

**AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR DARTMOUTH**

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

1. Deleting the words “Interim Growth Management” from the Table of Contents.
2. Deleting the section on “Interim Growth Management” including all preamble, policies IGM - 1 to IGM-9 and Map 9.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the 27th day of June, A.D. 2006.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of July, A.D. 2006.

Jan Gibson
Municipal Clerk

**AMENDMENTS TO THE
LAND USE BYLAW FOR DARTMOUTH**

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

1. Adding the words “RPK REGIONAL PARK ZONE” immediately below the words “P Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “US URBAN SETTLEMENT ZONE” immediately below the words “H ZONE” within the “TABLE OF CONTENTS”.
3. Adding the words “UR URBAN RESERVE ZONE” immediately below the words “US Urban Settlement Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “BCDD Burnside Comprehensive Development District” immediately below the words “CDD Comprehensive Development District” in the “TABLE OF CONTENTS”
5. Adding the words “Schedule Y” immediately below the words “Schedule X” in the “TABLE OF CONTENTS”.
6. Adding the words “Schedule Z” immediately below the words “Schedule Y” in the “TABLE OF CONTENTS”.
7. Adding three new definitions immediately following the definition of “Basement Apartment” as follows:
 - (fa) Bicycle Parking, Class A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
 - (fb) Bicycle Parking, Class B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
 - (fc) Bicycle Parking, Enhanced means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
8. Adding the following definition after definition “Commercial Vehicle”:
 - (iaa) Conservation Use means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar

uses to the foregoing.”

9. Adding the following definition after the definition of “Parking Space”:

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

10. Adding the following definition to the definitions section:

_____ (aq) WATERCOURSE means a lake, river, stream, ocean or other natural body of water.

11. Replacing the letters “(ada)” with “(adb)” before the definition of “Recycling Depot”.

12. Adding the following definition after the definition of “Schedule X”:

“Schedule Y” means the Areas of Elevated Archaeological Potential Map attached to this By-law.”

13. Adding the following definition after the definition of “Schedule Y”:

“Schedule Z” means the Wetlands Map attached to this By-law.”

14. Adding the following after Section 180:

18P Notwithstanding any other provisions of the By-law, on lands zoned BCDD, development may be considered in accordance with Policy EC-14 of the Regional Municipal Planning Strategy.

15. Adding the following after Section 18P:

18Q Notwithstanding any other provisions of the By-law, on lands designated Rural Commuter pursuant to the Regional Municipal Planning Strategy, the following uses may be considered by development agreement:

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

new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

16. Adding the following sections after section 32:

32A(1) Watercourse Setbacks and Buffers

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

32A(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

32A(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible

separation from a watercourse having regard to other yard requirements.

- 32A(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- 32A(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- 32A(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.
- 32A(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

17. Adding section 32B after section 32A:

32B Coastal Areas

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

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

18. Adding the following Sections after Section 32B:

32C Schedule Y - Areas of Elevated Archaeological Potential

Where excavation is required for a development on any area identified on Schedule Y 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.

32D Schedule Z - Wetlands Map

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

19. Adding the following sections after section 16:

17 Bicycle Parking Facilities

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

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

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

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

17A Location of Bicycle Parking

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

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

17B Special Bicycle Parking Facility Requirements

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
 - (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
 - (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.
- 20. Adding the words “US Urban Settlement” after the words “H Holding Zone in section 31.
 - 21. Adding the words “UR Urban Reserve Zone” after the words “Urban Settlement Zone” in section 31.
 - 22. Adding the words “RPK Regional Park Zone” after the words “P Park Zone in section 31.
 - 23. Adding the words “TR Transportation Reserve Zone” after the words “RPK Regional Park Zone” in section 31.
 - 24. Add the following Section after Section 47::

US ZONE (URBAN SETTLEMENT) ZONE

- 47A (1) The following uses only shall be permitted in a US Zone:
 - (a) Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
 - (b) Public parks and playgrounds
 - (c) Uses accessory to the foregoing uses

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

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

25. Add the following Section after Section 47A(2):

UR ZONE (URBAN RESERVE) ZONE

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

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

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

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

26. Add the following Section after Section 44:

RPK (REGIONAL PARK) ZONE

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

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

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

Minimum Front or Flankage Yard:	20m
Minimum Side or Rear Yard:	20m
Maximum Lot Coverage:	50%

27. Adding the following after PART 53E:

PART 53F: TR (TRANSPORTATION RESERVE) ZONE

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

None

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

28. Adding the following after Part 54A:

BCDD - Burnside Comprehensive Development District Zone

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

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

- (b) No development permit shall be issued except in conformity with a development agreement pursuant to the *Municipal Government Act*.

- 29. Amending Zoning Schedule A as illustrated on Appendix "A".
- 30. Adding Schedules "Schedule Y - Areas of Elevated Archaeological Potential" and "Schedule Z - Wetlands" as shown on Appendices "B" and "C" to "Part IV Scheduling" of the by-law.
- 31. Adding the following section in the General Provisions Part:

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.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the 27th day of June, A.D. 2006.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of July, A.D. 2006.

Jan Gibson
Municipal Clerk