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

HALIFAX

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LAND USE BY-LAW

SACKVILLE DRIVE

THIS COPY IS A

REPRINT OF THE

SACKVILLE DRIVE

LAND USE BY-LAW

WITH AMENDMENTS TO

MAY 26, 2025

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LAND USE BY-LAW
FOR

SACKVILLE DRIVE

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Sackville Drive which was passed by a majority vote of the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of 26th day of May, 2025.

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

_____
Municipal Clerk

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PART 1: TITLE

1. This Bylaw shall be known and may be cited as the "Land Use Bylaw" for Sackville Drive.

PART 2: DEFINITIONS

1. In this by-law:

Accessory Building or Structure means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this Bylaw.

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).

Accessory Use means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this Bylaw.

Adult Entertainment Use means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes escort services and massage parlors. When used in relation to adult entertainment use, the following shall apply:

"To Provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;

"Services" include activities, facilities, performances, exhibitions, viewing and encounters;

"Services designed to appeal to erotic or sexual appetites or inclination" includes,

- 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 and opaquely covered:
  - human genitals or human pubic region;
  - human buttocks; or
  - female breast below a point immediately above the top of the areola.
- 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.

All Age/Teen Club means an establishment with programs directed towards teens but includes all ages and is primary a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to the Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages. (NWCC-May 26/05;E-May 28/05)

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Amenity Area means an area(s) of a lot set aside for the purposes of visual improvement or relaxation which is not used for buildings, structures, parking areas or driveways and which includes grass, flower beds, shrubbery, trees and other forms of landscaping or a combination thereof and in the case of multiple unit dwellings may also include balconies and sundecks.

Attached Building means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

Autobody Shop means a building or part of a building or a clearly defined space on a lot used for painting and repair of automobile body parts but shall not include the retailing of gasoline or other fuels.

Automotive Rental Facility (Car Rental Facility) means a use of land, building or structure where motor vehicles are kept for lease and where such vehicles may be dropped off or picked up, but shall not include the rental of equipment or vehicles defined as a equipment rental facility.

Automotive Repair Outlet means a building or part of a building or a clearly defined space on a lot used for minor or major repair of motor vehicles and may include paint and body repair, muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include autobody shops, the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels.

Automotive Service Station means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.

Bed and Breakfast (Deleted: RC-Feb 21/23;E-Sep 1/23)

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)

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)

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)

Big Box (Large Box Retail) means large-format retail, food, warehouse clubs, restaurants, entertainment, hardware, electronics and furniture stores that typically range in size from 20,000

to over 150,000 square feet. For the supermarket/grocery sector, a big-box superstore normally must be in the 50,000 to 100,000 square foot range. For warehouse operations, such as membership warehouse clubs, big boxes normally contain 120,000 square feet. For book retailers, 25,000 to 50,000 square feet would qualify as a big-box operation and for other specialty retail categories, for example, eye glasses, a 5,000 square-foot store would qualify as a "big box". A Big Box outlet may includes several small retail business (multiple tenants) with internal or exterior entryways. An example of this the SuperStore on Sackville Drive.

Building includes any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such buildings.

Building Line means any line regulating the position of a building in relation to the street and the side and rear lot lines.

Building Supply Outlet means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.

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)

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-Sep 18/18;E-Nov 3/18)

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,

(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.**

(RC-Sep 18/18;E-Nov 3/18)

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-Sep 18/18;E-Nov 3/18)

Car Wash means a building or part of a building or a clearly defined space on a lot where mechanical equipment is used for washing passenger vehicles.

Changeable Copy Signage means any portion of a sign which provides for periodic changes in the material composing the sign or the message and includes both electronically and manually changeable signs. (NWCC-May 22/08;E-Jun 7/08)

Commercial Vehicle means any vehicle which is licenced as a commercial carrier as determined by the Registry of Motor Vehicles and with a registered vehicle weight of three (3) tons.

Commercial Entertainment means such uses as cinemas, theaters, and auditoria, billiard/snooker clubs, amusement centres, lounges and beverage rooms but excludes such uses as cabarets, casinos, or adult entertainment uses.

Commercial Recreation Use means a building or lot or part of a building or lot used solely for commercial recreation or sport purposes and without limiting the generality to the forgoing, may include amusement centres, dance halls, bowling alleys, bingo halls, skating rinks and golf associated uses (i.e. training facility or miniature golf) but shall exclude animal and vehicle racing tracks, rifle ranges, or commercial camping grounds.

Community/Recreation Centre means any tract of land or a building or any part of buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board, a non-profit group, or agent thereof. Activities such as bingo halls and youth centres are permitted as a secondary or accessory uses to the primary function.

Consulting Room means the office and ancillary facilities commonly used by an individual, qualified medical practitioner for out-patient treatment. (NWCC-May 26/05;E-May 28/05)

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, 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, more than three (3) 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. (RC-Mar 3/09;E-Mar 21/09)

Demolition means the act or process of tearing down or pulling apart (i.e. deconstruction) a building or a structure.

Development Officer means the officer appointed under authority of the Municipal Government Act.

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Dwelling means any building or portion thereof which is designed or used for residential purposes.

Dwelling Unit means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.

SINGLE UNIT DWELLING - means a detached dwelling containing one family unit.

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

SEMI-DETACHED DWELLING - means one of a pair of single unit dwellings which are attached vertically and each of which has its own independent entrances.

MULTIPLE UNIT DWELLING - means a single building comprised of three or more dwelling units but shall not include townhouses.

TOWNHOUSE DWELLING - means three or more individual dwellings which are attached vertically and each having its own independent accesses.

Erect means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Equipment Rental means a building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as but not limited to lawn and garden tools, flooring cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

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.

Existing means a building, structure or use in existence as of May 7, 2002. Existing buildings, structures or uses shall not expanded or encroach beyond the existing lot configuration unless otherwise identified in this bylaw.

Flea Market means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public.

FLOODWAY means the inner portion of the floodplain having a 5% chance of occurring in any given year (the 1-in-20-year flood elevation). Under this by-law, the Floodway flood elevation is derived from the model that accounts for Climate change conditions for the

Western University IDF-CC Tool upper bound result for the 2070 – 2099 period under the Sackville Rivers Floodplain Study Phase II produced by CBCL in 2017. (RC-Apr 29/25;E-May 26/25)

FLOOD FRINGE means the outer portion of the floodplain, between the 1-in-20-year floodway and the outer boundary of the floodplain, having a 1% chance of occurring in any given year (the 1-in-100-year flood elevation). Under this by-law, the Flood Fringe flood elevation is derived from the model that accounts for Climate change conditions for the Western University IDF-CC Tool upper bound result for the 2070 – 2099 period under the Sackville Rivers Floodplain Study Phase II produced by CBCL in 2017. (RC-Apr 29/25;E-May 26/25)

Floor Area (Gross) means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor area not devoted to habitable or leasable space, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Garden Market means a structure erected on a lot on a seasonal basis for the purpose of selling garden plants, produce, and other related horticultural items and shall exclude tractor trailers, construction trailers, travel trailers, and converted mobile homes.

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.

Guest House means a home occupation within a single unit dwelling where more than four sleeping rooms are rented to the traveling and vacationing public with or without meals and licensed under Provincial regulations.

Health and Wellness Centre means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists. (NWCC-May 26/05;E-May 28/05)

Height as applied to any building means the vertical distance of the highest point of the roof above the **established grade of the street line abutting** the building. **(NWCC-June 26/23;E-July 12/23)**

HEN means adult female chicken. For the purposes of this by-law hens associated with an accessory hen use are not livestock (RC- Oct 05/21; E-Jan 08/22).

Home Business means the use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services and without limiting the generality of the foregoing does not include restaurants, take-outs, convenience stores, the keeping of animals, taxi stands, any use pertaining to vehicles, or any use deemed to be obnoxious.

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Hotel/Motel means a building or part thereof on the same site in which more than four rooms are used to accommodations with or without meals and licensed under Provincial regulations.

Ice Cream Stand means a restaurant whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready to-eat state but shall not include the preparation or sale of hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items or the provision of drive-thru service. (NWCC-May 24/07;E-Jun 9/07)

Institutional Use - means any educational or denominational use, museum and cultural centre, public library, fire and police station, public works, hospital, **shared housing with special care (RC-Aug 9/22;E-Sep 15/22)**, community centre and hall, recreational or open space use.

Kennel means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.

Landscape means covered by vegetation comprising any combination of trees, hedges, shrubs, flowers, grass or other horticultural elements, or by a combination of vegetation and decorative elements such as but not limited to stonework, brick, unit pavers or wood.

Laundromat means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public or for dry cleaning purposes.

Light Manufacturing Use means an establishment or facility engaged in the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials, but shall not include any use which is obnoxious.

Loading Space means an area not upon a street or highway having not less than 300 square feet (27.9 square metres) of space accessible to a lot and designed for off-loading and on-loading from vehicles.

Lot means a parcel of land whether or not occupied by a building.

> CORNER LOT means a lot situated at the intersection of, and abutting on, two or more streets.
>
> THROUGH LOT means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this by-law.

Lot Area means the total horizontal area within the lots lines of a lot.

Lot Coverage means the percentage of lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion therefor

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which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to the portion of such lot which is located within said zone.

Lot Depth means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

Lot Frontage means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a day-lighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

Lot Line means the division line between two or more lots.

FRONT LOT LINE - meaning the line dividing the lot from the street.

FLANKING YARD - meaning the side lot line which abuts a street on a corner lot.

REAR LOT LINE - meaning the lot line furthest from or opposite to the front lot line.

SIDE LOT LINE - meaning a lot line other then a front or rear lot line.

Main Building means the building in which is carried on the principal purpose or purposes for which the building lot is used.

Main Wall means the exterior front, side, or rear wall of a building and all structural members essential to the support of a full or partially enclosed space or roof.

Massage Parlor 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 members of the opposite sex 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.

Medical Clinic means a building or part of a building where two or more practitioners provide human health services without overnight accommodations for patients.

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.

Minimum Width means the minimum width or length required by this Bylaw of any main wall.

Municipality means the Halifax Regional Municipality.

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Non-Conforming Use means a building or use of land lawfully existing at the date of the public hearing (May 7, 2002) which does not conform to the regulations of the zone in which it is now situated.

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.

Office means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods and may include medical, dental and health services.

Off-site Fill means fill imported from outside the floodplain or fill transported from the Flood Fringe to the Floodway. (RC-Apr 29/25;E-May 26/25)

Outdoor Display Court means an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of new or used cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, and decorative fountains. An outdoor display court may also include an auction facility for new/used cars **but shall not include the repair of vehicles unless such activity is contained within a building. (NWCC-May 26/05;E-May 28/05)**

Outdoor Storage means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

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.

Parking Lot means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

Parking Space means an area of not less than one hundred sixty-two (162) square feet (15.1 m^2), measuring nine (9) feet (2.7 m) by eight-teen (18) feet (5.5 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.

Pawn Shop means any establishment where all or a portion of any business where secondhand and used goods are pawned, sold or traded by the public, and shall also include the resale of such items, but shall not include used clothing stores, antique shops, or used bookstores.

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Personal Service means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the forgoing; barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, and doctors' or dentists' offices. (NWCC-May 26/05;E-May 28/05)

Pervious means a surface such as grass that can be easily penetrated by water. For clarification, "impervious" means a surface such as pavement, asphalt or concrete that cannot be easily penetrated by water.

Recreation Use means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals.

Recycling Depot means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other 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.

Registered Deed means a deed recorded at the Registry of Deeds at Halifax, Nova Scotia.

Registered Plan means a deed recorded at the Registry of Deeds at Halifax, Nova Scotia.

Residential Care Facility (Deleted: RC-Aug 9/22;E-Sep 15/22)

Restaurant

DRIVE THRU: means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in 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.

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 twenty five (25) percent 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.

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 ten (10) percent of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table

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service, including buffet service and may also be licensed to serve alcoholic beverages.

Retail Store means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value, but shall not include pawn shops as defined.

Salvage Yard includes a scrap yard and a junk yard and means a lot or premises where scrap materials or scrap items of any kind are kept, stored or handled for any purpose, or are cut, crushed, compressed, melted or subjected to any mechanical, chemical other industrial process of any kind; without restricting the generality of the words scrap materials or scrap items, these include waste paper, rags, bottles, used bicycles, vehicles, tires, metal or any other scrap material or salvage.

Self Storage Facility means a building or part of a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

Seniors Residential Complex (Deleted: RC-Aug 9/22;E-Sep 15/22)

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

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)

Shipping Container means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck. (NWCC-May 26/05;E-May 28/05)

Shopping Centre means a building complex (one or more buildings) of 4,645 m² (50,000 sq. ft) or more on a lot designed, developer and managed as a unit by a single owner, or a group of owners or tenants, containing a group of commercial uses such as retail and office and is distinguished from a business area comprising unrelated individual uses and is characterized by the sharing of

common parking areas and driveways. Shopping Centre is not considered to be a Big Box (Large Scale Retail) as defined in this Bylaw.

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)

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)

Sign means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, flag, 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.

> **GROUND SIGN: means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.**
>
> **PROJECTING SIGN: means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building.**
>
> **FACIAL SIGN: means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom nor extend above the roof line. (RC-Sep 26/06;E-Nov 18/06)**

Sign Area means the area or portion of an advertising structure, including holes or vacant spaces, upon which the advertising message is displayed, including those portions used for decoration, outlines or borders.

Sign Face means the area or portion of an advertising structure upon which the advertising message is displayed, excluding structure, decoration and site identification. (NWCC-May 22/08;E-Jun 7/08)

Site Identification Signage means any portion of a sign which lists the civic number and street name of the building and may include the common name for the building, provided it does not directly reference a business name. (NWCC-May 22/08;E-Jun 7/08)

~~**Storey** means that portion of a building between any floor and floor or ceiling or roof above, provided that any portion of a building partly below grade shall not be deemed to be a story unless its ceiling is at least six feet above grade. Provided also that any portion of a storey exceeding fourteen feet in height shall be deemed to be an additional storey.~~

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.

Street means a public street or highway.

Street Line means the division line between any street and the abutting lot.

Strip Mall/Shopping Plaza means a commercial development containing at least three individual business establishments which have been designed, development and managed as a unit by a single owner or tenants but each individual business establishment has separate external entrance. The business establishments likely share common parking areas, open space, driveways, and loading zones. Land Uses permitted within a Strip Mall/Shopping Plaza are those uses permitted within the applied zone. Strip Mal/Shopping Plaza is not considered to be Big Box (Large Box Retail) or Shopping Centre as defined in this Bylaw.

Structure means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls signs, and fences exceeding six (6) feet (1.8 m) in height. For clarification, does not include parking lots or landscape elements.

Suite (RC-Sep 1/20;E-Nov 7/20)

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

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

Veterinary Clinic means a building or portion thereof, where animals, birds or other livestock kept as domestic pets are examined, treated, groomed, or operated on. There are to be no outdoor runs for any animals.

Warehouse means a building where wares and goods are stored but does not include a retail store.

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

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

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

Yard means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

FRONT YARD: means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

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.

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.

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PART 3: ADMINISTRATION

GENERAL

1. This Bylaw shall be administered by the Development Officer.

2. No person 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 Bylaw.

3. Nothing in this Bylaw 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 Bylaw of the Municipality.

DEVELOPMENT PERMIT

4. No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this Bylaw are satisfied.

5. Any development permit shall be in force for a period of one (1) year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer.

6. Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

6A. Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14)

6B. An accessory hen use is exempt from the requirement to obtain a development permit (RC- Oct 05/21; E-Jan 08/22).

6C. 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)

6D. 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)

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DEVELOPMENT PERMIT REQUIREMENTS

7. An application for a development permit shall be accompanied by a site plan properly drawn to scale showing the following:

   (1) accurate dimensions of the site and the location of all proposed buildings;
   (2) 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;
   (3) the location and details of proposed landscaping;
   (4) the existing and proposed elevations of the lot and the elevations of floor levels related to the site elevations;
   (5) method of surface drainage proposed for the site;
   (6) identification and location of any significant natural features of the site;
   (7) detailed plans for retaining walls and the control of slopes. Plans and construction of retaining walls greater than 1.0 metres (3.28 ft) in height shall be prepared and certified by a qualified Professional Engineer;
   (8) 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 by-law.

LICENCES, PERMITS, AND COMPLIANCE WITH OTHER BY-LAWS

8. Nothing in this by-law shall exempt any person from complying with the requirements of the National Building Code or any other by-law in force within the Municipality, or to obtain any licence, permission, permit, authority or approval required by any other by-law of the Municipality or statute and regulation of the Province of Nova Scotia.

9. Where the provisions in this by-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail.

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PART 4: ZONES & ZONING MAP

ZONES

1. For the purposes of this Bylaw the following zones the boundaries of which are shown on Schedule B. Such Zones may be referred to by the appropriate symbols:

• Large Scale Commercial Zone: LS
• Downsview Complex-1 Zone: DC-1
• Downsview Complex-2 Zone: DC-2
• Downsview Complex-3 Zone: DC-3
• Pedestrian Retail Zone: PR
• Acadia Village Centre Zone: VC
• Pinehill/Cobequid Zone: PC
• ~~Outdoor Display Court Zone: ODC~~ **(RC-Sep 5/06;E-Oct 7/06)**
• Community Parkland and Facility Zone: CP
• **1994 (RC-Apr 29/25;E-May 26/25)** Floodplain Zone: P-3
• **2024 FWO (Floodway Overlay) Zone (RC-Apr 29/25;E-May 26/25)**
• **2024 FFO (Flood Fringe Overlay) Zone (RC-Apr 29/25;E-May 26/25)**

Zoning Maps

2. Schedule B attached hereto, may be cited as the "Sackville Drive Zoning Map".

3. The extent and boundaries of all zones are shown on Schedule B and for all such zones the provisions of this by-law shall respectively apply.

4. The symbols used on Schedule B refer to the appropriate zones established by Part 4: Section 1.

INTERPRETATION OF ZONING BOUNDARIES

5. Boundaries between zones shall be determined as follows:

(1) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
(2) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines.
(3) Where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.
(4) Where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be

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considered the boundary between zones unless specifically indicated otherwise.

(5) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedules.

ZONES NOT ON MAPS

6. The zoning maps of this by-law may be amended to utilize any zone in this Bylaw, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments shall be carried out in accordance with the Municipal Government Act and shall be in conformity with the policies of the Secondary Planning Strategy for Sackville Drive.

USES PERMITTED

7. Uses permitted within any zone shall be determined as follows:

(1) If a use is not listed as a use permitted within any zone, it shall be prohibited in that zone.

(2) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

(3) Except where limited by or specifically prohibited in this by-law, any use permitted within any zone may be located in conjunction with any other use permitted within that zone whether contained within the same building or located on the same lot as.

INTERPRETATION OF 1-in-100 FLOOD ELEVATION (RC-Apr 29/25;E-May 26/25)

8. Reference point elevations for the 1-in-100-year flood are outlined in Schedule K of this By-law for the administration of requirements of PART 17A – 2024 FWO (Floodway Overlay Zone) and PART 17B – 2024 FFO (Flood Fringe Overlay) Zone. Site-specific elevations may be determined by a qualified professional engineer or licensed Nova Scotia land surveyor and used to administer these sections of the by-law when greater precision is required.

HYDROTECHNICAL STUDIES (RC-Apr 29/25;E-May 26/25)

9. Hydrotechnical studies submitted to fulfill the requirements for developments as outlined in PART 17A – 2024 FWO (Floodway Overlay) Zone and PART 21B – 2024 FFO (Flood Fringe Overlay) Zone must be developed following the methodology outlined in the Nova Scotia Municipal Flood Line Mapping Document.

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PART 5: USES PERMITTED BY DEVELOPMENT AGREEMENT

1. Notwithstanding Part 4, the following buildings or uses may be permitted by development agreement, in accordance with the development agreement provisions of the Municipal Government Act and as provided for by Policy I-4 of the Secondary Planning Strategy for Sackville Drive:

Within the Downsview/Beaver Bank Designation

(1) new commercial developments with building footprints of less than 10,000 square feet (929 m^2) or any proposed expansion to existing commercial developments which would maintain a total building footprint of less than 10,000 square feet, (10,000) square feet (929 m^2) within the Large Scale Commercial (LS) zone in accordance with Policy DC-3.

(2) an alternative location for the Acadia village centre development in accordance with Policy AVC-5.

(2a) a mixed use multiple unit development at 8 Walker Road and 732 Old Sackville Road within the Large Scale Commercial (LS) zone in accordance with Policy DB-2 (a). (RC-Jul 21/15;E-Sep 12/15)

Within the Pedestrian Retail Designation

(3) a new commercial buildings or structures with a footprint greater than 5,000 square feet (464.5 m^2), or any expansion to a building or structure which currently exceed a footprint of 5,000 square feet (464.5 m^2), or any proposed expansion to an existing commercial building or structure which would result in a total building footprint greater than 5,000 square feet (464.5 m^2) within the Pedestrian Retail (PR) zone in accordance with Policy PR-3.

(4) Deleted (RC-Sep 5/06;E-Oct 7/06)

(5) an alternative location for the Acadia village centre development in accordance with Policy AVC-5.

Within the Acadia Village Centre Designation

(6) except for Acadia School, Acadia Hall, and existing single unit dwellings on Acadia Lane, all new commercial, residential, community or institutional developments, or any expansions to existing commercial buildings or structures or any redevelopment of a commercial site within the area zoned Acadia Village Centre (VC) zone in accordance with Policy AVC-3.

Within the Pinehill/Cobequid Designation

(7) a new commercial buildings or structures with a footprint greater than 15,000 square feet (1,393.5 m^2), or any expansion to a building or structure which currently exceed a footprint of 15,000 square feet (1,393.5 m^2), or any proposed expansion to an existing commercial building or structure which would result in a total building footprint greater than 15,000 square feet (1,393.5 m^2) within the Pinehill/Cobequid

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(PR) zone in accordance with Policy LDT-6.

(8) an alternative location for the Acadia village centre location in accordance with Policy AVC-5.

Within any Designation

(9) amendments to existing development agreement where enabling policy no longer exists in accordance with Policy I-14.

(10) buildings over 50ft (15.24m) in height in accordance with Policy SS-4(a) (RC-Sep 5/06;E-Oct 7/06)

(11) Pursuant to Policy I-6.5, where there is enabling policy to consider the development 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)

(12) Subject to Policy LSR-10I, a development agreement may be considered to permit additional development within the Floodplain Designation. (RC-Apr 29/25;E-May 26/25)

2. 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)

3. 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 SA-2B, SA-3B, SA-4B SA-4C of the Regional Municipal Planning Strategy.

PART 6: GENERAL PROVISIONS FOR ALL ZONES

GENERAL PROVISIONS: ENVIRONMENTAL PROTECTION

Sewage Disposal and Water Systems

1. Where municipal central sewer and water services are available, no development permit shall be issued unless the development will be provided with such services.

Sediment and Soil Erosion Control

2. Any development of a vacant lot or change in grade of an lot shall require an Erosion and Sedimentation Control Plan, except where the total disturbed area is less than 0.4 ha (1.0 acre), and shall be in conformity with all applicable municipal and provincial regulations and guidelines, prior to the issuance of a Permit. The Erosion and Sedimentation Control Plan shall be prepared by a qualified professional engineer. The plan shall include, but not be limited to, the following:

(1) delineation of all applicable flood plains;
(2) short term erosion and sedimentation control measures to be used during construction of the development, until all disturbed soil is stabilized, with an emphasis on minimizing the amount of soil disturbance and the duration of exposed;
(3) long term erosion and sedimentation control measures after completion of the development;
(4) soil optimization of use of existing topography and vegetation;
(5) minimization of cuts and fills and exposure area and time;
(6) prevention or minimization of water flow across or from the site;
(7) filter bags or other acceptable equivalent in catch basins;
(8) a silt fence or other acceptable equivalent erosion control measures placed around all disturbed areas;
(9) settling pond(s) for area greater than 2 hectares (5 acres);
(10) stockpiles located away from watercourses, environmentally sensitive areas, drainage courses, ravines, and adjacent developments. Stockpiles should be stabilized against erosion immediately following stripping operations. Stabilization may include, but is not limited to, establishment of a cover crop or a hydro-seed matrix consisting of seed, fiber bond, and tackifier;
(11) all construction traffic access road(s) shall be graveled or paved to minimize mud from being tracked from the site; and
(12) monitoring and maintenance program for the erosion and sediment controls, including mandatory inspection and recording.

3. Notwithstanding Part 6 Section 2., where any development on a vacant lot less than 0.4 ha (1.0 acre) or change in grade on an lot less than 0.4 ha (1.0 acre) is proposed the following measures shall be in place prior to the issuance of the permit:

(1) filter bag(s) or acceptable equivalent in catch basins within the public street;
(2) where an onsite storm sewer system exists or is proposed it shall be protected by measures including, but is not limited to, sealing the openings, setting up sumps or weirs inside the structures, or by providing appropriate inlet protection (i.e., filter fence, sediment traps);
(3) a silt fence or acceptable equivalent erosion control measure placed around all disturbed areas;
(4) stockpiles located away from watercourses, environmentally sensitive areas, drainage courses, ravines, and existing adjacent developments. Stockpiles shall be stabilized against erosion immediately following stripping operations. Stabilization may include, but is not limited to, establishment of a cover crop or a hydro-seed matrix consisting of seed, fiber bond, and tackifier; and
(5) all construction traffic access road(s) shall be graveled or paved to minimize mud from being tracked from the site.

4. On all lots, the following shall apply:

(1) prior to issuance of a Permit the Developer shall provide security to HRM in the amount of $2500 per acre of the total disturbed area or a minimum of $1000 (one

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thousand), whichever is greater. The security shall be in the form of an irrevocable letter of credit. Where an Erosion & Sediment Control Plan has been prepared, security shall be released upon receiving certification from a Professional Engineer that the disturbed area has been permanently stabilized. Where no Erosion & Sediment Control Plan has been prepared, security shall be released upon permanent stabilization of the disturbed area;

(2) driveway grades over 5% shall be stabilized with asphalt, concrete, or acceptable equivalent;

(3) driveways shall be covered with gravel or hard-surfaced within fourteen (14) days of the start of the construction or excavation of the driveway;

(4) excavated soil material stockpiled on site, shall be removed from the lot, or graded and shall be either sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion, as appropriate and within eighteen (18) weeks of the start of excavation; and

(5) All accumulated sediment and debris shall be removed from the site once construction is completed. All related materials and temporary structures shall be removed and property disposed of as well.

Stormwater

5. Any development of a vacant lot or change in grade of an lot shall require a Stormwater Drainage Report, where a new or revisions to the existing onsite storm sewer system or increased stormwater runoff, are proposed. The report shall be submitted prior to the issuance of a Permit. The Stormwater Drainage Report shall be prepared by a qualified professional engineer and shall include the following information:

(1) site engineering analysis and calculations based on the criteria outlined in the Province of Nova Scotia and Municipality of the County of Halifax Design Criteria Manual;

(2) written text or illustrations of the size of development, location and the drainage system;

(3) written text or illustrations of the detailed safety measures and implications of the proposed system;

(4) analysis of the potential for erosion where there is a downstream receiving stream;

(5) written text or illustrations of the measures to limit the peak storm water flow from the site to a value which would be 40% of the uncontrolled fully developed flow and allow surface water flows to be directed to permeable surfaces; and

(6) written text or illustrations of the location of buildings, structures and parking areas on a lot and the measures as to minimize the alteration of natural grades and to minimize the area of impervious surfaces.

Setbacks from Watercourses

6. <u>Watercourse Setbacks and Buffers</u> (RC-Jun 25/14;E-Oct 18/14)

(1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.

(b) **Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.**

(c) **Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.**

(d) **Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.**

(e) **Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of the Sackville or Little Sackville rivers except for activities specified under clause (f).**

(f) **Notwithstanding clause (d), activity within the 30.5m buffer of the Sackville or Little Sackville rivers shall be limited to the placement of board walks, esplanades, arcades, walkways and trails, conservation uses, parks on public lands, public roads and wastewater, storm and water infrastructure, and water control structures.**

(g) **Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.**

(h) **Notwithstanding the required buffer under clauses (e), (f) and (g), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.**

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

(2A) **Notwithstanding subsection (3) the required buffer may be reduced to that indicated in subsection (1)(a) and (b) for any lot that existed on or before June 24, 2002, providing that any of the following conditions are met:**

(i) **existing right-of-ways or easements located on the property further affect the placement of buildings or structures;**

(ii) **where the configuration or shape of a lot is such that the lot line intersecting the watercourse are not perpendicular to the watercourse;**

(iii) **where the portion of a lot covered by the watercourse setback is greater than or equal to twenty percent of the area of the lot; or**

(iv) **where there is existing legal disturbance or development which was established on or before June 24, 2002 on the portion of property identified as within the watercourse setback.**

(3) **Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to**

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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.

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

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

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

7. Notwithstanding, the provisions of Part 6 Section 6, any existing building within the 100 ft (30.48m) wide buffer may be permitted to be enlarged, renovated or repaired subject to the provisions of this Bylaw.

Flood proofing

8. Repealed (RC-Apr 29/25;E-May 26/25)

8A. No building, structure, or use shall be permitted within the area identified on the Zoning Schedule as areas requiring modified floodproofing unless the following special requirements are met:

(1) All habitable floorspace shall be constructed above the nearest upstream 1-in-100-year flood elevations outlined on Schedule K above the site-specific 1-in-100-year flood elevation as determined by a professional engineer or licensed Nova Scotia land Surveyor.

(2) All electrical and mechanical equipment within a building must be located above the 1-in-100 flood level unless designed by a professional engineer to withstand a flood.

(3) All structures that extend below the 1-in-100-year flood elevation must be designed and certified by a professional engineer to withstand a flood.

(RC-Apr 29/25;E-May 26/25)

9. Within six (6) months of the issuance of a development permit the applicant shall provide the Development Officer with proof of compliance with Part 6 Section 8 from a qualified person. Where circumstances warrant, this period may be extended for one additional six (6) month period at the discretion of the Development Officer.

10. Notwithstanding Part 6 Section 12 and 13, no flood proofing shall be required for properties

where a study by a qualified person shows the property is no longer within the 1:100 year flood plain.

10A **<u>Schedule D - Areas of Elevated Archaeological Potential</u> (RC-Jun 25/14;E-Oct 18/14)**

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

<u>GENERAL PROVISIONS</u>: USES

Multiple Uses and Zones

11. Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or frontage, the higher or more restrictive standard shall prevail.

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

Existing Buildings

13. Where a building other than a building containing a non-conforming use was lawfully in existence on or before May 7, 2002 on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this Bylaw, the building may be enlarged, reconstructed, repaired or renovated on the existing lot provided that:

    (1) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this Bylaw; and
    (2) all other applicable provisions of this Bylaw are satisfied.

Existing Non-Residential Uses (RC-Apr 29/25;E-May 26/25)

13A. Notwithstanding Section 13, where uses are permitted as existing non-residential uses within PART 17 - 1994 P-3 (Flood Plain) and PART 21A – 2024 Floodway Overlay (FWO) Zone, they shall be considered as fully conforming uses and, as such, are permitted to change in use to a use permitted in the zone, resume operation if discontinued, or be replaced, or rebuilt if destroyed, on the lot which they occupied on [coming in force date of this section] subject to the requirements of the zone. An existing non-residential use includes a non-residential use that existed on or before May 26, 2025.

New Use in Non Conforming Building

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14. Notwithstanding anything else in this Bylaw, the use of a building existing on a lot on May 7, 2002 may be changed to a use permitted on the lot where the lot area or frontage or both is less than that required by this Bylaw provided that all other applicable provisions of this Bylaw area satisfied. For clarification, all parking, landscaping and driveway requirements as defined in Part 7 of this Bylaw shall be applied where possible.

Temporary Construction Uses Permitted (RC-Jan 20/09;E-Feb 7/09)

15 (a) 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.

(b) 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.

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

(d) 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.

(e) 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.

(f) 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.

(g) 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 disposal in accordance with the requirements of this By-law and the C&D Materials Recycling

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and Disposal License By-law.

Temporary Commercial Uses Permitted (NWCC-May 24/07;E-Jun 9/07)

16. **Nothing in this Bylaw shall prevent the use of land or the erection of a temporary building or structure for such purpose as midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances provided that such remain in place no longer than five (5) days. Christmas Tree sales are permitted in all zones. Temporary Ice Cream stands shall be permitted for a period of six months only in the Pedestrian Retail (PR) Zone and shall not exceed 18.5 m^2 (200 ft^2) in area.**

Any development permit issued for a special use under this section shall be in force for a maximum period of one (1) year (with the exception of Christmas Tree sales) from the date of issue and any permit may be reissued upon request, subject to review by the Development Officer. Flea Markets shall be considered as an accessory uses within the Downsview Complex Zones (DC-1, DC-2, DC-3) and shall be excluded from this provision. Any building or structure used for a temporary use shall be removed within 30 days of the discontinuance of the use or at the expiration of the temporary period.

Temporary ice cream stands shall provide landscaping in the form of a landscaped planter as identified in Part 7, Section 47 (3).

No Livestock

17. **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 any lot or within any building.

GENERAL PROVISIONS: LOTS, YARDS AND OTHER STANDARDS

Street Frontage

18. Unless otherwise permitted in the Bylaw, every lot 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.

One Main Building on a Lot

19. No person shall erect more than one (1) main building on a lot within any zone except for the buildings within the Downsview Complex zones (DC-1, DC-2 and DC-3), the Acadia Village Centre zone (VC), or townhouses with the Pinehill/Cobequid zone (PC) **and, Self Storage Facility in all applicable zones. (NWCC-May 26/05;E-May 28/05)**

Existing Undersized Lots

20. Where a building has been erected on or before May 7, 2002 on a lot having less than the

minimum required frontage or area, or both required by this By-law, or having less than the minimum front yard or side yard or rear yard or separation distance required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

(1) the enlargement, reconstruction, repair or renovation does not further front yard, side yard, rear yard, or separation distance that does not conform with this By-law; and
(2) all other applicable provisions of this By-law are satisfied.

21. Notwithstanding anything else in this Bylaw, a vacant lot existing on or before May 7, 2002, having less than the minimum required frontage or area or both required by this Bylaw, 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 Bylaw are satisfied.

22. 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.

Special Requirements: Corner Lots

23. On a corner lot, a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation which obstructs vision shall not be erected or permitted to grow to a height greater than 2 ft (0.61m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 20 ft (6.1 m) from their point of intersection.

Natural Hazards And Yard Requirements

24. Where in this Bylaw a front yard, side yard or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 20% or more from the horizontal, then the required yard shall be measured from the nearest main wall from the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the rim of the said river bank or watercourse, or to the top of the said cliff or embankment if the said area is closer than the lot line.

Permitted Encroachments

25. Every part of any yard required by this Bylaw shall be open and unobstructed by any structure except to permit limited structural elements subject to the following provisions:

(1) Uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard;
(2) There may be erected or maintained in any yard, projections of structural elements such as sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than 2 ft (0.6 m) into any required yard; and
(3) Window bays and solar collectors may be permitted to project not more than 3 ft

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(0.9 m) from the main wall into a required front, rear or flankage yard.

Abutting Zone Requirements

26. Where a commercial zone or use abuts an existing residential uses or zones, or park uses or zones, in order to provide a visual and noise barrier between these uses, the following shall apply to the abutting yards:

(1) the minimum distance between the main buildings shall be 40 ft (12.19m);
(2) no open storage nor outdoor display shall be permitted in the required abutting yard; and
(3) where parking spaces are provided in an abutting yard such parking spaces shall be screened by a buffer, fence, or combination thereof.

Height Regulations

27. **Deleted (NWCC-June 26/23;E-July 12/23)**

27 (a) The height of a building in all zones shall be not more than 50ft (15.24m) in height measured from the established grade at front property line~~.~~, except for Municipal Unit Dwellings with more than 4 units which shall have a maximum height of 4 storeys.

(b) On corner lots where there is a difference in established grade on each lot frontage at the street line, the height requirement shall be measured from the street frontage with the lower grade.

(c) Notwithstanding Section 27 (a), chimneys, antennae, flag poles, belltowers, spires, steeples, vents, water tanks, elevators enclosures, silos, solar panels, skylights, clock towers, parapets or other roof or building appurtenances extending from the surface of a roof shall not be measured in calculating building height; however, such appurtenances shall not: 1) be habitable living space and, shall be integrated with the architectural treatments of the buildings and roof structure. (NWCC-June 26/23;E-July 12/23)

(d) Notwithstanding Sections 27 (a) and (b), for parcels of land within the PR and PC zones which have lot frontage on Sackville Drive, the height of the main building may, alternatively, be measured from the highest point of the roof [pursuant to Section 27 (c)] to the 'established grade' surrounding the building, provided that along any adjoining R-1 or R-2 zone property boundary:

1. the setback of the main wall of the building from any side or rear lot line that abuts the R-1 or R-2 zone is no less than 7.62 metres (25 feet);

2. A further 2 metre stepback beyond the main wall is required above a height of 30 feet for no less than 80% of the façade length, unless the main wall

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setback is at least 9.62 metres from any adjoining R-1 or R-2 zone property line; and

3. **A 2 metre tall opaque fence, vegetative screen or a combination of both natural and man-made materials which will form an effective year-round screen is established along the shared property lot line. (NWCC-June 26/23;E-July 12/23)**

Illumination

28. All areas of any lot which are accessible to the public, including walkways, alleys, parking lots and driveways and landscaped areas shall be adequately illuminated for personal safety purposes. Such lighting may be in the form of wall mounted fixtures, ground based fixtures with underground wiring, or pole mounted lighting not exceeding 30 feet (9.1 metres) in height.

29. All illumination shall be directed away from adjoining properties and any adjacent streets.

Vehicle Bodies

30. No truck, bus, coach, **motor home, camper trailer** or streetcar body shall be used for human habitation or used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

Restoration to a Safe Condition

31. Nothing in the Bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of the Municipal Government Act shall prevail.

GENERAL PROVISIONS: ACCESSORY BUILDINGS OR STRUCTURES

Accessory Uses and Buildings

32. Provisions made under this Bylaw to permit uses, buildings, and structures shall, unless otherwise stated by this Bylaw, also be deemed to include any accessory uses buildings or structures provided that:

(1) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to service or is located within an abutting zone in which the principal use or building is permitted.
(2) the accessory use, building, or structure is 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 containing the principal building or use it is intended to serve; and
(3) all other applicable conditions and requirements of this Bylaw are satisfied.

Accessory Hen Use (RC- Oct 05/21; E-Jan 08/22)

32A 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 32A(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.**

Accessory Buildings

33. Accessory buildings and structures shall be permitted in any zone but shall not:

(1) be used for human habitation**, except where a backyard suite is (Deletion: NWCC-Mar 8/21;E-Mar 27/21) permitted (RC-Sep 1/20;E-Nov 7/20)**;
(2) be located within the required front yard of a lot;
(3) be located closer than four (4) feet to any lot line;
(4) exceed 35 ft (10.7m); (RC-Sep 5/06;E-Oct 7/06) (RC-May 23/24;E-Jun 13/24)
(5) be located within six (6) feet of the main building;
(6) be attached to the main building located completely underground.
(7) repealed (RC-May 23/24;E-Jun 13/24)
(8) ~~Notwithstanding anything else in this by-law, an~~ An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ footprint requirements for accessory buildings or structures. (RC-May 23/24;E-Jun 13/24)

34. Part 6 Section 36 and 37 does not apply to drop awnings, clothes poles, flag poles, garden trellises, fences, uncovered decks no higher than 2 ft (0.61m) and retaining walls shall be exempted from any requirements for accessory uses.

~~**Shipping Containers as Accessory Buildings**~~

~~**34A. (1) Shipping containers shall not be permitted as accessory buildings to a residential use. Shipping containers may be permitted as accessory buildings**~~

~~only in a business park zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone or use.~~

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

~~(3) No shipping container shall be permitted in any zone as a dwelling or other form of accommodation, including offices. (NWCC-May 26/05;E-May 28/05)~~

~~Secondary Suites and Backyard Suites (RC-Sep 1/20;E-Nov 7/20)~~

Shipping Containers

34AB. (1) No shipping container shall be permitted in any zone as an office. Shipping containers may be used as accessory buildings only in a business park zone or in conjunction with a recreation use, provided they meet the following requirements:

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

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

(iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.

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

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

34B. (1) Secondary Suites

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

(i) No more than one total secondary suite shall be permitted on a lot; (RC-May 23/24;E-Jun 13/24)

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

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

(2) Backyard Suites

Backyard suites shall be permitted accessory to a single unit dwelling, a duplex

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dwelling, a semi-detached dwelling , a multi-unit dwelling containing only three (3) units (RC-May 23/24;E-Jun 13/24) or a townhouse dwelling subject to the following provisions:

(i) No more than one backyard suite shall be permitted on a lot; (RC-May 23/24;E-Jun 13/24)

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

(iii) The backyard suite shall meet the accessory building requirements as set out in Part 6 sections 32, 33 and 34 (Deletion: NWCC-Mar 8/21;E-Mar 27/21);

(iv) The gross floor area of a backyard suite shall not exceed 1,000 square feet (93 square metres) (RC-May 23/24;E-Jun 13/24);

(v) Notwithstanding the parking requirements of Part 7 Section 16 (Deletion: NWCC-Mar 8/21;E-Mar 27/21), 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;

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a street, private road, or private right-of-way,

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

(C) has a minimum width of 1.1 metres; and

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

(ix) A non-conforming accessory building may be converted to a backyard suite if the gross floor area of the backyard suite does not exceed 93 square metres. (RC-May 23/24;E-Jun 13/24)

Outdoor Storage, Outdoor Display and Refuse Containers

35. All commercial dumpsters, refuse containers and recycling bins shall be fully enclosed and screened from public view, through the use of decorative brick or concrete block walls, or solid board fences, or landscape elements.

36. Commercial dumpsters, refuse containers and recycling bins shall be located no closer than 2 ft (0.6 metres) from any rear or side lot line.

37. Notwithstanding Part 6 Sections 33 and 34 outdoor storage associated with garden markets is permitted within all zones providing it is screened with opaque screening, excluding chain-link or any other type of open fencing.

38. Any area devoted to outdoor storage shall not exceed twenty (20) per cent of the lot area.

39. No outdoor storage shall be permitted within any required front or side yard.

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40. No outdoor storage or outdoor display shall be permitted within any yard in any zone where such yard abuts any residential or community use or zone, except where a fence or other visual and physical barrier is provided with the abutting yard, excluding chain-link or any other type of open fencing.

<u>Public Transit Facilities</u> (RC-Jun 25/14;E-Oct 18/14)

41. Public transit facilities shall be permitted in all zones and shall not be required to conform to any zone requirements.

<u>Public Transit Facilities Within The 1994 (RC-Apr 29/25;E-May 26/25) Flood Plain (P-3) Zone</u>
(RC-Jun 25/14;E-Oct 18/14)

42. Notwithstanding Section 42, within the 1994 (RC-Apr 29/25;E-May 26/25) Flood Plain (P-3) Zone, 2024 FWO (Floodway Overlay Zone and 2024 FFO (Flood Fringe Overlay) Zone, (RC-Apr 29/25;E-May 26/25) public transit facilities shall be limited to transit shelters and stops, and for greater certainty shall exclude transit terminals. (RC-Jun 25/14; M- Sep 16; E-Oct 18/14)

<u>Cannabis-Related Uses</u> (RC-Sep 18/18;E-Nov 3/18)

43. 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).

<u>ACCESS</u>

44. Access for Multiple Unit Dwellings constructed after May 7, 2002 shall be permitted over the LS (Large Scale Commercial) Zone through a registered easement no less than 3.0 metres wide. (NWCC-Jun 20/22;E-Jul 6/22)

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

45.
- **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;**

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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.**

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PART 7: GENERAL STREETSCAPE DESIGN

SIGNAGE

General

1. Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation and Communications, the more restrictive regulations shall apply.

2. No person shall erect a sign except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this by-law are satisfied.

2A **<u>TEMPORARY SIGNAGE</u> (RC-Sep 26/06;E-Nov 18/06)**

(a) 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); and
(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded.

2B All signs shall be located on the lot containing the business being advertised. (NWCC-May 26/05;E-May 28/05)

Number of Signs

3. For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premise.

4. For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs.

5. No more than two (2) signs shall be located on any premises, except on a corner lot where one (1) additional sign may be erected. For purposes of this Section, signs enumerated shall not be counted. **Canopies and Awnings are exempt from this provision. (NWCC-May 26/05;E-May 28/05)**

Signs Permitted in all Zones

6. The following signs shall be permitted in all zones and in addition to any signs permitted according with this section:

(1) Any sign which has an area of no more than two (2) square feet (0.2 m^2) and which identifies the name and address of a resident;
(2) Any sign which has an area of no more than two (2) square feet (0.2 m^2) and which

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regulates the use of property, as do "no trespassing" signs;

(3) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m^2) in any Residential Zone or twenty-four (24) square feet (2.2 m^2) in any other zone;

(4) Any sign which has an area of no more than five (5) square feet (0.5 m^2) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas;

(5) Any sign which has an area of no more than fifty (50) square feet (4.6 m^2) and which is incidental to construction;

(6) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety;

(7) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization; or

(8) Any memorial sign, plaque or tablet.

(9) Any third party sign erected as secondary signage on a sign for a non-profit or community group or organization. (NWCC-May 26/05;E-May 28/05)

Signs Prohibited in all Zones

7. The following signs shall not be permitted in any zone:

(1) Any sign which obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets;

(1a) Any sign proximate to a road, driveway or parking area which creates an unsafe visual barrier or obstructs the function of such use. (NWCC-May 26/05;E-May 28/05)

(2) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit;

(3) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body;

(4) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means;

(5) Any searchlight, string light, spinner or streamer except for string lights and pennant flags used in conjunction with permitted outdoor display courts and, except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations;

(6) Any sign painted on a tree, stone, cliff or other natural object; or

(7) Any sign which is not related to any business or use located on the lot or premises.

(8) Any sign which creates a hazard to the public;

(9) Any sign which resembles traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;

(10) Any sign which advertises a product which is no longer sold or a business which is no longer in operation;

(11) Any sign which is not located on the same lot as the commercial establishment,

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which states the name of the said establishment and the type of business or products of said establishments. (NWCC-May 26/05;E-May 28/05)

Projection Signs

8. No projecting sign shall:

(1) exceed twenty (20) square feet (2 m^2) in area for that portion of the sign which projects beyond any wall or roof;
(2) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
(3) project over a public right-of-way or day lighting triangle;
(4) be erect below a height of ten (10) feet (3 m) or exceed a height of thirty-five (35) feet (10.7 m); or
(5) be permitted to swing freely on its supports;
(6) project above the eaves, parapet or roof line of the buildings; or
(7) canopies and awnings incorporating signage are not subject to subsections 1), 2), 3), 4) and 6). (NWCC-May 26/05;E-May 28/05)

Ground Signs

9. No ground sign shall:

(1) exceed a height of
(a) twenty-five (25) feet (7.6 m) in the Downsview Complex Zones (DC-1, DC-2, and DC-3) and the Large Scale Commercial Zone (LS);
(b) fifteen (15) feet (4.5 m) for single tenant buildings and twenty (20) feet (6.1 m) for multi-tenant buildings in the Pedestrian Retail Zone (PR) and Pinehill/Cobequid Zone (PC); and
(c) twenty (20) feet (6.1 m) for single tenant buildings and twenty-five (25) feet (7.6 m) for multi-tenant buildings in the Pedestrian Retail Zone (PR) and Pinehill/Cobequid Zone (PC) provided the sign includes changeable copy signage. (NWCC-May 22/08;E-Jun 7/08)
(2) extend beyond a property line or project over a public right-of-way, day lighting triangle, driveway or parking space; or
(3) be less than ten (10) feet (3 m) from any street;
(4) be permitted in the Community Parkland and Facilities Zone (CP) and Floodplain Zone (P-3);
(5) Where a multiple tenancy building is occupied by more than one (1) separate business, each business shall be considered to be a separate premise for the purpose of determining the number of signs permitted. Notwithstanding, only one ground sign shall be permitted per multiple tenancy building or one ground sign per 400 feet (121.9 m) of street frontage;
(6) Landscaping shall be provided at the base of a ground sign. Landscaping shall consist of either planter boxes, shrubs and/or flower beds or a combination thereof. If landscape planters are utilized, the planters shall be constructed of a natural material and shall be a minimum of 2 feet (0.6m) wide

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and 3 feet (0.9m) high; or

(7) A ground sign and the required landscaping as described above may be placed within the required landscaping setback as specified in Part 7 Section 41 to 45. This provision does not apply to the HRM right-of-way portion of a landscape setback; (NWCC-Sep 12/06;E-Sep 29/06)

(8) The maximum number of sign faces shall be two, which shall be affixed back to back;

(9) The maximum area per sign face shall be 2.97 square metres (32 square feet) for a sign with a maximum height of twenty-five (25) feet (7.6 m) in the Downsview Complex Zones (DC-1, DC-2, and DC-3) and the Large Scale Commercial Zone (LS) with the exception of the following:

- **a maximum of 9.29 square metres (100 square feet) on any lot smaller than 4000 square metres (43057 square feet),**
- **a maximum of 11.62 square metres (150 square feet) on lots between 4000 square metres and 12000 square metres (2.96 acres), and**
- **a maximum of 18.58 square metres (200 square feet) on any lot larger than 12000 square metres (2.96 acres).**

(10) exceed a sign face width of eight (8) feet (2.4 m) for single tenant buildings and twelve and a half (12.5) feet (3.8 m) for multi-tenant buildings in the Pedestrian Retail Zone (PR) and Pinehill/Cobequid Zone (PC). All portions of the sign cannot exceed a total width of fifteen (15) feet (4.5 m) for single tenant buildings and twenty (20) feet (6.1 m) for multi-tenant buildings in the Pedestrian Retail Zone (PR) and Pinehill/Cobequid Zone (PC). (NWCC-May 22/08;E-Jun 7/08)

(11) be permitted in the Pedestrian Retail Zone (PR) and Pinehill/Cobequid Zone (PC) without clearly legible site identification signage listing the civic number and street name of the building. Site identification signage must be located at the top, the bottom or side of sign structure adjacent to the street. (NWCC-May 22/08;E-Jun 7/08)

(12) include changeable copy signage exceeding forty (40) square feet (3.7 sq.m) for single tenant buildings and fifty (50) square feet (4.6 sq.m) for multi-tenant buildings in the Pedestrian Retail Zone (PR) and Pinehill/Cobequid Zone (PC). (NWCC-May 22/08;E-Jun 7/08)

Facial Signs

10. No facial sign shall:

(1) extend above the top of the wall on which it is attached; or

(2) project **or extend (NWCC-May26/05;E-May28/05)** beyond the extremities of the wall on which it is attached.

(3) include more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; or

(4) have an area which exceeds ten (10) percent of the area of the wall on which it is attached.

10(a) Canopies/Awnings

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(1) Canopies and awnings attached to walls shall not project more than 4 feet (1.2 m) over a public sidewalk. Canopies and awnings shall be self supporting and shall be placed a minimum height of 9 feet (2.7m) above a sidewalk. Signage may be included as an integral part of an awning or canopy.

(2) If signage is included as an integral part of an awning or canopy, the awing or canopy shall be considered or counted as part of the maximum number of signs permitted in accordance Part 7 Section 5.

10(b) Window Signs

(1) Window signs shall not: a) exceed 25% of the window area; b) exceed 25% of the glass area of a door area. For the purposes of this section, area shall be calculated on the basis of the smallest geometric shape which will contain the entire message.

10(c) Roof Signs

(1) Roof signs shall be prohibited.

10(d) Billboards

(1) Billboards shall be prohibited.

10(e) Pennants and Banners

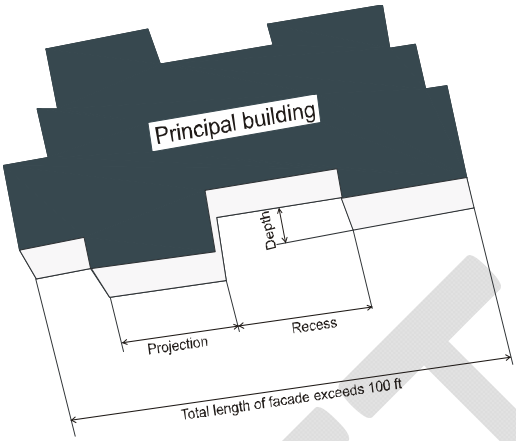
(1) Pennants and Banners shall be prohibited except in accordance with Part 7 Section 7: Signs Prohibited in all Zones Subsection 12. (NWCC-May 26/05;E-May 28/05)

ARCHITECTURE

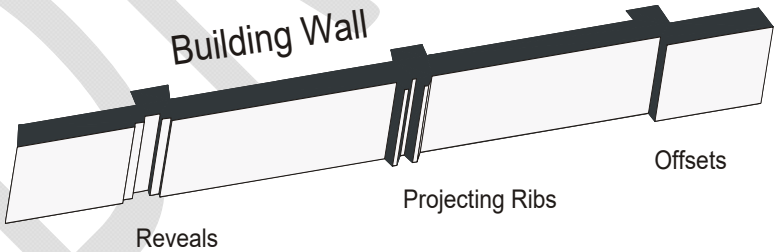
Within all Zones

11. In all zones, architectural elements shall be incorporated into all building facades and walls which face Sackville Drive, **Downsview Thoroughfare (NWCC-May 26/05;E-May28/05)** or a side street(s) **off Sackville Drive (i.e. corner lot) (NWCC-May 26/05;E-May28/05).** Within all zones, the following architectural elements shall be incorporated, unless otherwise specified in this Bylaw:

(1) within all zones, a combination of arcades, display windows, entry areas, awnings, or other such features shall be incorporated into all commercial, institutional and residential facades along no less than 60% of their horizontal length facing Sackville Drive as generally shown and described in Schedule '**D**'**(NWCC-May 26/05;E-May 28/05)** of the Secondary Planning Strategy;



(2) within all zones, no uninterrupted length of any facade shall exceed 30.5 horizontal metres (100 feet). Wall plane projections or recesses shall be incorporated into all facades greater than 30.5 metres (100 feet) in length, measured horizontally, having a depth of a least 3% of the length of the facade and extending at least 20% of the length of the facade;



(3) within all zones except the Downsview Complex Zones (DC-1, DC-2, DC-3), one clearly defined, visible entrance way shall be provided on the facade oriented to the Sackville Drive shall be provided for all uses as generally shown and described in Schedule '**D**' **(NWCC-May 26/05;E-May 28/05)** of the Secondary Planning Strategy. The entrance way and front facade shall include no less than three of the following elements:

(a) canopies or porticos
(b) overhangs
(c) recesses/projections

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(d) arcades
(e) raised corniced parapets over the door
(f) peaked roof forms
(g) outdoor patios
(h) display windows
(i) architectural details such as tile work, and moldings which are integrated into the building
(j) integral planters or wing walls that incorporate landscaped areas and sitting places; and
(k) or any other similar architectural treatment deemed to be an acceptable equivalent;

(4) within the Downsview Complex Zones (DC-1, DC-2, DC-3), all buildings shall provide a clearly defined, visible entrance way on the facade which is oriented to face the internal circulation network of the Downsview Complex (DC) zone area. All buildings within 30.5 metres (100 ft) of Sackville Drive or other public right-of-way shall provide an additional entrance way on the facade oriented towards Sackville Drive. These entrance way(s) and facades shall include no less than three of the following:

(a) canopies or porticos
(b) overhangs
(c) recesses/projections
(d) arcades
(e) raised corniced parapets over the door
(f) peaked roof forms
(g) outdoor patios
(h) display windows
(i) architectural details such as tile work, and moldings which are integrated into the building;
(j) integral planters or wing walls that incorporate landscaped areas and sitting places; and
(k) or any other similar architectural treatment deemed to be an acceptable equivalent;

(5) within all zones, building lines shall be generally parallel and perpendicular to the street line;

(6) within all zones, Strip Malls, Shopping Plaza's, and Shopping Centres shall have at least one defined entrance way for each leasable space, business or occupancy with an external access. The defined customer entrance way shall conform to the above requirements of Part 7 Section 11(3);

(7) within all zones, all windows, except for commercial storefronts at grade, shall be treated as individual openings in the wall surface; continuous bands of horizontal glazing shall not be permitted except for storefronts at grade. Total window area per building face shall not exceed 50%. Windows shall be accentuated by design details (i.e. arches, hoods, moldings, decorative lintels, pediments, sills);

(8) within all zones all roofs shall be articulated with a minimum of one of the following features repeated at a rate of one per 6.1 meters (20 feet), horizontally:

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(a) dormers
(b) parapet
(c) bay windows
(d) sheds
(e) roof windows
(f) roof terraces
(g) cornices (NWCC-Sep 12/06;E-Sep 29/06)
(h) or any other similar architectural treatment deemed to be an acceptable;
Where a flat roof or horizontal roof form is proposed the above elements or any similar architectural treatment shall be incorporated into the roof design to reduce the visual appears of the flat roof or horizontal roof form from the street (any street) or abutting residential property. (NWCC-Sep 12/06;E-Sep 29/06)

(9) within the Downsview Complex Zones (DC-1, DC-2, DC-3) flat roofs shall be permitted **if (NWCC-May 26/05;E-May 28/05)** a parapet wall or similar structure is provided and is facing the internal circulation network of the Downsview Complex zones or Sackville Drive (whichever is relevant) at intervals of 9.1 metres (30 ft), horizontally, in order to create the illusion of roof pitch; and

(10) within all zones, rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans shall to be screened (visually). The screening shall include but not limited to parapets and enclosures as defined in Part 7 Section 11 (8). Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

12. Within all zones, architectural elements defined in Part 7 Section 11 (2), (5), (8), (9) and (10) shall be incorporated along or into all facades which **are (NWCC-May 26/05;E-May 28/05)** visible from the Beaver Bank Connector and Highway #1.

13. Notwithstanding Part 7 Section 11 (1) through to Section 11 (10), a change in use or occupancy within an existing building or structure (no proposed addition) shall only comply with Part 7 Section 11 (3) and (4).

<u>Additional Requirements</u>: Multiple Unit Buildings and Shared Housing with greater than 10 bedrooms in a building (RC-Aug 9/22;E-Sep 15/22)

14. Exterior cladding of all new multiple unit buildings **and shared housing uses (RC-Aug 9/22;E-Sep 15/22)** shall consist of brick, stone, wood shingle, wood siding, wood clapboard, or vinyl siding or a combination thereof. Where vinyl or other synthetic siding is used, it shall have a narrow course width resembling traditional wooden clapboards and windows, doors, and corners shall be trimmed in the traditional manner. Contrasting architectural detailing shall be provided to enhance the appearance of the building. Windows, doors, and corners shall be accentuated by trim or other design details (moldings, decorative lintels, pediments, sills, etc.). In the case of a brick or block building, a contrasting color should be used and other decorative elements shall be encouraged as generally shown and described in Schedule 'B' of the Secondary Planning Strategy.

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<u>Additional Requirements</u>: Townhouses

15. Garages shall be encouraged. Where an attached or detached garage is proposed, the garage shall not extend beyond the primary front facade of the dwelling and shall be set back a minimum of 3.1 metres (10 ft) from the primary front facade of the building.

PARKING LOTS, DRIVEWAYS AND LOADING AREA

Parking Space Requirements

16. For every building or structure to be erected or enlarged, off-street parking located within the same zone and same lot (except in accordance with Part 7 Section 23 (12) and (13), as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

16(a) Notwithstanding, the requirements for parking spaces in this By-law, the Development Officer may grant a variance from the parking space requirements detailed below provided there is no intentional disregard for this By-law or for the intent of the By-law and the difficulty is not general to the area. (RC-Sep 5/06;E-Oct 7/06)

SPACES		
Proposed Use	**Space(s) Required**	**Measurement Type (all square footage based on gross floor area unless specified otherwise)**
• Any dwelling except ~~as specified below:~~	**0 (RC-May 23/24;E-Jun 13/24)**	~~Per each dwelling unit~~
• ~~Multiple Unit Dwelling~~	~~**0.33**~~ **(RC-Ma 23/24;E-Jun 13/24)**	~~Per each dwelling unit~~
• Shared House Use (RC-Aug 9/22;E-Sep 15/22	**0**	
Retail Stores, **Office, Financial Institutions,** Service and Personal Service Shops: **(NWCC-Sep12/06;E-Sep29/06)**		
• exceeding 5,000 sq ft (464.5m²) of gross floor area	**4 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor area
• not exceeding 5,000 sq ft (464.5m²) of gross floor area	**3 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor area
Motels, Hotels**, and short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)**	1	Per sleeping unit plus requirements for associated uses such as restaurants or other facilities contained therein

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Grocery Store		
• up to 10,000 sq ft	1	Per 200 sq ft (18.6m²) of gross leasable floor area
• from 10,000 sq ft to 30,000 sq ft	1	Per 300 sq ft (27.9m²) of gross leasable floor area
• greater than 30,000 sq ft	1	Per 400 sq ft (37.2m²) of gross leasable floor area
Restaurants		
• Full Service	**10 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor area **devoted to public use (NWCC-May26/05;E-May28/05)**
• Drive **Thru (NWCC-May26/05;E-May28/05)**	**8 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor area **devoted to public use (NWCC-May26/05;E-May28/05)**
• Take Out - exceeding 300 sq ft (28m²) of gross floor area	**10 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor area devoted to public use
• Take Out - not exceeding 300 sq ft (28m²) of gross floor area	5	
Lounges, Taverns and Beverage Rooms	**10 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor
Warehouses	2	Per 1,000 sq ft (92.9m²) or 1 space per every 4 employees - whichever is greater
Self-Storage Units		**1 space for each employee if full service office is located on the lot and 1 space for every 100 storage units. Driveway aisles shall be a minimum of 20 feet where access to storage units is only on one side of the aisle, and 24 feet where access to storage units is on both sides of the aisle. (NWCC-May26/05;E-May28/05)**
Automotive Repair	1	Per 400 sq ft (37.2m²) of office/reception area and 1 space per service bay
Proposed Use	**Space(s) Required**	**Measurement Type (all square footage based on gross floor area unless specified otherwise)**
Automotive Sales and Outdoor Display Courts	1	Per 3,000 sq ft (37.2m²) of outdoor sales area, and Per 400 sq ft (37.2m²) of indoor sales and office area
Theaters	1	Per 5 seats

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Institutional Uses except as specified below:		the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3m²) of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
• Government Offices	4.5	Per 1,000 sq ft (92.9m²) of gross leasable floor
• Schools		
- Elementary School		**6 spaces for use of visitors in addition to the greater of 1.5 spaces per classroom or 1 parking space per 32.3 sq ft (3m²) of floor area in the gym or auditorium (NWCC-Sep12/06;E-Sep29/06)**
- Junior High School		**8 spaces for use of visitors in addition to the greater of 4 spaces per classroom or 1 parking space per 32.3 sq ft (3m²) of floor area in the gym or auditorium (NWCC-Sep12/06;E-Sep29/06)**
- High School		**8 spaces for use of visitors in addition to the greater of 4 spaces per classroom or 1 parking space per 32.3 sq ft (3m²) of floor area in the gym or auditorium (NWCC-Sep12/06;E-Sep29/06)**
- Other	3	Per classroom
Hospital, Multiple Service Centre	2	Per bed
Medical, Dental, or any Health Practitioner (including Veterinary Clinic)	**2 (NWCC-Sep 12/06;E-Sep 29/06)**	Per consulting room
Day Care Facilities	1.5	Per 400 sq ft (37.2m²) of gross leasable floor area
Funeral Homes	15	
Library, Museum or similar use	1	Per 400 sq ft (37.2m²) of gross leasable floor area
Any uses not specified above	**3 (NWCC-Sep 12/06;E-Sep 29/06)**	Per 1,000 sq ft (92.9m²) of gross leasable floor area

17. The parking requirements for multiple occupancy buildings which contain a mix of different uses shall be determined by calculating the sum of the parking requirements for each use and then reducing the number by twenty percent (20%) to allow for the shared usage of spaces by building occupants.

Standards for Mobility Disabled Parking Spaces:

18. Notwithstanding Part 7 Section 16, reserved parking spaces for the mobility disabled shall be provided in addition to the required spaces in conformity with the following schedule:

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MOBILITY DISABLED SPACES		
Proposed Use	**Space(s) Required**	**Measurement Type (all square footage based on gross floor area unless specified otherwise)**
Medical Clinics of any health practitioner	1	Reserved parking spaces for the mobility disabled per 5-15 parking spaces required 1 additional parking space for each additional 15 required space or part thereof to a maximum of 10 spaces
Multiple Unit Dwellings	~~1~~ **0**	~~Reserved parking spaces for the mobility disabled per 30 units to a maximum of 10 spaces~~
Restaurants and Theater	1	Reserved parking spaces for the mobility disabled per 50 seats to a maximum of 10 spaces
All other uses excluding **residential,** fire stations and any industrial use which does not have a retail function	1	Reserved parking space for the mobility disabled per 15-100 parking spaces required 1 additional space for each additional 100 required space or part thereof to a maximum of 10.

19. Each reserved parking space shall contain an area of not less than 22.3 m² (240 ft ²) measuring 3.6 m (12 ft) by 6.1 m (20 ft).

20. Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than 91.4 metres (300 feet) from the location which it is intended to serve.

21. Each Mobility Disabled parking space shall be located as close as possible to the location it is intended to serve.

22. Each Mobility Disabled parking space shall be clearly identified by a ground sign not exceeding 0.9 metres (3 feet).

Standards For Parking Areas

23. Where parking facilities for more than three (3) vehicles:

    (1) All parking areas including individual parking spaces, visitors and service spaces shall be clearly marked;
    (2) Individual parking spaces shall be 2.7 metres x 5.5 metres (9' x 18') except in the case of Mobility Disabled parking. Curb parking shall be 2.4 metres x 6.4 metres (8' x 21'). All parking areas including driveways and maneuvering areas shall be maintained with a permanent hard surface and shall be defined by a concrete curb, ornamental brick, planting or other landscaped feature(s);

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(3) All parking areas, except within the Downsview Complex (DC) zone, shall be located to the side or rear of buildings. Notwithstanding, a maximum of 20% of the total required parking spaces may be provided in the front of the building facing Sackville Drive;

(4) Notwithstanding Part 7 Section 23 (3), the requirement of parking areas being located to the side and rear yard of a building shall not apply under the following three conditions:
• change in use or occupancy within an existing building or structure; or
• the existing building/structure or parking lot is situated on a lot where it cannot reasonably satisfy Part 7 Section 23 (3); and
• topographic constraints where it cannot reasonably satisfy the requirements of Part 7 Section 23 (3);

(5) The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust and loose particles;

(6) All parking areas shall provide for ingress and 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. These areas shall be defined by concrete curb, ornamental brick, planting or other appropriate landscaping feature(s);

(7) In all parking lots that have greater than ten (10) parking stalls, curbs or other appropriate methods of delineating a pedestrian right of way and travel ways shall be provided to ensure safety between pedestrian and vehicular movements;

(8) No parking area shall be immediately adjacent to doors or passage ways from buildings. Where windows and doors exist on the ground floor of a residential building, no parking shall be located within 6.1 metres (20 feet) of such windows and doors;

(9) All parking areas shall provide maneuvering areas to permit vehicles to leave the property in a forward motion. **The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3 metres (10 ft) for one-way traffic and a minimum of 6.1 metres (20 ft) for two-way traffic (NWCC-May 26/05;E-May 28/05)**;

(10) All parking layouts shall make provision for the stock-piling of snow in a manner which will not reduce the amount of required parking space available; or reduce visibility within corner vision triangles of adjacent street intersections and corner vision triangles at the intersection of the driveway(s) with the street;

(11) Where a parking area for a multiple-unit residential building or a commercial building abuts an existing or designated residential uses, such parking areas shall be screened by a minimum 1.2 metres (4 ft) high opaque fence or a minimum 1.2 metres (4 ft) high buffer or combination thereof which provides a visual barrier and separation. For the purpose of this section, a buffer shall mean a separation distance which contains existing trees/shrubs or newly planted trees/shrubs;

(12) If off street parking is available on a permanent basis within 91 metres (300 feet) of the building and clearly signed to indicate the use it is intended to serve, the parking requirements shall be deemed to be satisfied;

(13) Shared parking shall be encouraged were parking lots can be located in the side yards of two abutting and adjoining lots. A defined travel way shall be provided for shared parking lots and shall be defined by concrete curb, ornamental brick, planting or other landscaping feature(s); and

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(14) Notwithstanding Section 23 (3) and (4), a maximum of eight (8) parking spaces may be permitted within the front yard of PID 40003766 (541 Sackville Drive) provided the parking spaces are divided by a pedestrian pathway connecting Sackville Drive and the front facade of the building.

Standards For Driveways

24. One (1) driveway shall be permitted for any lot along Sackville Drive.

25. Notwithstanding Part 7 Section 24, two (2) driveways may be permitted to serve any lot along Sackville Drive of more than 30.48 metres (100 feet) but less than 180 metres (600 feet) of frontage on a Sackville Drive.

26. Notwithstanding Part 7 Section 24 and 25, any lot with more than 180 metres (600 feet) of frontage along Sackville Drive shall be permitted an additional driveway for each additional 150 metres (500 feet) of lot frontage on the street.

27. Driveways and parking areas may cross abutting property lines where an easement is provided.

28. Driveways shall be constructed pursuant to the HRM Bylaw Respecting Streets, as amended from time to time.

Parking for Bicycles

29. Deleted (RC-Jun 27/06;E-Aug 26/06)

30. Deleted (RC-Jun 27/06;E-Aug 26/06)

31. Deleted (RC-Jun 27/06;E-Aug 26/06)

32. Deleted (RC-Jun 27/06;E-Aug 26/06)

Parking Area Landscaping Requirements

33. All parking lots with twenty (20) or more parking spaces, such parking lots shall have ten (10) percent of their area landscaped with vegetation such that the parking lots do not have groups of parking stalls greater than twenty (20) in an uninterrupted area. Landscape planting areas which are used for the separation between banks of parking stalls shall be a minimum of 1.2 metres (4 feet) in width and may be calculated as impervious surface where applicable. For clarification, any new building or existing buildings (including additions and expansions) shall comply.

Tree Species from Appendix B: Sackville Drive Recommended Tree Species shall be utilized at a rate of 1 tree per ten (10) parking spaces.

34. Where a change in use results in a requirement for additional parking of 20 or more spaces

the parking area landscaping requirements of Part 7 Section 33 shall apply. Notwithstanding, where the existing building location or topographic constraints of the lot prevents the developer from satisfying requirement, a lesser degree of landscaping shall be required. A lesser degree of landscaping within the parking lot shall refer to but not limited to, the one of the following:

(1) a minimum of one street tree per 6.1 metres (20 ft) of building frontage or frontage of leasable space; or
(2) landscape area a minimum of 4.6 m² (50 ft²) consisting of no dimension less than 0.6 m (2 ft); or
(3) a planter(s) constructed of natural material such as but not limited to wood, brick, stone or concrete and a minimum of 2.3m² (25 ft²).

35. Further to Part 7 Section 34, the items listed above may be located in any or all of the following locations:

(1) along or in close proximity to the front property line;
(2) along or in close proximity to the side property line; or
(3) along the front facade of the building.

36. Where a change in use or occupancy would not result in a requirement for additional parking spaces pursuant to Part 7 Section 16 and 18, the parking area landscape requirements of Part 7 Section 33 shall not apply.

Loading Spaces

37. In any zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, or other uses involving the frequent shipping, loading or unloading of animals or goods, unless there is maintained on the same premises with every such building, structure or use:

Gross Floor Area	*No. of Spaces*
Less than 464.4 m² (4999 ft²)	0
464.5 -1393.4 m² (5000-14,999 ft²)	1
393.4 -3251.4 m² (15,000-34,999 ft²)	2
More than 3251.5 m² (35,000 ft²)	3

38. Each loading space shall be at least 3.6 metres (12 ft) by 12.1 metres (40 feet) with a minimum of 4.3 metres (14 feet) height clearance. No such loading spaces shall be located within any required front yard or be located within any required yard which abuts any residential or park zone or use.

39. Each loading space shall not be obstructed by any other parking space or accessory structure.

40. The requirements in Part 7 Section 37 through to 39 may be waived if it is indicated that the uses which are to occupy a building do not require loading space(s).

40A <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
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, shared housing use, (RC-Aug 9/22;E-Sep 15/22) self storage facilities, car washes, cemeteries and funeral homes.

(3) Each Class B bicycle parking space shall:

(a) be a minimum of 0.6m wide and 1.8m long;

(b) have a minimum overhead clearance of 2.0m;

(c) be located a minimum of 0.6m from any wall or other obstruction.

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(4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.

(5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

40B Location of Bicycle Parking

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

(2) Class A bicycle parking may be located up to 200m from an entrance.

(3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.

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

40C Special Bicycle Parking Facility Requirements

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

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

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

LANDSCAPING

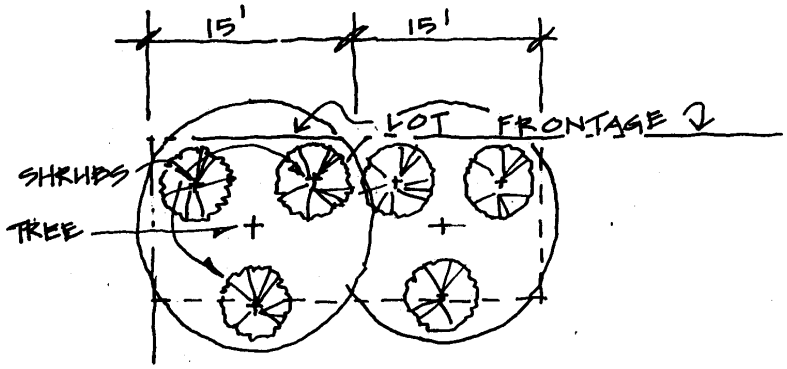
41. In all zones, except the Downsview Complex Zones (DC-1, DC-2, DC-3) and Large Scale Commercial (LS) Zone, a landscaped area a minimum of **4.6metres (15ft**) in depth running the length of and directly abutting the front lot line (measured from the **outside edge of sidewalk nearest to property line**), excluding driveway openings, shall be provided. **Where a sidewalk does not exist the landscape setback shall run the length of the front property line and measured from the front property line. (RC-Sep 5/06;E-Oct 7/06)**

42. Within the Large Scale Commercial (LS) Zone, a landscaped area of a minimum of 15.2 metres (50 feet) in depth running the length of and directly abutting the front lot line (measured from the front property line), excluding driveway openings, shall be provided. Notwithstanding, a landscaped area of a minimum of **4.6metres (15ft) (RC-Sep 5/06;E-**

Oct 7/06) in depth running the length of and directly abutting the lot line (measured from the outside edge of sidewalk nearest to property line (RC-Sep 5/06;E-Oct 7/06)) shall be provided on any property with frontage on Douglas Avenue. (NWCC-May 26/05;E-May 28/05) Where a sidewalk does not exist the landscape setback shall run the length of the front property line and measured from the front property line. (RC-Sep 5/06;E-Oct 7/06)

43. Within the Downsview Complex Zones (DC-1, DC-2, DC-3), a landscaped area of a minimum of 15.2 metres (50 feet) in depth running the length of and directly abutting the front lot line (measured from the **outside edge of sidewalk nearest to property line**) parallel to Sackville Drive, excluding driveway openings, shall be provided. **Where a sidewalk does not exist the landscape setback shall run the length of the front property line and measured from the front property line. (RC-Sep 5/06;E-Oct 7/06)**

44. In all zones, the landscaped area shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minium of 45mm caliber) and three (3) shrubs per 4.6 metres (15 feet) of lot frontage. Tree Species from Appendix B: Sackville Drive R recommended Tree Species shall be utilized. Planting of one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet of lot frontage shall reflect a natural setting thereby grouping of trees and shrubs is encouraged.



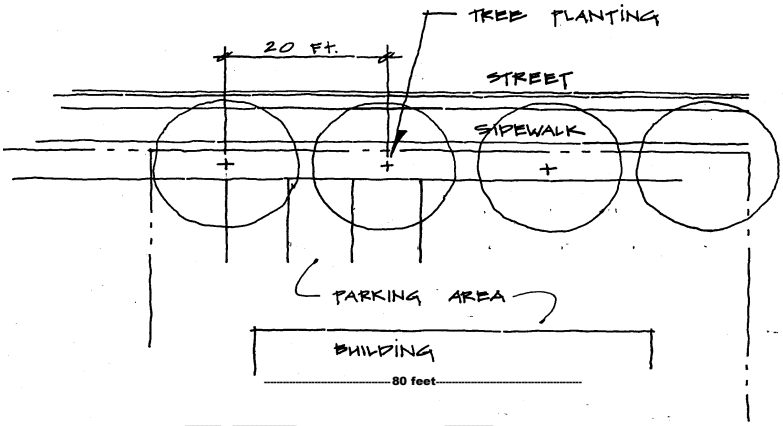
45. Notwithstanding Part 7 Section 44, existing trees and shrubs shall be incorporated into the landscaped **setback**, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement. **(RC-Sep 5/06;E-Oct 7/06)**

46. Within all zones, the twenty percent (20%) pervious surface requirement pursuant to this Bylaw may be included as a component of the landscape requirement identified in Part 7 Section 41through to 45 **and Part 6 Section 6 (NWCC-Sep 12/06;E-Sep 29/06)**. The 20% pervious surface requirement shall not include heavy soil, gravel or other similar materials.

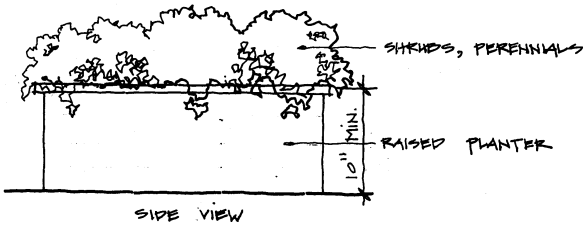
47. Where the existing building location or topographic constraints of the lot prevents the developer from satisfying requirements of Part 7 Section 41 through to 45, a lesser degree of landscaping shall be required. A lesser degree of landscaping within the parking lot

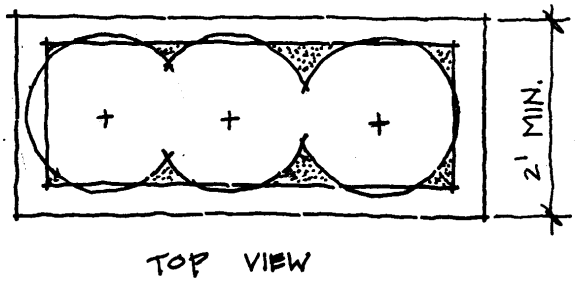
shall refer to but not limited to, the one of the following:

(1) a minimum of one street tree per 6.1 metres (20 ft) of building frontage or frontage of leasable space; or
(2) landscape area a minimum of 4.6 m² (50 ft²) consisting of no dimension less than 0.6 m (2 ft); or
(3) a landscape planter constructed of natural material such as but not limited to wood, brick, stone or concrete and a minimum of 2.3m² (25 ft²).



PLANTERS





48. Pursuant to Part 7 Section 47, the items listed above may be located in any or all of the following locations:

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

(2) along or in close proximity to the side property line; or
(3) along the front facade of the building.

49. Ground signs, sandwich boards and temporary mobile signs shall be permitted in the required landscape areas as defined in this section.

50. Notwithstanding Section 41, the required 6.1 meters (20 ft.) landscaped area may be reduced to a minimum of 4.6 meters (15 ft) on PID 40003766 (541 Sackville Drive).

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PART 8: LARGE SCALE COMMERCIAL (LS) ZONE

Permitted Uses

1. No development permit shall be issued in any LS (Large Scale Commercial) Zone except for the following:

Commercial Uses
• Big Box (Large Box Retail)
• Retail Stores
• Food Stores
• Building Supply Outlets
• Offices
• Banks and Financial Institutions
• Restaurants (full service, drive-thru and take-out)
• Commercial Entertainment Uses
• Commercial Recreation Uses
• Garden Market and Nurseries associated with Retail Stores
• Automotive Rental Facilities/Car Rental Agency
• Automotive Service Stations
• Taxi and Bus Depots
• Commercial Parking Lot
• Automotive Repair Outlets
• Self Storage Facilities
• Motel/Hotel
• Funeral Home
• Motor Home Sales and Service
• Shopping Centre
• Strip Mall/Shopping Plaza
• Equipment Rental
• Bakeries (including wholesale)
• Service and Personal Service Shops contained with a Big Box (Large Box Retail**), Strip Mall/Shopping Plaza or Existing Multiple Unit Dwelling. (NWCC-May 10/07;E-May 26/07)**
• Existing Outdoor Display Courts
• Existing welding, plumbing and heating, electrical, automotive and other trade contracting services & shops
• Existing Autobody Shop
• **Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)**
• **Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)**

Institutional and Community Uses
• Educational Institutions (including commercial schools)
• Denominational Institutions excluding cemeteries
• **Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)**
• Medical, Veterinary and Health Service Clinics; outdoor kennels associated with

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veterinary clinics are prohibited
• **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
• Civic Buildings including by not limited to public office, post office, fire station, police station, library, museum, gallery
• **Public Transit Terminal (NWCC-May 26/05;E-May 28/05)**
• Community/Recreational Centre
• Community Parkland and Facility uses

Residential Uses
• Existing Single Unit Dwellings
• Existing Two Unit (detached and semi-detached) Dwellings
• Existing Townhouses
• Existing Multiple 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)**
• **Access for Multiple Unit Dwellings constructed after May 7, 2002 (NWCC-Jun 20/22; E-Jul 6/22)**

Uses Permitted by Development Agreement

2. Notwithstanding the provisions of Part 8 Section 1, in any LS Zone, no development permit shall be issued for new commercial developments with building footprints of less than 10,000 square feet (929 m^2) or any proposed expansion to existing commercial developments which would maintain a total building footprint of less than 10,000 square feet, (10,000) square feet (929 m^2) **in any LS zone except (NWCC-May 26/05;E-May 28/05)** by development agreement in accordance with the Municipal Government Act.

A service station of any gross floor area shall be exempted from this development agreement provision. **In accordance with Policy DB-2 (a) of the Sackville Drive SPS a mixed use multiple unit development is permitted at 8 Walker Avenue and 732 Old Sackville Road by development agreement. (RC-Jul 21/15;E-Sep 12/15)**

Lot Provisions

3. Minimum Lot Area ……2,787 m² (30,000 ft²)
Minimum Lot Frontage …….30.50 m (100 ft)
Minimum Front/Flankage Yard Setback ……15.25 m (50 ft)
Minimum Rear Yard Setback ……6.09 m (20 ft), except18.28 m (60 ft) where abutting any residential zone
Minimum Sideyard Setback ……6.09 m (20 ft), 18.28 m (60 ft) where abutting any residential zone or use
Maximum Lot Coverage……50 %
Minimum Pervious Surface Area ……20 %
Number of Driveways ……One per lot with frontage less than 30.5 m (100 ft)

4. No Development Permit shall be issued until all provisions of Part 8, the provisions of Part 6 (general provisions) and Part 7 (streetscape provisions) have been satisfied.

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PART 9: DOWNSVIEW COMPLEX-1 (DC-1) ZONE

Permitted Uses

1. No development permit shall be issued in any DC-1 (Downsview Complex-1) Zone except for the following:

   Uses

   • Shopping Centres containing any of the following uses:
   - Retail Stores
   - Food Stores
   - Offices
   - Service and Personal Service Shops
   - **Health and Wellness Centres (NWCC-May 26/05;E-May 28/05)**
   - Banks and Financial Institutions
   - Restaurants (full service and take-out)
   - Commercial Entertainment Uses
   - **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
   - Commercial Recreation Uses
   - Garden Market associated with Retail Stores
   - Bakeries
   - Automotive Repair Outlets in conjunction with retail store
   - Educational Institutions (including commercial schools)
   - Denominational Institutions excluding cemeteries
   - Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
   - Civic Buildings including but not limited to public office, post office, fire station, police station, library, museum, and gallery
   - **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
   - Community/Recreational Centre

   • Commercial Uses:
   - **Motel/Hotel/Guest Home**
   - **Restaurants (full service, drive-thru and takeout) (NWCC-Aug 8/16;E-Aug 27/16)**
   - **Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)**
   - **Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)**

   • Big Box (Large Box Retail) containing any of the following uses:
   - Retail Stores
   - Food Stores
   - Offices
   - Service and Personal Service Shops
   - **Health and Wellness Centres (RC-Apr 12/05;E-May 7/05)**
   - Banks and Financial Institutions
   - Restaurants (full service and take-out)

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- Commercial Entertainment Uses
- **All Age/Teen Club (RC-Apr 12/05;E-May 7/05)**
- Commercial Recreation Uses
- Garden Market associated with Retail Stores
- Educational Institutions (including commercial schools)
- Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited

• Community Parkland and Facility uses

- **Residential uses**

Uses Permitted by Site Plan Approval

2. • Shopping Centres
• Big Box (Large Box Retail)
• **Commercial Uses ((NWCC-Aug 8/16;E-Aug 27/16)**
- **Residential uses**

Lot Provisions

3.

Minimum Lot Area……	2,787 m² (30,000 ft²)
Minimum Lot Frontage…….....	18.3 m (100 ft)
Minimum Front/Flankage Yard Setback……...	0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Rear Yard Setback……	0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Sideyard Setback…….....	0 m (0 ft) and 18.28 m (60 ft) where abutting any residential zone or use, unless otherwise specified in this Bylaw
Maximum Lot Coverage……	80 %
Number of Driveways……	One per lot with frontage less than 30.5 m (100 ft)

<u>SITE PLAN APPROVAL</u>

4. No development permit shall be issued for a shopping centre, **commercial use ((NWCC-Aug 8/16;E-Aug 27/16)**, **residential use** or a big box (large box retail) in the DC-1 (Downsview Complex-1) Zone prior to the Development Officer granting Site Plan Approval. Applications for site plan approval shall be in the form specified in Appendix A. All applications shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in this Section. Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building**, internal renovations with no external renovation or modifications to an existing building, (RC-Apr 12/05;E-May 7/05)** or any signage associated with a change in use or occupancy.

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5. Where provisions of the Site Plan Approval conflict with Part 6 and Part 7, the Site Plan Approval provisions shall prevail.

<u>General Requirements for Site Plan Approval</u>: Shopping Centres, Commercial Uses ((NWCC-Aug 8/16;E-Aug 27/16) and Big Box (Large Box Retail)

6. All shopping centres (including expansions) within the Downsview Complex-1 (DC-1) zone shall be subject to the approval of a Site Plan.

7. The Development Officer shall approve a site plan where the following matters have been addressed:

   (1) a left-hand turn lane stall to allow easy left turns from the mall as generally shown on Schedule C;
   (2) safe pedestrian linkages connecting the Mall to the parking lots, public transit system, the Plaza and Sackville Drive. The pedestrian linkages may be a combination of crosswalks, sidewalks and trails. Paint striping to accentuate these areas shall be prohibited;
   (3) at intersections, crosswalks and main building entries, a change in sidewalk color, texture, raised or material shall been utilized. Paint striping to accentuate these areas shall be prohibited;
   (4) sidewalks along the entire front facade of the building (i.e. Downsview Mall);
   (5) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of the building (i.e. Downsview Mall) and a means of (a) providing a pleasant pedestrian atmosphere, (b) a natural buffer between the parking lot and the sidewalk and (c) minimize scale of the building;
   (6) landscape elements including but not limited to light poles, furniture clusters, seating, trees, shrubs and planter boxes, are provided in clusters/groupings along Sackville Drive in the area identified on Schedule C. Each cluster/group contains a minimum of one (1) benches, one (1) light, one (1) street tree with a combination of small shrubs, planters and other landscape elements;
   (7) street trees identified in Appendix B are provided along both sides of Walker Connector thoroughfare at a rate of one (1) tree for every 50 feet as a means of minimizing visual impact of the large parking lot;
   (8) a ground sign at the intersection of Walker Connector and Sackville Drive is provided. The ground sign shall incorporate a pedestrian shelter, community bulletin and seating area. The ground sign shall comply with all applicable signage regulations with the except of sign area and may be excluded from the permitted total number of signs requirement; and
   (9) all of the items required by this policy shall be adequately maintained.

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PART 10: DOWNSVIEW COMPLEX-2 (DC-2) ZONE

Permitted Uses

1. No development permit shall be issued in any DC-2 (Downsview Complex-2) Zone except for the following:

   Uses

   • Shopping Centres containing any of the following uses:
   - Retail Stores
   - Food Stores
   - Offices
   - Service and Personal Service Shops
   - **Health and Wellness Centres (NWCC-May 26/05;E-May 28/05)**
   - Banks and Financial Institutions
   - Restaurants (full service, take-out and drive-thru)
   - Commercial Entertainment Uses
   - **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
   - Commercial Recreation Uses
   - Garden Market associated with Retail Stores
   - Bakeries
   - Automotive Repair Outlets in conjunction with retail store
   - Educational Institutions (including commercial schools)
   - Denominational Institutions excluding cemeteries
   - Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
   - Civic Buildings including but not limited to public office, post office, fire station, police station, library, museum, and gallery
   - **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
   - Community/Recreational Centre

   • Big Box (Large Box Retail) containing any of the following uses:
   - Retail Stores
   - Food Stores
   - Offices
   - Service and Personal Service Shops
   - **Health and Wellness Centres (RC-Apr 12/05;E-May 7/05)**
   - Banks and Financial Institutions
   - Restaurants (full service and take-out)
   - Commercial Entertainment Uses
   - **All Age/Teen Club (RC-Apr 12/05;E-May 7/05)**
   - Commercial Recreation Uses
   - Garden Market associated with Retail Stores
   - Educational Institutions (including commercial schools)
   - Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited

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- Community Parkland and Facility uses
- **Residential uses**

Uses Permitted by Site Plan Approval

2. • Shopping Centres
   • Big Box (Large Box Retail)
- **Residential uses**

Lot Provisions

3.

Minimum Lot Area	2,787 m² (30,000 ft²)
Minimum Lot Frontage	18.3 m (60 ft)
Minimum front/Flankage Yard Setback	0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Rear Yard Setback	0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Sideyard Setback	0 m (0 ft) and 18.28 m (60 ft) where abutting any residential zone or use, unless otherwise specified in this Bylaw
Maximum Lot Coverage	80 %
Number of Driveways	One per lot with frontage less than 30.5 m (100 ft)

SITE PLAN APPROVAL

4. No development permit shall be issued for a shopping centre, **residential use** or a big box (large box retail) in the DC-2 (Downsview Complex-2) Zone prior to the Development Officer granting Site Plan Approval. Applications for site plan approval shall be in the form specified in Appendix A. All applications shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in this Section. Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building, **internal renovations with no external renovation or modifications to an existing building, (RC-Apr 12/05;E-May 7/05)** or any signage associated with a change in use or occupancy.

5. Where provisions of the Site Plan Approval conflict with Part 6 and Part 7, the Site Plan Approval provisions shall prevail.

General Requirements for Site Plan Approval:

Shopping Centres and Big Box (Large Box Retail)

6. All shopping centres (including expansions) within the Downsview Complex-2 (DC-2)

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shall be subject to the approval of a Site Plan.

7. The Development Officer shall approve a site plan where the following matters have been addressed:

(1) pedestrian linkages connecting the Mall to the parking lots, public transit system, the Plaza and Sackville Drive. The pedestrian linkages can be a combination of crosswalks, sidewalks and trails. Paint striping to accentuate these areas shall be prohibited;
(2) at intersections, crosswalks and main building entries, a change in sidewalk color, texture, raised or material has been utilized. Paint striping to accentuate these areas shall be prohibited;
(3) additional parking spaces for the purpose of facilitating the "park n ride" facility;
(4) sidewalks along the entire front facade of the building (i.e. Downsview Plaza);
(5) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of the building (i.e. Downsview Plaza) and a means of (a) providing a pleasant pedestrian atmosphere, (b) a natural buffer between the parking lot and the sidewalk and (c) minimize scale of the building;
(6) landscape elements including but not limited to light poles, furniture clusters, seating, trees, shrubs and planter boxes, are provided in clusters/groupings along Sackville Drive in the area identified on Schedule C. Each cluster/group contains a minimum of one (1) benches, one (1) light, one (1) street tree with a combination of small shrubs, planters and other landscape elements;
(7) street trees identified in Appendix B are provided along both sides of Downsview Complex Thoroughfare as shown on Schedule C at a rate of one (1) tree for every 50 feet as a means of minimizing visual impact of the large parking lot; and
(8) all of the items required by this policy shall be adequately maintained.

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PART 11: DOWNSVIEW COMPLEX-3 (DC-3) ZONE

Permitted Uses

1. No development permit shall be issued in any DC-3 (Downsview Complex-3) Zone except for the following:

Commercial Uses
• Retail Stores
• Food Stores
• Offices
• Service and Personal Service Shops
• Banks and Financial Institutions
• Restaurants (full service, drive-thru and take-out)
• Commercial Entertainment Uses
• **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
• Commercial Recreation Uses
• Transit (Taxi and Bus) Terminals
• "Park n Ride" Facilities
• Garden Market associated with Retail Stores
• Automotive Repair Outlets in conjunction with retail store
• Self Storage Facilities
• Automotive Service Stations
• Motel/Hotel/Guest Home
• Commercial Parking Lots
• **Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)**
• **Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)**

Institutional and Community Uses
• Educational Institutions (including commercial schools)
• Denominational Institutions excluding Cemeteries
• **Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)**
• Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
• Civic Buildings including by not limited to public office, post office, fire station, police station, library, museum, and gallery
• Community/Recreational Centre
• Community Parkland and Facility uses

Residential Uses
• Multiple Unit Dwellings
• **Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)**

Uses Permitted by Site Plan Approval

2. • all Commercial Uses
• all Institutional and Community Uses

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• all Residential Uses

Lot Provisions

3. Minimum Lot Area…….557.4 m² (6,000 ft²)
Minimum Lot Frontage……..... 18.3 m (60 ft)
Minimum Front/Flankage Yard Setback……0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Rear Yard Setback…….0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Sideyard Setback……0 m (0 ft) and 18.28 m (60 ft) where abutting any residential zone or use, unless otherwise specified in this Bylaw
Maximum Lot Coverage…….80 %
Number of Driveways……One per lot with frontage less than 30.5 m (100 ft)

SITE PLAN APPROVAL

4. No development permit shall be issued in the DC-3 (Downsview Complex-3) Zone prior to the Development Officer granting Site Plan Approval. Applications for site plan approval shall be in the form specified in Appendix A. All applications shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in this Section.

5. Where provisions of the Site Plan Approval conflict with Part 6 and Part 7, the Site Plan Approval provisions shall prevail.

General Requirements for Site Plan Approval:

Commercial, and Institutional and Community Uses

6. All commercial, institutional and community uses, within this zone shall be subject to the approval of a Site Plan.

7. The Development Officer shall approve a site plan where the following matters have been addressed:

(1) the building is located and orientated within the building envelope as to ensure the primary facade of the building fronts the internal circulation network (inward focus) of the Downsview Complex area. Notwithstanding, all buildings located within 30.5 m (100 ft) of Sackville Drive shall be located and orientated within the building envelope as to ensure primary facades of the building front both the internal circulation network of the Downsview Complex area and Sackville Drive;

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(2) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of the building and a means of (a) providing a pleasant pedestrian atmosphere, (b) a natural buffer between the parking lot and the sidewalk and (c) minimize scale of the building;
(3) sidewalks are be provided along the entire front facade of any stand alone building.
(4) safe pedestrian linkages connecting the proposed building to the parking lots, public transit system, the Plaza, the Mall and Sackville Drive. The pedestrian linkages can be a combination of crosswalks, sidewalks and trails. Paint striping to accentuate these areas shall be prohibited;
(5) at intersections, crosswalks and main building entries, a change in sidewalk color, texture, raised or material has been utilized. Paint striping to accentuate these areas shall be prohibited;
(6) the building is accessed by the internal circulation network only and that there is no direct access to Sackville Drive; and
(7) all of the items required by this policy shall be adequately maintained.

General Requirements for Site Plan Approval:

Residential Uses

8. All residential uses, within this zone shall be subject to the approval of a Site Plan.

9. The Development Officer shall approve a site plan where the following matters have been addressed:

(1) the building is located and orientated within the building envelope as to ensure the primary facade of the building fronts the internal circulation network (inward focus) of the Downsview Complex area. Notwithstanding, all buildings located within 30.5 m (100 ft) of Sackville Drive shall be located and orientated within the building envelope as to ensure primary facades of the building front both the internal circulation network of the Downsview Complex area and Sackville Drive;
(2) safe pedestrian linkages connecting the Multiple Unit Dwellings **or Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)** to the parking lots, public transit system, the Plaza, the Mall and Sackville Drive. The pedestrian linkages can be a combination of crosswalks, sidewalks and trails. Paint striping to accentuate these areas shall be prohibited;
(3) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of the building (i.e. Downsview Plaza) and a means of (a) providing a pleasant pedestrian atmosphere, (b) a natural buffer between the parking lot and the sidewalk and (c) minimize scale of the building;
(4) the building is accessed by the internal circulation network only and that there is no direct access to Sackville Drive;
(5) a minimum of 20% of the total land area is grassed or otherwise landscaped; and
(6) all of the items required by this policy shall be adequately maintained.

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<u>Additional Requirements</u>:

Multiple Unit Dwelling and Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)

10. Where any multiple unit dwelling **or shared housing use (RC-Aug 9/22;E-Sep 15/22)** is **permitted (NWCC-Sep 12/06;E-Sep 29/06)**, the following shall apply:

(1) Deleted (RC-Sep 5/06;E-Oct 7/06)

(2) Amenity space shall be set aside for recreational purposes such as common recreational areas, play areas, recreational rooms, roof decks, swimming pools, courtyards, gardens, patios and tennis courts and clearly identified on plans submitted for a Development Permit. The amenity space shall be provided based on the type of residential unit as follows:

(a)	**One Bedroom/Bachelor:**	**18.6 sq m (200 sq ft)**
(b)	**Two Bedroom:**	**53.4 sq m (575 sq ft)**
(c)	**Three Bedroom:**	**88.2 sq m (950 sq ft)**
(d)	**Four or more Bedroom:**	**123.1 sq m (1,325 sq ft)**
(e)	**Shared Housing Use:**	**18.6 sq m (200 sq ft) per bedroom (RC-Aug 9/22;E-Sep 15/22)**

For the purposes of determining amenity space, one bedroom plus den/office units shall be considered to be a two-bedroom unit, two bedroom plus den/office units shall be considered to be a three-bedroom unit and so on; (NWCC-Sep 12/06;E-Sep 29/06)

(3) Deleted (NWCC-Sep 12/06;E-Sep 29/06)

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PART 12: PEDESTRIAN RETAIL (PR) ZONE

Permitted Uses

1. No development permit shall be issued in any PR (Pedestrian Retail) Zone except for the following:

Commercial Uses
• Retail Stores
• Food Stores
• Offices
• Service and Personal Service Shops
• **Health and Wellness Centres (NWCC-May 26/05;E-May 28/05)**
• Banks and Financial Institutions
• Restaurants (full service and take-out)
• Commercial Entertainment Uses a maximum of **232.3** m^2 (**2,500** ft^2) **(NWCC-Sep 25/08;E-Oct 11/08)** devoted to public use
• **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
• Funeral Parlours and undertaker establishments
• Bakeries/Café's
• Guest Home
• Strip Mall/Shopping Plaza
• **Motels, Hotels (NWCC-May 26/05;E-May 28/05)**
• **Automotive Repair Outlets within the area identified on Schedule E (RC-Sep 5/06;E-Oct 7/06)**
• **Outdoor Display Courts within the area identified on Schedule E (RC-Sep 5/06;E-Oct 7/06)**
• **Automotive Repair Outlet at 651 Sackville Drive (PID #40003527) (RC-Apr 12/05;E-May 7/05)**
• Existing Commercial Recreation
• Existing Equipment Rental
• Existing Recycling Depots
• Existing Automotive Service Stations
• Existing Automotive Repair Outlets
• Existing Outdoor Display Courts
• Existing Car Wash
• Existing Restaurants (drive-thru)
• Existing welding, plumbing and heating, electrical, automotive, other special trade contracting services & shops
• **Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)**
• **Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)**

Institutional and Community Uses
• Educational Institutions (including commercial schools)
• Denominational Institutions excluding Cemeteries
• **Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)**
• **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**

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• Civic Buildings including but not limited to public office, post office, visitor information centre, fire station, police station, library, museum, and gallery
• Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
• Community/Recreational Centre
• Community Parkland and Facility uses

Residential Uses
• Existing Single Unit Dwellings
• Existing Two Unit (detached and semi-detached) Dwellings
• **One and Two Dwelling Units in Conjunction With a Commercial Use (RC-Apr 12/05;E-May 7/05)**
• Multiple Unit Dwellings
• **Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)**

Uses Permitted by Development Agreement

2. Notwithstanding the provisions of Section 12 (1), in any PR Zone, no development permit shall be issued for a new commercial buildings or structures with a footprint greater than 5,000 square feet (464.5 m²), or any expansion to a building or structure which currently exceed a footprint of 5,000 square feet (464.5 m²), or any proposed expansion to an existing commercial building or structure which would result in a total building footprint greater than 5,000 square feet (464.5 m²) on any PR zoned lot and shall only be considered by development agreement in accordance with the provisions of the Municipal Government Act.

Lot Provisions

3.

Minimum Lot Area……	371.6 m² (4,000 ft²)
Minimum Lot Frontage……	12.2 m (40 ft)
Minimum Front/Flankage Yard Setback……	**4.6m (15 ft) (RC-Sep 5/06;E-Oct 7/06)**
Minimum Rear Yard Setback ……	4.6 m (15 ft), **except where building abutting any residential zone or use the setback shall be 4.6m (15ft) or ½ height building which ever is greater. (RC-Sep 5/06;E-Oct 7/06)**
Minimum Sideyard Setback ……	0 m (0 ft), except 6.1m 20 ft) corner vision triangle required for corner lot. **Where building abutting any residential zone or use the setback shall be 4.6m (15ft) or ½ height building which ever is greater. (RC-Sep 5/06;E-Oct 7/06)**
Maximum Height……	**Deleted (RC-Sep 5/06;E-Oct 7/06)**
Maximum Lot Coverage……	50 %
Minimum Pervious Surface Area……	20 %
Number of Driveways……	One per lot with frontage less than 30.5 m (100 ft)

4. No Development Permit shall be issued until all provisions of this section and the provisions and guidelines of Part 6 (general provisions) and Part 7 (streetscape provisions) have been satisfied.

SPECIAL REQUIREMENTS: Multiple Unit Dwellings

5. Notwithstanding the provisions of Part 12, where any multiple unit dwelling is **permitted (NWCC-Sep 12/06;E-Sep 29/06)**, the following shall apply:

(1) where a lot has frontage on Sackville Drive, commercial shall be provided and located at street level facing Sackville Drive;

(2) Amenity space shall be set aside for recreational purposes such as common recreational areas, play areas, recreational rooms, roof decks, swimming pools, courtyards, gardens, patios and tennis courts and clearly identified on plans submitted for a Development Permit. The amenity space shall be provided based on the type of residential unit as follows:

(a)	**One Bedroom/Bachelor:**	**18.6 sq m (200 sq ft)**
(b)	**Two Bedroom:**	**53.4 sq m (575 sq ft)**
(c)	**Three Bedroom:**	**88.2 sq m (950 sq ft)**
(d)	**Four or more Bedroom:**	**123.1 sq m (1,325 sq ft)**

For the purposes of determining amenity space, one bedroom plus den/office units shall be considered to be a two-bedroom unit, two bedroom plus den/office units shall be considered to be a three-bedroom unit and so on. (NWCC-Sep 12/06;E-Sep 29/06)

(3) Notwithstanding Subsection 5(1),

(a) for any new multi-unit dwelling that begins construction before April 1, 2028, commercial uses located within the ground floor of a building shall occupy a minimum of 20% of the ground floor abutting the street line and

(b) the remaining ground floor of a building abutting the streetline shall be a permitted use listed in Part 12 Section 1, or a grade-related dwelling unit.

(c) For the purpose of calculating the 20% in Subsection 3(a), the following shall not be counted:
(i) lobbies,
(ii) elevators,
(iii) mechanical areas,
(iv) vestibules,
(v) garages, and
(vi) ramps to access internal motor vehicle spaces.

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SITE PLAN APPROVAL: Outdoor Display Court and Automotive Repair Outlets

6. No development permit shall be issued within the area illustrated on Schedule E for an outdoor display court or an automotive repair outlet prior to the Development Office granting Site Plan Approval. Applications for site plan approval shall be in the form specified in Appendix A. All applications shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in this Section.

7. In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

(1) Location of Building and Structures: Main buildings shall be positioned on the site as the primary feature and outdoor display areas and parking lots shall be secondary with the exception of the limited front yard display described below.

(2) Location of Outdoor Display Area: The outdoor display area shall be positioned on the site in such a way to minimize public view of the entire product on display. Front yard display shall be permitted to showcase select vehicles provided it is achieved in a creative and attractive manner.

(3) Location of Walkways and Pedestrian Access: Walkways shall be provided along the front facade of the buildings and to the entrance of the buildings.

(4) Location of Outdoor Lighting: Lighting shall be directed to driveways, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings. Lighting shall be permitted for the outdoor display area for the purpose of safety and security and shall not be permitted for night time display of product or merchandise.

(5) Location of Service Bays: Service bays shall be located in such a way to ensure they are not visible from Sackville Drive for all new buildings and major renovations/additions. Features such as but not limited to architectural treatments, landscaping, and fencing may be utilized to achieve this provision. (RC-Sep 5/06;E-Oct 7/06)

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PART 13: ACADIA VILLAGE CENTRE (VC) ZONE

Permitted Uses

1. No development permit shall be issued in any Acadia Village Centre (VC) zone except for the following:

Commercial Uses
• Retail Stores
• Food Stores a maximum of 74.3 m² (800 ft²) devoted to public use
• Offices
• Service and Personal Service Shops
• **Health and Wellness Centres (NWCC-May 26/05;E-May 28/05)**
• Banks and Financial Institutions
• Restaurants (full service and take out)
• Commercial Entertainment Uses a maximum of 74.3 m² (800 ft²) devoted to public use
• **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
• Bakeries/Café's
• Guest Home
• Existing Strip Malls/Shopping Plaza's
• **Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)**
• **Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)**

Institutional and Community Uses
• Educational Institutions (including commercial schools)
• Denominational Institutions excluding Cemeteries
• **Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)**
• **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
• Civic Buildings including but not limited to public office, post office, visitor information centre, fire station, police station, library, museum, and gallery
• Community/Recreational Centre
• Community Parkland and Facility uses

Residential Uses
• Existing Single Unit Dwellings
• Multiple Unit Dwellings
• **Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)**

2. No development permit shall be issued in any VC (Acadia Village Centre) Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

(1) Notwithstanding Part 13 Section 2, a permit for a change in use or occupancy within an existing commercial building or structure with no proposed expansions or additions may be issued by the Development Officer without being subject to the development agreement requirement. All relevant requirements of this Bylaw shall apply and permitted uses shall be those listed in the PR (Pedestrian Retail)

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zone.

(2) Notwithstanding Part 13 Section 2 (1), a permit for additions and expansions to the existing single unit dwellings, or accessory buildings or uses may be issued by the Development Officer without being subject to the development agreement requirement.

(3) Notwithstanding Part 13 Section 2 (1), a permit may be issued for an expansion or addition to the existing building(s) known as Acadia Hall located on PID #40003287 or Acadia School located on PID #40003295, by the Development Officer without being subject to the development agreement requirement but shall comply to all relevant provisions of this By-Law and the permitted uses shall be those identified in Part 13 Section 1.

(4) Notwithstanding Part 13 Section 2 (1), a permit may be issued for an accessory building or an expansion or addition of 300 sq ft (27.87 m²) or less to an existing building by the Development Officer without being subject to the development agreement requirement provided the accessory building expansion or addition is not visible from Sackville and complies with all applicable provisions of this By-Law. (RC-Apr 12/05;E-May 7/05)

(5) Notwithstanding Part 13 Section 2(1), a permit may be issued for signage relating to an existing building by the Development Officer without being subject to the development agreement requirement provided the signage complies with the provisions for all signage in the Pedestrian Retail (PR) zone. (NWCC-Sep 12/06;E-Sep 29/06)

4. Notwithstanding Part 13 Section 2 (1), a permit may be issued for a change in use to Institutional or Community uses to the existing building(s) known as Acadia Hall located on PID #40003287 or Acadia School located on PID #40003295 by the Development Officer without being subject to the development agreement requirement but shall comply to all relevant provisions of this By-Law and the permitted uses shall be those identified in Part 13 Section 1.

5. In the event Council approves a development agreement proposal, approval shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur enter into an agreement with Council containing such terms and conditions as Council may direct. Council may discharge the agreement upon the completion of particular phases of the development pursuant to the Sackville Drive Municipal Planning Strategy and apply an appropriate zone.

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PART 14: PINEHILL/COBEQUID (PC) ZONE

Permitted Uses

1. No development permit shall be issued in any PC (Pinehill/Cobequid) Zone except for the following:

Commercial Uses
• Retail stores
• Food stores
• Building Supply Outlets
• Personal service shops
• **Health and Wellness Centres (NWCC-May 26/05;E-May 28/05)**
• Offices
• Commercial schools
• Banks and financial institutions
• Restaurants (full service, take-out, drive-thru)
• Shopping Plaza/Strip Mall
• Commercial Entertainment
• **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
• Motels, Hotels
• Guest Homes
• Commercial Recreation
• Automotive Service Stations
• Greenhouses and nurseries
• Garden Market in conjunction with a retail store
• Welding, plumbing and heating, electrical, automotive and other special trade contracting services and shops
• Re-cycling depots
• Automotive Repair Outlets
• Funeral Parlours and undertaker establishments
• Bakeries (including wholesale)
• Printing and publishing establishments
• Car Wash
• Service Shop
• **Outdoor Display Courts (RC-Sep 5/06;E-Oct 7/06)**
• Existing auto body shops
• **Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)**
• **Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)**

Institutional and Community Uses
• Educational Institutions (including commercial schools)
• Denominational Institutions excluding Cemeteries
• **Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)**
• **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
• Civic Buildings including but not limited to public office, post office, fire station, police station, library, museum, and gallery

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• Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited.
• Community/Recreational Centre
• Community Parkland and Facility uses
• **Shared Housing with Special Care (RC-Aug 9/22;E-Sep 15/22)**

Residential Uses
• Existing Single Unit Dwellings
• Existing Two (detached and semi-detached) Dwellings
• Townhouses
• Multiple 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)**

Uses Permitted by Development Agreement

2. Notwithstanding the provisions of Part 14 Section 1, in any PC Zone, no development permit shall be issued for a new commercial buildings or structures with a footprint greater than 15,000 square feet (1,393.5 m²), or any expansion to a building or structure which currently exceed a footprint of 15,000 square feet (1,393.5 m²), or any proposed expansion to an existing commercial building or structure which would result in a total building footprint greater than 15,000 square feet (1,393.5 m²) on any PC zoned lot and shall only be considered by development agreement in accordance with the provisions of the Municipal Government Act.

Lot Provisions

3.

Minimum Lot Area…….	929 m² (10,000 ft²)
Minimum Lot Frontage……	18.3 m (60 ft)
Minimum Front/Flankage Yard Setback……	**4.6metres (15ft) (RC-Sep5/06;E-Oct7/06)**
Minimum Rear Yard Setback……	4.6 m (15 ft) **except where building abutting any residential zone or use the setback shall be 4.6m (15ft) or ½ height building whichever is greater. (RC-Sep 5/06;E-Oct 7/06)**
Minimum Sideyard Setback…….....	4.6 m (15 ft), except 6.1m (20 ft) corner vision triangle required for corner lot **and ½ height of the buildings where abutting any residential zone or use. Where building abutting any residential zone or use the setback shall be 4.6m (15ft) or ½ height building whichever is greater. (RC-Sep 5/06;E-Oct 7/06)**
Maximum Lot Coverage……	50 %
Minimum Pervious Surface Area……	20 %
Number of Driveways……	One per lot with frontage less than 30.5 m (100 ft)

Lot Provisions for Townhouses

4. Minimum Lot Area……. 185.8 m² (2,000 ft²) per dwelling where each dwelling unit of a townhouse dwelling is located on a separate lot
   Minimum Lot Frontage……..... 6.1 metres (20 feet) per dwelling where each dwelling unit of a townhouse dwelling is located on a separate lot or 18.2 metres (60 feet) per lot with two (2) or more units
   Minimum Front or Flankage Yard Setback….6.1 metres (20 feet)
   Minimum Rear Yard Setback……. 2.4 metres (8 feet)
   Minimum Sideyard Setback……3 metres (10 feet) or 0 meters (0 ft) from the side being common with another dwelling unit except 6.1m (20 ft) corner vision triangle required for corner lot
   Maximum Lot Coverage…….35 %
   Minimum Pervious Surface Area……20 %

5. No Development Permit shall be issued until all provisions of this section and the provisions and guidelines of Part 6 (general provisions) and Part 7 (streetscape provisions) have been satisfied.

SPECIAL REQUIREMENTS: 30 Old Sackville Road

6. Notwithstanding Part 14 Section 3, the property identified as 30 Old Sackville Road (PID# 40010241) shall be subject a minimum lot area of 558 m² (6,000 sq ft), if subdivided, rather than required 929m² (10,000 sq ft). In addition, PID# 40010241 shall not be subject to the minimum landscape setback requirement of **4.6 m (15ft)** but shall be subject all other applicable provisions of this Bylaw. **(RC-Sep 5/06;E-Oct 7/06)**

SPECIAL REQUIREMENTS: Multiple Unit Dwellings

7. Notwithstanding the provisions of Part 14, where any multiple unit dwelling is **permitted (NWCC-Sep 12/06;E-Sep 29/06)**, the following shall apply:

   (1) Amenity space shall be set aside for recreational purposes such as common recreational areas, play areas, recreational rooms, roof decks, swimming pools, courtyards, gardens, patios and tennis courts and clearly identified on plans submitted for a Development Permit. The amenity space shall be provided based on the type of residential unit as follows:
   (a) One Bedroom/Bachelor: 18.6 sq m (200 sq ft)
   (b) Two Bedroom: 53.4 sq m (575 sq ft)
   (c) Three Bedroom: 88.2 sq m (950 sq ft)
   (d) Four or more Bedroom: 123.1 sq m (1,325 sq ft)

For the purposes of determining amenity space, one bedroom plus den/office units shall be considered to be a two-bedroom unit, two bedroom plus den/office units shall be considered to be a three-bedroom unit and so on. (NWCC-Sep 12/06;E-Sep 29/06)

<u>SITE PLAN APPROVAL</u>: Outdoor Display Court

8. No development permit shall be issued within the Pinehill/Cobequid Zone (PC) for an outdoor display court prior to the Development Office granting Site Plan Approval. Applications for site plan approval shall be in the form specified in Appendix A. All applications shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in this Section. (RC-Sep 5/06;E-Oct 7/06)

9. In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

1. Location of Building and Structures: Main buildings shall be positioned on the site as the primary feature and outdoor display areas and parking lots shall be secondary with the exception of the limited front yard display described below.
2. Location of Outdoor Display Area: The outdoor display area shall be positioned on the site in such a way to minimize public view of the entire product on display. Front yard display shall be permitted to showcase select vehicles provided it is achieved in a creative and attractive manner.
3. Location of Walkways and Pedestrian Access: Walkways shall be provided along the front facade of the buildings and to the entrance of the buildings.
4. Location of Outdoor Lighting: Lighting shall be directed to driveways, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings. Lighting shall be permitted for the outdoor display area for the purpose of safety and security and shall not be permitted for night time display of product or merchandise.
5. Location of Service Bays: Service bays shall be located in such a way to ensure they are not visible from Sackville Drive for all new buildings and major renovations/additions. Features such as but not limited to architectural treatments, landscaping, and fencing may be utilized to achieve this provision. (RC-Sep 5/06;E-Oct 7/06)

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PART 15: OUTDOOR DISPLAY COURT (ODC) ZONE

Deleted (RC-Sep 5/06;E-Oct 7/06)

PART 16: COMMUNITY PARKLAND AND FACILITY (CP) ZONE

Permitted Uses

1. No development permit shall be issued in any Community Parkland and Facility (CP) Zone except for the following:

   - Conservation related uses;
   - Public parks for passive recreational activities;
   - Natural trails and educational trails;
   - Picnic parks;
   - Cemetery;
   - Museums and community centres in association with public parks;
   - Any naturally or normally incidental or subordinate uses to the uses listed above that are exclusively devoted to the above uses and which would not destroy the natural processes of the area.
   - Uses of a similar nature to the foregoing; and
   - Uses accessory to the forgoing uses, including washrooms, refreshment booth, or pavilion/interpretative centre.

2. Lot Provisions

In any CP Zone, no development permit for cemeteries, museums and community centres in association with public parks shall be issued except in conformity with the following;

Minimum Lot Area:	**6,000 square feet**
Minimum Frontage:	**60 feet (18.3 m)**
Minimum Front or Flankage Yard	**30 feet (9.1 m)**
Minimum Rear or Side Yard	**½ the height of the main building**
Maximum Lot Coverage	**50 %**

(NWCC-May 26/05;E-May 28/05)

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PART 17: **1994** P-3 (FLOOD PLAIN) ZONE **(RC-Apr 29/25;E-May 26/25)**

Permitted Uses

1. No development permit shall be issued in any P-3 (Floodplain) Zone except for the following:

Existing Uses
Non-residential uses that existed on or before May 26, 2025. (RC-Apr 29/25;E-May 26/25)

Open Space Uses
- Parking areas involving no grade alternations, provided the capacity of the floodway is not reduced
- Public and private parks and playgrounds
- Conservation related uses
- Arcades, boardwalks, esplanades, hiking and walking trails
- **Roads (RC-Apr 29/25;E-May 26/25)**

Environmental Protection Measures
- Stormwater Management Ponds
- **Water Control Structures (RC-Jun 25/14;E-Oct 18/14)**
- **Wastewater, stormwater and water infrastructure. Treatment facilities for wastewater, stormwater and water infrastructure shall be limited to those facilities that existed on or before, June 25, 2014. (RC-Jun 25/14;E-Oct 18/14)**

Prohibited Uses and Structures

2. Notwithstanding the provisions of Part 17 (1), no structure shall be used or constructed to be used for human habitation, whether permanent or temporary, in any P-3 Zone.

3. Permitted structures within any P-3 Zone shall be constructed or placed on a lot so as to minimize obstruction to the flow of flood waters and shall be firmly anchored to prevent flotation.

Restrictions: Grade Alternations

4. Within any P-3 Zone, no grade alterations shall be permitted for the purpose of erecting any permanent structure or building.

5. Within any P-3 Zone, no grade alteration which affects the capacity of the 1:20 floodway or increases flood levels shall be permitted.

6. Any land disturbance associated with a permitted use shall be stabilized through the use of landscaping or other appropriate means, as determined by the Municipal Engineer, to prevent erosion.

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Restriction: Placement Of Off-Site Fill (RC-Apr 29/25;E-May 26/25)

The placement of off-site fill or alteration of grades is prohibited within the 1994 Floodplain (FP) Zone, except for road construction and public utilities. The placement of off-site fill or alteration of grades will only be permitted for road construction or public utilities where a professional engineer undertakes a hydrotechnical study to certify that the fill will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns.

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PART 17A: 2024 FWO (FLOODWAY OVERLAY) ZONE (RC-Apr 29/25;E-May 26/25)

17A.1 FWO USES PERMITTED

No development permit shall be issued in any FWO (Floodway Overlay) Zone except for the following:

Existing Uses
Non-residential uses that existed on or before [coming in force date of this section].

Open Space Uses
Parking areas involving no grade alterations provided the capacity of the floodway is not reduced.
Public and private parks and playgrounds
Conservation related uses
Arcades, boardwalks, esplanades, hiking and walking trails

Other Uses
Public utilities, trails, and roadways
Parking areas

Change in use permitted uses
Subject to section 17A.9, an existing non-residential use may change in use to a use permitted in the underlying zone except for any of the following:

Automotive Repair
Heavy equipment services
Gas Stations
Dry cleaners
Industrial uses
Construction & Demolition uses
Any use for the storage, distribution, or manufacturing of hazardous materials
Medical Facilities and hospitals
Daycares
Shared Housing
Hotels and motels

17A.2 FWO ZONE REQUIREMENTS: OPEN SPACE USES

In any FWO Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with Sections 17A.3, 17A.4, and 17A.5 provisions.

17A.3 OTHER REQUIREMENTS: PROHIBITED USES AND STRUCTURES

Notwithstanding the provisions of Section 17A.1,

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a) no structure shall be used or constructed to be used for human habitation, whether permanent or temporary, in any FWO Zone;
b) no structure shall be used for the storage, distribution, or manufacturing of hazardous materials; and
c) any structure must be designed by a professional engineer to withstand a flood and to allow flow through.

17A.4 RESTRICTION: PLACEMENT OF OFF-SITE FILL

The placement of off-site fill or alteration of grades is prohibited within the FWO Zone, except for road construction and public utilities. The placement of off-site fill or alteration of grades will only be permitted for road construction or public utilities where a professional engineer undertakes a hydrotechnical study to certify that the fill will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns.

17A.5 OTHER REQUIREMENTS: GRADE ALTERATION FOR FLOODPROOFING

Notwithstanding Section 17A.4, alteration of grades is permitted for floodproofing required under Sections 17A.6 and 17A.7 subject to the following:

a) grade alteration is limited to the existing building footprint with associated slope stabilization to floodproof a building or structure;
b) a grading plan has been prepared by a professional engineer or Licensed Nova Scotia Land Surveyor showing the final grade is above the nearest upstream 1-in-100-year elevation shown on Schedule K or at a site-specific elevation above the 1-in-100-year elevation as determined by a professional engineer or Nova Scotia Land Surveyor;
c) a professional engineer, through a hydrotechnical study, certifies that the grading will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns; and
d) all other grading legislation is met.

17A.6 OTHER REQUIREMENTS: EXISTING USES EXPANSION

Where a hydrotechnical study undertaken by a professional engineer certifies that an expansion to an existing use will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns, existing uses permitted under Section 17.1 are permitted to expand, where the expansion is for:

a) alterations and expansions to entranceways needed for accessibility purposes; or
b) alterations and expansions to loading areas.

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17A.7 OTHER REQUIREMENTS: EXISTING USE RECONSTRUCTION AND FLOODPROOFING

Existing uses permitted under Section 17A.1 are permitted to be reconstructed provided the structure is constructed in the same location and to the same extent as the existing building and there is no increase in the building footprint, and a hydrotechnical study carried out by a qualified person, shows that the proposed development will not contribute to increased flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to floodwater flow patterns. Where an existing use is permitted to be reconstructed, the following floodproofing conditions must be met:

a) All floors must be constructed above the nearest upstream 1-in-100-year elevation outlined on Schedule K or above the site-specific 1-in-100-year elevation as determined by a professional engineer or Nova Scotia land surveyor.
b) All electrical and mechanical equipment within a building must be located above the 1-in-100-year elevation unless designed by a qualified professional engineer to withstand a flood.
c) Any structure constructed below the 1-in-100-year elevation must be designed by a professional engineer to withstand a flood and allow flow through.

17A.9 OTHER REQUIREMENTS: EXISTING NON-RESIDENTIAL USES CHANGE IN USE

An existing non-residential use may change to another non-residential use permitted in the underlying zone subject to the following requirements:

a) there is no expansion of the structure(s);
b) the change in use is not for any residential institutions such as hospitals, shared accommodations, or daycares as outlined in Section 17A.1; and
c) the use change is not for commercial or industrial uses involving the use or storage of hazardous materials.

17A.10 PARKING

The minimum parking requirements, as set out in Section 16, shall not apply to any use permitted in the Floodway Overlay Zone.

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PART 17B 2024 FFO (Flood Fringe Overlay) Zone (RC-Apr 29/25;E-May 26/25)

In addition to the regulations of the underlying zone, development in the 2024 FFO (Flood Fringe Overlay) Zone shall be subject to the following requirements:

17B.1 PROHIBITED USES

Notwithstanding the uses permitted in the underlying zone, the following uses are prohibited:

Automotive Repair
Heavy equipment services
Gas Stations
Dry cleaners
Industrial uses
Construction & Demolition uses
Any use for the storage, distribution, or manufacturing of hazardous materials
Medical Facilities and hospitals
Daycares
Shared Housing
Hotels and motels

17B.2 FLOODPROOFING BUILDING REQUIREMENTS

All new or expanded structures are permitted subject to the following floodproofing requirements:

a) all floors must be constructed above the nearest upstream 1-in-100-year elevation outlined on Schedule K or above the site-specific 1-in-100-year flood elevation as determined by a professional engineer or Nova Scotia land surveyor, except for a parking area that may be constructed below the 1-in-100-year elevation if designed by a professional engineer to allow flow-through of floodwaters and to withstand a flood;
b) all electrical and mechanical equipment within a building must be located above the 1-in-100-year flood elevation unless designed by a professional engineer to withstand a flood; and
c) all below-grade parking or other structures below the 1-in-100-year flood elevation must be designed by a professional engineer to withstand a flood and to allow flow through.

17B.3 RESTRICTION: OFF-SITE FILL FOR FLOODPROOFING

The placement of off-site fill shall not be permitted unless it is required for floodproofing subject to the following:

a) the placement of off-site fill is limited to the building footprint and associated slope stabilization to place the building above the nearest upstream 1-in-100-year flood

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elevation outlined in Schedule K or the site-specific 1-in-100-year elevation as determined by a professional engineer or Licensed Nova Scotia Land Surveyor;

b) a grading plan has been prepared by a professional engineer or Licensed Nova Scotia Land Surveyor that clearly shows the final grade is above the nearest upstream 1-in-100-year flood elevation shown on Schedule K or at an elevation certified by a professional engineer or Licensed Nova Scotia Land Surveyor to be above the 1-in-100-year flood elevation at this site;

c) a professional engineer certifies, through a hydrotechnical study, that the infill and grading will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns; and

d) all other grading legislation is met.

17B.4 <u>RESTRICTION: GRADE ALTERATION</u>

Alterations of topography shall be permitted to allow for necessary grading for permitted uses, provided the following conditions can be met:

a) a grading plan has been prepared by a professional engineer or Licensed Nova Scotia Land Surveyor that clearly shows the final grade is above the nearest upstream 1-in-100-year flood elevation shown on Schedule K or at an elevation certified by a professional engineer or Licensed Nova Scotia Land Surveyor to be above the 1-in-100-year elevation at the site;

b) a professional engineer certifies and confirms, through a hydrotechnical study, that the grading will not contribute to <u>flooding on adjacent properties, increased</u> upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns; and

c) all other grading legislation is met.

17B.5 <u>SECONDARY SUITES AND BACKYARD SUITES</u>

Where a residential use is located within the 2024 FFO (Flood Fringe Overlay) Zone, the following conditions shall be applied to Secondary Suites and Backyard Suites in addition to the requirements of Subsections 34B (1) and (2):

a) the habitable floorspace of a secondary suite shall not be permitted unless it is above the nearest upstream 1-in-100-year flood elevation outlined on Schedule K or above a site-specific 1-in-100-year flood elevation as determined by a professional engineer or Licensed Nova Scotia Land Surveyor after (insert date of First Notice).

b) a new backyard suite constructed after (insert date of First Notice) shall be floodproofed as per the floodproofing requirements of 17B.2 of the 2024 FFO (Flood Fringe Overlay) Zone.

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APPENDIX A: SITE PLAN APPROVAL SUBMISSION REQUIREMENTS

1. To assist in the evaluation of site plan approval process, the following information shall be provided:

   (1) a plan to a scale of not greater than 1":100' showing such items as:
      (a) an overall concept plan showing the location of all proposed land uses;
      (b) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
      (c) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
      (d) location, area, shape, landscaping and surface treatment of all public and private open spaces or park areas;
      (e) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
      (f) a description of any protected viewplanes; and,
      (g) an indication of how the phasing and scheduling is to proceed.

   (2) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.

   (3) Plans to the scale of not greater than 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.

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APPENDIX B: SACKVILLE DRIVE RECOMMENDED TREE SPECIES

General Species

Marshalls Green Ash (Fraxinus pennsylvanica "Marshalls seedless")
Glenleven Linden (Tilia cordata "Glenleven")
Amur Cork
Ginkgo Biloba
Bradford Pear
Japanese Tree Lilac (Syringa amurensis japanica)
Columnar Oak (Quercus robur "Fastigiata")
Columnar Norway Maple (Acer platanoides "Columnare")

More Specific.....

Directly behind Sidewalks

Sugar Maple (Acer saccharum)
Red Maple (Acer rubrum)
Red Oak (Quercus rubra)
Amur Cork Trees (Phellodendron amurense)
MaidenhairTree (Ginkgo biloba)
Bradford Pear (Pyrus calleryana 'Bradford')
Ironwood (Ostrya virginiana)

Under Power Lines
Amur Cork Tree (Phellodendron amurense)
Maidenhair Tree (Ginkgo biloba)
Bradford Pear (Pyrus calleryana 'Bradford')
Ironwood (Ostrya virginiana)

Boulevard
Sentry Maidenhair Tree (Ginkgo biloba 'sentry')
Ironwood (Carpinus carolina)

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APPENDIX C: EXISTING USES

Pinehill/Cobequid (PR) Zone		
Land Use	**PID**	**Civic Number**
Existing Single Unit Dwellings	40009870	90 Cobequid Road
	40875601	103 Sackville Drive
	40010043	137 Sackville Drive
	40010050	143 Sackville Drive
	361774	195 Sackville Drive
	364646	199 Sackville Drive
	364812	213 Sackville Drive
	364679	220 Sackville Drive
	364349	239 Sackville Drive
	364331	249 Sackville Drive
	364307	257 Sackville Drive
	364265	275 Sackville Drive
	364026	18 Skyridge Avenue
	364828	310 Sackville Drive
	40872111	323 Sackville Drive
	364216	5 Oakdale Avenue
	350256	6 Oakdale Avenue
Existing Two Unit Dwellings	363994	281 Sackville Drive

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

Definitions

1. For the purpose of Appendix D and Schedule E 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

(vii) 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

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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 E: Lands Subject to Interim Bonus Zoning Requirements.

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3. Incentive or bonus zoning shall not be required for developments identified on Schedule E 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 E is $162/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

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Bonus Zoning Rate Adjustments

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:

Step 1: 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.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: 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.

Public Benefit: Money-in-Lieu for Affordable Housing

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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).

<u>Public Benefit Categories</u>

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.

<u>Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District</u>

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.

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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*.

<u>Public Benefit Requirement: On-Site Public Art</u>

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.**

<u>Incentive or Bonus Zoning Agreement</u>

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;**

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(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 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.

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Pedestrian Retail (PR) Zone		
Land Use	**PID**	**Civic Number**
Existing Motels/Hotels	40003527	651 Sackville Drive
Existing Recycling Depot	350827	442 Sackville Drive
	350819	**446 Sackville Drive (NWCC-May 26/05;E-May 28/05)**
	345306	15 Sackville Cross Road
Existing Automotive Service Stations	40003535	655 Sackville Drive
	40003360	580 Sackville Drive
Existing Automotive Repair Outlets	350850	412 Sackville Drive
	40441370	421 Sackville Drive
	350702	425 Sackville Drive
	350710	445 Sackville Drive
	350819	446 Sackville Drive
	40003493	460 Sackville Drive
	40003485	466 Sackville Drive
	40003576	627 Sackville Drive
	40003089	6 Florence Street
Existing Outdoor Display Court	350702	425 Sackville Drive
	350710	445 Sackville Drive
	40003477	476 Sackville Drive
Existing Car Wash	350835	434 Sackville Drive
Existing Equipment Rental	40003311	614 Sackville Drive
Existing Drive Thru Restaurant	40311698	517 Sackville Drive
	40003550	641 Sackville Drive
	40003568	629 Sackville Drive
Existing Single Unit Dwelling	350728	447 Sackville Drive
	40003717	489 Sackville Drive
	40003709	493 Sackville Drive
	40003501	452 Sackville Drive

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Pedestrian Retail (PR) Zone		
Land Use	**PID**	**Civic Number**
Existing Two Unit Dwelling	345330	41 Sackville Cross Road
	527382	39 Sackville Cross Road
	345322	31 Sackville Cross Road
	40270902	33 Sackville Cross Road
	350728	447 Sackville Drive

Large Scale Commercial (LS) Zone		
Land Use	**PID**	**Civic Number**
Existing Multiple Unit Dwellings	40093379	25 Walker Connector Road
	40102436	15 Walker Connector Road
	40102428	9 Walker Connector Road
	40607160	685 Old Sackville Road
	40102113	716 Old Sackville Road
Existing Welding, Plumbing and Heating, Electrical, Automotive and other trade contracting services and shops	40102410	731 Old Sackville Road
Existing Outdoor Display Courts	40184269	8 Walker Avenue

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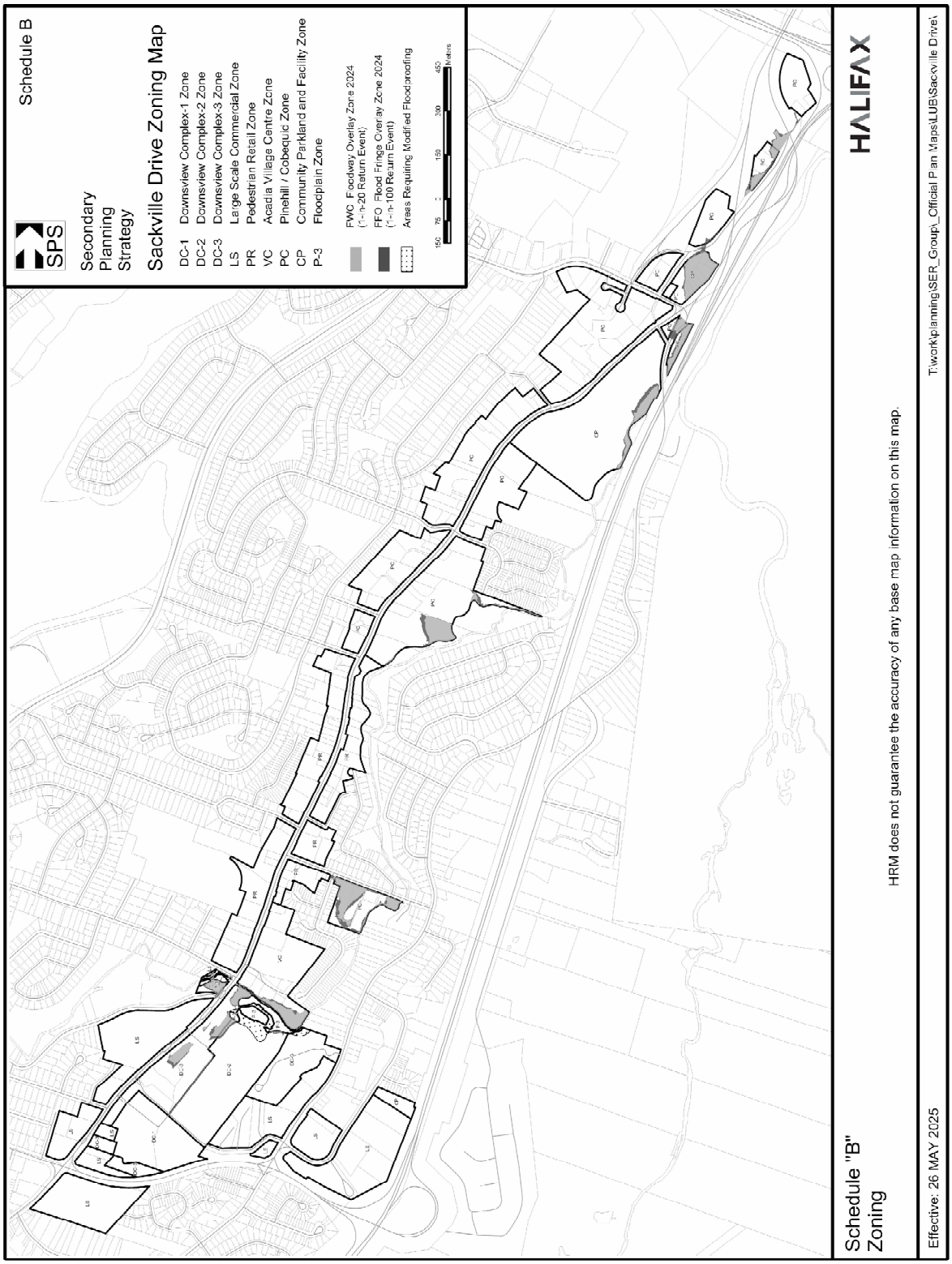
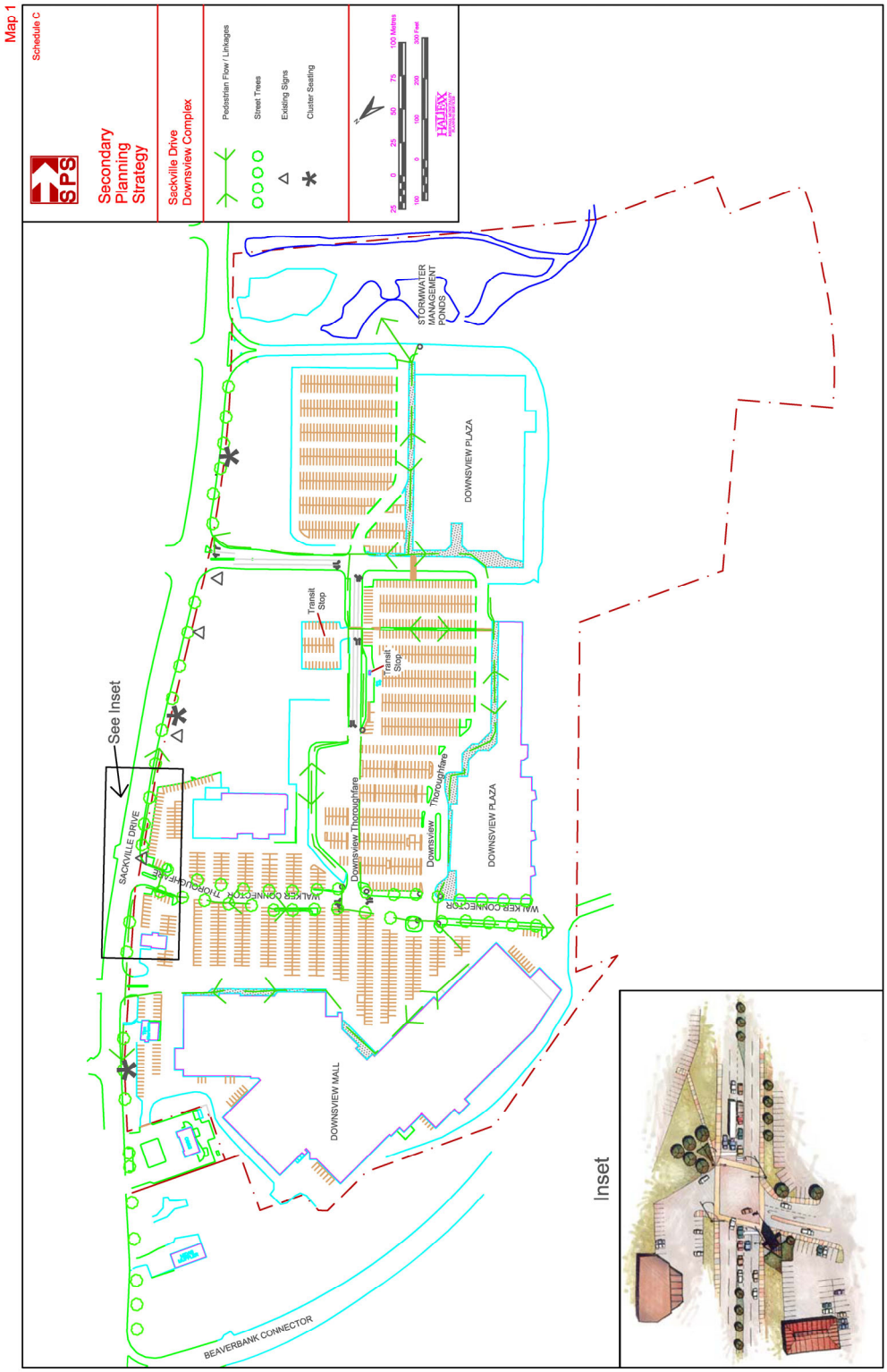
SCHEDULE B: Sackville Drive Zoning Map

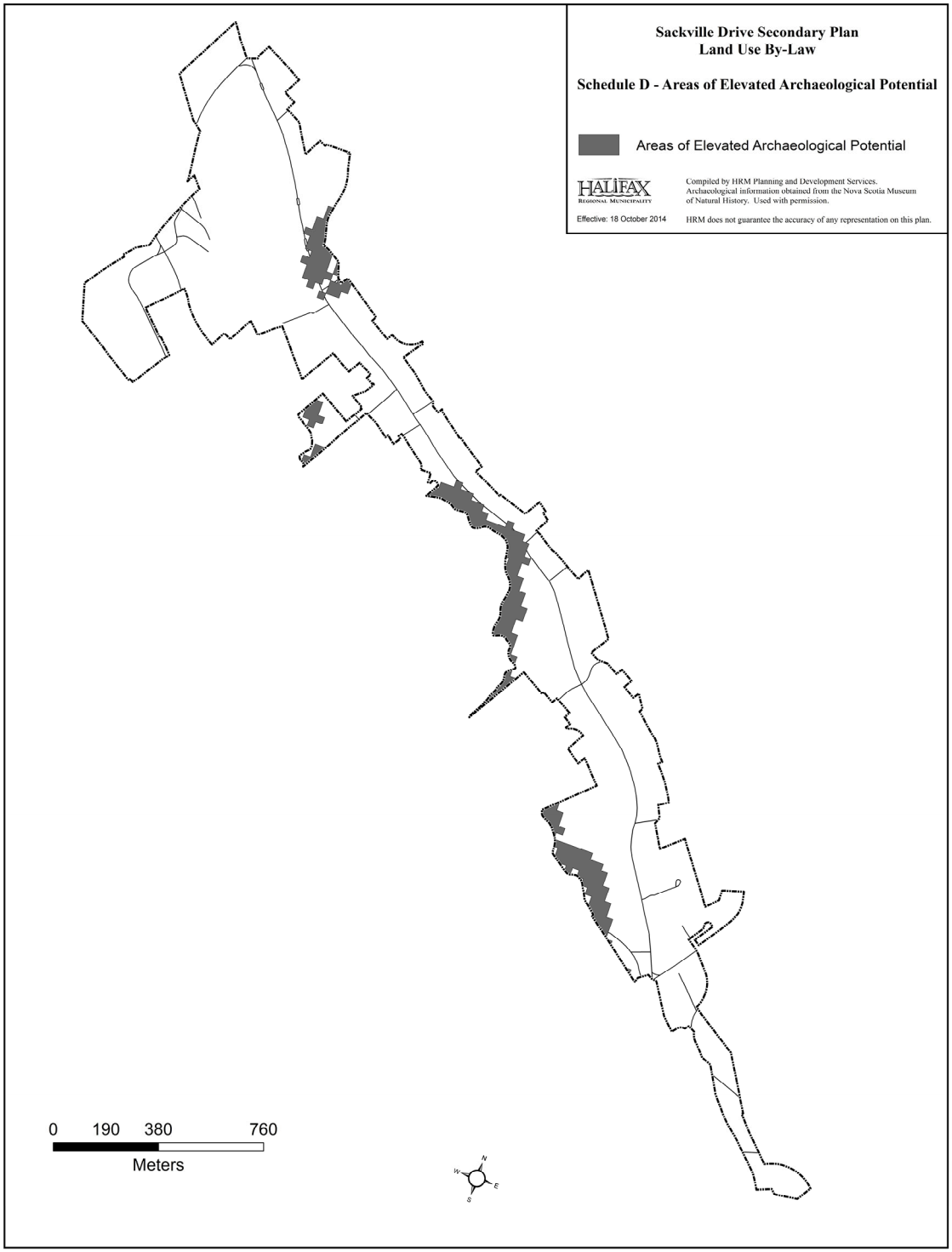
(RC-Apr29/25;E-May26/25))



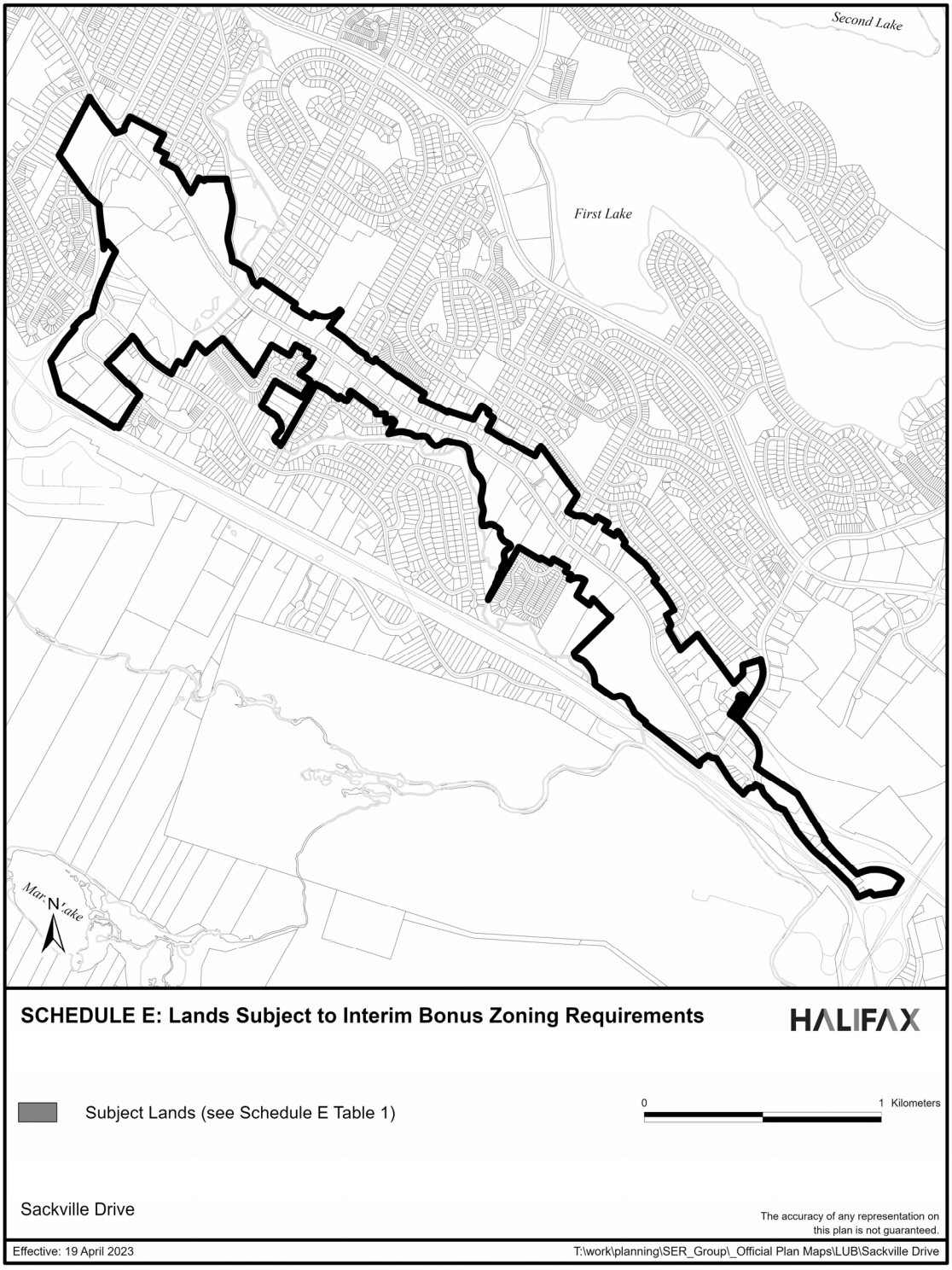
SCHEDULE C: Downsview Complex



SCHEDULE D: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



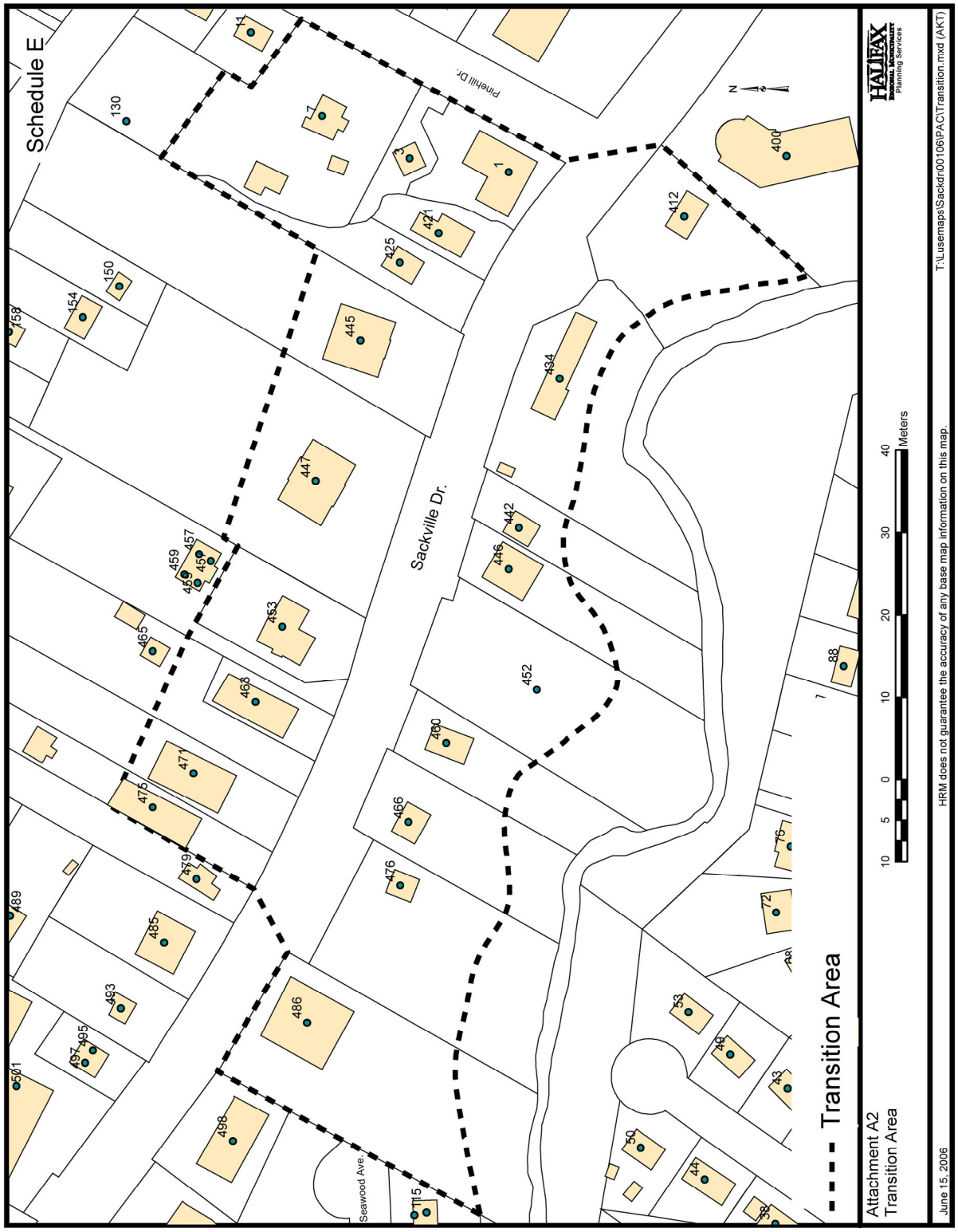
SCHEDULE E: Lands Subject to Interim Bonus Zoning Requirements (RC-Mar21/23;E-Apr 19/23)



Schedule E, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs

SCHEDULE E: Transition Area



Schedule K – 1-in-100-year Flood Elevation Markers (RC-Apr 29/25;E-May 26/25)

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Schedule K – Key 1-in-100-year flood elevations by location

1-in-100-year Flood Elevation Markers by Location (2024) (NAD83 MTM 5, CGVD2013)

Location	ID	Location Description	Northing	Easting	1-in-100-year flood elevation (water level)
Sackville River upstream of confluence	1	McCabe Lake	4959740.8	25560147.4	77.47 m
	2	Webber Lake outlet	4959673.5	25562024.7	76.02 m
	3	Upstream of Lucasville bridge	4959697.4	25562188.1	75.55 m
Little Sackville River upstream of confluence	4	Little Lake	4963191.4	25563512.0	75.38 m
	5	Feely Lake outlet	4962481.1	25563773.9	68.77 m
	6	Barrett Pond outlet	4961756.9	25563773.9	62.33 m
	7	Upstream of Millwood Drive crossing	4961648.0	25563038.7	54.97 m
	8	Upstream of Beaver Bank Cross Road crossing	4960780.9	25563175.8	53.00 m
	9	Upstream of Beaver Bank Road crossing	4960469.0	25563909.5	50.78 m
	10	Upstream of Sackville Drive crossing	4959240.5	25564166.5	40.26 m
	11	Upstream of Sackville Cross Road crossing	4958582.7	25564317.1	29.22 m
Sackville River downstream of confluence	12	Confluence of Sackville River and Little Sackville River	4957321.0	25565858.2	14.32 m
	13	Upstream of Rifle Range Lane crossing	4956550.8	25566466.8	9.96 m
	14	Upstream of Highway 102 crossing	4956130.5	25566575.8	9.87 m
	15	Upstream of River Lane crossing	4955678.0	25566944.6	9.20 m
	16	Upstream of Sunnyside Mall “A”	4955431.8	25566898.5	9.03 m
	17	Upstream of Sunnyside Mall “B”	4955297.1	25566859.6	8.95 m
	18	Upstream of Bedford Highway Crossing	4954860.7	25566374.7	7.44 m
	19	Upstream of Railway Crossing	4954703.5	25566345.6	4.40 m

LAND USE BY-LAW
AMENDMENTS - SACKVILLE DRIVE

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective Date
1	Zoning Map amended rezone a portion of PID# 00376848 (located opposite 405 Sackville Drive) from PC (Pinehill/Cobequid) Zone to ODC (Outdoor Display Court) Zone to permit an outdoor display court.	Case No. 00760	C - May 26, 2005	E - May 28, 2005
2	Amended to address several issues, requests, inconsistencies, omissions and housekeeping matters discovered over the past two years of implementing the document	Case No. 00603	C - April 12, 2005	E - May 7, 2005
3	Amendments to the Downsview Complex (DC-1, DC-2 and DC-3) Zones; Amendments to the Large Scale Commercial (LS) Zones; Amendments to the Pedestrian Retail (PR) Zones; Amendments to the Community Parkland and Facility (CP) Zone; Amendments to All Zones to: enable "All Age/Teen Club" and "Health and Wellness Centres" as a permitted use in all zones; Amendments to Part 2-Definitions; Amendments to Part 6 - General Provisions Amendments to Part 6 - General Provisions; Amendments to Part 7 - General Streetscape Design.	Case No. 00603	C - May 26, 2005	E - May 28, 2005
4	Replace Schedule B; Add Schedules D & E; Add 3 new definitions re: bicycle parking; Replace definition for Watercourse; Replace Section 6 with 6.1(a) to (h), 6.2, 6.3, 6.4, 6.5 and 6.6; Delete Sections 29, 30, 31 and 32; Add Section 40A(1) to (5), 40B(1) to (4) and 40C(1) to (3); Add Section 14A: Schedule D; Add Section 6A to Part 3.	Regional Plan	C - June 27, 2006	E - August 26, 2006
5	Amendments to Part 7, Section 9(7); Part 7, Section 11 (8); Part 7 Section 16 - Parking table; Part 7 Section 46; Part 11 Section 10(2) and delete 10(3); Part 12 Section 5, delete (2) to (5) and replace with (2); Replace Part 14 Section 7; and add to Part 13 Section 2(5).	Case No. 00808	NWCC - September 12, 2006	E - September 29, 2006
6	Delete Part 4 Section 1: Outdoor Display Court Zone (ODC); Delete Part 5 Section 1(4); Add Part 5 Section 9 (10); Replace Part 6 Section 31(a); Replace Part 6 Section 37(4); Add Part 7 Section 16(a); Replace Part 7 Section 41, 42, 43 and 45; Replace Part 11 Section 10; Amend Part 12 Section 1, 3, 5 and add Section 7 and 8; Amend Part 14 Section 1, 3, 6 and add Section 8 and 9; Delete Part 15: Outdoor Display Court (ODC) Zone; Replace Schedule B; and Add Schedule E.	Case No. 00808	C - September 5, 2006	E - October 7, 2006

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7	Add Part 7 Section SA - Temporary Signage; Replace the definition of Sign.	Project No. 00327	C - September 26, 2006	E - November 18, 2006
8	Amend Part 8, Section 1to include**, Strip Mall/Shopping Plaza or Existing Multiple Unit Dwelling** in the LS Zone**.**	Case No. 00963	NWCC - May 10, 2007	E - May 26, 2007
9	Amend Par 14, Section 1 to include **Residential Care Facilities**.	Case No. 00994	NWCC - May 24, 2007	E - June 9, 2007
10	Add **"Ice Cream Stand"** definition to Part 2; Replace Part 6, Section 20: **"Temporary Commercial Uses Permitted"**.	Case No. 01000	NWCC - May 24, 2007	E - June 9, 2007
11	Amend Part 2 (Definitions) to include: **Changeable Copy Signage, Sign Face,** and **Site Identification Signage**; amend Part 7, Section 9, Subsections 1 and 10; and add Part 7, Section 9, Subsections 11 and 12.	Case No. 01102	NWCC - May 22, 2008	E - June 7, 2008
12	Add Part 6, Clause 6(2A): reduction of watercourse setback.	Case No. 01118	NWCC - July 10, 2008	E - July 26, 2008
13	Amend Part 12, Section 1 - Commercial Entertainment Uses	Case No. 01153	NWCC - September 25, 2008	E - October 11, 2008
14	Amend Part 15 re: Temporary Construction Uses Permitted	Case No. 01058	RC - January 20, 2009	E - February 7, 2009
15	Amend Parts 2, 8, 9, 10, 12, 13 and 14 re: Day Care Facilities	Case No. 01074	RC - March 3, 2009	E - March 21, 2009
16	Amend the Zoning Map to remove properties from the Sackville Drive LUB	Case No. 01323	RC - May 4, 2010	E - May 29, 2010
17	**Repeal/Readopt** Definitions – Bicycle Parking Class A, B, C; Watercourse; Part 3, Section 6A; Part 3, Section 6, 10; Part 7, Section 40A; Schedule D; **Add** Definitions – Canadian Geodetic Vertical Datum, Water Control Structure; Part 6, Section 41, 42; **Amend** Part 6, Section 6; Part 17, Section 1; Schedule D.	RP+5	RC-June 25, 2014	E-October 18, 2014
18	**Add** Part 5, Section (2a) within the Downsview/Beaver Bank Designation; a sentence under Part 8 under Uses Permitted by Development Agreement.	Case 19060	RC-July 21, 2015	E-September 12, 2015
19	**Amend Part 9, section 1 – Commercial Uses**	Case 20154	NWCC-August 8, 2016	E-August 27, 2016
20	**Amend** Zoning Map to add 900 & 902 Sackville Drive and rezone to LS Zone	Case 20224	RC-November 8, 2016	E-December 17, 2016
21	**Amend** Section 1, part 2; **Added** Part 6 section 43 to add Cannabis related uses	Case 21331	RC - September 18, 2018	E- November 3, 2018
22	**Amend** Zoning Map to rezone portions of lands at 665-685 Old Sackville Rd. & 750 Sackville Dr. to DC-3 Zone	Case 21859	NWCC - February 10, 2020	E - February 29, 2020
23	**Add** Part 2, Definitions – Backyard Suite & Secondary Suite; Part 6, Section 34B – Secondary Suites and Backyard Suites; **Amend** Part 6, Section 33.	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
24	**Deleted** 'a' in Part 6 – General Provisions for All Zone, Section 33, Subsection (1); Section 34B, Subsection (1)(iv); **Amended** Part 6, Section 34B, Subsection (2) (iii) by replacing '33, 34, 34A' with '32, 33 and 34.'	Case 23274 – Secondary / Backyard Suites Housekeeping Amendments	NWCC-March 8, 2021	E – March 27, 2021
25	**Amended:** Part 2, Part 3 and Part 6 to include Accessory Hen Use definitions and stipulations	Case 22227 – Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022

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26	**Amend:** Part 6 adding section 43; and Part 8 amending section 1 – regarding access for Multiple Unit Dwellings	Case 23556	NWCC – June 20, 2022	E-July 6, 2022
27	**Amended** Part 2, Definitions – Institutional Use; Part 7, General Streetscape Design – Section 14, 16, 18, 40A(2); Part 8, LS Zone – Section 1; Part 11, DC-3 Zone – Section 1, 9(2), 10; Part 12, PR Zone – Section 1; Part 13, VC Zone – Section 1; Part 14, PC Zone – Section 1 **Deleted** Part 2, Definitions – Residential Care Facility, Seniors Residential Complex **Added** Part 2, Definitions – Shared Housing Use, Shared Housing With Special Care; Part 5, Uses Permitted by Development Agreement – Section 1(11)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
28	**Amended** Part 6, Section 41 **Added** Part 5 Section 2	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E- November 16, 2022
29	**Added** Appendix D – Interim Bonus Zoning Requirements for Applicable Plan Amendments; Schedule E – Lands Subject to Interim Bonus Zoning Requirements	Case 24063	RC – March 21, 2023	E- April 19, 2023
30	**Amended:** Part 2, Definition – Height, Section 27 (a) **Added:** Section 27 (d) **Deleted:** Section 27	Case 23247	NWCC – June 26, 2023	E-July 12, 2023
31	**Amended:** Part 7, Section 16(a); Part 8, Section 1; Part 9, Section 1; Part 11, Section 1; Part 12, Section 1; Part 13, Section 1; Part 14, Section 1 **Added:** Part 2, Definitions, Short-Term Bedroom Rental, Short-Term Rental; Part 3, Section 6C, 6D; Part 6, Section 45 **Deleted:** Part 2, Definitions, Bed and Breakfast	Case 24526 (Short Term Rental)	RC – February 21, 2023	E – September 1, 2023
32	**Amended:** Part 14, Section 4 by deleted the text "Minimum Width of Main Building"	Case 24528 (Shared Housing Housekeeping Amendments)	RC – August 22, 2023	E – September 28, 2023
33	**Added** Section 1(ea); Section 5A**;** **Amened** Section 5, Section 10 **Repealed/Deleted** Section 5(b); Subsection 10(a)(b)	Case 2023-01049	NWCC – February 20, 2024	E – March 6, 2024
34	**Amended** Part 6, section 33(4), subsection 34B(1), 34B(1)(i)(v), 34B(2), 34B(2)(i)(iv)(vi)(vii)(viii); Part 7, section 16(a) **Added** Part 6, section 33(8), 34B(2)(ix) **Repealed** Part 6, section 33(7), 34B(1)(i)(iv)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024

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35	**Amended:** Part 4, Section 1; Part 6, Section 42; Part 17 heading; Schedule B – Zoning Map **Added:** Part 2, Definitions – Floodway, Flood Fringe, Off-site Fill; Part 4, Sections 8, 9; Part 5, Section 1(12); Part 6, Section 8A, Section 13A; Part 17(1) – Existing Uses, Open Space Uses; Part 17, Section 7; Part 17A, 17B; Schedule K **Repealed:** Part 6, Section 8	Case 21402 – Sackville Floodplans	RC – April 29, 2025	E – May 26, 2025

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