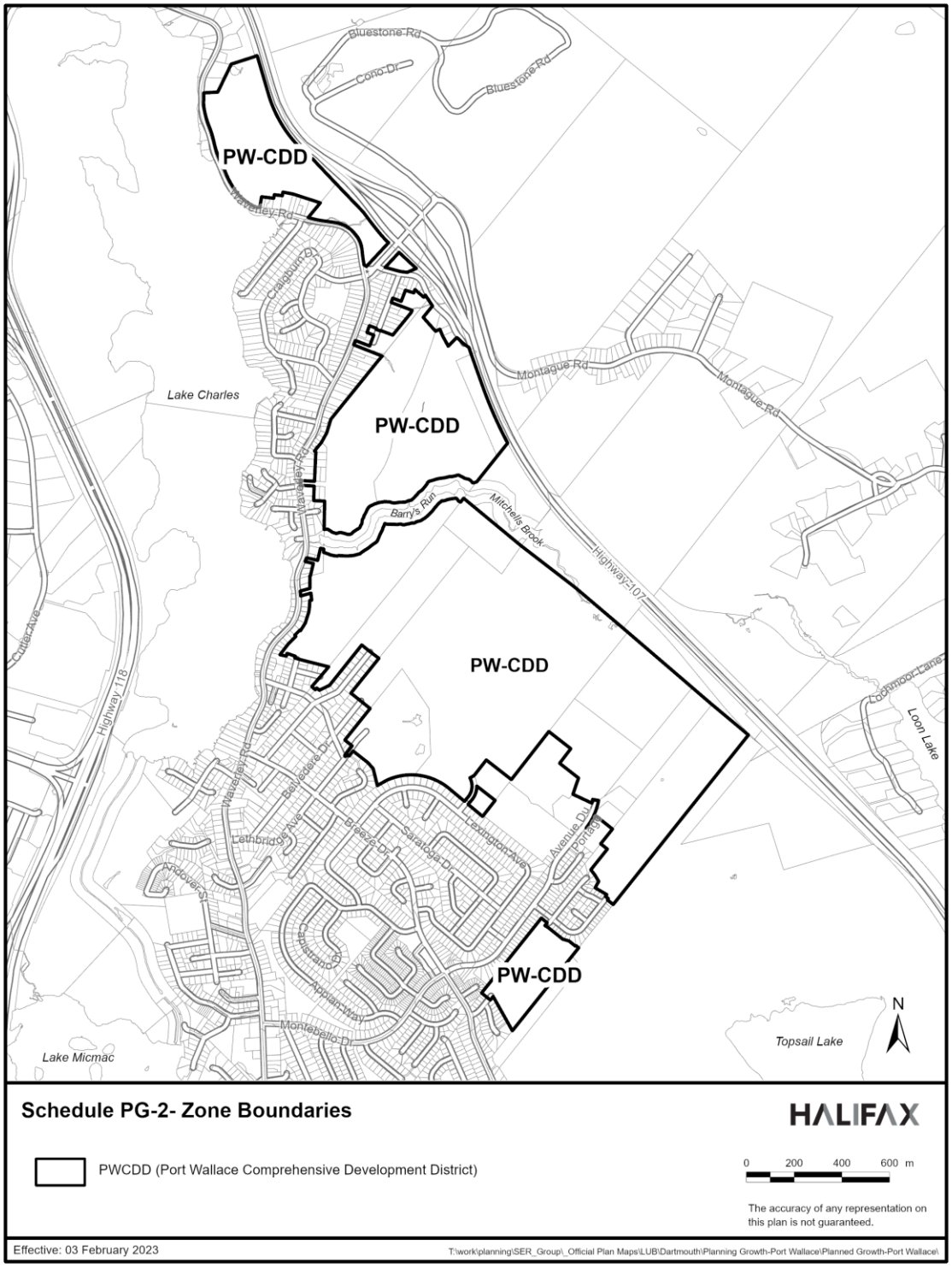
Schedules

DRAFT

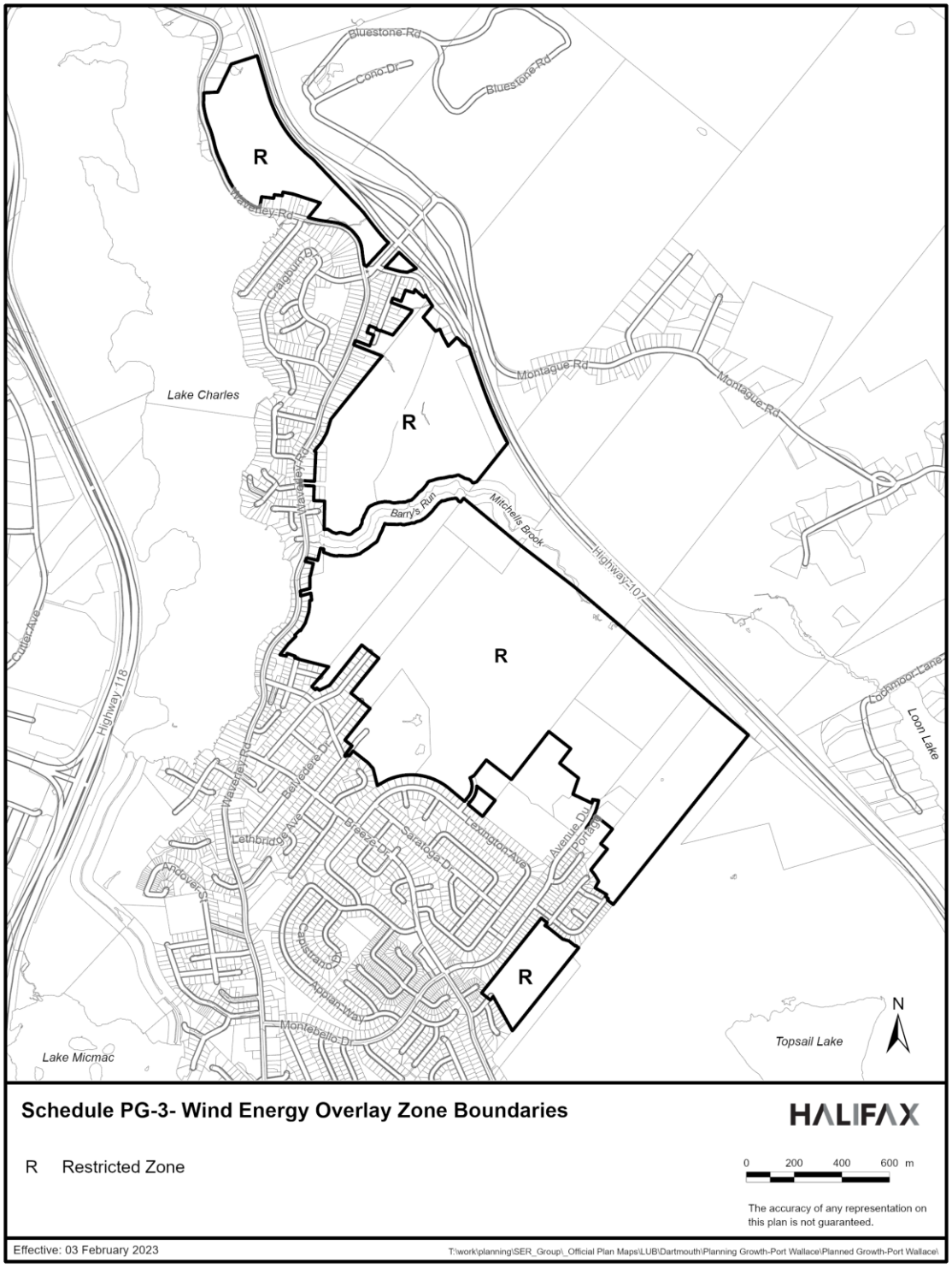
Schedule PG-1: Port Wallace Boundary (Special Area Task Force-Jan 26/23;E-Feb 3/23)



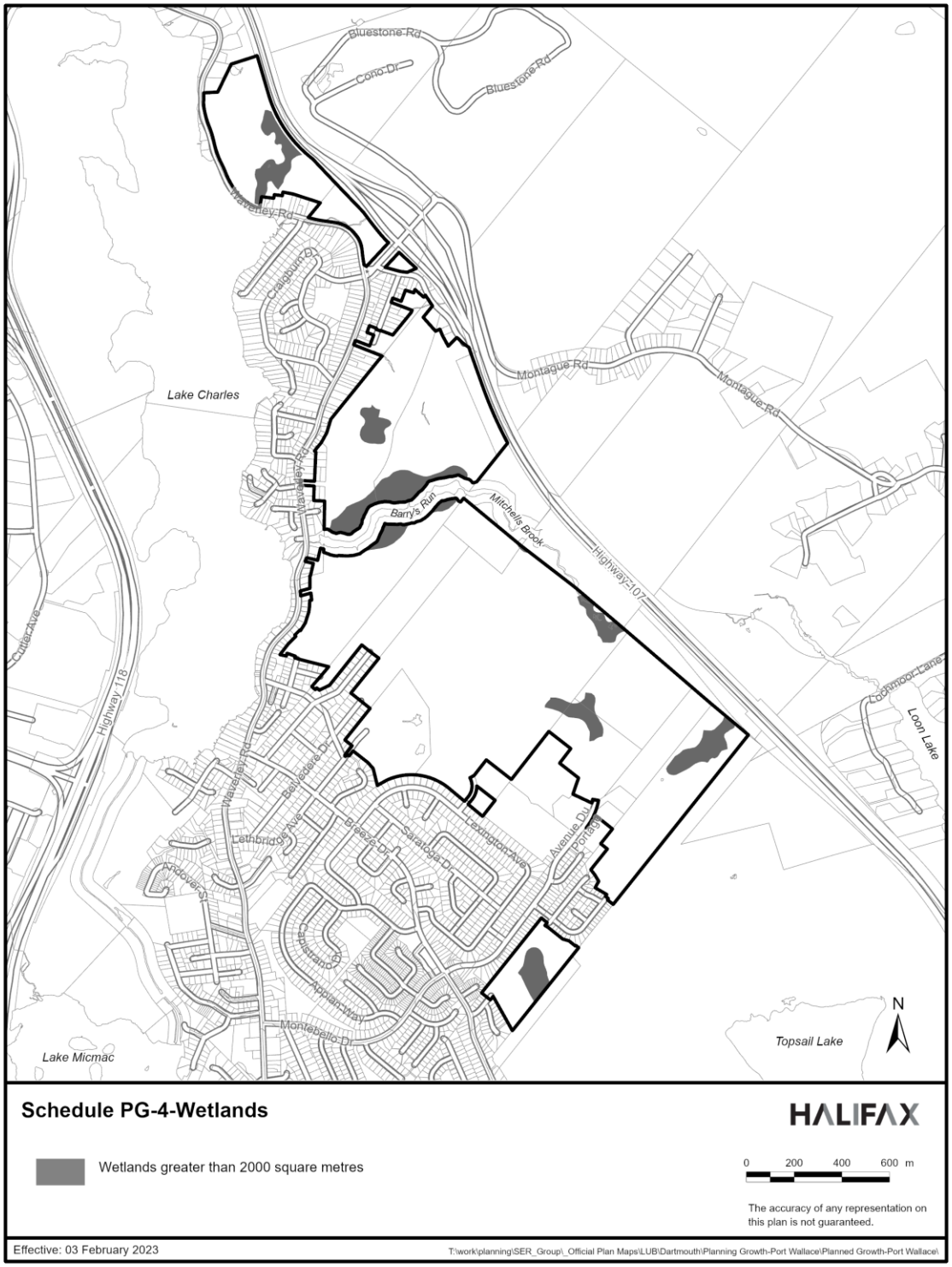
Schedule PG-2: Zone Boundaries (Special Area Task Force-Jan 26/23;E-Feb 3/23)



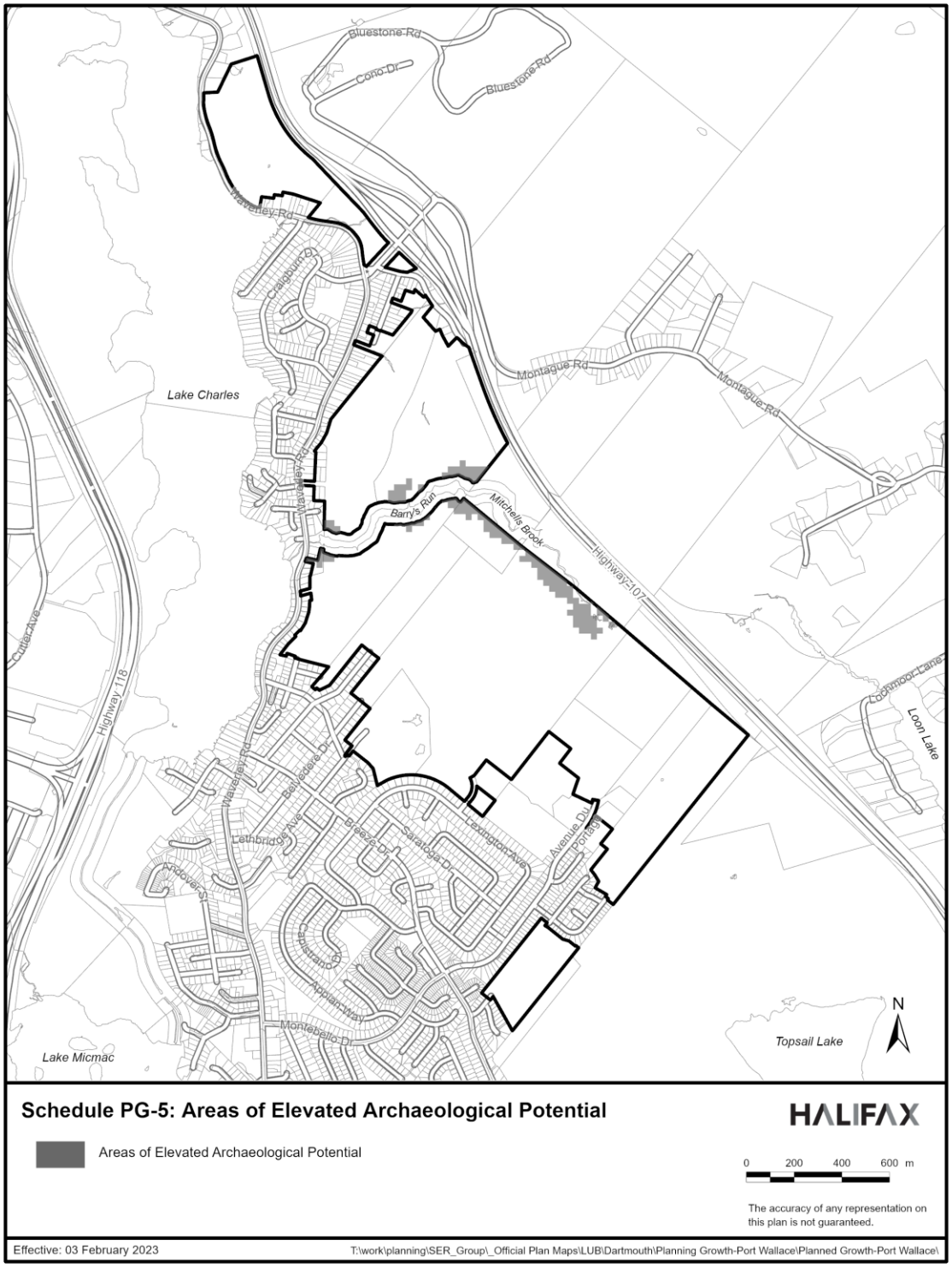
Schedule PG-3: Wind Energy Overlay Zone Boundaries (Special Area Task Force-Jan 26/23;E-Feb 3/23)



Schedule PG-4: Wetlands (Special Area Task Force-Jan 26/23;E-Feb 3/23)



Schedule PG-5: Areas of Elevated Archaeological Potential (Special Area Task Force-Jan 26/23;E-Feb 3/23)



DARTMOUTH LAND USE BY-LAW AMENDMENT INDEX

The following is a list of Text Amendments made to By-law C-357, since September 15, 1978, being the date approval was granted by the Minister of Municipal Affairs.

AMENDMENT ORDER	BY-LAW NO.	NATURE OF AMENDMENT	SECTION(S) AMENDED	EFFECTIVE DATE	CASE/FILE NO.
1	C-392	Downtown	52, 54,55 & 56	Dec 22/79	A-24
2	C-383	Massage Parlours	1(za) & 40A	Sept 19/80	CW-11
3	C-418	Boarding Homes	1(u), 1(x), 14(k), 34 & 38	Nov 26/80	CW-16
4	C-421	Home Occupation	23(j)	Jan 21/81	CW-15
5	C-455	Senior Citizens Parking	14(1)	Apr 24/82	CW-18
6	C-459	Parking Commercial	1(ia) & 15(k)	June 3/82	CW-14
7	C-460	Multiple Family Parking Areas	15(b)	June 3/82	CW-13
8	C-464	C-1 Zone Amendment	38	Sept 26/82	CW-19
9	C-514	Home Occupation	1(ab), 23(j) & 23(k)	Feb 15/84	CW-24
10	C-508	Medical Clinics	29A	Apr 9/84	CW-25
11	C-523	NS Department of Housing, Senior Citizens Apartment Site; Schedule "F"	29C	Nov 30/84	MPS-17
12	C-471	Open Space Zone	44A	Aug 7/85	CW-21
13	C-554	Accessory Buildings	27A	Nov 13/85	CW-26
14	C-562	Salvage Zone	1(an) & 43A	Apr 27/86	CW-27
15	C-618	Day Nurseries / Undersized Lots	1(ma) & 18A	Aug21/87	CW-28
16	C-657	Lodging House	1(sa), 1(va), 1(x) & 29D	Feb 2/89	CW-32
17	C-687	Height of Office Buildings - Schedule "H"	29	Oct 30/90	CW-35
18	C-691	Apartment Buildings	1(c) & 18B	Dec 4/91	CW-38
19	C-694	Pinecrest/ Highfield Park	32A	Dec 6/91	CW-39
20	C-698	CDD - Comprehensive Development District	31(a) & 53A	June 18/93	7.60.10.35
21	C-713	303 Main Street	18C; Add Schedule "K"	Dec 2/94	F-49
22	C-710	C-Zone	46(1) & 46(2); Add Schedule "J'	Dec 9/94	G-69

DRAFT

23	C-711	Storage Facilities	46(e); Add Schedule "J"	Sept 27/94	G-69
24	C-716	36 Wentworth St	18D; Add Schedule "L"	Mar 21/95	A-65
25	C-722	Bus Terminal Wyse Road	44(1) & 44(2); Add Schedule "M"	June 9/95	A-71
26	C-727	Amendment to	56(3); Add Schedule "D"	July 28/95	A-73
27	C-725	Micmac Blvd.	18E; Add Schedule "N"	Aug 4/95	B-42
28	C-730	Lancaster Ridge S/D	32(3)	Oct 25/95	C-51
29		6 Admiral Street General Provisions	18F; Add Schedule "Q"	Feb 26/98	C # 01100
30		Petrocan, Victoria Rd - General Provisions	18G; Add Schedule "R"	Mar 19/98	C # 00184
31		Baker Drive, Home Depot	18I; Add Schedule "U"	June 19/99	C # 00111
32		Signage - Billboards	1(f)	June 26/99	C # 00127
33		Portland Valley/ Portland Street	18H; Add Schedule "T"	June 26/99	C # 00096
34		Craigwood Estates	18J; Add Schedule "U(1)"	Aug 14/99	PA-Dar- 06-96
35		General Provisions	30(b)	Dec 19/99	
36		MacPhee Pontiac 636 Portland St	15(1)	July 30/00	C # 00255
37		Downtown Dart Secondary LUB	29C	Sept 2/00	C # 00095
38		Drew Sperry 10 Celtic Drive		July 8/01	C # 00336
39		Accessory Buildings	1(t), 1(qa), 27A & 27B	Aug 5/01	C # 00319
40		Commercial Vehicles	(ia) & 15(k)	Oct 21/01	C # 00319
41		Wrights Cove	15(j), 15(l), 31, 41, 42 & 43	Oct 31/01	C # 00179
42		Setback Requirements	1(ao),1(ap) 32(4) & 33(4)	Nov 25/01	C # 00359
43		Woodland Ave East Planning Process	18K, 18L, 18M & 18N	Mar 2/02	C # 00243
44		Shipping Containers	(ana) & 27C	June 30/02	C # 00434
45		Infrastructure Charges	31 & 53E	Aug 17/02	C # 00423
46		Construction & Demolition Waste Management	Definitions, 53B, 53C & 53D	Nov 9/02	C # 00082

DRAFT

47		Shipping Containers	25 & 27C(1)	Mar 2/03	C # 00434
48		Housekeeping	14(m), 15(i), 15(m), 28(5) & 42(5)	Aug 3/03	C # 00591
49		Height Restrictions	32(2)(d), 33(3)(e), 34(3)(e), 36(2)(g), 37(4), 39(3)(e), 40(2)(e), 40A(2)(e),44(3), 44A(2), 45(2)(c),46(3), 48(3)(h),53(b), & Schedule "W"	Apr 23/05	C # 00698
50		Morris-Russell Lake Secondary Planning Strategy	H-Zone 1(C) & CDD-53A(a)(iii)	Apr 23/05	C # 00586
51		250 Victoria Rd, 101 Albro Lake Rd. & 103 Albro Lake Rd	18N(1) General Provisions & Schedule "X"	Aug 12/05	C # 00749
52		3 Bruce Street	18O General Provisions & Schedule "Y"	Nov 24/05	C # 00635
53		Adult Entertainment	Add 1(za), (aq) & (ar), 18P, 23(k)(ix), 39 1(b)(i), 40 1(a)(i), 41 1(a)(i), 41 1(a)(i)	Mar 16/06	C # 00851
54		Regional Plan	**Add** Zones RPK, US, UR TR & BCDD; Add Schedules Y(1) & Z; Add new definitions (fa), (fb), (fc), (iaa), (ada) & (aq)**;** **Add** 17, 17(A), 17(B), 18(Q), 32(A)1 to 32(A)7, 32(B)1 to 4, 32(C) & 32(D); **Add** 7A General Provisions	E - August 26, 2006	
55		House Keeping	Amend 1(an) - Salvage Yard	E - September 9, 2006	Case # 00863
56		Amend the Zoning Map 1	Amend the Zoning Map 1 - Rezoning C to C-1 322 Main Street, Dartmouth	E - September 25, 2006	Case # 00903
58		Salvage Yards	Add 23(k) (x)	HECC Mar 1/07;Eff Mar 17/07	Case # 00981
59		Sheppard's Island	Added Schedule AA-2"	RC-March 6/07;Eff Mar 31/07	Case # 00864
60		32 Primrose Street	Add 18(S); Add Schedule Z(1)	RC-April 10/07;E-Jun 9/07	Case #00817

DRAFT

61		Section 2 (PID 41244179) near the Northeast corner of Commodore Drive and Countryview Drive, Dartmouth	Add 29(F); Add Schedule AA	RC- June 24/08 E - Aug 9/08	Case # 01079
62		20 Baker Drive	Amendments to zoning map - from CDD to C-3	RC - Aug 7/08 E - Aug 30/08	Case # 01144
63		Heritage Properties	Add 18T	RC-Nov21/08 E-Jan 10/09	Case #01006
64		Institutional uses	Replaced Subsection (va) of section 1 part 1	HECC-Dec4/08 R- Dec 27/08	Case #01094
65		Institutional uses	Added a new Subsection(sb) of Section 1, Part1	HECC-Dec4/08 R- Dec 27/08	Case #01094
66		Institutional uses	Added two new Subsections 14(n) and (o) of Part 2	HECC-Dec4/08 R- Dec 27/08	Case #01094
67		Institutional uses	Replace the phrase "church and church halls" in Clause (b) of Section 32, Subsection (1) of Part 1	HECC-Dec4/08 R- Dec 27/08	Case #01094
68		Institutional uses	Added new Subsection **32(5)**	HECC-Dec4/08 R- Dec 27/08	Case #01094
69		Institutional uses	Delete the word "church" from Clause (d) of Section 45, Subsection (1) of Part 19.	HECC-Dec4/08 R- Dec 27/08	Case #01094
70		Institutional uses	Replaced Clause (e) of Section 45, Subsection (1) of Part 19 and added clauses (f) (g) (h)& (i)	HECC-Dec4/08 R- Dec 27/08	Case #01094
71		Institutional uses	Added clause (d) of Section 45, Subsection (2) of Part 19	HECC-Dec4/08 R- Dec 27/08	Case #01094
72		Cabarets and Pawn Shops	added (ha) following the definition for (h) Building Line.	HECC - Dec 4/08 R-Dec 27/08	Case #01135
73		Cabarets and Pawn Shops	added (afa) after the definition for (af) Registered Plan	HECC - Dec 4/08 R-Dec 27/08	Case #01135
74		Cabarets and Pawn Shops	added text following s.39.(1)(b)(iii)	HECC - Dec 4/08 R-Dec 27/08	Case #01135
75		Cabarets and Pawn Shops	added text following s.41.(1)(b)(iii)	HECC - Dec 4/08 R-Dec 27/08	Case #01135

DRAFT

76		Cabarets and Pawn Shops	added text following s.42.(1)(b)	HECC - Dec 4/08 R-Dec 27/08	Case #01135
77		Temporary Construction Uses Permitted	Amended Section 25	HECC - Jan 20, 2009 E- Feb 7 ,2009	Case #01058
78		Definition of Day Care Facility	Replaced Section 1(ma) and Section 18A Replaced wording Day Nurseries with Day care Facilities	HECC - March 3, 2009 E- March 21, 2009	Case #01074
79		Amendment to Schedule A zoning map	Staple amended schedule A to zoning map	HECC-May 11, 2009 E- May 30, 2009	Case #01222
80		Wright's Cove	- Rezoning certain lands on schedule 1 - Section 2 - added 18(U) and 18(V) - Section 1 - added 32(6) - Section 2 - added 32F - Section 42(1) - added (e) and (f) - Part 20 - added 42(1)(f) - Added schedule AA	R- May 26, 2009 E- July 25, 2009	Case #01031
81		Undersized lots	Replaced section 19 Added section 33(5)	HECC - Sept 10, 2009 E - Oct 3, 2009	Case #01293
82		Waverley Road	Added new definitions: Auxiliary Dwelling Unit, Fitness Centre, Restaurant (Drive-Through), Restaurant (Full-Service), Restaurant (Take- Out), Vehicle Services, Veterinary Clinic; Amended Section 11, 12, 14(f); Added Section 14(fa), 18(Ua); Amended Section 22, 23; Added Section 23A; Amended Section 27A, 28(3), 29(A), 32E(17), 31; Added 32(1)(h), Part 1A, 38(1)(fa); Amended 38(3)(d); Added Part 8A, 8B, Schedules "AB", "AC".	RC - September 8, 2009 E - November 14, 2009	Case #01053
83		Burnside Park	Amended Dartmouth Zoning Map	RC - Jan 19, 2010 E- May 8, 2010	Case # 01287

DRAFT

84		Tattoo businesses	Added (xi) tattoo businesses following 23. (k) (x)	HECC - June 10, 2010 E - July 3 2010	Case # 15846
85		385 & 387 Portland Street. Cox's Auto	Amended Dartmouth Zoning Map	HECC - June 10, 2010 E - July 3 2010	Case #15867
86		Dartmouth Common – Metro Transit	Amended Dartmouth Zoning Map	HECC - July 8 2010 E- July 31, 2010	Case # 01361
87		Group Homes – Dartmouth	Replaced Section 33 (1) (e); Added (saa) under section 1; Added (e) under section 34(1); Added (d) under section 39(1)	HECC - Nov 4, 2010 E - Nov 27, 2010	Case #15841
88		Wind Energy	Added **Section 32G Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Zoning Map.	RC – August 16, 2011 E – October 29, 2011	Project No. 00953
89		Wind Energy	Amend Section 32G IV by adding **b)** and **c)** after a): Wind Energy Facilities.	RC – October 18, 2011 E – October 29, 2011	Project No. 00953
90		Dartmouth Main Street Plan Review	Added definitions to Section 1 / Added Section 2.14(iii) and (iv); 2.15(fa); 2.15A; 2.16(d); 2.19(ca); 2.23(ha); 2.27BA and BB; 2.28(3A); 2.31(k); 2.32E(19)(c); 2.32E(21A); 2.32H, 3.32B(5); 3.34(1)(f); 3.34(3A), (3B), (3C); 3.36(2)(fa); Section 3, Part 7A; 3.39(1)(ba), (bb), and (bc); 3.39(3)(ba); 3.39(3)(da); 3.39(3)(f); 3.39(4), (5), (6), (7), (8), (9); 3.45(2)(ca); Schedule AE, AF, AG, AH; Amended Section 2.14(d), (e), (f); 2.15; 2.18B; 2.32E(21); 3.31; 3.32(2)(d); 3.33(3); 3.34(6); 3.36(2)(c); 3.36(2)(g); Zoning Map.	RC – September 10, 2013 E – November 30, 2013	Project No. 01286
91			Rezoning 58, 60, 62 Jamieson Street, Dartmouth from the R-1 (Single Family Residential) zone to TH (Town housing) zone	HEMDCC – February 13, 2014 E – March 8, 2014	Project 16674
92			Rezoning from I-2 to R-3	HEMDCC – September 11, 2014 E- October 4, 2014	Case 18809

DRAFT

93		RP+5	**Repeal/Readopt** Section 1(fa), (fb), (fc), (ia), (ada), (afda), (afdb), (as), 7A, 17, 17A, 17B, 18Q, 18R, 32A, 32B, 32C, 32D, 32G, 31, Part 18, 22, 23, Schedule AJ, A-1, Y(1), Z; **Add** Section 1(haa), (ald), Section 2 18W, 32I, 42(1A); **Amend** Parts of Section 2 18R, 32A(1), 32A(3), 32B(1), Schedule A-1, Y(1), Z	RC-June 25, 2014 E-October 18, 2014	RP+5
94		# of residential buildings permitted on a lot	**Add** Clause 10A to Part 2.	HEMDCC – July 30, 2015 E – August 15, 2015	Case 19864
95		Modify R-3 Zone requirements and development agreement criteria and to redesignate and rezone the Kuhn Road Swamp for conservation purposes.	**Add** Greenhouse to definitions, Section 2(14)(m)(iv), 2(15)(g)(fb), 2(32E(21A), Section 3 Part 4(34)(7), and Schedule AI; **Amend** Section 2(14)(b)(iii), 2(14)(b)(iv), 2(15A), 2(23)(ha), and Zoning Map.	RC – October 6, 2015 E – December 5, 2015	Kuhn Road Area
96		Dartmouth Crossing Rezone the BCDD zoned portion of Phase 3 back to the I-2 Zone	**Add Schedule "AL"**	HEMDCC – December 3, 2015 E – December 30, 2015	Case 20132
97		Case 19659	Within PART 3: R-2 (Two Family Residential) Zone, insert sub-section 33(6)	HEMDCC – April 7, 2016	E – April 30, 2016
98		Case 19626	**Add** Section 2, Part 18X – General Provisions, Mixed use development at the southwest corner of Portland Street and Portland Hills Drive	RC – March 21, 2017	E – June 3, 2017
99		Case 21490	**Rezone** 9 Veteran's Ave from the R-3 (Multiple Family Residential-Medium Density) zone and the R-1 (Single Family Residential) zone to the S (Institutional) zone, and a portion of the lands from the R-3 zone to the R-1 zone; **Add** Schedule "AM"	HEMDCC – March 1, 2018	E – March 17, 2018

DRAFT

100		Case 20269	**Rezone** 307 Prince Albert Rd. from C-2 (General Business) Zone to the GC (General Commercial) Zone, and 5 Glenwood Ave from the R-2 (Two Family Residential) Zone to the R-4 (Multiple Family Residential – High Density) Zone. **Add** Schedule "AN"	HEMDCC – April 5, 2018	E – April 28, 2018
101		Case 20436	**Amended** Section 18G, 240 Victoria Road	RC – Feb 27, 2018	E – May 12, 2018
102		Case: 21548	**Rezone:** 4 Fernhill Drive from the R-2 and the R-3 to the C-2. **Add** Schedule "AO"	HEMDCC – September 6, 2018	E-September 29, 2018
103		Case 21331	**Amend** several sections to add Cannabis related uses Nov 3/18	RC - Sep 18, 2018	E- November 3, 2018
104		Case 21648	**Amend section 32B(2)**	HW, HEMD and NWCC – Dec 11/18	E – Dec 29, 2018
105		Case 20694	**Rezone:** 400 Windmill and a portion of 398 Windmill from C-3 to C-2. **Add** Schedule AP	HEMDCC – March 7, 2019	E- March 23, 2019
106		Case 21955	**Repealed / Replace** the zoning map for Dartmouth dates July 25, 1978 inclusive of sheets 1 to 38. Replace with Schedule 1 – Zoning Map for Dartmouth **Amend**: Table of Contents; adoption page; Section 1 (za), (adfa), (am); Section 11; Section 18A; Section 18P; Section 23 A; Section 29; Section 29A; Section 30; Section 4 **Repeal/Replace** Section 24	RC – March 5, 2019	E – April 6, 2019
107		Case 21552	**Rezone:** a portion of PID 41113887, Lancaster Dr. from R-1 to R-3	HEMDCC – May 2, 2019	E – May 18, 2019
108		Case 22059	**Rezone:** 24 Hester St. from R-1 to R-2	HEMDCC – May 2, 2019	E – May 18, 2019

DRAFT
HALIFA
LAND USE BY
DARTMOU

109		Regional Centre Plan – Pkg A	**Add** Section 2A under General Provisions; **Repeal** Section 2 Subsections 18E, 18G, 18L, 18M, 18N, 18N(1), 18S and Schedules N, R, V, X, Z(1).	RC – September 18, 2019	E – November 30, 2019
110		Case 21982	**Amend** sub-clause 36(2)(c) of Part 6 **Amend** Schedule 1, the Zoning Map - 20 Sea King Dr. from R1 - TH	HEMDCC – January 9, 2020	E – January 25, 2020
111		Case 21880	**Rezone**: PID: 00221952 from R-2 to R-3	HEMDCC – June 30, 2020	E – July 18, 2020
112		Case 21162 – Secondary / Backyard Suites	**Add** Section 1: Definitions – (akd) & (ake) – Backyard and Secondary Suites; Section 2, 27D; **Amend** Section 2, 10A; Section 2, 32B – Coastal Areas	RC – September 1, 2020	E – November 7, 2020
113		Case 21808	**Add:** Section 1A; Part 34, Part 35, Part 36 to Table of Contents and LUB before Section 4, Section 27C (4), clause 30(l), in Section 31 of Section 3: zones – BP, CI & BGI, Subsection 42(8) in Part 13 **Repealing:** Section 29E, Section 42(1A) in Part 13, Schedule H **Amend:** Schedule 1 – Zoning Map for Dartmouth	RC – September 29-30, 2020	E – December 5, 2020
114		Case 23274 – Secondary / Backyard Suites Housekeeping Amendments	**Delete** Section 2, Subsection 27D(b)(iv) – Change wording: from Sections to Section 27A	HEMDCC – March 4, 2021	E – March 27, 2021

DRAFT

115		Centre Plan Amendments (Package B)	**<u>Amended</u>:** • Table of Contents Section 4: Scheduling o *Deleted words* • <u>Section 2A: General Provisions</u> o *Deleted words and added The Regional Centre Plan Area* • <u>Section 2: General Provisions</u> o *Clause 18(H) by deleting words and "…PID #226183"* o *Clause 30(i) by deleting Waverley Road and Woodland Avenue* • <u>Section 3: Zones</u> o *Clause 33(3) by deleting "Lake Banook……Schedule W"* o *Clause 36(2)(g) by deleting "Lake Banook…and within the"* **<u>Repealed entirely.</u>** • <u>Section 2: General Provisions</u> o *Section 18 (D)* o *Section 32* • <u>Section 3: Zones</u> o *Part 1: clause 32(2)(d)* o *Part 1: clause 32(3)* o *Part 4: clause 34 (3)(e)* o *Part 5: clause 35(3)(e)* o *Part 7: clause 37(4)* o *Part 9: subsection 39(3)(e)* o *Part 10: clause 40(2)(e)* o *Part 16: clause 44(3)* o *Part 17: subsection 44(A)(2)* o *Part 19: clause 45(2)(c)* o *Part 20: subsection 46(3)* o *Part 24: clause 48(3)(h)* o *Part 26: clause 53(b)* o *Schedule M: Dartmouth & Downtown Dartmouth Plan Area* o *Schedule W: Lake Banook…Area.*	RC – October 26, 2021	E – November 27, 2021

DRAFT

116		Case 22227	**Amend** Section 1 and 2 to include definitions of ACCESSORY HEN USE	RC - October 5, 2021	E – January 8, 2022
117		Case 22670	**Amended:** Schedule 1; Schedule A-1, Wind Energy Zoning	RC – February 15, 2022	E – April 9, 2022
118		Special Planning Area – Port Wallace (Case 24284)	**Added** Section 18Z under General Provisions	Special Area Task Force – June 16, 2022	E- July 2, 2022
119		Case RP16-16 (Shared Housing)	**Amended** Section 1, Definitions – 1(a); Section 2, General Provisions – 14(b)(iii)(iv), 14(l), 18F, 18(Ua), 23(ha), 32G I(a); Section 3, R-2 Zone – 33(1)(e); R-3 Zone – 34(7)(b); S Zone – 45(1)(f); MF-1 Zone – 48(1)(a); ICH Zone – 53(E)(1) **Deleted** Section 1, Definitions - 1(sab), 1(x); Section 2, General Provisions – 14(k), 29D; R-3 Zone – 34(1)(e), 34(6); C-2 Zone – 39(1)(d) **Added** Section 1, Definitions – 1(aga), 1(agb); Section 2, General Provisions – 14(p), 18Y; Section 3, R-1 Zone – 32(1)(aa); R-3 Zone – 34(1)(d); R-4 Zone – 35(1)(ba); TH Zone – 36(1)(aa); S Zone – 45(1)(fa); US Zone – 47A(1)(aa); UR Zone – 47B(1)(aa); BCDD Zone – 54(a)(ii.5)	RC-August 9, 2022	E-September 15, 2022
120		Case 22257 – (Regional Plan – Phase 3)	**Amended** Schedule 1 Zoning Map – rezone lands from Holding to CDD; Section 1(ai); Section 2, Clause 18R(i), 18T, Section 26, Section 27C, Section 32I **Deleted** Section 2, Section 27C(3)	RC-October 11, 2022	E-November 16, 2022

DRAFT

121		Case Special Planning – Port Wallace Case 22384	**Add** Sub-Section 2B – Port Wallace Lands; Part 37, Section 58(1)(2)(3); Section PG – Planned Growth, Schedules PG-1, PG-2, PG-3, PG-4, PG-5; **Amended** Schedule 1 – Zoning Map, A-1 - Wind Energy Zoning, Y(1) – Areas of Elevated Archaeological Potential, Z – Wetlands	Special Area Task Force – January 26, 2023	E – February 3, 2023
122		Case 24063	**Added** Appendix A - Bonus Zoning Requirements for Applicable Plan Amendments; Schedule AJ – Developments Subject to Interim Bonus Zoning Requirements	RC - March 21, 2023	E – April 19, 2023
123		Case 24526 (Short Term Rentals)	**Added** Section 1, Definitions, Section (agc), (agd); Section 2, Section 33(b), 33(c), 34; **Amended** Section 2, Section 14(h); 32E(17)(a); Part 24, Section 48(1); Part 34, Section 55(1) **Deleted** Section 2, Section 22; Part 4, Section 34(7)(i)	RC - February 21, 2023	E – September 1, 2023
124		Case 2023-01049	**Added** Section 1(ea); Section 5A **Amended** Section 5; Subsection 10 **Repealed/Deleted** Section 5(b); Subsection 10(a)(b)	NWCC - February 20,2024	E- March 6, 2024
125		PLANAPP 2023-00474	**Deleted the following from Section 3, Part 1, Section 32(6):** Green Bank Court, Cove Lane, or	RC – April 9, 2024	E – May 6, 2024

DRAFT

126		MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	**Amended** Section 1, subclause 1(qc); Section 2, clause 14(a), (b)(i); subclause 15(b), 15(fa)(fb), clause 18B, subclause 19(c), clause 27A, 27B, subclause 27D(a)(i)(v); subclause 27D(b), (b)(i)(vi)(viii), subsection 28(3)(3A), subclause 32H.4(a), 32H.6(b), clause 34(3)(a), clause 34(3A), Clause 34(3B), subclause 34(7)(b), clause 37A(1), subclause 37A(3)(a), 39(1)(ba), clause 39(2), subclause 39(3)(ba), 39(3)(c); Schedule AF, AJ, Schedule 1 – Zoning Map **Added** Section 1, subclause (saaa), (alaa); Section 2, clause 27BC, 27BD, subclause 27D(b)(ix), subsection 28(3B); Section 3, clause 32(1)(a.1)(a.2), clause 32(2)(e)(f), clause 33(3)(f)(g), clause 34(3)(f)(g)(h)(i)(j), clause 35(3)(f)(g)(h)(i) **Repealed** Section 1, subclauses 1(e)(h); Section 2, clause 14(b)(iii), subclause 27D(a)(i)(iv), subclause 27D(b)(iv), subsection 28(1)(2)(4); Section 3, subclause 33(1)(d), clause 33(6), clause 34(3)(b), clause 35(3)(b), subclause 48(2)(b)	RC – May 23, 2024	E - June 13, 2024
127		PLANAPP 2023-00376	**Amend:** Schedule 1, Zoning Map – Rezone 3 & 5 Bruce St. from R-1 to R-3	HEMDCC: July 4, 2024	E – July 22, 2024
128		PLANAPP 2023-00159	**Amend:** Schedule 1, Zoning Map – PID: 00244285 & 00072819 from R-1 to R-3	HEMDCC: February 6, 2025	E – February 21, 2025

DRAFT

129		MINORREV – 2024-01198	**Added:** Section 2C **Amend:** Schedule AF, AJ, Schedule A-1, Y(1), Z, AG, AH, AI, & Schedule 1	RC – March 18, 2025	E- April 23, 2025

DRAFT