



***LAND USE-BY-LAW***

***FOR***

***DOWNTOWN DARTMOUTH***



**THIS COPY IS A  
REPRINT OF THE  
DOWNTOWN DARTMOUTH  
LAND USE BY-LAW  
WITH AMENDMENTS TO  
26 NOVEMBER 2011**

**LAND USE BY-AW  
FOR  
DOWNTOWN DARTMOUTH**

**THIS IS TO CERTIFY THAT** this is a true copy of the Land Use By-law for Downtown Dartmouth which was passed by a majority vote of the Halifax Regional Council at a duly called meeting held on the 11<sup>th</sup> day of July, 2000, and approved by the Minister of Municipal Affairs on August 16, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 4<sup>th</sup> day of October, 2011.

**GIVEN UNDER THE HAND** of the Municipal Clerk and under the seal of Halifax Regional Municipality this \_\_\_\_\_ day of 2011.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

**DOWNTOWN DARTMOUTH LAND USE BY-LAW  
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## **INTRODUCTION - HOW TO USE THIS BY-LAW**

To obtain information on developments permitted on a lot and on the requirements for a development permit refer to:

- *Section 2 Administration for general information,*
- *The Zoning Map (Schedule A of this Bylaw). Once the applicable zone is known, use the zone heading found in the Table of Contents of this Bylaw to locate the zone requirements.*
- *Section 5 General Provisions for all Zones and any special requirements for parking, signs or architectural design in Sections 6, 7, or 8.*
- *Section 4 Definitions to see if any special definitions apply.*

## **TITLE**

1. This By-law shall be known and may be cited as the "Land Use By-law" for Downtown Dartmouth.

## **ADMINISTRATION**

2. (1) This By-law shall be administered by the Development Officer.
- (2) The sections of the Dartmouth Zoning by-law adopted by Council on pertaining to Downtown Dartmouth as defined in Schedule A of this bylaw is hereby repealed.
- (3) No persons shall erect, alter, repair or maintain any building or locate or carry on any industry, business, trade or calling or use any land or building within any zone without complying with the provisions of this by-law.
- (4) Nothing in this by-law shall operate to relieve any person of the obligation to obtain any license, permission, permit, authority, approval or meet the requirements of this or any other by-law of the Municipality.

### **(5) DEVELOPMENT APPLICATION REQUIREMENTS**

All applications for development permits shall be accompanied by a site plan properly drawn to scale showing the following:

- (a) The items required to be shown in the application for a Building Permit under the Building By-law;
- (b) accurate dimensions of the site and the location of all proposed buildings;
- (c) identification, location and gradients of all parking areas including driveways, entrances and exits to parking areas, maneuvering areas for vehicles, service areas, visitors parking and loading areas;
- (d) the location and details of proposed landscaping;
- (e) the existing and proposed elevations of the lot and the elevations of floor levels related to the site elevations;

- (f) method of surface drainage proposed for the site;
- (g) identification and location of any significant natural features of the site;
- (h) detailed plans for retaining walls and the control of slopes;
- (i) any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this by-law.

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

**(Regional Council - June 27, 2006 Effective- August 26, 2006)**

## **ZONES & ZONING MAP**

3. (1) For the purposes of this By-law Downtown Dartmouth as defined by the map contained in Schedule A is divided into the following zones the boundaries of which are shown on Schedule A. Such Zones may be referred to by the appropriate symbols:

Downtown Neighbourhood Zone	<b>DN</b>
Downtown Business District Zone	<b>DB</b>
Waterfront Zone	<b>W</b>
Marine Business Zone	<b>M</b>
Park and Open Space Zone	<b>PK</b>

- (2) Where a zone boundary is indicated as approximately following lot lines the boundary shall follow such lot lines.
- (a) Where the position of the boundary line of a zone as shown on any zone map is not coincident with the limit of a street, but parallel to it, and the distance from such street line is not indicated, such boundary line shall follow the rear lot line of the properties fronting on such street as such lines exist on the date of the coming into effect of this by-law.
  - (b) Where, however, a rear lot line is at a greater distance than two hundred feet from such street line, the boundary line shall be deemed to be a distance of two hundred feet from the street line, if not otherwise indicated on the zoning map.

## DEFINITIONS

4. In this by-law:

- (a) "accessory" means naturally and normally incidental, subordinate and exclusively devoted to.
- (b) "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 parlours.

When used in relation to adult entertainment use, the following shall apply:

- (i) "To Provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
  - (ii) "Services" include activities, facilities, performances, exhibitions, viewing and encounters;
  - (iii) "Services designed to appeal to erotic or sexual appetites or inclination" includes,
1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely and opaquely covered:
- (a) human genitals or human pubic region;
  - (b) human buttocks; or
  - (c) female breast below a point immediately above the top of the areola.

2. Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

**(ba) "antique store - means any building or part thereof used for the sale of any old and authentic objects of personal property which were made, fabricated or manufactured eighty or more years earlier and which have a unique appeal and enhanced value because of age, artistry, beauty, or period of origin; and which objects are substantiated as meeting these criteria by a qualified appraiser. (HECC-Mar6/03, E-Mar30/03)**

- (a) "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 the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels.
- (b) "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.
- (c) "basement apartment" - means an apartment located in the basement of a building.
- (d) "bed and breakfast" - means a home occupation within a single unit dwelling where not more than four sleeping rooms are rented to the traveling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms.

- (fa) **Bicycle Parking, Class A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages. (RC-Jun 27/06;E-Aug 26/06)**
- (fb) **Bicycle Parking, Class B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact. (RC-Jun 27/06;E-Aug 26/06)**
- (fc) **Bicycle Parking, Enhanced means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space). (RC-Jun 27/06;E-Aug 26/06)**
- (e) "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.
- (f) "building line"-means any line regulating the position of a building in relation to the street and the side and rear lot lines.
- (ha) **"car oriented uses" means a use of land which is fully or partially dependent upon direct automobile access, including gas bars (without any vehicle service), car washes in association with gas bars, and a drive through window in association with any form of restaurant. Excluded from this definition are any type of automobile or vehicle sales, minor and major mechanical repairs, vehicle body work (including both removal and application of paint by any means) and vehicle glass repair, and outdoor display courts for any form of motorized vehicle. (HECC-Sep 5/02;E-Sep 29/02)**
- (i) "commercial vehicle" - means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of three (3) tons (2.7 tonnes) or over. (HECC-Oct 4/01;E-Oct 21/01)
- (j) "commercial entertainment" - means such uses as cinemas, theatres, and auditoria, and billiard/snooker clubs, but excludes such uses as amusement centre, casinos, or adult entertainment uses, and also includes lounges and beverage rooms exclusive of cabarets.
- (ja) **"conservation use" - means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 27/06;E-Aug 26/06)**
- (k) "corner lot"- means a lot situated at the junction of two or more streets, which, at their point of junction, form an angle of not more than 135 degrees adjacent to such corner lot.
- (l) "coverage" - means the combined area of all buildings on the lot at the level of the floor of the lowest storey above grade.

- (m) “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, children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. *(HECC-Mar 3/09;E-Mar 21/09)*
- (n) “development officer”- means the officer appointed under authority of the Municipal Government Act.
- (o) “drive-through restaurant”- 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.
- (p) “dwelling”- means any building or portion thereof which is designed or used for residential purposes.
- (q) “dwelling unit”- means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.
  - (i) SINGLE UNIT DWELLING - means a detached dwelling containing one family unit.
  - (ii) DUPLEX DWELLING - means the whole of a dwelling that is divided horizontally into two separate dwelling units, each of which has an independent entrance.
  - (iii) 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.
  - (iv) 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.
- (j) “floor area” - 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 residential uses, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.
- (s) “height” - as applied to any building means the vertical distance of the highest point of the roof above the mean grade of the curbs of all streets adjoining the building or the mean grade of the natural ground so adjoining, if such grade of the ground is not below the grade of the curb.
- (t) “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.

- (u) “hotel” - means a building or portion thereof which is licensed under the Hotel Regulation Act.
- (v) “institutional use” - means any educational or denominational use, museum and cultural centre, public library, fire and police station, public works, hospital, residential care facility, community centre and hall, recreational or open space use. **(HECC-Jul 5/07;E-Jul 23/07)**
- (w) “landscaped” - means covered by vegetation comprising any combination of trees, hedges, shrubs, flowers, grass or other vegetative ground cover, or by a combination of vegetation and decorative stonework, brick, tile or wood.
- (x) “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.
- (y) “lot” - means a parcel of land whether or not occupied by a building.
- (z) “lot line” - means the division line between two or more lots.
  - (i) Front Lot Line - meaning the line dividing the lot from the street.
  - (ii) Flanking Yard - meaning the side lot line which abuts a street on a corner lot.
  - (iii) Rear Lot Line - meaning the lot line furthest from or opposite to the front lot line.
  - (iv) Side Lot line - meaning a lot line other than a front or rear lot line.
- (aa) “massage parlour” - includes any premises or a part thereof, by whatever name designated where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised, or solicited by 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.
- (ab) “mobile/mini home” - means a vehicular portable structure built upon a chassis, design to be used with or without a permanent foundation as a dwelling unit when connected to utilities and approved by the Canada Standards Association as a mobile home as evidenced by a C.S.A. seal; and does not include a single structure composed of separate mobile units each towable on its chassis which when moved to a site are assembled together mechanically and electrically to form a single structure.
- (aba) **“neighbourhood commercial use” means a land use, including personal service shops, that serves the needs of the neighbouring residential area and which may sell or rent merchandise which constitutes general dry goods and household articles and grocery items, and provided that such business is conducted within a wholly enclosed building, but excludes food preparation and service, meaning preparation, cooking, or any form of restaurant. (HECC-Sep 5/02;E-Sep 29/02)**
- (ac) “non-conforming use” - means a building or use of land lawfully existing at the date of the first publication of notice of intention to pass this by-law, which does not conform to the regulations of the zone in which it is now situated.

- (ad) “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.
- (ada) **“outdoor display court” means an area of land where goods are displayed which are, or are similar to, other goods 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 cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes. (HECC-Sep 5/02;E-Sep 29/02)**
- (ae) “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.
- (af) “parking space” - means an area containing 160 square feet (14.9 square metres) of accessible space designed for parking automobiles.
- (ag) **“pawn shop - means any establishment where goods of any sort may be pawned, traded or exchanged, and is deemed to include any business which includes any of the words, or variations of the words, “buy”, “sell”, “trade”, or “exchange. (HECC-Mar 6/03;E-Mar 30/03)**
- (aga) **“personal service shop” means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, skate sharpening, tailoring, laundry and dry cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution. (HECC-Sep 5/02;E-Sep 29/02)**
- (agaa) **“recreation use” means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 27/06;E-Aug 26/06)**
- (ah) “registered deed” - means a deed recorded at the Registry of Deeds at Halifax, Nova Scotia.
- (ai) “registered plan” - means a deed recorded at the Registry of Deeds at Halifax, Nova Scotia.
- (aj) “residential care facility - means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three (3) persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

- (aja) **“restaurant - full service” means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed ten (10) percent of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages. (HECC-Sep 5/02;E-Sep 29/02)**
- (ajb) **“restaurant - drive-in” 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. (HECC-Sep 5/02;E-Sep 29/02)**
- (ajc) **“restaurant - take-out” means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 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. (HECC-Sep 5/02;E-Sep 29/02)**
- (ak) **“retail store - means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale or rent. This is deemed to include used clothing stores, sports card shops, and used bookstores, but excludes pawn shops and secondhand shops. (HECC-Mar 6/03;E-Mar 30/03)**
- (al) **“retail gasoline outlet” - means a building or a part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines for motorized vehicles, and may include washing establishments, but shall not include the repair of motorized vehicles.**
- (am) **“rooming house” - means a building or part thereof in which sleeping accommodation is provided for remuneration in not fewer than three nor more than six rooms, with or without meals, but does not include a hotel licensed under the Hotel Regulations Act or an institution licensed under the Homes for Special Care Act or any other general or special act.**
- (ama) **“secondhand shop - means a building or part of a building in which used goods, merchandise, substances, articles or things are offered or kept for sale. This is deemed to exclude used bookstores, antique stores, sports card shops, used clothing stores, and the sale of used bicycles as an accessory to a new bicycle shop or repair shop. (HECC-Mar 6/03;E-Mar 30/03)**
- (ama) **“shipping container” - means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck. (HECC-Jun 6/02;E-Jun 30/02)**

- (an) **“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. No other sign shall be deemed a sign within this by-law.”**
- (i) **ground sign - means a sign supported by one or more uprights, poles, or braces placed in or upon the ground, and includes billboards.**
  - (ii) **illuminated sign - means a sign which provides artificial light directly or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focussed upon, or chiefly directed at the surface**
  - (iii) **projecting wall sign - means a sign which projects from and is supported by the wall of a building.**
  - (iv) **fascia wall sign - means a sign which is attached directly to or painted upon a building wall and which does not extend there from nor extend above the roofline.**
  - (l) **sign area - means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of a sign. All visible faces of a multifaceted sign shall be counted separately and then totalled in calculating sign area. Three dimensional signs shall be treated as dual faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.**
  - (vi) **number of signs - means that for the purpose of determining the number of signs, a sign shall be considered to be a single display surface or device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organised relationships or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.**  
**(RC-Sep 26/06;E-Nov 18/06)**
- (ao) **Section Deleted (RC-Jan 6/05;E-Jan 26/05)**
- (ap) **“street” - means a public street or highway .**
- (aq) **“street line” - means the division line between any street and the abutting lot.**
- (ar) **“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.**
- (ara) **“watercourse” means a lake, river, stream, ocean or other natural body of water.**  
**(RC-Jun 27/06;E-Aug 26/06)**
- (as) **“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.**

- (i) 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.
- (ii) 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.
- (iii) 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.

## **GENERAL PROVISIONS**

### **5. (1) NON-CONFORMING USES & BUILDINGS**

Buildings or uses of land lawfully in existence at the date of the first publication of notice of intention to pass this by-law and which do not conform to it may continue to exist subject to the provisions of the Municipal Government Act.

### **(2) STREET FRONTAGE**

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

### **(3) NO LIVESTOCK**

Horses, cattle, sheep, swine, and domestic fowl shall not be kept on any lot or within any building.

### **(4) EXISTING UNDERSIZED LOTS**

Where a building has been erected on or before the effective date of this By-law 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:

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

- (5) (a) Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law 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 By-law provided that all other applicable provisions of this bylaw area satisfied.

- (b) Notwithstanding anything else in this By-law, a vacant lot having less than the minimum required frontage or area or both required by this by-law, may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided that all other applicable provisions of this bylaw are satisfied.

- (c) 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.

### **(6) BOARDERS AND LODGERS**

The keeping of not more than three boarders or lodgers or leasing of not more than three rooms in any dwelling unit in a residential zone shall be permitted but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.

### **(7) COMMERCIAL VEHICLES**

Not more than one commercial vehicle shall be kept on any lot in any residential zone and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 metric tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line.

(8) **TEMPORARY CONSTRUCTION USES PERMITTED**

- (c) Nothing in this By-law shall prevent the use of land 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.
- (d) 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.
- (e) A development permit may only be issued for the temporary use of a rock crusher.
- (f) 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.
- (g) 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.
  - 1) 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.
- (h) 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 and Disposal License By-law. (*HECC-Jan 20/09;E-Feb 7/09*)

(9) **MOBILE/MINI HOMES**

No mobile home or mini home as defined in section 4 of this Bylaw shall be located in any zone.

(10) **RECREATIONAL VEHICLES**

No travel trailer or recreational vehicle shall be used for business purposes or living or sleeping purposes.

(11) **ACCESSORY BUILDINGS**

No accessory building in any Downtown Neighbourhood (N) Zone shall be greater than 15 feet in height nor greater than 650 square feet in area.

- (11a) **No accessory building shall be located closer to the front lot line than the dwelling on the property in any Downtown Neighbourhood (N) Zone. (HECC-Jul 12/01;E-Aug 5/01)**  
a) No accessory building shall be located closer than two feet (0.6 metres) from any rear or side lot line.

(13) **REFUSE CONTAINERS**

All commercial dumpsters, refuse containers and recycling bins located at any commercial, business, institutional or multiple unit dwelling use shall be fully enclosed and screened from public view, through the use of decorative brick or concrete block walls, or solid board fences which are of sufficient height to completely screen the bin.

**SHIPPING CONTAINERS AS ACCESSORY BUILDINGS**

- 13A (1) Shipping containers may be used as accessory buildings only in the Marine Business zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings, and applicable zone standards.**  
**(2) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.**  
**(3) Where a shipping container is to be placed on an MB-zoned property which abuts a residential, park, or institutional zone, the shipping container shall be fully screened from view from any such property through the use of landscaping, opaque fencing or a combination of fencing and landscaping.**  
**(4) No shipping container may be used in any zone as a dwelling or other form of accommodation, including offices.**

**(HECC-Jun 6/02;E-Jun 30/02)**

(b) **LIGHTING**

All areas of any lot (exclusive of residential zones) 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.

- (c) All illumination shall be directed away from adjoining properties and any adjacent streets.

(d) **REDUCTION IN AREA AND FRONTAGE**

The Development Officer may approve no more than two lots on a plan of subdivision which do not meet the lot frontage and area requirements, provided that no reduction of greater than ten percent (10 %) may be permitted.

(17) **PERMITTED ENCROACHMENTS**

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

- (a) Uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard;
- (b) 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 two (2) feet (0.6 m) into any required yard;
- (c) Window bays and solar collectors may be permitted to project not more than three (3) feet (0.9 m) from the main wall into a required front, rear or flankage yard; and
- (d) Balconies, porches, verandas and sundecks shall not be permitted to project into any required yard;
- (e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard.
- (f) Encroachments over the public street right-of-way are subject to the provisions of HRM's Encroachment Bylaw.

(18) **ONE RESIDENTIAL BUILDING PER LOT**

**There shall be no more than one building containing residential uses per lot, excepting multiple unit and townhouse dwellings in the DB Zone. (HECC- Sep 5/02;E-Sep 29/02)**

(19) **WATERCOURSE SETBACKS AND BUFFERS**

- (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m in relation to a development.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding 20 m<sup>2</sup>, fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development. (RC-Jun 27/06;E-Aug 26/06)

- (20) **Notwithstanding subsection (19), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building. (RC-Jun 27/06;E-Aug 26/06)**

- (21) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements. (RC-Jun 27/06;E-Aug 26/06)
- (22) Notwithstanding subsection (19), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe. (RC-Jun 27/06;E-Aug 26/06)
- (23) Notwithstanding subsection (19), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician. (RC- Jun 27/06;E-Aug 26/06)
- (24) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section. (RC-Jun 27/06;E-Aug 26/06)
- (25) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour. (RC-Jun 27/06;E-Aug 26/06)
- (26) **COASTAL AREAS**
- (a) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (b) clause (a) does not apply to:
- (i) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law; and
- (ii) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.
- (c) Notwithstanding clause (a), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (d) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section. (RC-Jun 27/06;E-Aug 26/06)

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

**Where excavation is required for a development on any area identified on Schedule D attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements. (RC-Jun 27/06;E-Aug 26/06)**

**PARKING REQUIREMENTS**

6. (1) Unless otherwise permitted by this bylaw, every new building and every new extension or alteration to an existing building shall be provided with off-street automobile parking according to the following:
- (a) for single unit, two unit, and townhouse dwellings, one parking space per unit shall be provided;
  - (b) for apartment buildings, one parking space shall be provided for each dwelling unit. On sites which are zoned residential visitor parking at the rate of one space per 5 units shall also be provided;
  - (c) for senior citizens housing, one parking space for each four dwelling units shall be provided.
  - (d) for auditoriums, theaters, stadiums and similar buildings, one parking space shall be provided for each ten seats;
  - (e) for business and professional offices, banks, medical clinics, governmental buildings and buildings of a similar nature, one parking space per 1000 square feet of floor area shall be provided;
  - (f) for general retail, trade and service, food store service, commercial, shopping centers, etc., in excess of 3000 square feet (278.7 square metres) of gross floor area, two parking spaces for each 1000 square feet (92.9 square metres) of floor area shall be provided; except that retail space located on Portland Street and Alderney Drive shall be exempt from this requirement;
  - (g) for clubs, lounges, beverage rooms, taverns, restaurants and other eating establishments and buildings of a similar nature, one parking space per 10 persons of licensed capacity shall be provided;
  - (h) for hotels, motels, tourist homes and buildings of a similar nature, one parking space shall be provided for each of the first 20 rooms, one parking space for every 4 rooms over 20;
  - (i) industrial warehousing and manufacturing shall provide one parking space for each 2,000 square feet (185.8 square feet) of floor area, and also if a warehouse or manufacturing plant contains office space, parking for office space area shall be provided at the rate of one parking space per 1000 square feet (92.9 square metres) of floor area;
  - (j) for purpose of this section, if equivalent off-street parking is available within 750 feet of the building, then parking requirements shall be deemed to be complied with;

(2) **ACCESS**

No new driveway accesses will be permitted to properties located on Alderney Drive or Portland Street between Alderney Drive and Canal Street, except where such driveways provide access to enclosed parking areas. Access to properties in this area may only be considered from adjacent streets.

(3) **LOADING SPACE**

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

- (a) for a floor area in excess of 5, 000 square feet (464.5 square metres), one space;
- (b) for a floor area of over 5, 000 square feet (464.5 square metres) and up to and including 10,000 square feet (929 square metres), two spaces;
- (c) for a floor area of over 10, 000 square feet (929 square metres), three spaces.

(4) **PARKING LOTS**

The following requirements shall apply to all parking lots which are designed to contain more than 4 vehicles:

- (a) **Surfacing:** All parking lots for more than 4 vehicles shall be hard surfaced with asphalt, concrete or pavers, and delineated by concrete curbing. All parking spaces and driving aisles shall be delineated with painted lines.
- (b) **Landscaping:** All parking lots shall include a landscaped vegetated strip of at least 5 feet in width adjacent to any street, exclusive of driveway accesses, and a further strip of at least 3 feet (0.9 metres) in width along other lot lines. Landscaping shall consist of grassed areas or planters, with one shrub planted for every 6 feet (1.9 metres) of length along side and rear lot lines, and one tree, staked, with a minimum base caliper of 50mm, for every 15 feet (4.6 metres) abutting a street line.
- (c) **Buffers:** Where a parking lot abuts either a residential zone or a residential use, an opaque wood fence of at least six feet (1.8 metres) in height shall be provided in addition to the landscaped strip.
- (d) **Dimensions:** Individual parking spaces shall be 8 feet by 18 feet (2.4 by 5.4 metres) except in the case of curb parking parallel to a driveway, in which case the length of the parking stall shall be increased to 22 feet (6.7 metres). Notwithstanding the foregoing, up to one third of the individual parking spaces may be reduced in size to 7 feet by 16 feet (2.1 by 4.9 metres) minimum except in the case of curb parking in which case the length of the stall shall be increased to 18 feet (5.4 metres). All parking areas, including driveways and maneuvering areas, shall be hard surfaced.
- (e) **Layout:** All parking areas must permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted;

(5) No parking spaces shall be immediately adjacent to doors or passageways from buildings;

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

(7) All parking layouts shall make provision for the stockpiling of snow in a manner which will not reduce the amount of required parking space available.

**(5) Parking areas and driving aisles in a front yard are not permitted. A driveway in the front yard is permitted only to provide access to parking areas located in a side or rear yard. (HECC-Sep 5/02;E-Sep 29/02)**

**(9) BICYCLE PARKING FACILITIES**

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

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

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

racks so that individual bicycles are supported. (RC-Jun 27/06;E-Aug 26/06)

**(10) LOCATION OF BICYCLE PARKING**

- (a) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (b) Class A bicycle parking may be located up to 200m from an entrance.
- (c) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (d) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided. (RC-Jun 27/06;E-Aug 26/06)

**(11) SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS**

- (a) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (b) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (c) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.  
(RC-Jun 27/06;E-Aug 26/06)

## **SIGNS**

### **Permit Requirements**

- 7 (1) No person shall erect a sign without first obtaining a development permit.
- (2) Except as provided for in subsection (5), an owner shall have at all times a valid permit for every sign(s) on any premise.

### **Temporary Sign By-law**

- (3) 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.

### **Encroaching Signs**

- (4) In addition to the provisions of this section, if a sign or advertising structure is intended to project or extend over any portion of any street, no permit for such sign or advertising structure shall be granted until the applicant obtains approval under the Encroachment By-law permitting such applicant to maintain such sign or advertising structure so projecting or extending over a portion of a street.
- (5) No sign that encroaches into a street shall be less than 3.1 metres (10.2 feet) above the surface of a sidewalk, and shall meet all requirements of the Encroachment Bylaw.

### **Permitted Signs**

- (6) The following signs shall be permitted and do not require a development permit:
- (a) Name and street number of residential and non-residential buildings provided that they are not internally lit;
  - (b) “No Trespassing” signs and other such signs regulating the use of a property, provided said signs do not exceed 0.2 square metres (2 sq ft) in area;
  - (c) non-illuminated real estate signs less than 2 square metres (21.5 sq ft) in area pertaining to the sale, rental, or lease of the premises on which the sign is displayed. A sign so erected shall be removed within 14 days after the referenced sale, rental or lease;
  - (d) signs regulating traffic within the lot or giving direction or identifying the function of part or all of a building, provided that such signs do not exceed 0.5 square metres (5.4 sq ft) in area;
  - (e) signs erected by a governmental body or public authority;

- (f) **memorial signs or tablets and signs denoting the date or erection of a building as well as signs identifying historic sites;**
- (g) **non-illuminated signs which are incidental to construction and are located on the same lot, provided that such sign shall not exceed 3 square metres (32 sq ft) in area. A sign so erected shall be removed within 14 days after conclusion of the activity; and**
- (h) **any sign bearing the name, announcements or events of a church, public or private school or other permanent institution and erected on the site of the institution.**

### **Prohibited Signs**

- (7) **Notwithstanding any other Section of this By-law, the following signs shall not be permitted or erected in any zone:**
  - (a) **signs which create a hazard to public safety;**
  - (b) **signs located within the viewing triangle of a street, this being the triangular area included within the street lines for a distance of 6.1m (20 feet) from their point of intersection;**
  - (c) **signs which may obstruct the vision of drivers whether by virtue of their location, appearance or illumination, or which obscure or obstruct any traffic control sign or device of any public authority;**
  - (d) **signs which obstruct access to or from a fire escape, door, window, or other required fire exit;**
  - (e) **signs which resemble 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;**
  - (f) **signs which advertise a product which is no longer sold or a business which is no longer in operation;**
  - (g) **signs that are unrelated to the product, service or business that is upon a lot;**
  - (h) **signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;**
  - (i) **signs located on or affixed to the roof of any structure;**

- (j) signs which project above a roof line;**
- (k) signs which project above a streetwall stepback;**
- (l) billboards;**
- (m) signs affixed to natural objects excepting rock as part of landscaping where ground signs are allowed;**
- (n) signs which use fluorescent colours for either background or individual characters;**
- (o) internally illuminated cabinet and box style signs; and**
- (p) internally illuminated signs consisting of individual letters.**

#### **Signs on Registered Heritage Properties**

- (8) The following types of signs are prohibited on registered heritage properties:**
  - (a) internally-illuminated fascia signs or awning signs; and**
  - (b) stretch skin plastics for awning or canopy signs.**

#### **General Design Requirements for All Signs**

- (9) Cabinet or box signs are not permitted.**
- (10) Lettering shall not exceed 38 cm (15 inches) in height,**
- (11) Signs are to be constructed of opaque materials only, with no plastic or vinyl faces. Permissible sign face materials are:**
  - (a) wood;**
  - (b) wood-look composites in a carved/textured style, including individual raised letters applied to a wall or signboard;**
  - (c) iron, steel, aluminum, or other metal-based composites; and**
  - (d) paint applied directly to a building wall where the sign is part of a mural.**

## **Illumination of Signs**

- (12) **Internally illuminated cabinet or box style signs are not permitted. Illuminated signs shall:**

**utilize only shielded, non-fluorescent, exterior illumination; and**

**be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises.**

## **Canopies and Awning Signs**

- (13) **Signs on awnings shall not cover more than 25% of the area of the awning and the length of the text shall not exceed 80% of the length of the front valance.**

## **Fascia Signs**

- (14) **Fascia signs, including changeable letter signs, shall:**

**(a) not extend beyond the extremities of a wall on which they are affixed;**

**(b) Fascia signs shall not have an area greater than 0.33 square metres per lineal metre (one sq ft per lineal foot) of building wall;**

**(c) Fascia signs shall be located at the first floor level of a building, or between the first and second floors; and**

**(d) Not include banners mounted flush against a building wall.**

## **Ground Signs**

- (15) **Ground signs shall only be permitted in the Downtown Business District Zone, Waterfront Zone, and Marine Business Zone subject to the following:**

**(a) the maximum number of sign faces shall be two, placed back to back;**

**(b) the maximum height shall be 2.4 m (8 feet) (inclusive of posts) in the MB Zone, and 1.83 m (6 feet) in the W and DB zones;**

**(c) the maximum area per sign face shall be 2.23 sq m (24 sq ft) in the MB and W zones, and 1.67 sq m (18 sq ft) in the DB Zone;**

**(e) minimum setback from a property line shall be 0.61 m (2 feet); and**

**(d) only one ground sign per street frontage shall be permitted.**

## Projecting Signs

- (16) One primary projecting sign of up to 2.0 sq m (21.5 sq ft) per side is permitted for each storefront. For storefronts with longer facades, one per 10 m (32.8 ft) of building width shall be permitted.
- (17) One secondary projecting sign of up to 0.28 sq m (3 sq ft) per side is permitted for each storefront. For storefronts with longer facades, one per 10 m (32.8 ft) of building façade width shall be permitted.
- (18) All projecting signs shall be separated a minimum distance of 2.5 m (8.2 ft) from other projecting signs.

## Roof Signs

- (19) Roof signs, including signs mounted on rooftop mechanical equipment, are not permitted.

## Window Signs

- (20) The aggregate area of all window signs shall not exceed 25% of the window, or glass area of a door, to which they are affixed.

## Signs on Existing Mid/High Rise Buildings

- (21) Notwithstanding any other provision of this by-law, internally illuminated fascia signs with plastic/vinyl faces shall be permitted on upper levels of existing buildings located at 33 Alderney Drive, 40 Alderney Drive, 45 Alderney Drive, 46 Portland Street, 176 Portland Street, and 65 Queen Street, in addition to any other permitted signs, subject to the following:
  - (a) Excepting 65 Queen Street, any such sign shall only be located at the top storey level of the main building wall between the uppermost storey windows and the roof line, and may not extend above the roof line or below the top of the window line;
  - (b) Only one sign per building side shall be permitted, excepting 46 Portland Street, where no signs are permitted on the Prince Street-facing elevation;
  - (c) The maximum ratio of sign width to sign height shall be 6.5 to 1;
  - (d) Lettering may exceed 38 cm (15 inches) in height; and
  - (e) Signs must be used only for company/agency identification. (*HECC May 5/2011 E: May 28/11*)

## TEMPORARY SIGNAGE

- 7A (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. (RC-Sep 26/06;E-Nov 18/06)

## ARCHITECTURAL DESIGN REQUIREMENTS

8. (1) *PURPOSE: These design requirements will ensure that new developments blend in with the small scale, traditional architecture which is prevalent in the area, and help maintain the overall character of the community.*

### BUILDING DESIGN:

- (2) The requirements in this section apply to buildings within the Downtown Business District and Waterfront Zones:
- (3) Renovations:  
The Development Officer shall review all development permit applications within the Downtown Business District Zone to determine that all renovation comply generally with the "Facade and Signage Improvements Plan for Downtown Dartmouth". Where an individual building is not addressed in that plan, the following general principles shall be applied:
- (a) that exterior materials are of a traditional nature and design;
  - (b) that door and window openings are compatible in proportion with the majority of adjacent and facing buildings;
  - (c) that buildings are constructed to the street line or setbacks are consistent with the building setbacks for adjacent properties along the street.
  - (d) **that the street-level design of any building shall include multiple architectural treatments such as canopies, porches, planters, and other suitable architectural treatments to complement a human-scale, pedestrian environment. (HECC-Sep 5/02;E-Sep 29/02)**
- (4) **Height: The height of a building in the Downtown Business District Zone shall be not more than 3 stories within a maximum height of 45 feet from established grade. However, this height may be increased to not more than 5 stories within a maximum height of 70 feet provided that above 3 stories within a maximum height of 45 feet, the building face when fronting a street, is stepped back.**

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

**Further, the maximum permitted height may be exceeded to accommodate a roof on the top storey of a building provided that no additional habitable space is created above the established height limit of 70 feet.**

**Notwithstanding the aforementioned, chimneys, antennae, flag poles, belltowers, spires, steeples, vents 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,
- 2) extend more than ten (10) feet above the building height, and;
- 3) in no case shall an appurtenance or structure be permitted to penetrate view planes established in accordance with Schedule C of this by-law.

## **Special Requirement --Alderney Drive within the Main Street Corridor**

- a) **Notwithstanding section 8(4) lots that front on Alderney Drive within the Main Street corridor will not be required to step back. Further, no structure shall be permitted to penetrate a view plane as per Schedule C of this by-law. For clarification, the Main Street corridor includes all properties fronting on Portland Street between Prince Albert Road and Alderney Drive and all properties on the west side of Alderney Drive that are contained within the Business District Zone. For these properties, architectural features such as canopies or sloping roofs will be required to minimize the impact on the street.**

**Amendment (RC January 6, 2005 - E January 26, 2005)**

(5) **FACADES**

Commercial and institutional buildings of over 60 feet (18.2 metres) in width parallel to the street shall be similar in appearance of two or more buildings by altering the appearance of the facade or roof in increments no greater than 60 feet (18.2 metres) .

(6) **ROOFS**

Pitched roofs shall have a minimum pitch of 4:12. Dormers and gables are permitted. Mansard roofs shall not project beyond the face of the wall below, except to permit eaves for ventilation.

(7) **CLADDING**

Exterior cladding for new commercial, institutional, multiple unit and townhouse buildings shall consist of bricks, stone, wood shingles, 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 must be trimmed in the traditional manner.

(8) **WINDOWS**

Windows, except commercial storefronts at grade, shall be treated as individual openings in the wall surface; continuous bands of horizontal glazing will not be permitted except for storefronts at grade. Windows shall have traditional proportions with the height exceeding the width. Total window area per building front shall not exceed 50 % of the area of the building front.

(9) **DETAILING**

Contrasting architectural detailing shall be provided to enhance the appearance of buildings. Windows, doors, and corners shall be accentuated by trim or other design details (moldings, decorative lintels, pediments, sills, etc.). In the case of brick or block buildings a contrasting colour should be used. Other decorative elements shall also be encouraged.

(10) **LANDSCAPE DESIGN**

**Front and Flanking Yard:**

Any front or flanking yard area, except for that area required for stairs or wheelchair ramps, shall be landscaped. No front yard parking or driving aisles are permitted.

(11) **REMAINING SPACE:**

Any lot area not used for buildings, parking or driving aisles shall be landscaped.

**DOWNTOWN NEIGHBORHOOD ZONE**

9. (1) *PURPOSE: The goal of the Downtown Neighbourhood Zone is to protect the integrity and character of existing residential neighbourhoods by limiting the type, scale and design of new development, renovations, and home based businesses.*
- (2) *PERMITTED USES:*  
 Single Unit Dwellings  
 Two Unit Dwellings  
 Converted Dwellings  
 Bed and Breakfasts in conjunction with single unit dwellings  
 Home Business Uses  
 Public Parks and Playgrounds  
 Townhouse and multiple residential uses in existence on the effective date this By-law  
 Institutional uses **in existence on the effective date of the amendment (HECC-Jul 5/07;E-Jul 23/07)**  
 Accessory Uses
- (3) **ADDITIONAL USES WHICH MAY BE CONSIDERED THROUGH SITE PLAN APPROVAL:**
- Townhouse Dwellings
  - Neighborhood Commercial Uses
  - Downtown Business Uses Along Prince Albert Road between Eaton Avenue and Pleasant Street
- (4) **ADDITIONAL USES WHICH MAY BE CONSIDERED BY DEVELOPMENT AGREEMENT:**
- Multiple unit dwellings and townhouses on those sites noted on Schedule B.
  - Conversions of registered heritage properties to uses of land not permitted above.
  - Expansion of the St. Georges Tennis Club

**(5) ZONE STANDARDS**

**One & Two Unit Dwellings and Institutional Uses**

<u>Neighbourhoods</u> (refer to Schedule B)	<u>Minimum Lot Area</u>
Harbourview	2500 square feet (232.3 square metres)
Park Avenue	3000 square feet (278.7 square metres)
Austenville	3000 square feet (278.7 square metres)
Prince Albert	3000 square feet (278.7 square metres)
Hazelhurst	4000 square feet (371.6 square metres)
<u>Neighbourhoods</u> (refer to Schedule B)	<u>Minimum Lot Frontage</u>
Harbourview	25 feet (7.6 metres)
	30 feet ( 9.1 metres)

<b>Park Avenue Austenville Prince Albert</b>	<b>30 feet ( 9.1 metres) 30 feet ( 9.1 metres)</b>
<b>Hazelhurst</b>	<b>40 feet (12.2 metres)</b>
<b><u>Maximum Height</u></b>	<b>30 feet (9.14 metres) except that this may be waived under Section 9 (8) where existing buildings exceed this height or where the grades of a lot present design limitations (HECC - Sept 5/02, Effective - Sept 29/02)</b>
<b><u>Maximum Lot Coverage</u></b>	<b>40%</b>

**Townhouse Dwellings:**

<b>Minimum Lot Area per dwelling unit</b>	<b>2000 square feet (185.7 square metres)</b>
<b>Minimum Frontage per dwelling unit</b>	<b>20 feet (6.096 metres)</b>
<b>Maximum Lot Coverage</b>	<b>35 %</b>
<b><u>Neighbourhoods</u></b>	<b><u>Minimum Number of Units per Building</u></b>
	<b>3</b>
<b>Harbourview</b>	<b>3</b>
<b>Park Avenue</b>	<b>3</b>
<b>Austenville</b>	<b>3</b>
<b>Prince Albert</b>	<b>4</b>
<b>Hazelhurst</b>	
<b>Maximum Number of Units per Building</b>	<b>6</b>
<b>Minimum Side Yard for End Units</b>	<b>10 feet (3 metres)</b>
<b>Maximum Height</b>	<b>30 feet (9.14 metres)</b>

**(HECC-Jun 29/06;E-Jul 01/06)**

**(6) REQUIREMENTS FOR BUILDING SETBACKS:**

- (a) **Front Yard:**  
The minimum front yard shall be the front yard of the majority of the residential buildings fronting on the same side of the same block in which the building is to be constructed. For the purposes of measuring, existing front yard dimensions shall be rounded to the nearest whole unit of measure.
- (b) **Flanking Yard:**  
As for front yards.
- (c) **Side Yard:**  
As specified in the Building Bylaw of the Municipality.
- (d) **Rear Yard:** 10 feet (3 metres)

- (e) Existing Dwellings:  
Notwithstanding the above requirements, dwellings in existence before the date of adoption of this bylaw will be permitted to be altered, rebuilt and expanded provided the rear yard requirements are satisfied.

(7) **SPECIAL REQUIREMENTS - PARKING**

- (a) Notwithstanding anything contained in this bylaw, no area of the front yard greater than 33 percent **of the lot width (HECC-Sep 5/02;E-Sep 29/02)** shall be used for vehicular access, manoeuvring or parking;
- (b) except for a driveway, not greater than 8 feet in width which provides access to a garage within the building or parking space in the side or rear yard or,
- (c) except for a parking space not greater than 8 feet by 16 feet (4.9 metres) in the front yard for a residential building legally existing on the date of the approval of this plan, provided that the parking space is perpendicular to the street on which it has its entrance. In the case of irregular shaped lots or where the side lines are not perpendicular to the street, the parking space is to be as perpendicular as possible to the street as may be determined by the Development Officer.
- (d) the remainder of the front yard must be landscaped.
- (e) Where parking is to be provided in the rear yard of any dwelling, the parking area shall be screened from adjacent properties through the use of a solid board fence of at least 5 feet (1.5 metres) in height.

(8) **ARCHITECTURAL REQUIREMENTS FOR DWELLINGS:**

**In order to provide a consistency of building form with the surrounding neighborhood, any new single unit or two unit dwelling, or enlargement or addition to an existing building shall, as determined by the Development Officer, have an architectural style that is consistent with buildings in the immediate neighbourhood in which the new building is intended to locate.**

**Further, building height, roof pitch, proportion, and window opening proportions shall be consistent with other buildings in which the new building is intended to locate.**

**New two unit dwellings shall be designed to maintain the appearance of a single unit dwelling from the street." (HECC-Jun 29/06;E-Jul 01/06)**

(9) **SPECIAL REQUIREMENTS - CONVERTED DWELLINGS:**

An existing dwelling may be converted to two dwelling units provided that:

- (a) there is no increase in the height or volume of the building; except for the addition of dormers provided that sufficient floor space already exists or the addition of structures necessary for fire safety purposes;
- (b) the gross floor area of each unit is not less than 800 square feet (74.3 square metres); and
- (c) at least one unit must have two bedrooms.

(10) **AN EXISTING DWELLING MAY BE CONVERTED TO THREE UNITS PROVIDED THAT:**

- (a) the above requirements for two unit dwellings are satisfied;
- (b) the dwelling was in existence on or before December 31,1950;
- (c) lot coverage does not exceed 50 %;
- (d) any parking area shall be screened from adjacent single unit dwellings by a five foot high fence, and the remainder of the property shall be landscaped.

(11) SPECIAL REQUIREMENTS - HOME BUSINESSES

The following requirements shall apply for all home businesses:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business. No more than one employee not living in the dwelling shall be permitted.
- (b) No more than twenty-five (25) per cent of the gross floor area of the dwelling or accessory building shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m<sup>2</sup>) of gross floor area.
- (c) Notwithstanding sections (a) and (b) pertaining to home businesses, day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.
- (i) Adult entertainment uses or massage parlours shall not be considered a permitted business use.
- (j) Where parking is required is the rearyard abutting a residential use, an opaque fence of an adequate height to screen the view from the adjacent residential property shall be constructed along all property boundaries abutting the residential use and a landscaped buffer strip of a minimum width of feet shall be provided in these portions of the property.
- (k) Not more than one commercial vehicle is permitted to park on a lot in a residential zone and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line. (HECC-Oct 4/01;E-Oct 21/01)

(12) SPECIAL REQUIREMENTS FOR BED AND BREAKFAST USES:

The following requirements shall apply for all bed and breakfast uses:

- (a) Not more than four (4) rooms may be let;
- (b) No more than one (1) sign advertising the bed and breakfast shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted;
- (c) One (1) off-street parking space in addition to that required for the dwelling shall be provided for each of the first two rooms to be let; with an additional space for the third and fourth rooms;
- (d) where parking is required is the rear yard abutting a residential use, an opaque fence of an adequate height to screen the view from the adjacent residential property shall be constructed along all property boundaries abutting the residential use and a landscaped buffer strip of a minimum width of **three (3) feet (HECC-Sep 5/02;E-Sep 29/02)** shall be provided in these portions of the property.

- (e) The operator of the bed and breakfast shall reside in the dwelling where the use is carried out.

(13) NEIGHBOURHOOD COMMERCIAL USES

The following requirements apply to neighbourhood commercial uses with the Downtown Neighbourhood Zone:

- (a) **Neighbourhood commercial uses shall be as defined by this by-law (HECC-Sep 5/02;E-Sep 29/02)**
- (b) Residential uses shall be permitted in conjunction with neighbourhood commercial as per the requirements of the Downtown Neighbourhood Zone.
- (c) Neighbourhood commercial uses are limited to properties located within 100 feet (30.5 metres) of a major intersection and shall not be permitted to locate in the interior of a neighbourhood block (**Deletion - HECC-Sep 5/02;E-Sep 29/02**)
- (d) Neighbourhood commercial uses shall be limited in size to 1,000 square feet (92.9 metres) in gross floor area.
- (e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the neighbourhood commercial use shall be permitted.
- (f) No more than one (1) sign shall be permitted advertising any neighbourhood commercial use and no such sign shall exceed ten square feet (0.9 square metres) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted.
- (g) Neighbourhood commercial uses shall be subject to the approval of a site plan.
- (h) **Notwithstanding the requirements of (c), neighbourhood commercial uses lawfully in existence on the effective date of this by-law shall be permitted to be repaired or renovated. Any expansion to such existing uses shall be pursuant to the requirements of this section. (HECC-Sep 5/02;E-Sep 29/02)**
- (i) No parking or driveways shall be provided between the street and the neighbourhood commercial use. *Where on-site parking is proposed, the requirements of Section 9 (12) (d) shall apply. All parking areas shall be paved, and all requirements of Section 6 (4) shall apply. (HECC-Sep 5/02;E-Sep 29/02)*

(14) REQUIREMENTS FOR SITE PLAN APPROVAL FOR TOWNHOUSE DWELLINGS

All townhouse dwellings are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) Adequate separation distances shall be provided for townhouse dwelling units which abut single detached dwellings.
- (b) The front yard setback required for townhouse buildings shall be in context with the setbacks of buildings within the immediate neighbourhood.
- (c) Driveways should not be located so as to dominate the front yard of the lot, and the remainder of the front yard not required for parking shall be landscaped.
- (d) Any common parking areas shall be screened from adjacent single unit dwellings and the street by landscaping and/or fencing.
- (e) Landscaping and/or trees of an adequate caliper shall be provided in the front yard of townhouse dwellings at a rate of one tree per two townhouse units
- (f) To create additional opportunity for development on designated sites A, B, C, D, and E on Schedule B of this Bylaw, provisions are established to permit construction of laneways narrower than the standard public street width to provide access to the development, provided that the laneway is of adequate width to facilitate the safe movement of traffic to and from the site, and adequate addresses maintenance.
- (g) Measures including lot grading shall be required to adequately dispose of storm and surface water.
- (h) Provisions are established to ensure individual townhouse units and any required site improvements are maintained to a high standard.

(15) ARCHITECTURAL REQUIREMENTS: TOWNHOUSES DWELLINGS

All new townhouses dwellings shall conform to the architectural requirements of **Sections 8(5), 8(6), 8(7), 8(8), 8(9), 8(10) & 8(11)** of this bylaw. **(RC-Jan 6/05;E-Jan 26/05)**

(16) GENERAL REQUIREMENTS FOR SITE PLAN APPROVAL FOR COMMERCIAL DEVELOPMENT

Notwithstanding the provisions for home businesses and bed and breakfast uses, commercial development within the Neighbourhood Zone is subject to the approval of a site plan. The following provisions apply to Neighbourhood Commercial uses permitted in the Downtown Neighbourhood Zone, and to Downtown Business uses along Prince Albert Road between Eaton Avenue and Pleasant Street. The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) New development and expansions to existing Downtown Business Uses along Prince Albert Road between Eaton Avenue and Pleasant Street are permitted to a maximum floor area of 5,000 square feet (464.5 square metres).
- (b) Where the proposed commercial use abuts a residential use, required parking shall be setback from side and rear property boundaries, an opaque fence of an adequate height to screen the obscure the view from the adjacent residential property shall be constructed along all property boundaries abutting the residential use and a landscaped buffer strip of a minimum width of **three (3) (HECC-Sep 5/02;E-Sep 29/02)** feet shall be provided in these portions of the property.
- (c) No outdoor storage or display shall be permitted.
- (d) If the proposed commercial use involves re-use of an existing structure, on-site parking shall not be required.

- (e) Commercial signs shall be limited in size and located so to minimize intrusion on the neighbourhood. A maximum of one sign per business premise shall be permitted.
- (f) All requirements in this section shall be adequately maintained.

**DOWNTOWN BUSINESS DISTRICT ZONE**

10. (1) *PURPOSE: The Downtown Business District Zone will ensure that development complements the traditional small town character of the community. A broad range of business, institutional, cultural and residential uses are permitted, which reflect a human scale of development.*

(2) **PERMITTED USES:**

**Commercial Uses:**

Any retail, business, office, entertainment or service use excluding, automotive service and repair outlets, vehicle sales, **outdoor display courts (HECC-Sep 5/02;E-Sep 29/02)** and drive-through establishments, cabarets, adult entertainment, pawn shops, **secondhand shops, (HECC-Mar 6/03;E-Mar 30/03)** and any obnoxious use.

**Institutional & Cultural Uses**

**Residential Uses:**

- Single Unit Dwellings
- Two Unit Dwellings
- Townhouse Dwellings
- Rooming Houses to a maximum of six rooms for rent
- Multiple Unit Dwelling Conversions
- Multiple Unit Dwellings to a maximum of 24 units
- Residential uses legally in existence on the effective date of this bylaw

**Main Street Corridor:**A ground floor public or commercial presence is required within the Portland Alderney Corridor.

(3) **Uses permitted through Site Plan Approval:**

Townhouses (**Deletion - HECC-Sep 5/02;E-Sep 29/02**) on reduced standard laneways on four residential opportunity sites *shown on Schedule B*.

(4) **Uses Which May be Considered by Development Agreement:**

- Multiple unit dwelling development greater than 24 units
- Conversions of registered heritage properties to uses of land not permitted above.
- Any new construction on the block bounded by the Starr Manufacturing property
- Larger scale commercial or residential commercial mix projects that do not meet the zone requirements
- Car oriented uses (HECC-Sep 5/02;E-Sep 29/02)**

(5) ZONE STANDARDS

Minimum Lot Area	2500 square feet (232.3 square metres)
Minimum Lot Frontage	25 feet (7.6 metres)
Maximum Lot Coverage	100%
Maximum Front/Flanking Yard	2 feet (0.6 metres)
Side and Rear Yards	Buildings may be built to the lot lines.
<b>Maximum Height</b> Amendment (RC January 6, 2005 - E January 26, 2005)	In accordance with Section 8

(6) SPECIAL REQUIREMENTS FOR RESIDENTIAL USES:

A residential component is required for all new construction except along the Alderney Drive or Portland Street main street corridor.

- (a) Single, Two Unit and Townhouse Dwellings:  
For single and two unit dwellings **and townhouse dwellings (HECC-Feb 1/01;E-Feb 18/01)**,the requirements of section 9 shall apply.
- (b) Multiple Unit Dwelling Conversion:  
Any building in existence as of the date of adoption of this plan may be converted entirely or partially to multiple unit dwellings provided that all units are a minimum of 500 square feet (46.5 square metres) in floor area, and that at least two thirds of the units contain one or more bedrooms.
- (c) Multiple Unit Dwellings  
Maximum Number of Dwelling Units / Lot 24

Recreation space shall be set aside for recreational purposes and shall include common recreational areas, play areas, recreational rooms, roof decks, swimming pools & tennis courts.

Surface parking areas for multiple unit dwellings required as per section 6 of this bylaw shall be screened from adjacent single, two unit, or townhouse dwellings through opaque fencing and a landscaped buffer strip of a minimum width of five feet (1.5 metres) along all property boundaries abutting the residential use , **and balconies or terraces. Such amenity space shall be provided at the rate of 100 square feet per dwelling unit. The Development Officer may reduce this requirement by 25% where the development abuts, or is directly across the street from, public parkland (HECC - Sept 5/02, Effective - Sept 29/02)**

(7) SITE PLAN APPROVAL REQUIREMENTS FOR TOWNHOUSE OR MULTIPLE UNIT DWELLINGS ON RESIDENTIAL OPPORTUNITY SITES

All townhouses on the four Residential Opportunity Sites shown on Schedule B of this Bylaw are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) Adequate separation distances shall be provided for townhouses which abut single detached dwellings.

- (b) The front yard setback required for buildings shall be in context with the setbacks of buildings within the immediate neighbourhood.
- (c) Driveways should not be located so as to dominate the front yard of the lot, and the remainder of the front yard not used for parking shall be landscaped.
- (d) Any common parking areas shall be screened from adjacent single unit dwellings and the street by landscaping and/or fencing.
- (e) Landscaping and/or street trees of an adequate caliper shall be provided in the front yard of townhouse dwellings.
- (f) To create additional opportunity for development on designated opportunity sites within the Business District Zone as shown on Schedule B of this Bylaw, provisions are established to permit construction of laneways narrower than the standard public street width to provide access to the development, provided that the laneway is of adequate width to facilitate the safe movement of traffic to and from the site provisions are made to address maintenance of the laneway.
- (g) Measures including lot grading shall be required to adequately dispose of storm and surface water.
- (h) Provisions are established to ensure individual townhouse units and any required site improvements are maintained to a high standard.

(8) **PARKING REQUIREMENTS**

(a) **Required Parking:**

Notwithstanding the parking requirements of Section 6 of this Bylaw, existing buildings may be renovated or their use changed without having to provide parking unless such parking already exists in which case it shall be maintained. New buildings or additions of less than 20,000 square feet (1858 square metres) in floor area constructed within the Portland Alderney Main Street corridor are also exempt from the parking requirements of Section 6 of this bylaw.

(b) **Parking Access:**

No new driveway accesses will be permitted to properties located on Alderney Drive or Portland Street between Alderney Drive and Maitland Street. Access to properties in this area shall only be permitted from adjacent streets except where the driveway provides access to an underground or otherwise enclosed parking structure.

(9) **SPECIAL REQUIREMENTS - VACANT LOTS:**

Where a building is removed except to create a parking lot or to erect a new building, the resulting vacant lot shall be fully graded to sidewalk elevation and landscaped and maintained with grass until such time as appropriate permits are issued and construction commences on a new structure.

(10) **ARCHITECTURAL REQUIREMENTS**

All new buildings shall conform to the architectural requirements of Section 8 of this bylaw.

(11) **LANDSCAPING**

All lot areas not covered by a building or required parking or driveway area shall be landscaped. Landscaping shall consist of at least one nursery stock tree per 20 feet (6.1 meters) of frontage, and one shrub per 100 square feet (9.3 square feet) of landscaped area to be provided.

(12) **STARR MANUFACTURING BLOCK**

Notwithstanding the permitted uses in this zone, all new development within the block bounded by Prince Albert Road, Pine Street extension, and Ochterloney Streets will be subject to the approval of a development agreement. This requirement shall not apply to additions to existing dwellings or construction of accessory buildings for existing residential dwellings.

(13) **USE OF PUBLIC SIDEWALKS**

- (a) Sidewalk cafes and restaurants are permitted, subject to any other municipal bylaw or regulation.
- (b) No outdoor display on public sidewalks shall be permitted excepting for florist's displays including flowers and plants, grocery produce, clothing displayed on racks, and used books. Any such outdoor display shall not extend more than 2 feet onto a public sidewalk from a building face, and shall conform to all other municipal bylaws including but not limited to the Encroachment Bylaw and the Streets Bylaw as may be amended from time to time.

(14) **OUTDOOR STORAGE AND DISPLAY**

No outdoor storage or display is permitted on properties within the zone, excepting that those items identified under (12) may be displayed. (HECC-Mar 6/03;E-Mar 30/03)

## WATERFRONT ZONE (W)

11. (1) **PURPOSE** *The purpose of the W Zone is to encourage a mix of water dependent, related, and enhanced uses on the waterfront which exhibit a high quality of design and are oriented to a pedestrian environment including cultural, residential, commercial, and institutional uses. Any development involving new building construction or expansions to existing buildings shall be subject to the approval of a site plan to ensure these objectives are met.*

(2) **PERMITTED USES**

The following are permitted uses, however any new building construction is subject to the approval of a site plan as per section 11(6):

Water dependent uses:

- Marine transportation uses: ferries, cruise ships, water taxis, and other water transportation uses
- Marine research & technology uses
- Marinas, boat clubs, and other support facilities such as boat launches, boat rentals, and tour boat operations
- **Seaplane-related uses (HECC-Sep 5/02;E-Sep 29/02)**

Water related uses:

- outdoor recreation uses excluding playing fields
- Seafood retail outlets excluding processing operations
- marine supply retail uses

Water enhanced uses:

- Residential Townhouse & Multiple Unit Dwellings as per requirements of section 11(5).
- Commercial Retail boutiques
- Personal Service Shops
- Commercial Entertainment Uses
- Farmer's Markets
- Restaurants & Licensed Liquor Establishments excluding Cabarets
- Office Uses provide they are in conjunction with permitted uses and not a stand alone use
- Tourist kiosks including moveable structures
- Hotel & Convention Facilities
- Institutional uses
- Cultural uses
- Transit terminals & Commuter Parking lots
- **Helicopter tour operations (HECC-Sep 5/02;E-Sep 29/02)**
- Sewage treatment facilities
- Accessory uses
- Uses legally in existence at the effective date of this bylaw:  
Canadian National Rail operations including the marshalling yards  
WDCL Warehouse Property, 2 Maitland Street

For clarification, water enhanced uses shall not include the following uses

- playing fields & indoor recreational uses in excess of the maximum footprint requirements
- warehousing and industrial storage facilities industries deemed to be obnoxious by virtue of dust, noise, odour, water emissions

(3) Uses permitted by Site Plan Approval:

- New building construction or expansions to existing buildings permitted in the zone.

(4) Uses Permitted by Development Agreement:

- permitted uses that do not meet the height and size requirements of the W Zone

(5) ZONE STANDARDS

Minimum Lot Area	2500 square feet (232.3 square metres)
Minimum Lot Frontage	25 feet (7.6 metres)
Maximum Height	<b>Notwithstanding section 8(4) the height of a building shall not be more than 2 stories within a maximum height of 30 feet, within 100 feet (30.5 metres) of the water's edge. In all other areas the maximum building height shall not be more than 3 stories within a maximum building height of 45 feet. Notwithstanding this requirement, the height of a building shall not be more than 2 stories within a maximum height of 30 feet on all lands on the water side of Shore Road in the Harbourview Neighbourhood. (RC-Jan 6/05;E-Jan 26/05)</b>
Maximum Building Footprint	2800 square feet (260.1 square metres)

(6) REQUIREMENTS FOR SITE PLAN APPROVAL FOR NEW DEVELOPMENT

Any development involving expansions or new building construction is subject to the approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) A continuous public walkway shall be maintained along the water's edge and designed to accommodate the needs of pedestrians.
- (b) A minimum of 25% of the total land area shall be landscaped with vegetation which is hardy, salt tolerant and complements the aesthetics of adjacent waterfront development. A landscaping plan shall be prepared before site plan approval is granted. Landscaping materials shall be used to provide wind sheltering and visual buffers.
- (c) Proposed parking areas shall be incorporated within the building structure or the proponent should demonstrate that ample parking is available in adjacent public or private parking facilities within proximity to the waterfront area. Large surface parking areas for individual developments are not permitted. An analysis of the required parking should be submitted and reviewed by the Developer Officer.

- (d) Outdoor lighting shall be provided to enable night time use of the waterfront for pedestrians. The design and placement of outdoor lighting shall reflect a human scale and with consideration to the safety of pedestrians as per the requirements of Section 5 (14) of the Land Use Bylaw.
- (e) Signs shall be as per the requirements of Section 7 of this bylaw and shall be designed to be consistent with public directional signage which is placed on the waterfront.
- (f) All items required in this section shall be adequately maintained.

(7) **OUTDOOR STORAGE**

No outdoor storage areas shall be permitted in the W Zone, except for the collection and storage of refuse, fuel storage tanks, and other similar objects. Such objects shall be visually screened and not permitted in the front yard.

(8) **BUFFERING BETWEEN RESIDENTIAL AND COMMERCIAL ENTERTAINMENT USES**

Soundproofing shall be required for new residential or commercial entertainment buildings located in the W Zone.

(9) **GROUND FLOOR SPACE FOR COMMERCIAL USES**

Commercial buildings located within this zone shall provide public related uses (service, retail uses) at ground floor level.

(10) **HARBOUR VIEWS**

Any new buildings proposed shall not be located so as to block street corridor views of the harbour (refer to Schedule C).

(1) **ARCHITECTURAL REQUIREMENTS**

Any new buildings shall conform to the architectural requirements of **Sections 8(5), 8(6), 8(7), 8(8), 8(9), 8(10) & 8(11)** of this Bylaw. **(RC-Jan 6/05;E-Jan 26/05)**

(12) **LEGALLY EXISTING USES**

The following existing uses are permitted to expand, be altered, repaired or replaced only in accordance with the W Zone, provided such expansion is confined to the lot in existence at the date by which this bylaw was adopted:

CN Rail Operations & Marshalling Yard

**Boat and small craft construction in (HECC-Sep 5/02;E-Sep29/02)** WDCL Warehouse Property, 2 Maitland Street subject to the requirements of the M Zone.

## MARINE BUSINESS ZONE

12. (1) *PURPOSE* The purpose of the Marine Business Zone is to provide for marine service uses and other complementary light industrial and business uses. Permitted uses in the Marine Business Zone are considered to be indoor activities which have no obnoxious uses associated with them.

### PERMITTED USES

The following and similar uses shall be permitted in the Marine Business Zone:

Water dependent & related uses:

- marine manufacturing, technology and research uses
- marine supply retail and wholesale uses
- small craft sales and small craft repair facilities
- recreational marina facilities including supporting uses such as boat launches, dock and service facilities
- sewage treatment facilities

For clarification purposes, marine salvage and ship repair uses are not deemed to be permitted uses in the Marine Business Zone.

Other uses:

- storage, warehousing & distribution
- wholesale trade
- automotive service stations
- research establishments
- data processing and call centres
- recycling depots excluding processing and outdoor storage facilities
- office uses
- utilities
- institutional
- recreation & open space uses
- commercial recreational uses
- accessory uses related to the above uses including retail trade and services uses where they are located on the same lot as a primary use listed above and are clearly accessory to such uses

Existing uses:

- Marine industries legally in existence on the effective date of this bylaw that do not meet the requirements of the M Zone: Secunda Marine , Dominion Diving, Dartmouth Marine Slips

ADDITIONAL USES WHICH MAY BE CONSIDERED THROUGH SITE PLAN APPROVAL:

Expansions of existing industry and new development on lands located on the water side of the CN Rail line.

(4) ZONE REQUIREMENTS

Minimum lot Area	5000 square feet (464.5 square metres)
Minimum Frontage	50 feet (15.2 metres)
Minimum Front Yard	10 feet (3 metres)
Minimum Side Yard	10 feet (3 metres)
Minimum Rear Yard	40 feet (12.2 metres) adjacent to a Residential Zone or 10 feet (3 metres) if an opaque fence a minimum of 6 feet (1.8 metres) in height is provided
Maximum Lot Coverage	50 %
Maximum Height	<b>3 Storeys within a maximum height of 45.0 feet.</b> Amendment (RC January 6, 2005 - E January 26, 2005)

(5) SPECIAL REQUIREMENTS - OBNOXIOUS USES

No operation of uses shall be permitted or maintained which cause or produce any of the following effects discernible outside any building or structure or affecting any adjacent property:

- (a) Noise or sound which is objectionable because of its volume, duration, intermittent beat, frequency, or shrillness;
- (b) dissemination of smoke, fumes, gas, dust, odor, or any atmospheric pollutant;
- (c) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.

(6) LANDSCAPING

There shall be a landscaped area of at least 10 feet (3 metres) in depth running the length of and directly abutting the front lot line. This landscaped area shall extend the length of the front lot line and of the flankage lot line for a corner lot. Landscaping shall consist of vegetation and/or plantings as per section 8 of this bylaw.

- (7) A buffer 40 feet wide (12.2 metres), beginning at the property line, shall be required for the side or rear yards in a Marine Business Zone which abut an existing residential uses, vacant lot zoned for residential uses, or a Park or Institutional Zone. This requirement may be reduced to 10 feet (3 metres) if a six foot (1.8 metres) high opaque fence is provided.

(8) OUTDOOR OPERATIONS, STORAGE & DISPLAY

No outdoor storage or operations shall be permitted including working or storage yards, except for external garbage containers or fuel storage tanks and they shall be screened as per the general provisions section of this bylaw. No outdoor display of products, good, wares or articles shall be permitted, except for display of small crafts in association with a small craft sales operation.

- (9) **PARKING**  
The landscaped area shall not be used for parking or developed in any other manner. Parking standards shall be as per Section 6 of this bylaw.
- (9) **SIGNS**  
No billboards shall be permitted. Non-illuminated ground signs may be permitted provided they do not exceed eight feet in height and 20 square feet (1.9 square metres) in area.
- (10) **EXTERIOR MATERIALS**  
Exterior walls shall be finished with one or more of the following materials:  
(a) architectural masonry units; natural stone; brick; wood; glass materials; steel paneling may be used provided the portions of the building exposed to the street or adjacent residential uses are treated with an application of one of the above materials. The exterior of accessory buildings shall be constructed with complementary materials.
- (11) **EXTERIOR LIGHTING**  
No person shall erect any sign or illuminate an area outside of a building or structural unless the illumination is directed away from adjoining properties and any adjacent streets or rights of way.
- (12) **EXISTING MARINE INDUSTRIAL USES**  
Existing marine industrial uses including the Dartmouth Marine Slips, Secunda Marine, and Dominion Diving, are permitted to expand, be altered, repaired or replaced in accordance with the M Zone or section 12(15), provided such expansion is confined to the lot in existence at the date by which this bylaw was adopted
- (13) **SITE PLAN REQUIREMENTS - MB USES ON WATER SIDE OF THE CN RAIL LINE**  
Notwithstanding the requirements of the M Zone, all new development and expansions to existing industrial uses on the water side of the CN Rail Line shall be subject to the approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:  
(a) outdoor storage shall be permitted provided it is screened with an opaque fence constructed of wood or other aesthetically appropriate material or landscaped berm of sufficient height to buffer storage materials from public view.  
(b) Outdoor storage areas do not exceed more than 10% of the total site area.  
(c) Perimeter landscaping shall be required for sites abutting a public street, rail right-of-way, walkway or the water's edge at a ratio of 1 tree for 25 feet (7.6 metres) of frontage.  
(d) Site plan approval shall only be granted subject to proof of compliance with applicable federal or provincial requirements.  
(e) All of the items required by this section are adequately maintained.  
(f) The local residents association shall be notified of any proposed development.
- (14) **Uses Which May be Considered by Development Agreement:**  
**Notwithstanding Part 12, Subsection 13 above, a mixed-use development containing residential, commercial, office, hotel, institutional, and park and open space uses on the Lands known as the former Dartmouth Marine Slips property, identified as PID Nos. 00130286, 00130419, 00130278, 41164286 and 40943730. (RC-Jul 8/08;E-Jul 26/08)**

## **PARK AND OPEN SPACE ZONE**

13. (1) **PURPOSE:** The purpose of the Park and Open Space zone is to reserve public open space lands for passive and active recreational use.
- (2) **PERMITTED USES**
- Public parks
  - Conservation lands
  - Active Recreational uses: playgrounds, playing fields, trails
  - Interpretive centres
  - Accessory uses including washrooms, refreshment booth, or pavilion/interpretive centres

Note: The Dartmouth Common Legislation pursuant to the N.S. Municipal Government Act takes precedence over the preceding zone requirements.

**LAND USE BY-LAW - DOWNTOWN DARTMOUTH  
AMENDMENTS**

<u>Amendment Number</u>	<u>Policies/Maps</u>	<u>Subject</u>	<u>Council Adoption</u>	<u>Effective</u>
1	Part 10(1)(a)	Amend lot dimension provisions relative to townhouse dwellings (Case No. 00313)	February 1, 2001	February 18, 2001
2	(11a)	Standardize height and location of an accessory building (Case No. 00319)	July 12, 2001	August 5, 2001
3	Definition - (i) Part 9 - 5(k)	Limit the number and size of commercial motor vehicles parked on residentially zoned properties (Case No. 00384)	October 4, 2001	October 21, 2001
	Definition (ama), Section 5, 13A	Shipping containers as accessory buildings (Case No. 00434)	June 6, 2002	June 30, 2002
5	Sections 3, 4, 5, 6, 7, 8, 9, 10, 11	House keeping amendments (Case No. 00429)	September 5, 2002	September 29, 2002
6	Section 5(8)	Shipping containers as accessory buildings (Case No. 00434)	February 6, 2003	March 2, 2003
7	Definitions (ba) (ama) (ag) (ak), Section 10	Regulate stores which deal in various used goods, with the use of public sidewalks for cafes, and for the display of merchandise (Case No. 00541)	March 6, 2003	March 30, 2003
8	Deletion Section 4(ao). Deletion and Addition Section 8(4), 9(15), 11(5).	House Keeping Amendments (Case No. 00713)	January 6, 2005	January 26, 2005
9	Replacing Part 9 Section 5 with new Zone Standards Replacing Part 9 Section 8 with Architectural Requirements	Downtown Neighbourhood Zone Amendments to Lot Frontage and Lot Area Regulations (Case 00847)	June 29, 2006	July 01, 2006
10	Adding six new definitions, Adding Sec 5(19),(20),(21), (22),(23),(24),(25), (26) & (27). Adding Sec 6(9), (10). Adding Section 2(6) & Schedule "D"	Regional Plan Amendments	June 27, 2006	August 26, 2006
11	Adding Section 7A: Temporary Signage; Replace definition of	Case 00327	RC - September 26, 2006	E - November 18, 2006

Sign; Delete Section 7(5)(b); Delete the word "banners" from Section 7(5)(j); and Delete Section 9(c): Sandwich Boards.

12	Adding to Sub Sec 2 of Part 9 after the word Institutional Uses "in existence on the effective date of the amendment"; Subsection (2)(v) of Part 4 shall be amended by deleting the words "and registered non-profit societies" in the institutional use definition	Case 00998 Intitutional Uses	HECC-July 5/07	E - HECC-July 23/07
13	Amend Part 7, Subsection (9)(a) by adding Subsection 1(a)(b)(c)and (d) after Subsection (9)(a) re: signage	Case No. 01050	HECC - October 4, 2007	E - October 20, 2007
14	Added part 12 subsection 14 re: Dartmouth Marine Slips	Case No. 00798	RC - July 8, 2008	E - July 26, 2008
15	5(8) (Temporary Construction Use Permitted)	Case No. 01058	HECC - Jan 20, 2009	E - Feb 7, 2009
16	Replaced Subsection (m) of Part 4 (Definitions)	Case No. 01074	HECC - March 3, 2009	E - March 21, 2009
17	Insert Section 9(a)(2), re: Signs	Case No. 01268	HECC - August 6, 2009	E - August 29, 2009
18	Replace schedule B – Neighbour Hood Map	Case No. 15781	RC – December 7, 2010	E – February 5, 2011
19	Section 7 Sign Requirements wasdeleted& replaced	Case No 16411	HECC – May 5, 2011	E – May 28, 2011
20	Replaced Schedule A	Case No 16687	RC – October 4, 2011	E – November 26, 2011