HALIFAX

# LAND USE BY-LAW

# HALIFAX MAINLAND

# Halifax Regional Municipality

LAND USE BY-LAW
MAINLAND AREA
**(Edition 196)**

**THIS COPY IS A**

**REPRINT OF THE**

**LAND USE BY-LAW**

**WITH AMENDMENTS TO**

**NOVEMBER 3, 2018**

**LAND USE BY-LAW**
**FOR**
**HALIFAX MAINLAND**

**THIS IS TO CERTIFY** that this is a true copy of the Land Use By-law for Halifax Mainland which was passed by a majority vote of the former City Council at duly called meetings held on March 30, 1978 and May 11, 1978, and approved by the Minister of Municipal Affairs on August 11, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 3rd day of November, 2018.

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

_____
Municipal Clerk

**The Halifax Regional Municipality, its Officers, and Employees, accept no responsibility for the accuracy of the information contained in this (By-law, Plan, etc.)**

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

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

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# LAND USE BY-LAW - MAINLAND AREA

## ADMINISTRATION

1(1) This by-law shall be administered by the Development Officer of the City of Halifax.

1(2) No person shall undertake a development without first obtaining a development permit.

1(3) Every application for a development permit shall be accompanied by such materials as required by Sections 63 and 64 of this by-law.

## APPLICATION

lA This by-law shall apply to the zoning area as defined in Section 2.

## DEFINITIONS

2 In this by-law:

**"Accessory Building"** means a detached subordinate building not exceeding one storey and 14 feet in height, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

**"Accessory Use"** means a use that is normally incidental, subordinate and exclusively devoted to a principal use and located on the same lot therewith;

**"Adult Bookstore"** includes any establishment or place for the purpose of retail trade where 20% or more of the value of the total stock in trade in any such establishment or place is comprised of books, magazines, or other periodicals relating to or portrayed as relating to sexual activities;

**"Adult Cabaret"** means any premises or part thereof, whether public, semi-private, or private, wherein is provided the opportunity to feel, handle, touch, paint, be in the presence of, be entertained by the nude body of another person, or to observe, view or photograph any such activity;

**"Adult Entertainment Use"** means a massage parlour, sex-aid shop, adult bookstore, or adult cabaret;

**"Alter"** means to make any change in the size, shape, structure or materials of a building or any part thereof;

**"Amusement Centre"** means a commercially operated facility providing more than three (3) amusement machines.

**"Amusement Machine"** means any mechanical, electronic or combination of mechanical and electronic machine, device, or game which may be operated or played upon the placing or depositing therein of one or more coins, counters, slugs, balls, token, or any other article or thing or designed or normally intended to be so operated, by the paying, therefore, either in advance of or after use, or in exchange for credits whether acquired on or off the premises, on which the machine is located which does not dispense foods, wares or services, but is used as a game, contest of chance or skill, or for amusement whether or not registering a score including but not limited to electronic or mechanical game machines, electronic video games, skill ball, bowling game machines, horse racing machine, driving games, target games, pinball machines, shuffleboard, and other similar machines or devices under whatever name they may be indicated.

**"Apartment"** means a room or suite of rooms designed or used as living quarters for one or more persons living independently of each other and doing their own cooking therein;

**"Apartment House"** means a building other than double duplex dwelling arranged, intended or designed to be occupied by three or more families living independently of each other but does not include a townhouse building in an R-2 P zone;

**"Areas of Elevated Archaeological Potential" means the areas of land shown on ZM-22 - Areas of Elevated Archaeological Potential Map attached to this By-law. (RC-Jun 25/14;E-Oct 18/14)**

**"Basement"** means, for the purposes of this by-law, that storey which is partly underground but having not more than half of its clear floor to ceiling height below the average grade of the land outside the building in which such basement is located, such grade being taken at the foundation walls.

**"Bed and Breakfast"** means a home occupation within a one family dwelling house where not more than three sleeping rooms are rented to the travelling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms.

**"Bedford Highway Area"** means that area designated as the Bedford Highway Secondary Planning Strategy on zoning map ZM-2.

**"Bicycle Parking, Class A" means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages. (RC-Jun 25/14;E-Oct 18/14)**

**"Bicycle Parking, Class B" means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact. (RC-Jun 25/14;E-Oct 18/14)**

**"Bicycle Parking, Enhanced" means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every**

**six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space). (RC-Jun 25/14;E-Oct 18/14)**

**"Billboard"** means any freestanding sign and supporting structure, maintained or used for display of advertising matter, or any advertising sign displayed in conjunction with mural artwork occupying an equal or greater surface area on a building, wall or fence.

**"Boarding House"** means a private dwelling in which three but not more than six rooms are offered for rent and table board is furnished only to roomers and in which no transients are accommodated;

**"Building"** includes any structure placed on, over or under land and every part of the same and any external chimney, staircase, porch, or other fabric used in connection with a building whether affixed to the realty or not, but does not include a mobile home as defined in this by-law;

**"Building Depth" means the distance between the front yard setback required on a lot and the portion of the principal building's rear main wall furthest from the required front yard setback, measured along a line that is perpendicular to the front yard setback line. (RC-Oct 4/16;E-Nov 26/16)**

**"Building Line"** means any line regulating the position of a building in relation to the street and the side and rear lot lines in accordance with the provisions of this by-law;

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

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

**"Cannabis Production Facility" means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,**

**(a) including**

**(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and**

**(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and**

**(b) excluding**

**(i) industrial hemp, and**

**(ii) premises used for personal production permitted by federal legislation.**

**"Cannabis Retail Sales" means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public.**

**"Commercial Building"** means any building from which retail, rental or wholesale trade is carried on;

**"Commercial Enterprise"** means any enterprise which conducts retail, rental or wholesale trade;

**"Commercial Recreation Use"** means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee is charged, and, without limiting the generality of the foregoing, shall include weight-lifting and/or fitness centres, boxing or racquet sport clubs, martial arts schools and dance studios, but shall not, for the purpose of this by-law, include bingo halls or amusement centres.

**"Community Facility"** means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall. **A community facility may also include, in combination with offices or facilities of a non-profit organization, a store for the sale or provision of donated merchandise. (CC-Sep 11/06; E-Oct 2/06)**

**"Conservation Use" means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)**

**"Construction and demolition materials**" hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

"**Construction and demolition materials disposal site"** hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.

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

**"Construction and demolition materials transfer station"** hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility.

**"Corner Lot"** means any 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;

**"Coverage"** means the combined area of the land covered by all the buildings on a lot, including land over which the buildings project, but excluding any area below the eaves of the roof. Portions of a building which are not covered by a roof such as unsheltered steps, verandah or deck are excluded from the combined area.

**"Day Care Facility" means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name (and known as a 'child care centre' in the Municipal Planning Strategy), with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, seven (7) or more children not of common parentage, or nine (9) or more children not of common parentage who are all school-aged up to and including twelve (12) years of age; but does not include a place such as a hospital or school, does not include organized religious or recreational activities, and does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (RC-Mar 3/09;E-Mar 21/09)**

**"Development"** includes any erection, construction, addition, replacement or relocation of any building or structure and any change or alteration in the use made of land, buildings, or structures;

**"Duplex Dwelling"** means the whole of a dwelling that is divided horizontally into two separate dwelling units, each of which has an independent entrance;

**"Dwelling"** means any building or portion thereof which is designed or used for residential purposes but does not include a mobile home;

**"Dwelling Unit"** means 2 or more rooms used or designed to be used by one or more persons as a place of abode which contains not more than one kitchen and includes but is not limited to living, sleeping and sanitary facilities.

**"Erect"** includes excavating ground for a foundation, laying a foundation, constructing, reconstructing, removing, or changing the location or orientation of a building or any part thereof;

**"Fairview Area"** means the area designated as the Fairview Secondary Planning Strategy on zoning map ZM-2.

**"Front"** means to abut on a street and a building shall be deemed to abut 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;

**"Front Yard"** shall mean a yard extending across the full width of the lot from the street line of the lot to the front wall of the building.

**"Gross Commercial Floor Area"** means the floor area occupied for the purpose of storing or preparing goods, food, or services for sale and displaying, selling, or dispensing goods, food, or services.

**"Gross Lot Area"** means the area of a lot plus the area of one-half the width of any street or permanent open space abutting upon such lot or 30 feet, whichever is the lesser;

**"Habitable Room"** means any room in a dwelling house, multiple dwelling, or dwelling unit with the exception of bathrooms, storage spaces with no windows or kitchens with a floor area of less than 100 square feet. Combined or undivided living spaces with floor areas greater than 400 square feet shall be deemed to be two habitable rooms;

**"Health Clinic" means a building or part thereof that provides one or a combination of the following: rehabilitation; counselling; diagnosis and treatment for a variety of health and wellness issues. (RC-Oct 4/16;E-Nov 26/16)**

**"Height"** when applied to a building, means the vertical distance of the highest point of the roof above the mean grade of the surface of all the streets adjoining the building

or the mean grade of the natural ground so adjoining if such grade is not below the grade of the surface;

**"Home Occupation"** means an accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services;

**"Hotel"** means a building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no permanent provision for cooking and are usually hired to transients as places of abode and is capable of accommodating at least 15 persons;

**"Illuminated Sign"** means any sign designed to give forth an artificial light or designed to reflect light;

**"Institution"** means a building used by an organized body or society for promoting a particular object, usually a non-commercial nature;

**"Junk Yard"** means any land used for the collection, storage, handling, processing, wrecking, dismantling, buying or selling of discarded materials, which shall include, but not be limited to scrap metal, machinery or parts thereof, dilapidated boats, waste paper, bottles, tires, bicycles, and derelict vehicles but shall not include Construction and Demolition Materials;

**"Landscaped Open Space"** means any landscaped area or playground not covered by any building but shall not include space for vehicular access, car parking, or the manoeuvring of vehicles;

**"Landscaping" means that part of a lot located outdoors that is used for the placement of any or a combination of the following elements:**

**a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover**

**b) hard landscaping consisting of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, and excluding asphalt and any area used for vehicle parking and manoeuvering. (RC-Oct 4/16;E-Nov 26/16)**

**"Living Space"** means that portion of the floor coverage of a building exclusive of a porch or garage or unoccupied basement;

**"Lodging House"** or **"Rooming House"** means a building in which three or more rooms are rented and in which no table board is furnished;

**"Lot"** or **"Property"** means a parcel of land whether or not occupied by a building;

**"Lot Depth" means the distance between the front and rear lot lines, measured along a line midway between the side lot lines. (RC-Oct 4/16;E-Nov 26/16)**

**"Lot Line"** means any line dividing one lot from another;

**"Lounge" means an establishment licensed as a lounge under the authority of the Liquor Control Act. (HWCC-Jul 30/18;E-Aug 25/18)**

**"Mainland South Area"** means the area designated as the Mainland South Secondary Planning Strategy on zoning map ZM-2.

**"Massage Parlour"** includes any premises or 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 therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia;

**"Mobile Home"** means any portable dwelling having no permanent foundation and supported by wheels, jacks, or similar supports being used as a conveyance upon public streets or highways and duly licensable as such and designed and constructed to permit occupancy for dwelling and sleeping quarters;

**"Motel"** means a building for transient overnight occupancy containing a series of or several jointed units;

**"Motor Vehicle Sales"** means any land used for the sale of motor vehicles and does not include servicing, repair or painting of motor vehicles or sale of motor vehicle parts.

**"Multiple Dwelling"** includes an apartment house, boarding house, and rooming house;

**"Nonconforming Use"** shall have the same meaning as contained in the Municipal Government Act as may be amended from time to time.

**"Northwest Arm Water Access Area"** means the area shown on map ZM-24 attached to this By-law. **(RC-May 1/07;E-Jul 21/07)**

**"Nude"** means the showing of human male or female genitals, pubic area, or buttocks, with less than full opaque covering, or the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the areola of the breast;

**"Occupied"** includes "designed to be occupied" and "intended to be occupied";

**"Open Space"** includes landscaped open space and recreational space;

**"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 includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof;

**"Permanent Open Space"** means:

(i) publicly-owned land, the use of which as an open space is established in perpetuity by deed of trust or otherwise; or
(ii) cemeteries; or
(iii) land permanently covered by water;

**"Population Density"** means the number of persons occupying a building(s) on a lot per one acre of gross lot area. In determining population density, the number of persons occupying a building(s) on a lot shall be calculated on the basis of one person for each habitable room contained therein;

**"Professional Person"** means a person who is a member of one or more of the following professions and who is licensed to practice same:

(a) Medical doctor, physician or surgeon;
(b) Dentist;
(c) Barrister or solicitor;
(d) Architect or engineer;
(e) Psychologist.
(f) Chartered Accountant

**"Public Service or Utility use"** shall mean the use of land or erection of structures thereon for the purpose of providing a service by a government or a public utility.

**"Recreational Space"** means space specifically designed for recreational purposes in, on or under any part of a building for common use by the occupants of such building and includes private balconies and terraces permanently open on at least one side;

**"Recreational Use" means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)**

**"Recycling depot"** means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction and demolition materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot;

**"Rental"** means a business conducted within a principal building with no outside display of goods which provides goods and services for temporary use, payment for which is calculated at fixed intervals and is made by the user to the owner. For the purposes of Section 85(2) (Change in Use) of the Planning Act, Chapter 9, S.N.S. 1983, "rental" shall be considered to be the same as "retail trade".

**"Repair"** means to make any repair of the value of One Hundred Dollars ($100) or more;

**"Residential Zone"** means a zone which permits only residential uses and their accessory uses.

**"Salvage yard"** means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials;

**"Schedule K"** means the area designated as Schedule K on zoning map ZM-2.

**"Schedule L"** means the area designated as Schedule L on zoning map ZM-2.

**"Semi-detached dwelling"** means the whole of a dwelling house that is divided vertically into two separate dwelling units, each of which has an independent entrance.

**"Sewer Service"** means a system of pipes that disposes of household sewage other than on the lot;

**"Sex-Aid Shop"** includes any establishment or place for the purpose of retail trade where 10% or more of the value of the total stock in trade in any such establishment or place is comprised of articles relating to or portrayed as relating to sexual activities;

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

**"Single Family Dwelling"** means the whole of a dwelling house occupied by not more than one family;

**"Shipping Container"** means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck."

**"Special Care Home"** means a building or part of a building in which accommodation, together with nursing, supervisory or personal care is provided or is available for four or more persons with social, health, emotional, mental or physical handicaps or problems, and only such building or part thereof as is licensed by the Homes for Special Care Act, or the Children's Services Act, or operated as a community correctional center under the provisions of the Penitentiary Act of Canada, but does not include a building or part thereof maintained by a person to whom the residents are related by

blood or marriage, a public hospital, maternity hospital, sanatorium, jail, prison, reformatory, hotel or hostel;

**"Stacked Attached Housing"** means 3 or more dwelling units that are horizontally or vertically attached and which have a principal access to the exterior ground level either directly from the unit or by means of a staircase shared by no more than 6 units.

**"Stacked Townhouse" means a building containing three or more dwelling units attached side by side, two units high, where each unit has an independent entrance to the unit from the outside. (RC-Oct 4/16;E-Nov 26/16)**

**"Street"** means any public street, road, highway or travelled way or portion thereof.

**"Street Line"** means the boundary of the street.

**"Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 8 metres in width or part thereof. (RC-Oct 4/16;E-Nov 26/16)**

**"Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback, which does not include minor recesses for elements such as doorways or intrusions such as bay windows. (RC-Oct 4/16;E-Nov 26/16)**

**"Streetwall Height" means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall. (RC-Oct 4/16;E-Nov 26/16)**

**"Structure"** means everything that is built or constructed of parts joined together and includes a building and an erection;

**"Townhouse"** means a dwelling unit in a townhouse building which has two or more independent entrances and a front and rear yard.

**"Townhouse Building"** means a building which is divided vertically by common walls into three or more townhouses.

**"Townhouse Style Residential Development" means an apartment house that is similar in appearance to a townhouse building but which is not capable of being subdivided so that each unit is on its own lot. (RC-Feb 2/10;E-Apr 17/10)**

**"Use"** means the purpose for which a building, structure, premises, or land, or any part thereof, is used, occupied, or intended to be or designed to be used or occupied;

**"Used"** includes "arranged to be used", "designed to be used", and "intended to be used";

**"Used building material retail outlet**" means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building;

**"Water Control Structure" means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)**

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

**"Water Service"** means the provision of domestic water from a source not on the lot;

**"Western Shore of the Bedford Basin Water Access Area" means the area identified as the seabed of the Bedford Basin seaward of the Ordinary High Water Mark, as it existed on the effective date of the adoption of this amendment, for a distance of 250 metres from the southern boundary of PID 00279786 to the northern boundary of the Halifax Plan Area. (RC-Jan 11/11;E-Mar 12/11)**

**"Wetland Areas" means the areas of land shown on ZM-23 - Wetlands Map attached to this By-law. (RC-Jun 25/14;E-Oct 18/14)**

**"Zoning Area" means the area shown on the zoning maps attached to and forming part of this by-law as R-1, R-2, R-2P, R-2T, R-2AM, R-3, R-4, RC-1, C-1, C-2, C-2A, C-2B, C-6, I-1, I-2, I-3, P, U-2, T, H, US, UR, PWS, RDD, WC, WCDD, BWCDD, WCCDD, CD-1, CD-2, CD-3, ICH, RPK, PA and WA Zones. (RC-Jun 25/14;E-Oct 18/14)**

## GENERAL PROVISIONS

### GENERAL PROHIBITION

3 No person shall erect or alter any building or locate or carry on any industry, business, trade or calling or use any land or building within any use zone or cause the same to be done without complying with the provisions of this by-law.

**3A Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14)**

### OTHER PERMITS REQUIRED

4 Nothing in this by-law shall operate to relieve any person of the obligation to obtain any license, permission, permit authority, or approval required by this or any other by-law of the municipality.

4A (Deleted)

4B In the **"Bedford Highway Area"**, notwithstanding any other provisions of this by-law, a development permit may be issued by the Development Officer for a project in respect of which approval was given by Council and where no decision of the Municipal Board has been given reversing such approval, provided that the development is completed within the time limit specified in the Development Agreement or, in the absence of such time limit, before March 14, 1985.

### LOT TO ABUT ON A STREET

5 **Except for any lot approved pursuant to Section 38 of the Subdivision By-law, (RC-Jun 25/14;E-Oct 18/14)** every lot or part of a lot shall abut on a street and a building shall be deemed to abut 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.

5A Deleted **(RC-Jun 27/06;E-Aug 26/06)**

6 Deleted

### ONE BUILDING PER LOT

7(1) Every building erected after the coming into effect of this by-law shall be located on a lot as defined in this by-law and in no case shall there be more than one building on one lot or one building on more than one lot except as otherwise provided in this by-law.

7(2) Where, prior to the coming into effect of this by-law, more than one building has been erected on one lot, only such buildings so erected that have been used or occupied on each such lot for residential or commercial purposes shall continue to be so used or occupied and no other building on any such lot shall be altered or converted for either residential or commercial purposes.

**MULTIPLE BUILDINGS PER LOT PERMITTED**

7(3) Notwithstanding the provisions of subsections (1) and (2) hereof, more than one residential building, excluding single-family, semi-detached and duplex buildings, may be constructed on a lot in an R-3 or R-4 Zone, provided that:

**(a) FOR R-3 USES**

(i) Sections 28CA to 28CF inclusive shall apply to each building except that the minimum lot frontage and lot area shall be 60 ft. and 6,000 sq.ft. respectively; and

(ii) Section 28CF shall be applied as if the occupancy is the combined occupancy of all buildings on the lot.

**(b) FOR R-4 USES**

(i) Sections 29 to 33 inclusive shall apply to each building except that the minimum lot frontage and lot area shall be 60 ft. and 6,000 sq.ft. respectively; and

(ii) Section 34 shall be applied as if the occupancy is the combined occupancy of all the buildings on the lot.

**(c) Deleted**

**(d) EXCEPTION FOR INDUSTRIAL/COMMERCIAL BUILDINGS**

Notwithstanding the provisions of Subsections (a) and (b) hereof, more than one industrial/commercial building may be constructed on a lot in an I-3 Zone, provided that the regulations contained in Section 50A(1), (4) and (5) shall apply.

**(e) EXCEPTION FOR WC ZONE**

Notwithstanding the provisions of Subsection (a) and (b) hereof, more than one building may be constructed on a lot in any WC zone provided that the regulations contained in Section 62AA(1) and (4) shall apply.

**STORAGE OF LUMBER, ETC.**

8 No building or land within a residential district shall be used for the storage of lumber, junk, or other goods or for any other commercial or industrial purposes except as otherwise provided in this by-law.

**PARKING**

9(a) The owner of a building shall provide off-street automobile parking space according to the following

(i) Every building hereafter erected or altered for use as a dwelling shall therein or upon such lands appurtenant hereto provide and maintain accommodation for the parking or storage of motor vehicles for the use by the occupants of such dwelling;

(ii) Such accommodation shall consist of one parking space for each dwelling unit contained in such dwelling;

(iia) Notwithstanding clause (ii), for R-3 uses in the R-3 Zone, in the **"Bedford Highway Area"**, such accommodation shall consist of:

(a) one space for every unit of two or more bedrooms; and

(b) one space for every four or less bachelor or one-bedroom units.

(iii) For R-1, R-2, R-2P, R-2AM and R-2T uses, except townhouses, a maximum of 33 percent of the front yard shall be used for vehicular access, manoeuvring and parking.

(iv) Parking space for R-3 and R-4 uses shall be exclusive of the area of the entrance or driveway leading to such parking space provided, however, that such parking space shall not be situated within 5 feet of any official street line nor within 5 feet of any door or window serving a habitable room;

(v) Parking space located in the front of a building as permitted by Section 9(a)(iv) shall be screened from the street by hedging, fencing, or other means;

(vi) For residential uses, areas used for vehicle access, manoeuvring or parking shall be of a stable substance such as gravel, asphalt, concrete, bricks or paving stones.

(vii) For R-1, R-2, R-2P, and R-2AM uses, excepting townhouses, a minimum of 67 percent of the front yard must be landscaped.

9(b) Parking space for one vehicle for each twenty seats or similar accommodation in any **theatre, auditorium, church, church hall, or stadium** and such space shall be provided at a point no further than 500 feet distant from the theatre, auditorium, church, church hall, or stadium;

9(c) Parking space for one vehicle for each three guest rooms or suites in a **hotel, guest home, tourist home, or building of a similar nature** and such space shall be provided at a point not further than 500 feet distant from such hotel, guest home, tourist home, or building of a similar nature;

9(d) Off-street parking for vehicles shall be provided for a lot on which a **commercial building** is erected, at a point or points not further than 500 feet from the commercial building, according to the following:

(i) 3 spaces per 1,000 sq.ft. of gross floor area of office space;

(ii) 4 spaces per 1,000 sq.ft. of gross floor area of retail/service store space;

(iii) 8 spaces per 1,000 sq.ft. of gross floor area of restaurant space; and

(iv) parking shall not be permitted within 3 ft. of the street line, and parking for commercial uses shall be paved.

(v) (Deleted)

10 The owner of a **motel** shall provide for the motel off-street automobile parking space according to the following table:

(a) for a motel of 10 units or less - one space per unit, plus one space;

(b) for a motel of more than 10 units and less than 21 units - one space per unit, plus two spaces;

(c) for a motel of more than 20 units and less than 31 units - one space per unit, plus three spaces;

(d) for a motel of more than 30 units and less than 41 units - one space per unit, plus four spaces;
(e) for a motel of more than 40 units and less than 51 units - one space per unit, plus five spaces;
(f) for a motel of more than 50 units - one space per unit, plus six spaces.

11A For the purpose of Sections 9 and 10, except 9(a)(iii) each parking space required for a motor vehicle must be separately accessible and measure at least 9 feet wide and 20 feet long.

11B For the purposes of Section 9(a)(iii) each parking space for a motor vehicle must be separately accessible and measure at least 8 feet wide and 16 feet long.

**DAY CARE FACILITY - SPECIAL CARE HOME PARKING**

11(1) The owners of every building hereafter erected or altered for uses as a **day care facility** as an R-3 (General residential and Low Rise Apartment) or R-4 (Multiple Dwelling) use or special care home shall therein or upon lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for the use of the employees of such **day care facility** or special care home. **(RC-Mar 3/09;E-Mar 21/09)**

11(2) Such accommodation shall consist of one separately accessible parking space at least 9 feet wide and 20 feet long for every 1,200 square feet of building actually used for a **day care facility** as an R-3 (General Residential and Low Rise Apartment) or R-4 (Multiple Dwelling) use and one separately accessible parking space at least 9 feet wide and 20 feet long for every three employees or fraction thereof for every special care home. **(RC-Mar 3/09;E-Mar 21/09)**

11(3) Such accommodation shall be provided in an area other than the front yard and entrance or driveway leading to such parking space.

12 (Deleted)

13A A **development permit shall not be required** for the following developments:

(a) any physical alteration to an existing building which does not change the exterior dimensions or shape of said building;
(b) fences;
(c) a temporary building to be used in connection with construction work.

**13AA BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14)**

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

| Use | Bicycle Parking Requirement |
|---|---|
| **Multiple Unit Dwelling** | **0.5 spaces per dwelling unit**<br>**80% Class A, 20% Class B** |
| **Hotels/Motels/Inns** | **1 space for every 20 rooms**<br>**80% Class A, 20% Class B**<br>**Minimum 2 Class B spaces** |
| **General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants** | **1 space per 300m² GFA**<br>**20% Class A / 80% Class B**<br>**Minimum 2 Class B spaces** |
| **General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings** | **1 space per 500m² GFA**<br>**50% Class A / 50% Class B**<br>**Minimum 2 Class B spaces** |
| **Auditoriums, Theatres, Stadiums, Halls** | **1 space for every 20 seats**<br>**20% Class A / 80% Class B**<br>**Minimum of 2 Class B spaces**<br>**Maximum of 50 spaces** |
| **Schools, Colleges, Universities** | **1 space for every 250m² GFA**<br>**20% Class A / 80% Class B** |
| **Recreation Facilities, Community Centres, Libraries.** | **1 space per 200m² GFA**<br>**20% Class A / 80% Class B**<br>**Minimum of 2 Class B spaces** |
| **General Industrial Uses** | **1 space per 1000 m² GFA**<br>**80% Class A / 20% Class B**<br>**Minimum of 2 Class B spaces**<br>**Maximum of 20 spaces** |
| **Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)** | **5% of motor vehicle parking provided**<br>**Minimum of 2 Class B spaces**<br>**Maximum of 50 spaces** |
| **Any Uses Not Specified Above** | **1 space per 500 m² GFA**<br>**50% Class A / 50% Class B** |

**(2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.**

**(3) Each Class B bicycle parking space shall:**

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

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

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

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

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

**13AB LOCATION OF BICYCLE PARKING (RC-Jun 25/14;E-Oct 18/14)**

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

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

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

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

**13AC SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS (RC-Jun 25/14;E-Oct 18/14)**

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

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

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

## OFF STREET LOADING SPACE

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

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

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

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

## WATER/SEWER EXCEPTIONS

14A No development permit shall be issued unless the proposed development is on a city sewer or water system, provided however, that this section shall not apply to:

(a) developments within a holding zone or WC zone on lots which abut the existing public street network;
(b) the replacement by a similar use, or the repair of a building which is not on city sewer and water but conforms in every other respect to the land use by-law;
(c) additions which do not result in a change in use or increase in the number of dwelling units;
(d) accessory buildings.
(e) developments within an I-3 Zone, located outside the Development Boundary identified on Map II, Appendix "C" of the Halifax-Dartmouth Metropolitan Regional Plan.
(f) Repealed
(g) R-1 and R-2 uses on lots which abut the existing public street network for the area designated "Residential Environments" for the area of Kearney Lake west of the Bicentennial highway.
**(h) a development within an Urban Reserve (UR) Zone. (RC-Jun 25/14;E-Oct 18/14)**

## HOME OCCUPATIONS - BED AND BREAKFAST

l4B Where home occupations are permitted under this by-law, such home occupation shall comply with the following:

(1) No person who is not a resident of the dwelling unit shall be the proprietor of, or shall be employed in, a home occupation;
(2) Only one home occupation shall be permitted per lot;
(3) Such home occupations shall be confined to one storey of the dwelling and shall not occupy more than 50 percent of the floor area of such storey to a maximum of 400 gross square feet;
(4) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;
(5) Except for articles manufactured on the premises, no stock in trade shall be displayed or sold on the premises;
(6) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence and the home occupation shall be conducted entirely within the dwelling unit;
(7) There shall be no display of goods visible from the outside, or outside storage of equipment or material, or use of an accessory building in connection with the home occupation;
(8) Only one commercial vehicle, not exceeding 6,000 pounds gross vehicle weight, shall be parked on the premises in connection with the home occupation;
(9) The commercial vehicle permitted under clause (8) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;

(10) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
(11) Without restricting the generality of the foregoing, the preparation and sale of food, the keeping of animals, adult entertainment uses, and taxi stands, shall be deemed not to be home occupations.
(12) Notwithstanding subsection (3), a bed and breakfast establishment shall occupy not more than three bedrooms as sleeping rooms for guests.
(13) Notwithstanding subsection (11), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.
(14) (a) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.
(b) Such accommodation shall consist of one separately accessible parking space at least eight feet wide by sixteen feet long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.
(c) Such accommodation shall consist of two parking spaces at least eight feet wide and sixteen feet long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.

**REDUCED LOT SIZE**

14C Notwithstanding any section of this by-law, in the case of lots existing prior to the date of adoption of this section, the lot size and lot frontage requirements shall be reduced to **3,000 square feet and 30 feet**, respectively, for single family residential uses.

**BILLBOARDS NOT A BUILDING**

14D(1) For the purpose of this by-law, notwithstanding Section 7(a), a billboard shall be deemed not to be a building.

14D(2) Where billboards are permitted under this by-law, a billboard erected, maintained or used to display advertising matter which does not relate to the property or use of the property on which said billboard is placed, shall:

(a) not extend more than 25 feet (7.62 metres) at its highest point above the mean grade on which it is situated and over which it protrudes; nor shall any portion of the sign face or its associated features be located within 12 feet (3.6576 metres) of the mean grade immediately under the sign;
(b) not be located less than 15 feet (4.572 metres) from any street line or abutting lot line, nor be located less than 250 feet (76.2 metres) from a lot which is zoned or used for park, institutional, open space or residential purposes;
(c) not contain a sign face, or its associated features, exceeding 200 square feet (18.58 square metres) in area;
(d) not have more than two sign faces, and billboards containing two sign faces shall have said sign faces affixed back-to-back;
(e) not be located within 1000 feet (304.8 metres) of another billboard located on the same street;

(f) not be located in any Minor Commercial (C-2A) zone;
(g) not be located between the waterfront and the Bedford Highway;
(h) not be illuminated between the hours of 11:00 p.m. of any day and 7:00 a.m. of the following day, where such billboard abuts a lot zoned or used for residential, institutional, park or conservation purposes.

14D(3) Section 14D(2) shall not apply to mural-style advertising applied to a building, wall or fence, provided that complementary non-commercial artwork is concurrently applied to an equal or greater portion of the remainder of the wall or fence, and provided that both the advertising and surrounding non-commercial artwork are applied and maintained to the satisfaction of the By-law Enforcement Officer.

14D(4) Section 14D(2) shall not apply to promotional street furniture or park facilities, including but not limited to bus shelters, bicycle racks, benches, kiosks, refuse containers and scoreboards which incorporate advertising permissible under other municipal by-laws.

**14DA GENERAL SIGN PROVISIONS (RC-Sep 26/06;E-Nov 18/06)**

**SIGN PERMIT**

**14DA(1) Except as provided in Section 16DA(3), no person shall place or erect an advertising structure in the City unless the owner or occupier of the premises on which the sign is erected has obtained a permit therefor.**

**14DA(2) Except as provided in Section 16DA(3), an owner or occupier shall have at all times a valid permit for each sign on any premise either owned or occupied by him.**

**EXCEPTIONS**

**14DA(3) Under this By-law, no permit is required for:**

**(a) a canopy which encroaches on the street;**
**(b) street decorations, streamers and similar temporary non-profit advertising authorized by the Development Officer with advise from Engineer;**
**(c) a non-illuminated sign less than three hundred square millimetres (300mm2);**
**(d) an unlit construction sign of less than two square metres (2m2) identifying parties involved in construction on the premises where the sign is located; providing such sign is to be in place for less than one year. A sign so erected shall be removed within fourteen (14) days after the conclusion of the activity;**
**(e) an unlit real estate sign less than two square metres (2m2) pertaining to the sale, rental, or lease of the premises on which the sign is displayed. A sign so erected shall be removed within fourteen (14) days after sale, rental or lease;**
**(f) event signs - unlighted signs of up to three square metres (3m2) in size displayed on private property and limited to one per each premise, announcing a campaign, drive or event of a political, civic, philanthropic,**

**educational or religious nature, not to be erected more than thirty (30) days before the event and to be removed not more than two (2) days after the event;**

**(g) display window signs - signs on the surface of inside display windows, lighted only by building illumination and, covering no more than twenty percent (20%) of the display window area.**

**LIGHTED SIGNS**

**14DA(4) (a) An illuminated sign with coloured lights or an animated sign shall be considered by the Development Officer, for traffic safety purposes.**

**(b) Where the Development Officer is of the opinion that the illuminated or animated sign would affect traffic safety, he shall recommend changes to the sign to the Development Officer.**

**(c) The Development Officer shall require the sign to be altered in conformance with the recommendations of the Development Officer.**

**(d) No permit shall be issued unless the recommended changes are made.**

**PROFESSIONAL DESIGN**

**14DA(5) If the Development Officer considers professional is necessary, he may require a copy of the detailed drawings, specifications, and calculations related to the sign or advertising structure and the supporting building, sealed and signed by an Engineer or Architect licensed or permitted to practice in the Province of Nova Scotia by the Association of Professional Engineers of Nova Scotia or the Nova Scotia Architects' Association.**

**CONDITIONS**

**14DA(6) Every permit issued for a sign or advertising structure shall contain the following conditions:**

**(a) that the sign or advertising structure shall at all times be maintained in a safe condition;**

**(b) any other condition so that the sign in the opinion of the Development Officer will not constitute a hazard to the public;**

**(c) where a sign may affect traffic flow, control or safety, the Development Officer may impose suitable conditions on the location, size, colours, animation, lighting or other characteristics related to traffic safety or to the provisions of reasonable distance, traffic visibility and clearance between streets and travelled ways and the sign or advertising structure.**

**ENCROACHMENT LICENSE**

**14DA(7) In addition to the provisions within this section regarding sign permits, 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**

**SIGNS ON BUILDINGS**

**14DA(8) No sign or advertising structure attached to any building shall extend more than two metres (2m) at its highest point including its supporting structures above the roof of the building.**

**14DA(9) On the roof of any building no sign or advertisement more than one-point-four metres (1.4m) high across the face shall be erected, and applicants must submit to the Development Officer drawings to scale showing method of construction and means of attachment, and the bottom of any such sign shall not be nearer than one hundred fifty millimetres (150mm) nor more than four hundred fifty millimetres (450mm) above the roof.**

**14DA(10) No sign or advertising structure beyond the building line shall be less than three metres (3m) above the surface of a vehicular passageway.**

**14DA(11) No sign or advertising structure shall overhang the street for a distance of more than two-thirds of the width of the sidewalk, excepting marguees or canopies.**

**14DA(12) No part of a sign or structure shall be closer than nine hundred millimetres (900mm) horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane.**

**ILLUMINATED SIGNS**

**14DA(13) Signs shall be illuminated in such a manner not to cause a glare to motorists, pedestrians or neighbouring premises**

**14DA(14) Signs shall not be illuminated between the hours of 11:00 p.m. of any day and 7:00 a.m. of the following day unless related to an establishment operating during these hours.**

**TEMPORARY SIGNAGE**

**14DA(15) 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).**

**14DA(16) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded.**

**NON-CONFORMING RESIDENTIAL USES - FAIRVIEW AREA**

14E(1) Notwithstanding any other provision of this by-law, any building containing a non-conforming residential use of more than four units in existence on the date of adoption of this section, located in the **"Fairview Area"** and designated "Low" or "Medium-Density Residential" may be reconstructed for the same use and to the same dimensions, in the event the building is destroyed by fire or otherwise to an extent of 75% or more of the market value of the structure, provided that the angle controls, parking and open space requirements of the R-4 Zone are met.

14E(2) Notwithstanding any other provision of this by-law, any building containing a residential use legally in existence on the date of adoption of this section, located in the **"Bedford Highway Area"** and designated "Low", "Medium" or "High Density Residential" may be reconstructed for the same use, to the same dimensions, in the event the building is destroyed by fire or otherwise.

14F(1) (Deleted)

14F(2) (Deleted)

14F(3) (Deleted)

14F(4) (Deleted)

**REPAIRS TO NON-CONFORMING USES**

14H Notwithstanding any other provisions of this by-law, the pitch of a roof of a structure containing a non-conforming use or a building converted under Section 28AC may be altered, thereby increasing the volume of the structure to effect repairs, provided that the interior height between the attic floor joists and the peak of the roof shall not exceed 6 ft. and no additional habitable space is created.

14H(2) In the case of a non-conforming structure or a structure containing a non-conforming use, deteriorated stairs, decks, chimneys, fuel tanks and air conditioners may be readopted, provided that:

(i) in the case of a non-conforming front, side or rear yard, such replacements do not change the location of nor increase the area of the existing encroachment;
(ii) in the case of a non-conforming lot coverage, the replacement does not increase the size of the non-conformity; and
(iii) that all other requirements of the by-law are adhered to.

**ADDITIONS TO A STRUCTURE CONTAINING A NON-CONFORMING USE**

14H(3) Additions to a structure containing a non-conforming use may be permitted, provided that:

(i) this section shall only apply to townhouses or buildings containing no more than two dwelling units;
(ii) additions shall comply with the requirements of the zone in which the residential portion of the use is listed as a permitted use;
(iii) no additional dwelling units are created; and
(iv) where the non-conforming use is other than residential, any addition permitted by this section shall not be used for any purpose other than residential

## BOATS, TRAILERS, CAMPERS

14I(1) For the purpose of this section, "trailer" and "camper" shall mean a trailer or camper as defined in Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the Motor Vehicle Act and regulations thereto.

14I(2) No person shall in any R-1, R-2 or R-4 Zone use any lot for the parking or storing of any boat, camper or trailer.

14I(3) Notwithstanding the provisions of subsection (2) hereof, the owner or occupant of any dwelling unit or lot, building, or structure in any R-1, R-2 or R-4 Zone may store or park,

(a) one boat, which shall not exceed twenty-three feet in length, with or without boat trailer, which shall not exceed twenty-three feet in length, exclusive of hitch or tongue; and
(b) a trailer or trailers, none of which shall exceed twenty- three feet in length, exclusive of hitch or tongue.

upon such lot, subject to the following regulations:

A Where lands are used for an apartment house, the boat, camper and trailers shall be located within a building and shall only be permitted in spaces or areas that are in addition to the number of parking spaces required for the parking or storage of motor vehicles for such buildings.

B Where lands are used for any other purposes:
  (i) the boat, camper and trailers shall be located within the dwelling, a garage or carport, or located to the rear of a line drawn between two adjacent buildings extending from the front wall of the building which is further from the street, such line being parallel to the street line;
  (ii) where a side lot line abuts a street, any boat, camper and trailers parked or stored shall be located no closer than the established setback of the main building or ten feet from such side lot line, whichever is the greater distance;
  (iii) where the rear lot line abuts a street, any boat, camper and trailers parked or stored shall be located not less than twenty-five feet from such rear lot line.

14I(4) Notwithstanding subsections (2) and (3) hereof, where lands are used for purposes other than for apartments, the limitation imposed therein shall not restrict the number of such boats or trailers that are fully enclosed within a garage or dwelling, provided the same are owned by the owner or occupant of such dwelling unit or lot, building or structure or a member of his family.

## SUBDIVISION OF MULTIPLE, OR ENCROACHING BUILDINGS

14J Notwithstanding anything in this by-law, except Section 14A:

(a) Where two or more buildings existed on one lot prior to March 25, 1982, a subdivision may be approved to place each building on its own lot, notwithstanding that the resultant lot(s) and/or building(s) will not meet the land use by-law requirements. Each lot, however, must have a minimum of 10 ft. frontage on a street.

(b) Where a building exists at the time of the adoption of this section of the by-law encroaches on a lot line, a subdivision may be approved to place the building on its own lot, notwithstanding that the resultant lot(s) and/or existing building(s) will not meet the land use by-law requirements, provided each lot has at least a 10 ft. frontage on a street.

**EXISTING SEMI-DETACHED DWELLINGS**

(c) Where a semi-detached dwelling existed on one lot on the effective date of this amendment, to which additions may have been constructed, which does not meet the requirements for subdivision purposes under this by-law and/or is not a permitted use in the zone in which it is located, a subdivision may be approved to place each dwelling unit on its own lot, provided that each lot has a minimum of 10 feet of frontage on a street.

**DESTRUCTION BY FIRE OR OTHERWISE**

14K Residential buildings in the **"Mainland South Area"** legally in existence on the date of adoption of this section which do not conform to this by-law, and which are destroyed by fire or otherwise, shall be permitted to be reconstructed to the same size and use.

14L (Deleted)

**SETBACKS IN FLOOD PLAIN**

14M(1) Notwithstanding any other provisions of this by-law, in the **"Mainland South Area"**, development shall be required to setback. The minimum required setback is shown on ZM-19 'MacIntosh Run Flood Plain Map'.

14N In the **"Mainland South Area"**, notwithstanding any other provision of this by-law, a Development Permit may be issued by the Development Officer for a project in respect of which approval was given by Council and where no decision of the Municipal Board has been given reversing such approval, provided that the development is completed within the time limit specified in the Development Agreement or, in the absence of such time limit, before the expiration of one year from the date of adoption of this Section.

14O (Deleted)

14P (Deleted)

14Q (Deleted)

**14QA(1)** **<u>Watercourse Setbacks and Buffers</u>** **(RC-Jun 25/14;E-Oct 18/14)**

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

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

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

**(d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 $m^2$ or a combination of an accessory structure and attached deck not exceeding 20 $m^2$, fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.**

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

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

**14QA(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building. (RC-Jun 25/14;E-Oct 18/14)**

**14QA(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements. (RC-Jun 25/14;E-Oct 18/14)**

**14QA(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe. (RC-Jun 25/14;E-Oct 18/14)**

**14QA(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician. (RC-Jun 25/14;E-Oct 18/14)**

**14QA(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an 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 25/14;E-Oct 18/14)**

**14QA(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour. (RC-Jun 25/14;E-Oct 18/14)**

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

**(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 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).**

**(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.**

14R **<u>SHIPPING CONTAINERS</u>**

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

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

(c) No shipping container may be used in any zone as a dwelling or other form of accommodation, including offices.

**14S <u>ZM-22 - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL</u> (RC-Jun 25/14;E-Oct 18/14)**

**Where excavation is required for a development on any area identified on ZM-22 attached to this by-law, a development permit may be issued and the application**

**may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.**

**14T** **<u>ZM-23 - WETLANDS</u> (RC-Jun 25/14;E-Oct 18/14)**

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

**<u>DEVELOPMENT AND SUBDIVISION ON THE NORTHWEST ARM AND THE WESTERN SHORE OF THE BEDFORD BASIN</u> (RC-Jan 11/11;E-Mar 12/11)**

**14U** **For any development or subdivision within the Northwest Arm Water Access Area or the Bedford Basin Water Access Area, in addition to all other applicable requirements of this By-law, the following requirements shall apply:**

- **(a) Definitions:**
  - **(i) "Boathouse" means a building or structure, whether permanent or temporary, which is located on a waterfront lot, which is roofed, which does not contain toilet, bathroom, kitchen or sleeping facilities and which is used for the shelter or storage of boats, watercrafts and associated marine accessories and equipment, but not for the accommodation of persons, animals, or vehicles as defined by the Motor Vehicle Act.**
  - **(ii) "Gazebo" means a freestanding, roofed accessory building or structure, which is not enclosed, which does not contain toilet, bathroom, kitchen or sleeping facilities, and which is not used for the accommodation of animals or vehicles as defined by the Motor Vehicle Act.**
  - **(iii) "Shoreline" means the Ordinary High Water Mark as defined under the Nova Scotia Land Surveyors Regulations and as it existed on the effective date of this Section.**
  - **(iv) "Water Lot" means any part or parcel of land located seaward of the Shoreline as illustrated on Map 9 the Generalized Future Land Use Map for the Halifax Plan Area.**
- **(b) In addition to all other applicable requirements of this by-law:**
  - **(i) No structure, with the exception of boathouses, public works and utilities, ferry terminal facilities, a multi-use trail system and associated facilities, parks on public lands, wharves, docks, gazebos, municipal, provincial and national historic sites and monuments, and existing structures may be located within 9 metres (30 feet) of the Shoreline within the Water Access Zone.**
  - **(ii) Where boathouses and gazebos are to be located within 9 metres (30 feet) of the Shoreline within the Water Access Zone, they shall be limited to one boathouse and one gazebo per lot and each structure**

**may have a maximum area of 121.92 square metres (400 square feet), a maximum width of 6 metres (20 feet) on the side that is most parallel to the Shoreline, a maximum depth of 7.8 metres (26 feet), a minimum roof pitch of 5/12 and a maximum height of 4.2 metres (14 feet);**

**(c) Notwithstanding Subsection (b), the 9-metre (30-foot) Northwest Arm Shoreline setback shall not apply to the properties identified by the following P.I.D. numbers: 00251868 (leased to the Armdale Yacht Club), 00274548 and 00270942 (Royal Nova Scotia Yacht Squadron).**

**(d) No portion of a water lot shall:**

**(i) be included within the calculation of the minimum setback required by clause (b)(I);**

**(ii) be included within the calculation of the minimum lot area requirements of this by-law; and,**

**(iii) have frontage on any street not opened for vehicular use as of January 1, 2010.**

**(e) The requirements of this Section shall continue to apply to water lots following any subsequent consolidation with abutting land lots.**

## 14V TEMPORARY CONSTRUCTION USES PERMITTED

**(RC-Jan 20/09;E-Feb 7/09)**

**(a) 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.**

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

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

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

**(e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used**

**for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.**

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

**(g) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.**

## 14W WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14)

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

### I DEFINITIONS

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

**a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.**

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

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

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

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

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

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

i) **"Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.**

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

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

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

**II ZONES**

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

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

**a) URBAN WIND ZONE (UW-1)**

i) **All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).**

ii) **All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.**

iii) **All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,**

iv) **Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.**

v) **Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.**

vi) **Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.**

**b) RURAL WIND ZONE (RW-2)**

**i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).**

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

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

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

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

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

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

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

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

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

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

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

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

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

**c) RESTRICTED ZONE (R)**

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

## III PERMIT APPLICATION REQUIREMENTS

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

**a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;**

**b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;**

**c) identification and location of the properties on which the proposed Wind Energy Facility will be located;**

**d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the**

**Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;**

**e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act;* and,**

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

## IV ADDITIONAL PERMIT REQUIREMENTS

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

- **i) not attached to a building and is not connected to the power grid;**
- **ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.**

**b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:**

| | | |
|---|---|---|
| **i)** | **Micro** | **140 metres (460 ft)** |
| **ii)** | **Small** | **360 metres (1180 ft)** |
| **iii)** | **Medium** | **500 metres (1640 ft)** |
| **iv)** | **Large** | **2000 metres (6560 ft)** |

**c) The notice pursuant to section b) shall include the following information:**

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

## V EXCEPTIONS

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

**a) Wind Energy Facilities shall not be permitted in the following zones of the Halifax Mainland Land Use By-law:**

- **i) RPK (Regional Park) Zone;**
- **ii) PA (Protected Area) Zone.**

**VII INSTALLATION AND DESIGN**

**a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.**

**b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.**

**c) All electrical wires shall, to the maximum extent possible, be placed underground.**

**d) The visual appearance of the Wind Energy Facility shall at a minimum:**

**i) be a non-obtrusive colour such as white, off-white or gray;**

**ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,**

**iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.**

**VIII MISCELLANEOUS**

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

**b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.**

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

**IX SCHEDULES**

**a) Schedule ZM-25 – Wind Energy Zoning.**

**14X PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14)**

**Public transit facilities shall be permitted in all zones with frontage on minor and major collector roads, arterial roads and expressways and shall not be required to conform to any zone requirements.**

**14Y CANNABIS-RELATED USES (RC-Sep18/18; E-Nov 3/18)**

**Notwithstanding any other provisions of this By-law, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).**

## ZONING MAPS

15 For the purpose of this by-law and of the maps entitled ZM-1, ZM-2, and ZM-19 hereto annexed, hereinafter referred to as "zoning maps", the following classes of zones are hereby established:

## ZONES (RC-May 1/07;E-Jul 21/07)

16(1) The following classes of use zones are established:

| | |
|---|---|
| R-1 | Single Family Dwelling Zone |
| R-2 | Two Family Dwelling Zone |
| R-2P | General Residential Zone |
| R-2T | Townhouse Zone |
| R-2AM | General Residential Conversion Zone |
| R-3 | Low-Rise Apartment Zone |
| R-4 | Multiple Dwelling Zone |
| RC-1 | Neighbourhood Commercial Zone |
| C-1 | Local Business Zone |
| C-2A | Minor Commercial Zone |
| C-2B | Highway Commercial Zone |
| C-2 | General Business Zone |
| C-6 | Adult Entertainment Zone |
| I-1 | General Industrial Zone |
| I-2 | Radio Transmitter Zone |
| I-3 | General Industrial Zone |
| IP | (Deleted) |
| P | Park and Institutional Zone |
| U-2 | High Density University Zone |
| T | Mobile Home Park Zone |
| G | (Deleted) |
| M | (Deleted) |
| H | Holding Zone |
| | W (Deleted) |
| **US** | **Urban Settlement Zone (RC-Jun 25/14;E-Oct 18/14)** |
| **UR** | **Urban Reserve Zone (RC-Jun 25/14;E-Oct 18/14)** |
| **PWS** | **Protected Water Supply Zone (RC-Jun 25/14;E-Oct 18/14)** |
| RDD | Residential Development District Zone |
| WC | Western Common Zone |
| WCCDD | Western Common Comprehensive Development District Zone |
| CD-1 | C&D Materials Transfer Stations Zone |
| CD-2 | C&D Materials Processing Facilities Zone |
| CD-3 | C&D Materials Disposal Sites Zone |
| WCDD | Wentworth Comprehensive Development District Zone |
| ICH | Infrastructure Charge Holding Zone |
| **RPK** | **Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)** |
| **PA** | **Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)** |

**BWCDD** **Bedford West Comprehensive Development District Zone (RC-Jun 27/06;E-Aug 26/06)**

**WA** **Water Access Zone (RC-May 1/07;E-Jul 21/07)**
**R-2TA** **Dutch Village Road Townhouse Zone (RC-Oct 4/16;E-Nov 26/16)**
**R-4A** **Dutch Village Road Multi Unit Zone (RC-Oct 4/16;E-Nov 26/16)**
**C-2C** **Dutch Village Road Mixed Use Zone (RC-Oct 4/16;E-Nov 26/16)**

**16(2)** **The uses of buildings and land permitted by this by-law in such zones may be referred to as R-1, R-2, R-2P, R-2T, R-2TA, R-2AM, R-3, R-4, R-4A, RC-1, C-1, C-2A, C-2B, C-2C, C-2, C-6, I-1, I-2, I-3, P, U-2, T, H, US, UR, PWS, RDD, WC, WCDD, BWCDD, WCCDD, CD-1 CD-2, CD-3, ICH, RPK, PA and WA uses, respectively. (RC-Oct 4/16;E-Nov 26/16)**

## DETERMINING BOUNDARY LINES OF USE ZONES

17(a) Where the position of the boundary line of a use 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 lines of the properties fronting on such street as such lines exist at the date of the coming into effect of this by-law.

17(b) Where, however, a rear lot line is at a greater distance than 200 feet from such street line, the boundary line shall be deemed to be a distance of 200 feet from it, if not otherwise indicated on the zoning maps.

17(c) The exception in subsection (b) shall not apply to residential zones and general building zones.

17(d) Where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

17(e) Where the boundary line of a use zone is coincident with a shoreline, the boundary line will follow any change in the shoreline.

17(f) Where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning maps as provided for by Section 15 above.

17(g) Upon the closing of a street or potion of a street to public use, the land comprising such former street or portion of such street shall be zoned as follows:

(i) where the use zone of the abutting lands are the same, the land comprising the former street shall have the same zoning as the abutting lands;
(ii) where the use zone of the abutting lands are different, the center line of the former street shall be the boundary line and the lands on either side of the boundary line shall have the same zoning as the abutting lands;

**17(h)** **Notwithstanding Subsection 17(e), the boundary of the WA Zone is deemed to coincide with the Shoreline of the Northwest Arm or the Western Shoreline of the Bedford Basin. (RC-Jan 11/11;E-Mar 12/11)**

## USES FOR CORNER LOTS

18 Where a zoning map indicates that the permissible uses of lots fronting on intersecting streets are not the same, the use permissible for a corner lot shall be the same as that applicable to the street upon which the proposed building or other use is intended to front, regardless of the other permissible uses of such corner lot as indicated on the map unless the zoning map distinctly shows it otherwise.

## MOBILE HOMES

19 The use of land for a mobile home shall be a permissible use of land only in a T Zone and then only in accordance with the regulations in a T Zone as provided in this by-law.

## FEES

19A(1) An application to amend this by-law or modify any of the provisions of this by-law must be accompanied by a fee at the time of making such application, which fees shall be:

| | |
|---|---|
| Minor Variance | $ 45 |
| Amendment to By-law | $ 120 |
| Contract Development | $ 120 |

l9A(2) The applicant for an amendment to the by-law or contract development or an amendment thereto shall deposit with the clerk an amount estimated by the clerk to be sufficient to pay the costs of all advertising required in respect of the application, and after the advertising has been completed, the applicant shall pay to the clerk any additional amount required to defray the cost of advertising or, if there is a surplus, the clerk shall refund it to the applicant.

## R-1 ZONE

## SINGLE FAMILY DWELLING ZONE

20(1) The following uses shall be permitted in any R-1 Zone:

(a) a detached one-family dwelling;
(b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
(ba) a home occupation;
(c) a public park or playground;
(d) a church and church hall;
(e) a golf course;
(f) a tennis court;
(g) a yacht or boat club;
(h) a public recreational centre;
(i) **a day care facility for not more than 8 children in conjunction with a dwelling (CCC-Apr 6/09;E-Oct 8/09)**
(j) a special care home containing not more than ten persons including resident staff members;
(k) uses accessory to any of the foregoing uses.

20(2) No person shall in any R-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

20(3) No person shall in any R-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### REQUIREMENTS

21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:

| | | |
|---|---|---|
| (a) | lot frontage minimum | 50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet |
| (b) | lot area minimum | 5,000 square feet |
| (ba) | Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the **"Mainland South Area"**, shall be 6,000 square feet; | |
| (c) | lot coverage maximum | 35 percent |
| (ca) | height maximum | 35 feet |
| (d) | floor coverage of living | 950 square feet space, minimum |
| (e) | every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building | |

**ACCESSORY BUILDINGS**

(f) notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building

(g) notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

**BUILDINGS ON CORNER LOTS**

(h) where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

**BOSCOBEL ROAD LOT SIZES**

(i) Notwithstanding the minimum lot area requirements specified in Section 21(b) and 21(ba), the minimum lot area requirement for lots abutting or including the wetland area between Boscobel Road and Purcell's Cove Road as specified on Schedule A, shall be one acre, excepting those lots existing on the date of adoption of this Section, and excepting civic number 290 Purcell's Cove Road.

**BOARDERS AND LODGERS - BED AND BREAKFAST**

22(a) The keeping of not more than three boarders or lodgers in a one family dwelling house shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.

22(b) The provision of the bed and breakfast accommodation shall not be permitted simultaneously with the keeping of boarders and lodgers.

**SIGNS**

23 The exterior of any building in an R-l Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:

(a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;

(b) one non-illuminated no-trespassing, safety, or caution sign not exceeding 1 square foot in size;

(c) one non-illuminated sign not exceeding 1 square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;

(d) one bulletin board for a church;

(e) a sign not exceeding 2 square feet in size for a **day care facility (RC-Mar 3/09;E-Mar 21/09)**;

(f) a non-illuminated sign not to exceed 6 square feet in size for a non-residential building.
(g) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

**DAY CARE FACILITIES**

23A Buildings erected, altered or used for a **day care facility (RC-Mar 3/09;E-Mar 21/09)** shall comply with the following requirements:

(a) Except for outdoor play space, any **day care facility (RC-Mar 3/09;E-Mar 21/09)** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;
(b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
(c) The **day care facility (RC-Mar 3/09;E-Mar 21/09)** shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
(d) Only one **day care facility (RC-Mar 3/09;E-Mar 21/09)** shall be permitted to be located on any lot.

23B Notwithstanding the provisions of Sections 20(1)(i) and 23A (a-c) a **day care facility (RC-Mar 3/09;E-Mar 21/09)** may be operated as an accessory use to a church, church hall, or public recreation centre. The parking provisions contained in Sections 11(1) and 11 (2) would apply.

23C (Deleted)

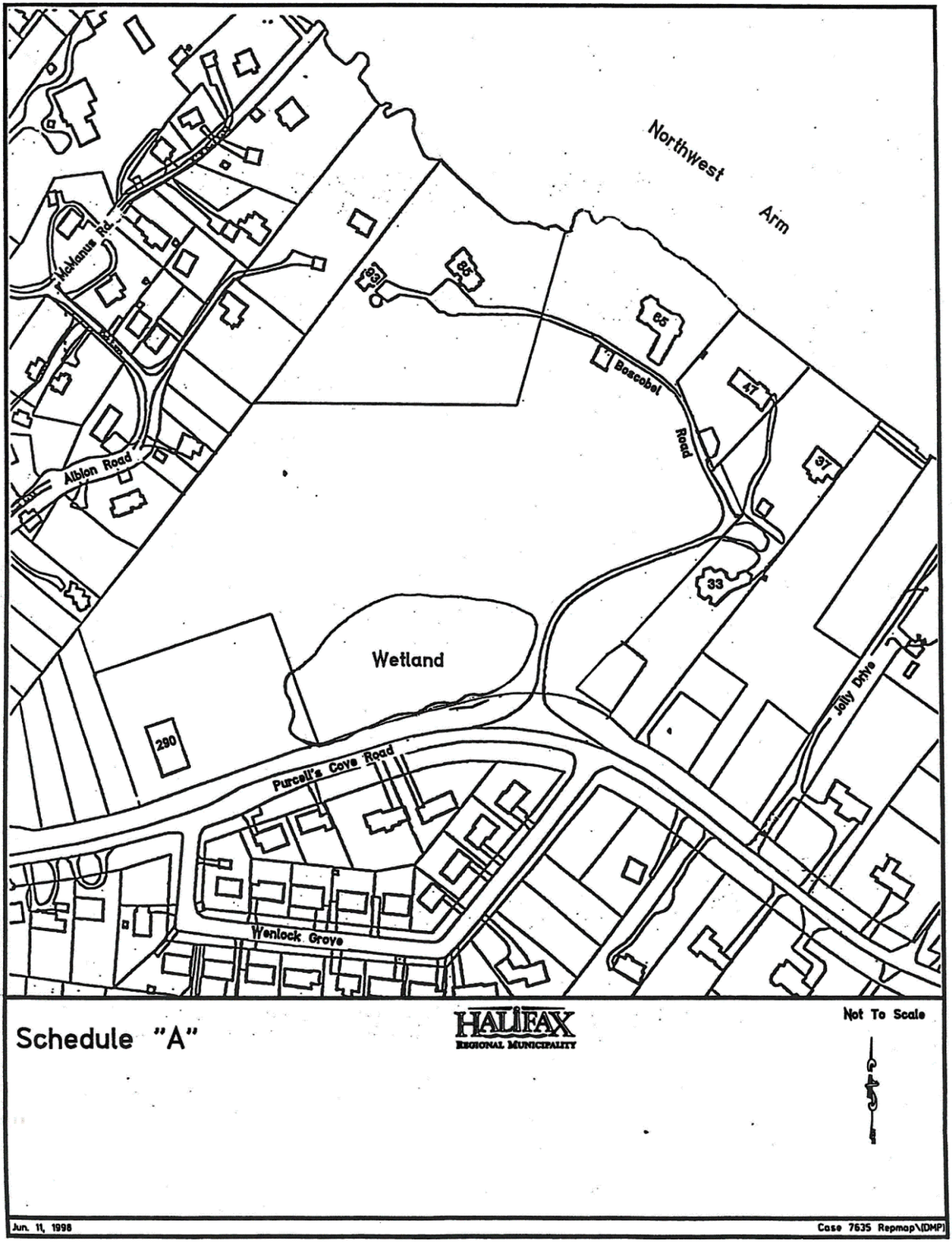
**SPECIAL CARE HOME**

23D Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with the following requirements:

(i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
(ii) recreational indoor space may account for 25% of the landscaped open space;
(iii) the building is a minimum of 1,000 feet distant from any other building used for or as a special care home;
(iv) parking requirements as contained in subsections (1) and (2) of Section 11.

**Schedule "A" (next page)**

Area to which Section 21(i) applies.


Northwest
Arm
McManus Rd.
Albion Road
Boscobel
Road
93
85
65
47
37
33
Wetland
290
Purcell's Cove Road
Wenlock Grove
Jolly Drive
Schedule "A"
HALIFAX
REGIONAL MUNICIPALITY
Not To Scale
Jun. 11, 1998
Case 7635 Repmap\(DMP)

## R-2 ZONE

## TWO-FAMILY DWELLING ZONE

24(1) The following uses shall be permitted in any R-2 Zone:

(a) all R-1 Zone uses;
(b) a semi-detached dwelling;
(c) a duplex dwelling;
**(ca) a building containing not more than 3 apartments on the 3-unit Dwelling Site identified on ZM-26, subject to the requirements of Section 28C. (RC-Jun 10/14;E-Jul 26/14)**
(d) (Deleted)
(e) (Deleted)
(f) in the **"Fairview Area"**, conversions of existing buildings used for institutional purposes to a maximum of 4 units, provided that the height and floor area of the building are not increased.
(g) uses accessory to any of the foregoing uses.

24(2) No person shall, in any R-2 Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1)

24(3) No person shall, in any R-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1)

24(4) (Deleted)

### R-1 USES IN R-2 ZONE

25 Buildings erected, altered or used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.

25A (Deleted)

### REQUIREMENTS

26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:

(a) Lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet
(b) Lot area minimum 5,000 square feet
(ba) Notwithstanding clause (b), the minimum lot area for lots abutting an inland watercourse in the **"Mainland South Area"**, shall be 6,000 square feet;
(c) Lot coverage maximum 35 percent
(ca) The maximum height shall be 35 feet

(d) Floor coverage of 900 square feet living space, minimum
(e) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;

**ACCESSORY BUILDINGS**

(f) Notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building;
(g) Notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

**BUILDINGS ON CORNER LOTS**

(h) Where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot;

**SEMI-DETACHED DWELLINGS**

(i) Notwithstanding the provisions of other requirements:
  (1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.
  (2) Every semi-detached dwelling shall be at least 12 feet from any other building and at least 8 ft. from the rear and side lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling.
  (3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot.
  (4) Notwithstanding subsection (2) where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.

**DAY NURSERY**

(j) (Deleted)
(k) (Deleted)

**BOARDERS AND LODGERS**

27 The keeping of not more than three boarders or lodgers in an R-2 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.

## SIGNS

28 The exterior of any building in an R-2 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:

(a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
(b) one non-illuminated no-trespassing, safety, or caution sign not exceeding one square foot in size;
(c) one non-illuminated sign not exceeding one square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
(d) one bulletin board for a church.
(e) A sign not exceeding two square feet in size for a **day care facility**. **(RC-Mar 3/09;E-Mar 21/09)**

## DAY NURSERY - ADDITIONAL CHILDREN PROVISION

28A (Deleted)

28B (Deleted)

**28C Notwithstanding Section 26, any building permitted by clause 24(1)(ca) shall comply with the following requirements:**

**(a) Lot frontage minimum of 45 feet;**
**(b) Lot area minimum of 4,500 square feet;**
**(c) Lot coverage maximum of 35 percent;**
**(d) The maximum height shall be 30 feet;**
**(e) The maximum number of storeys shall be 2;**
**(f) The minimum front yard setback shall be 15 feet;**
**(g) The minimum side yard setback shall be 10 feet; and**
**(h) The minimum rear yard setback shall be 20 feet.**
**(RC-Jun 10/14;E-Jul 26/14)**

## R-2P ZONE

## GENERAL RESIDENTIAL ZONE

28AA(1) The following uses shall be permitted in any R-2P Zone:

(a) all R-1 and R-2 uses;
(b) buildings containing not more than 4 apartments; (Also note Section 28AE)
(c) uses accessory to any of the foregoing uses.

28AA(2) No person shall, in any R-2P Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1)

28AA(3) No persons shall, in any R-2P Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1).

### REQUIREMENTS

28AB(1) Buildings erected, altered or used for R-1, R-2 and R-2P in an R-2P Zone shall comply with the following requirements:

| | Minimum Lot Frontage (ft.) | Minimum Lot Area (sq. ft.) | Minimum Side Yard (ft.) |
|---|---|---|---|
| R-1 Use | 40 | 4000 | 4 |
| Duplex<br>Semi-detached Dwelling | 50 | 5000 | 5 |
| 3 and 4 Unit Apt Building | 60 | 6000 | 6 |

28AB(2) Front yard shall be 15 feet minimum;
Rear yard shall be 20 feet minimum.

28AB(3) Lot coverage shall be 35% maximum.

28AB(4) Height shall be 35 feet maximum.

### SEMI-DETACHED DWELLING (HWCC-Dec 14/16;E-Dec 31/16)

28AB(5) **(1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.**

**(2) Notwithstanding section 28AB(2), every semi-detached dwelling shall be at least 8 ft. from the rear lot lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling. (HWCC-Sep 12/17;E-Sep 30/17)**

**(3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot. (HWCC-Sep 12/17;E-Sep 30/17)**

**(4) Notwithstanding subsection (2) where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.**

**INTERNAL CONVERSION TO DUPLEX**

28AC A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:

(a) a duplex dwelling containing up to and including five habitable rooms shall require a lot containing an area of not less than 3,300 sq.ft.
(b) a duplex dwelling containing six to eight habitable rooms shall require a lot containing an area of not less than 4,000 sq.ft.
(c) Lot coverage - maximum lot coverage shall be 35 percent.

28AD Notwithstanding the provisions of Section 28AB, the requirements of Sections 26(f) **and (g)**, 27 and 28 above shall apply. **(HWCC-Dec 14/16;E-Dec 31/16)**

**MAINLAND SOUTH - FOUR UNITS**

28AE Notwithstanding Section 28AA(1)(b) of this by-law, apartments containing a maximum of four units may be permitted in the **"Mainland South Area"** provided that, of the total number of dwelling units in the building, there is a minimum of one two-bedroom unit for each bachelor or one-bedroom unit.

## R-2T ZONE

## TOWNHOUSE ZONE

28AJ(1) The following uses shall be permitted in any R-2T zone:

(a) R-1 and R-2 uses;
(b) townhouse building;
(c) uses accessory to any of the foregoing uses.

28AJ(2) No person shall in any R-2T zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

28AJ(3) No person shall in any R-2T zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection(1).

### SIGNS

28AK No person shall in any R-2T zone erect, place or display any billboard or sign except those permitted in R-1 zones.

### REQUIREMENTS

28AL(1) Buildings erected, altered or used for R-1 or R-2 uses in an R-2T zone shall comply with the requirements of the R-1 and R-2 zones respectively.

28AL(2) Buildings erected, altered, or used as a townhouse building shall comply with the following requirements:

| | | |
|---|---|---|
| (a) | Minimum lot frontage | 18 feet per townhouse, plus 20 feet |
| (b) | Minimum lot area | 1,800 sq.ft. per townhouse plus 2,000 sq.ft. |
| (c) | Maximum height | 35 feet |
| (d) | Maximum lot coverage | 40 percent, provided that this regulation shall be applied as if the lot was subdivided into as many lots as townhouses |
| (e) | Minimum front yard | 15 feet |
| (f) | Mean rear yard | 20 feet |
| (g) | Minimum side yard | 10 feet |

28AM **SUBDIVISION OF TOWNHOUSE BUILDING**

(a) A townhouse building may be subdivided so that each townhouse is on its own lot, provided that the minimum requirements of Section 28AL(2) are met. Furthermore, no side yard shall be required along the common lot boundary dividing the townhouse building.

(b) Notwithstanding Section 28AL(2)(a) for townhouse buildings existing on the date of adoption of this provision, the townhouse building may be subdivided so that each townhouse is on its own lot, provided that each lot has at least 10 feet of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.

**ACCESSORY BUILDINGS**

28AN (a) Any accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located.

(b) Where an accessory building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

## R-2TA ZONE (RC-Oct 4/16;E-Nov 26/16)

## DUTCH VILLAGE ROAD TOWNHOUSE ZONE

**28AO(1) The following uses shall be permitted in any R-2TA zone:**

- **(a) R-1 and R-2 uses;**
- **(b) townhouse building;**
- **(c) stacked townhouse building;**
- **(d) existing apartment house buildings;**
- **(e) home occupation uses, except:**
  - **(i) the preparation and sale of food,**
  - **(ii) the keeping of animals,**
  - **(iii) adult entertainment uses, and**
  - **(iv) taxi dispatch;**
- **(f) daycare facilities; and**
- **(g) uses accessory to any of the foregoing uses.**

**28AO(2) No person shall in any R-2TA zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).**

**28AO(3) No person shall in any R-2TA zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).**

### SIGNS

**28AP No person shall in any R-2TA zone erect, place or display any billboard or sign except those permitted in the R-1 zone.**

### REQUIREMENTS

**28AQ(1) Buildings erected, altered or used for R-1 or R-2 uses in an R-2TA zone shall comply with the requirements of the R-1 and R-2 zones respectively.**

**28AQ(2) Buildings erected, altered, or used as a townhouse building shall comply with the following requirements:**

| | | |
|---|---|---|
| **(a)** | **Minimum lot frontage** | **6 m per unit** |
| **(b)** | **Minimum lot area** | **150 $m^2$ per unit** |
| **(c)** | **Maximum height** | **As shown on ZM-32, Plan Dutch Village Road Height Map** |
| **(d)** | **Maximum lot coverage** | **40 percent** |
| **(e)** | **Minimum front yard** | **6 m where parking is provided in the front yard. This may be reduced to 3 m if parking is located in the** |

| | | |
|---|---|---|
| | | **rear yard.** |
| **(f)** | **Minimum rear yard** | **7.5 m. Where parking is located in the rear yard, the minimum rear yard setback shall be 9m** |
| **(g)** | **Minimum side yard** | **3 m for end units** |
| **(h)** | **Minimum number of units** | **3 units** |
| **(i)** | **Maximum number of units** | **8 units** |
| **(j)** | **Minimum Unit Width** | **5.5 m** |

**(k) All units shall have a front door that faces the street or driveway.**

**28AQ(3) Buildings erected, altered, or used as a stacked townhouse building shall comply with the following requirements:**

| | | |
|---|---|---|
| **(a)** | **Minimum lot frontage** | **4.5 m per unit** |
| **(b)** | **Minimum lot area** | **100 $m^2$ per unit** |
| **(c)** | **Maximum height** | **As shown on ZM-32, Plan Dutch Village Road Height Map** |
| **(d)** | **Maximum lot coverage** | **40 percent** |
| **(e)** | **Minimum front yard** | **6m where parking is provided in the front yard. This may be reduced to 3 m if parking is located in the rear yard.** |
| **(f)** | **Minimum rear yard** | **7.5 m. Where parking is located in the rear yard, the minimum rear yard setback shall be 9m** |
| **(g)** | **Minimum side yard** | **4.5 m for end units** |
| **(h)** | **Minimum number of units** | **6** |
| **(i)** | **Maximum number of units** | **16 units** |

**(j) All units shall have a front door that faces the street or driveway.**

**<u>SUBDIVISION OF TOWNHOUSE BUILDING</u>**

**28AR (1) A townhouse building may be subdivided so that each townhouse is on its own lot, provided that the minimum requirements of Section 28AQ(2) are met. Furthermore, no side yard shall be required along the common lot boundary dividing the townhouse building.**

**28AR(2) Notwithstanding Section 28AQ(2)(a) and 28AQ(2)(e) for townhouse buildings existing on the date of adoption of this provision, the townhouse building may be subdivided so that each townhouse is on its own lot, provided that each lot has at least 3 m of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.**

**ACCESSORY BUILDINGS**

**28AS(1) Any accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located.**

**28AS(2) Where an accessory building is situated on a corner lot, it shall be at least 3 metres from the flanking street line abutting such lot.**

**28AS(3) No accessory building shall be located within the front yard.**

**BUILDING FACADES FOR TOWNHOUSE AND STACKED TOWNHOUSE BUILDINGS**

**28 AT(1) A minimum of 30% of front wall areas shall be windows or doors.**

**28 AT(2) Townhouses shall have one of the following:**

- **(a) horizontal variation between dwelling units through such devices as changes in colour, material, projections and recesses of 0.5 m.; or**
- **(b) vertical variation between dwelling units through such devices as changes in colour, material, projections and recesses of 0.5 m.**

**28 AT(3) Variations that project less than 0.75 m will not affect set back requirements. The addition beyond 0.75 m requires an equal addition to setback requirements.**

**LANDSCAPED OPEN SPACE AND AMENITY SPACE**

**28 AU(1) Townhouse and stacked townhouse buildings shall provide a minimum of 35% landscaped open space per site, with a minimum of 14m$^2$ of outdoor amenity space per unit.**

**28 AU(2) Outdoor amenity space may be in the form of or any combination of, any front yard, rear yard, side yard, deck, balcony, terrace or patio.**

**UTILITIES, SERVICING AND ACCESSORY BUILDINGS**

**28 AV Any utility connections, fill pipes, exhaust vents, central air conditioning units and water meters located in the front yard shall be screened from the street by landscaping, solid board fencing, a decorative wall or an architectural feature. Fuel tanks shall be located within the front yard.**

**HOME OCCUPATIONS**

**28 AW Notwithstanding clause 14B, where home occupations are permitted in the R-2TA Zone, such home occupation shall comply with the following:**

- **(a) No person who is not a resident of the dwelling unit shall be the proprietor of a home occupation;**

**(b) Only one home occupation shall be permitted per dwelling unit;**

**(c) Such home occupations shall not occupy more than 50 percent of the floor area of the dwelling unit;**

**(d) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;**

**(e) Except for goods manufactured on the premises, no goods shall be displayed or sold on the premises;**

**(f) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;**

**(g) There shall be no display of goods visible from the outside, or outside storage of equipment or material;**

**(h) Only one commercial vehicle, not exceeding 2,722 kilograms gross vehicle weight, shall be parked on the premises in connection with the home occupation;**

**(i) The commercial vehicle permitted under clause (h) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;**

**(j) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;**

**(k) Notwithstanding subclause 28AO(1)(e)(i), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.**

**(l) (i) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.**

**(ii) Such accommodation shall consist of one separately accessible parking space at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.**

**(iii) Such accommodation shall consist of two parking spaces at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.**

**EXISTING APARTMENT HOUSE BUILDING**

**28 AX Existing apartment house buildings are permitted subject to the provisions of the R-2AM Zone.**

## R-2AM ZONE

## GENERAL RESIDENTIAL CONVERSION ZONE

28BA(1) The following uses shall be permitted in any R-2AM Zone:

(a) R-1, R-2, R-2P and R-2T uses;
(b) stacked attached housing to a maximum of 14 units;
(c) apartment house to a maximum of 14 units;
(d) additions to buildings existing on September 17, 1987 to a maximum of 14 units, provided that the area of ground covered by the addition is not greater than the area covered by the existing building and provided that the lot coverage is not greater than 40 percent; and
(e) uses accessory to any of the foregoing uses.

28BA(2) No person shall in any R-2AM Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1)

28BA(3) No person shall in any R-2AM Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1)

### SIGNS

28BB No persons shall in any R-2AM Zone erect, place or display any billboard or sign except those permitted in R-1 Zones or in accordance with Section 30 below.

### R-1 USES IN R-2AM ZONE

28BC(1) Buildings erected, altered or used for R-1 uses in an R-2AM Zone shall comply with the requirements of the R-1 zone, with the following exceptions:

(a) Minimum lot area 4,000 square feet;
(b) Minimum lot frontage 40 feet, except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet;
(c) Minimum side yard 4 feet.

### R-2, R-2P AND R-2T USES IN R-2AM ZONE

28BC(2) Buildings erected, altered or used for R-2 , R-2P or R-2T uses in an R-2AM Zone shall comply with the requirements of their respective zones.

### R-2AM USES

28BC(3) Buildings erected, altered or used for R-2AM uses in an R-2AM Zone shall comply with the following requirements:

(a) Lot frontage shall be 75 feet minimum;
(b) Lot area shall be 7,500 sq. ft. minimum;
(c) Side yard shall be 12 feet minimum;
(d) Front yards shall be 15 feet minimum; and
(e) Rear yards shall be 20 feet minimum.

**HEIGHT**

28BD Height shall be 35 feet maximum and the maximum height of additions shall be 35 ft. but under no circumstances shall a permitted addition exceed the established height of the existing building.

**SIDE AND FRONT ADDITIONS**

28BE Additions and structural changes to existing buildings shall not be permitted on any front or side portion of a building facing a street and will be limited to the rear of the building and the rear two-thirds of the side of the building.

28BF(1) Notwithstanding the provisions of this by-law, the city may permit infill development that would not be permitted under the provisions of this by-law provided that the following special conditions are satisfied:

| SPECIAL CONDITION | DEVELOPMENT PERMITTED |
|---|---|
| a) if the existing building is a full storey lower than the average number of storeys of the existing residential buildings in the immediate neighbourhood; | the number of storeys may be increased to, but not exceed, the average number of storeys of the existing residential buildings in the immediate neighbourhood provided that the height of the building shall not exceed 35 ft. |
| b) if the area of ground covered by an existing building is less than 60 percent of the average area of ground covered by existing residential buildings in the immediate neighbourhood; | the total area of ground covered by the existing building may be increased to twice the average area of ground covered by existing residential buildings in the immediate neighbourhood, provided that the lot coverage does not exceed 40 percent. |
| c) if the existing building setback is greater than half the lot depth; | additions may be constructed to the front of an existing building as outlined in Section 43AF of this by-law. |
| d) if an existing building on a corner lot is greater in height at the front of the building than at the rear of the building | additions to the top rear portion of the building may be constructed provided the addition does not exceed the height of the front of the building or a maximum height of 35 ft. |

28BF(2) The **"immediate neighbourhood"** shall consist of:

(a) if the building is located at mid-block, all existing residential buildings located on the four lots on each side, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the street.

(b) if the building is located on a corner lot, all existing residential buildings located on the four lots immediately adjacent, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the abutting streets.

28BF(3) It is the responsibility of the applicant to provide all drawings, figures, calculations and any other information deemed necessary by the city to demonstrate that the building in question is anomalous and deserves consideration under this section of the by-law.

**R-2AM USES IN R-3, C-2A AND C-2B ZONES**

28BG R-2AM uses permitted in the R-3 Zone by Section 28CA, in the C-2A Zone by Section 38B and in the C-2B Zone by Section 38AB shall comply with the requirements of the R-2AM Zone except Section 28BE.

**9 AND 11 ALMA CRESCENT**

28BH Notwithstanding Section 28BA(1), the property at civic number 9 Alma Crescent may be consolidated with the property at civic number 11 Alma Crescent and the existing 21 unit apartment shall be recognized as a permitted use by this by-law; provided that the use complies with all the requirements of the R-3 Zone.

## R-3 ZONE

## GENERAL RESIDENTIAL AND LOW-RISE APARTMENT

28CA(1) The following uses shall be permitted in any R-3 Zone:

(a) R-1, R-2, R-2T and R-2AM uses;
(b) stacked-attached housing;
(c) apartment house of four storeys or less;
(ca) **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
(d) uses accessory to any of the foregoing uses.

28CA(2) No person shall in any R-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

28CA(3) No person shall in any R-3 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

28CB No person shall in any R-3 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

### R-1, R-2, R-2T AND R-2AM USES IN R-3 ZONE

28CC(1) Buildings erected, altered or used for R-1, R-2, R-2T or R-2AM uses in an R-3 Zone shall comply with the requirements of their respective zones, **with the exception of stacked attached housing**.

### STACKED ATTACHED HOUSING

28CD Buildings erected, altered or used for stacked attached housing in an R-3 Zone, shall comply with the following requirements:

28CD(1) The minimum distance between the rear lot line and every building shall be at least 20 feet.

28CD(2) The maximum lot coverage shall be 50 percent.

28CD(3) The maximum height shall be 50 feet.

28CD(4) Each dwelling unit shall have a minimum of 175 square feet of exterior open space accessible directly from the unit.

28CD(5) One separately accessible parking space at least 9 feet by 20 feet shall be provided for each stacked-attached unit, exclusive of the area of the front yard and entrance or driveway leading to such building.

28CD(6) The lot frontage shall be 60 feet.

28CD(7) The minimum lot area shall be 6,000 square feet.

28CD(8) The minimum side yard shall be 15'.

**FOUR STOREY APARTMENTS**

28CE Apartment buildings of four (4) storeys or less and not exceeding 50 feet in height shall be permitted in an R-3 Zone provided the following requirements are complied with:

**MINIMUM LOT AREA**

28CE(1) The minimum lot area upon which such building is located shall be 6,000 square feet with a minimum continuous street frontage of at least 60 feet on one street;

**DISTANCE FROM LOT LINES - 80̊ ANGLE**

28CE(2) (a) The distance from any part of such building and any official street line or lines abutting upon such lot shall be no less than 20 feet measured at right angles to any such official street line or lines; provided, however, that such distance may be reduced to not less than 10 feet measured at right angles to any such official street line or lines if that part of the building which is less than 20 feet from any such official street line or lines is entirely contained within the arms of an 80 degree horizontal angle as determined in subsection (3) of this section;

(b) The distance from any part of such building and any lot line of such lot other than an official street line shall be not less than 10 feet measured at right angles to such a lot line;

(c) All windows and doors serving habitable rooms in such building shall be located not less than 10 feet from any lot line of such lot measured at right angles to such lot line;

**SIZE OF BUILDING - 60̊ ANGLE**

28CE(3) (a) Subject to the provisions of subsection (2), such building or any part thereof shall not project beyond the angular planes determined by constructing such angular planes over such lot:

(i) From each lot line at natural or finished ground level, whichever is the lower, at a vertical angle of 60 degrees above the horizontal and measured perpendicular to such lot line or, in the case of a curved lot line, perpendicular to the tangents of all points of such lot lines; provided, however, that where the natural ground at the lot line is more than 5 feet above the finished ground level established at any point on the wall opposite the lot line and where the horizontal distance to the face of any part of such wall or its vertical projection is less than 50 feet, the angular planes shall be constructed over the lot from all points on the intersections of the vertical projection of the lot line and the horizontal projection of the finished ground level; or

(ii) In the case where a lot line of such lot coincides with an official street line, from the center line of such street or from any intervening line parallel to such center line provided, however, that:

(A) the distance from the line on which the plane is constructed and the lot line does not exceed 30 feet; and

(B) the vertical angle of 60 degrees is constructed perpendicular to the line on which the plane is constructed or, in the case of a curved line, perpendicular to the tangents of all points of the curved line.

(b) Notwithstanding the provisions of clause (a) of subsection (3) and subject to the provisions of subsection (2), any part of such building may project beyond any prescribed 60 degree angular plane if:

(i) The projection through the plane subtends a horizontal angle not exceeding 80 degrees formed by lines drawn from a point on the line on which the 60 degree angular plane constructed opposite to the center of the projection; and

(ii) The extremities of the projection are enclosed by the arms of such 80 degree horizontal angle.

**DISTANCE BETWEEN EXTERNAL WALLS - 85° ANGLE**

28CE(4) (a) For the purposes of this subsection:

(i) "Base line" means, in the case of a wall rising from the ground, the natural or finished level of the ground adjoining the base of the wall, whichever is lower, and in all other cases means the lowest line of the wall above the natural or finished level of the ground, whichever is lower;

(ii) A wall supported by construction above posts, pillars, or other open construction shall be deemed to rise from the ground, and the base line of the wall shall be deemed to be the line on which the projection downward of the face of the wall meets the natural or finished level of the ground, whichever is lower;

(iii) Where external walls are not parallel to each other but the angle of divergence does not exceed 85 degrees, such walls shall be deemed to face each other.

**DISTANCE BETWEEN EXTERNAL WALLS - 65° ANGLE**

(b) The provisions of this subsection (4) shall only apply if any part of such building is erected with the arms of horizontal angles of 65 degrees constructed outwards at the natural level of the ground, from the nearest extremities of external walls that face each other; provided, however, that where the two extremities of one such wall are, respectively equidistant from the opposite extremities of the other wall or where the two extremities of one wall are equidistant from the nearest extremity of the other wall, the 65 degree horizontal angle may be constructed from either pair of equidistant extremities;

**MINIMUM 50 FOOT SEPARATION BETWEEN WALLS - 40° ANGLE**

(c) The distance between any external walls of such building that face each other shall be not less than 50 feet, and any part of such building shall not project beyond any of the angular planes outwards from the base line of each such external facing wall of each part of such building at a vertical angle of 40 degrees above the horizontal and measured perpendicular to such base line or, in the case

of a curbed base line, perpendicular to the tangents of all points of such curved base line;

**EXTERIOR FACING WALLS - NO WINDOWS - NO HABITABLE ROOMS**

(d) Where two external walls of such building face each other and neither wall contains any door or window serving a habitable room, the provisions of clause (c) of this subsection shall not apply but the distance between such walls shall not be less than six feet.

**BALCONIES, CORNICES, EAVES, AND CANOPIES**

28CE(5) (a) Notwithstanding the provisions of Subsections (3) and (4) of this section, separate individual balconies, which are open on three sides, cornices, eaves and canopies, may project through the angular planes as determined in such subsections; provided, however, that any part of such balcony, cornices or eaves, shall be not less than 10 feet from any lot line of such lot;

(b) Notwithstanding clause (a); of subsection (5), canopies may project to within 5 ft. of the street line.

28CF A lot on which there is a building used as a boarding house, lodging or rooming house, or apartment house shall comply with the following requirements:

**DENSITY**

28CF(1) The population density of such building on the lot shall not exceed 75 persons per acre.

**OPEN SPACE**

28CF(2) Open space on such lot shall be provided as follows:

(a) 150 sq.ft. for each bachelor unit
275 sq.ft. for each one-bedroom unit
575 sq.ft. for each two-bedroom unit
950 sq.ft. for each three-bedroom unit
1,325 sq.ft. for each unit containing four or more bedrooms

(b) At least 80 percent of the open space required in clause (a) shall be landscaped open space, and the roof or any portion therefor of any part of such building that has no residential accommodation included below such roof or portion thereof may be calculated as landscaped open space, provided that:
   (i) no part of such roof is more than 5 feet above the ground level of at least one lot line of such lot; and
   (ii) such roof or portion thereof is capable of being used as landscaped open space.

(c) Section 28CF shall be applied to the combined occupancy of all the buildings on the lot.

28CG (Deleted)

**DRIVEWAY ACCESS**

28CH(1) In the **"Bedford Highway Area"** one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.

28CH(2) For the purpose of Subsection (1) the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting, or a similar device that will not obstruct the view of traffic.

**UNIT MIX - MAINLAND SOUTH**

28CI An apartment house which is located in the **"Mainland South Area"**, shall be required to provide one two-bedroom unit for every three bachelor and/or one bedroom units.

**YARDS, LANDSCAPING AND SCREENING – MAINLAND SOUTH (HWCC-Jul 25/17;E-Aug 12/17)**

**28CJ For properties zoned R-3 on or after the effective date of this section, in the Mainland South area, the following shall apply to new apartment houses:**

**(a) Notwithstanding Section 28CE(2)(b), the minimum side or rear yard abutting any low-density and medium-density residential uses (R-1, R-2, R-2T or R-2P uses) shall be twenty (20) feet and shall otherwise adhere to the angular planes indicated in Sections 28CE(2) and 28CE(3);**

**(b) The minimum 20 foot side or rear yard abutting any low-density and medium-density residential uses shall consist of a landscaped area which provides visual screening and which may include opaque fencing measuring a minimum of six feet in height. The landscaped area may include pedestrian walkways, landscaped open space and recreational space but shall not include vehicular driveways, parking or loading spaces, storage or refuse containers or any buildings.**

**COMMERCIAL USES (HWCC-Jul 5/17;E-Aug 12/17)**

**28CK Notwithstanding Section 28CA(1), an apartment house which fronts on Herring Cove Road may include those commercial uses which are permitted in Section 34AA(1)(c) as well as offices, provided that:**

**(a) The commercial uses shall be located on the ground-floor and limited to a maximum of 2,000 square feet of gross commercial floor area;**

**(b) Exterior access to commercial uses shall be separate from any access to residential uses;**

**(c) One sign shall be permitted for each commercial use and such sign shall not exceed 3 feet in height and shall be limited to the space immediately above the ground-floor store windows. Such sign(s) shall be either non-**

**illuminated, illuminated from the front or those with back-lighted lettering; and**

**(d) Vehicular parking for commercial uses shall be provided pursuant to Section 9(d) in addition to parking required for residential uses. Notwithstanding Section 14, no loading space shall be required.**

## R-4 ZONE

## MULTIPLE DWELLING ZONE

29(1) The following uses shall be permitted in any R-4 Zone:

(a) R-1, R-2 and R-2T uses;
(b) boarding house;
(c) lodging or rooming house;
(d) apartment house;
(e) uses accessory to any of the foregoing uses if not specifically prohibited;

**OTHER USES**

(f) in any one building, one office for rendering professional or personal services, provided that the net area for such purposes does not exceed 700 sq.ft.;
(g) special care home;
(h) greenhouse;
(i) the office of a consulate located in a single-family dwelling provided such dwelling is used by the consul as his private residence.
(j) **day care facility (RC-Mar 3/09;E-Mar 21/09)**

29(2) No person shall in any R-4 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

29(3) No person shall in any R-4 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

**COMMERCIAL USES**

29A Notwithstanding the provisions of Section 9(d), 14 and 29(1), an apartment house at or within 120 ft. of an intersection, which contains 100 or more self-contained dwelling units may include those commercial uses which are permitted in Section 38A(1), except a bowling alley, a motion picture theatre, a service station and billboard, provided that such uses are located on the ground floor of the apartment and are separately accessible from the building exterior.

**SIGNS**

29B Exterior advertising of the commercial uses described in Section 29A shall be permitted provided such advertising is not illuminated.

**NO WINDOW DISPLAY**

30 Where any building is used in an R-4 Zone for any of the purposes described in clause (f) of Section 29(1), no display window shall be permitted, nor shall any evidence of the use of such building for such purposes be visible from the exterior of such building, PROVIDED HOWEVER, that nothing contained herein shall prohibit the display of a

sign not exceeding one square foot in area and bearing the name and profession as set forth in clause (f) of Section 29(1) of any person occupying such building.

**R-1, R-2 AND R-2T USES IN R-4 ZONE**

31 Buildings erected, altered, or used for R-1, R-2 and R-2T uses in an R-4 Zone shall comply with the requirements their respective zones.

**BILLBOARDS**

32(1) No person shall erect or display any billboard or illuminated sign in an R-4 Zone.

**NON-ILLUMINATED SIGN**

32(2) A non-illuminated sign not to exceed 6 square feet in size may be erected in an R-4 zone, provided such sign will not cause a hazard or nuisance to the public.

33 Where any building is erected, altered or used for R-4 uses in an R-4 zone, such building shall comply with the following requirements:

**MINIMUM LOT AREA**

33(1)
(a) The minimum lot area upon which such building is located shall be 6,000 square feet with a minimum continuous street frontage of at least 60 feet on one street, except when a lot faces on the outer side of a curve in the street, in which case the frontage may be reduced to 30 feet;
(b) The Council may, after public hearing if deemed necessary, permit modification of the minimum lot area and continuous street frontage as provided in clause (a) of this subsection if, in the opinion of Council:
    (i) the amenity, convenience, character, and value of neighbouring properties will not be adversely affected; and
    (ii) conditions necessitating such modification are unique to the lot and have not been created by either the owner of such lot or the applicant.

**DISTANCE FROM LOT LINES - 80̊ ANGLE**

33(2)
(a) The distance from any part of such building and any official street line or lines abutting upon such lot shall be not less than 20 feet measured at right angles to any such official street line or lines, provided, however, that such distance may be reduced to not less than 10 feet at right angles to any such official street line or lines if that part of the building which is less than 20 feet from any such official street line or lines is entirely contained within the arms of an 80 degree horizontal angle as determined in subsection (3) of this section;
(b) The distance from any part of such building and any lot line of such lot other than an official street line shall be not less than 10 feet measured at right angles to such lot line;
(c) All windows and doors serving habitable rooms in such building shall be located not less than 10 feet from any lot line of such lot measured at right angles to such lot line;

(d) Notwithstanding the provisions of clauses (a) and (b) of subsection (2), the distance from any part of such building, not containing any windows or doors serving habitable rooms, to any official street line or lot line may be less than the distance prescribed in said clauses (a) and (b) herein or may extend to any such official street line or lot line of the lot upon which such building is located, provided that:

(i) The height of such part of the building does not exceed 5 feet above the natural ground level measured at any point on any official street line abutting such lot and extending for a horizontal distance of 10 feet measured at right angles to any such official street line;

(ii) The height of such part of the building does not exceed 5 feet above the natural ground level measured at any point on any lot line of such lot other than an official street line; and

(iii) The building is so designed that it does not interfere with traffic safety.

(e) (Deleted)

**SIZE OF BUILDING - 60̊ ANGLE**

33(3) (a) Subject to the provisions of subsection (2), such building or any part thereof shall not project beyond the angular planes determined by constructing such angular planes over such lot;

(i) From each lot line at natural or finished ground level, whichever is the lower, at a vertical angle of 60 degrees above the horizontal and measured perpendicular to such lot line or, in the case of a curved lot line, perpendicular to the tangents of all points of such lot line provided, however, that where the natural ground level at the lot line is more than 5 feet above the finished ground level established at any point on the wall opposite the lot line and where the horizontal distance to the face of any part of such wall or its vertical projection is less than 50 feet, the angular planes shall be constructed over the lot from all points on the intersections of the vertical projection of the lot line and the horizontal projection of the finished level; or

(ii) In the case where a lot line of such lot coincides with an official street line from the center line of such street or from any intervening line parallel to such center line provided, however, that:

(A) the distance from the line on which the plane is constructed and the lot line does not exceed 30 feet; and

(B) the vertical angle of 60 degrees is constructed perpendicular to the line on which the plane is constructed or in the case of a curved line, perpendicular to the tangents of all points of the curved line.

**EXCEPTION TO 60̊ ANGLE**

(b) Notwithstanding the provisions of clause (a) of subsection (3) and subject to the provisions of subsection (2), any part of such building may project beyond any prescribed 60 degree angular plane if:

(i) The projection through the plane subtends a horizontal angle not exceeding 80 degrees formed by lines drawn from a point on the line on which the 60

degree angular plane is constructed opposite to the center of the projection; and

(ii) The extremities of the projection are enclosed by the arms of such 80 degree horizontal angle.

**DISTANCE BETWEEN EXTERNAL WALLS - 65° ANGLE**

33(4) (a) For the purposes of this subsection:

(i) "Base line" means, in the case of a wall rising from the ground, the natural or finished level of the ground adjoining the base of the wall, whichever is lower, and in all other cases means the lowest line of the wall above the natural or finished level of the ground, whichever is lower;

(ii) A wall supported by construction above posts, pillars, or other open construction shall be deemed to rise from the ground, and the base line of the wall shall be deemed to be the line on which the projection downward of the face of the wall meets the natural or finished level of the ground, whichever is lower; and

(iii) Where external walls are not parallel to each other, but the angle of divergence does not exceed 85 degrees, such walls shall be deemed to face each other.

(b) The provisions of subsection (4) shall only apply if any part of such building is erected within the arms of horizontal angles of 65 degrees constructed outwards at the natural level of the ground from the nearest extremities of external walls that face each other provided, however, that where the two extremities of one such wall are respectively equidistant from the opposite extremities of the other wall or where the two extremities of one wall are equidistant from the nearest extremity of the other wall, the 65 degree horizontal angle may be constructed from either pair of equidistant extremities;

**40° ANGLE**

(c) The distance between any external walls of such building that face each other shall be not less than 50 feet, and any part of such building shall not project beyond any of the angular planes determined by constructing such angular planes outwards from the base line of each such external facing wall of each part of such building at a vertical angle of 40 degrees above the horizontal and measured perpendicular to such line or in the case of a curved base line, perpendicular to the tangents of all points of such curved base line;

(d) Where two external walls of such building face each other and neither wall contains any door or window serving a habitable room, the provisions of clause (c) of subsection (4) shall not apply; but the distance between such walls shall be not less than 6 feet.

**BALCONIES, CORNICES, EAVES, AND CANOPIES**

33(5) (a) Notwithstanding the provisions of subsection (3) and (4) of this section, separate individual balconies, which are open on three sides, cornices, eaves, and canopies may project through the angular planes as determined in such

subsections provided, however, that any part of such balcony, cornices, or eaves shall be not less than 10 feet from any lot line of such lot;

(b) Notwithstanding clause (a) of subsection (5), canopies may project to within 5 feet of the street line.

34 Where any building is erected, altered, or used as a boarding house, lodging, or rooming house, or an apartment house in an R-4 Zone, such building, in addition to the requirements hereinbefore set out in Section 33, shall comply with the following requirements:

**DENSITY**

34(1) The population density of such building shall not exceed 75 persons per acre.

**OPEN SPACE**

34(2) The lot upon which such building is located shall contain a minimum open space of:

(a) 150 square feet for each bachelor unit/275 square feet for each one-bedroom unit/575 square feet for each two-bedroom unit/950 square feet for each three-bedroom unit/1,325 square feet for each four-bedroom unit and over;

(b) At least 80 percent of the open space required in clause (a) of subsection (2) of Section 34 shall be landscaped open space, provided that:

(c) For the purposes of subsection (2) the roof or any portion therefore of any part of such building that has no residential accommodation included below such roof or portion thereof may be calculated as landscaped open space provided that:

(i) no part of such roof is more than 5 feet above the ground level of at least one lot line of such lot; and

(ii) such roof or portion thereof is capable of being used as landscaped open space.

**SPECIAL CARE HOME - LANDSCAPED SPACE**

34(3) A minimum of 35 percent of the lot area of any lot on which a building is erected, altered or used as a special care home, shall consist of landscaped open space.

## R-4A ZONE
**(RC-Oct 4/16;E-Nov 26/16)**

## DUTCH VILLAGE ROAD MULTI UNIT ZONE

**34AAA(1) The following uses shall be permitted in the R-4A Zone:**

- **(a) R-1, R-2, and R-2TA uses;**
- **(b) apartment house;**
- **(c) home occupation uses, except:**
  - **(i) the preparation and sale of food,**
  - **(ii) the keeping of animals,**
  - **(iii) adult entertainment uses, and**
  - **(iv) taxi dispatch;**
- **(d) daycares; and**
- **(e) any use accessory to any of the foregoing uses.**

**34AAA(2) No person shall in any R-4A zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 38AAA(1).**

**34AAA(3) No person shall in any R-4A Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 38AAA(1).**

**34AAA(4) Buildings use for R-1, R-2 and R-2TA uses shall comply with the requirements of their respective zones.**

### REQUIREMENTS

**34AAB(1) Buildings erected, altered or used for R-4A uses in an R-4A Zone shall comply with the following requirements:**

- **(a) The minimum lot frontage shall be 10.7 metres;**
- **(b) The maximum building depth shall be 25 m;**
- **(c) Notwithstanding clause 34AAB(1) (b), a building may exceed the maximum building depth, provided:**
  - **(i) the height of the remainder of the building does not exceed 9 m where abutting a C-2C zone or 3 m where abutting a residential zone;**
  - **(ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building; and**
  - **(iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth;**
- **(d) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map;**
- **(e) The portion of the building above the streetwall height, shall be setback 5m from the side lot line;**
- **(f) The portion of the building above the streetwall height, shall be stepped back 2m from the exterior walls, on all sides of the building;**

**(g) The streetwall shall extend a minimum of 65 percent of the lot line. Where located on a corner lot, the streetwall shall extend 65 percent of the lot frontage for both streets;**
**(h) The maximum lot coverage shall be 75 percent;**
**(i) The minimum side yard setback shall be 3 m; and**
**(j) The minimum rear yard setback shall be 3 m.**

**HEIGHT**

**34AAC(1) Building height shall not exceed the maximum height as shown on ZM-32, Plan Dutch Village Road Height Map.**

**RESIDENTIAL UNIT MIX**

**34AAD(1) Buildings erected, altered or used for R-4A uses in an R-4A Zone shall include a mixture of dwelling unit types. A minimum of 30 percent of the dwelling units within a building shall contain two or more bedrooms.**

**SIGNS**

**34AAE(1) Any persons carrying on a use permitted by Subsection 34AAA(1) may place upon and parallel to the front of the building signage that comply with the following:**

**(a) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;**
**(b) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;**
**(c) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;**
**(d) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;**
**(e) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and**
**(f) No signs shall be permitted on the roof of a building.**

**SETBACKS FROM BALCONIES**

**34AAF(1) Buildings erected, altered or uses for R-4A uses in an R-4A Zone shall comply with the following requirement:**

**(a) No balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units at grade.**

**MAIN FLOOR ENTRANCES**

**34AAG(1) Buildings erected, altered or used for apartment house uses in an R-4A Zone shall comply with the following requirements:**

**(a) Main building entranceways shall be oriented to the street; and**
**(b) The main entrances to a building shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, or overhangs.**

**EXTERNAL BUILDING APPEARANCE**

**34AAH(1) The following external cladding materials shall be prohibited for apartment house uses:**

**(a) Vinyl;**
**(b) Plywood;**
**(c) Concrete block;**
**(d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and**
**(e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.**

**LANDSCAPING AND BUFFERING**

**34AAI(1) Buildings erected, altered or used for apartment house uses in an R-4A Zone shall comply with the following requirements:**

**(a) Where the rear yard abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting rear residential property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line.**
**(b) The landscaped area shall be grassed, or alternatively, water features or natural ground covers such as stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliber) and three (3) shrubs per 4.6 metres of lot frontage; and**
**(c) Existing trees and shrubs may be incorporated into the landscaped setback, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres requirement.**

**34AAI(2) For the purposes of 34AAI(1), the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground area of the existing building by at least 20%.**

**34AAI(3) Any building that is erected for an apartment house use in an R-4A Zone shall landscape the front yard setback. A driveway may cross this landscaped area. This landscaped area shall comply 34AAI(1) (b) and 34AAI(1) (c).**

**AMENITY SPACE**

**34AAJ(1) Apartment house buildings shall provide amenity space at a rate of 10 m2 per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space, shall include one of the following common elements:**

**(a) fitness room of a minimum size of 40m$^2$; or**
**(b) community room of a minimum size of 40m$^{2.}$**

**HOME OCCUPATIONS**

**34AAK Notwithstanding clause 14B, where home occupations are permitted in the R-4A Zone, such home occupation shall comply with the following:**

**(a) No person who is not a resident of the dwelling unit shall be the proprietor of a home occupation;**
**(b) Only one home occupation shall be permitted per lot;**
**(c) Such home occupations shall not occupy more than 50 percent of the floor area;**
**(d) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;**
**(e) Except for goods manufactured on the premises, no goods shall be displayed or sold on the premises;**
**(f) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;**
**(g) There shall be no display of goods visible from the outside, or outside storage of equipment or material;**
**(h) Only one commercial vehicle, not exceeding 2,722 kilograms gross vehicle weight, shall be parked on the premises in connection with the home occupation;**
**(i) The commercial vehicle permitted under clause (h) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;**
**(j) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;**
**(k) Notwithstanding subclause 34AAA(1)(c)(iv), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.**
**(l) (i) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.**
**(ii) Such accommodation shall consist of one separately accessible parking space at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains one or two sleeping rooms,**

**exclusive of the front yard and entrance or driveway leading to such parking space.**

**(iii) Such accommodation shall consist of two parking spaces at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.**

## RC-1 ZONE

## NEIGHBOURHOOD COMMERCIAL ZONE

34AA(1) The following uses shall be permitted in any RC-1 Zone:

(a) R-1, R-2 and R-2P uses;
(Previous clause (b) - rescinded)
(b) a grocery store or a drug store;
(c) a grocery store, drug store, Laundromat, dry cleaners, tailor, dressmaker, beauty shop or barber shop in the **"Mainland South Area";**
(d) any use accessory to any of the foregoing uses.

34AA(2) No person shall in any RC-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1)

34AA(3) No person shall in any RC-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1).

### REQUIREMENTS

34AB Buildings erected, altered or used for R2-P uses in an RC-1 Zone shall comply with the following requisites:

| | | |
|---|---|---|
| (a) | lot frontage (minimum) | 50 ft. |
| (b) | lot area (minimum) | 5000 sq.ft. |
| (c) | side yard (minimum) | 8 ft. |
| (d) | height (maximum) | 35 ft. |
| (e) | lot coverage (maximum) | 35 percent |

### SIGNS

34AC Any persons carrying on a business may place upon and parallel to the front of the building a non-illuminated sign board not exceeding 3 feet in height and limited to the space immediately above the ground floor store windows extending the length of such front and appertaining solely to the ownership of the business conducted therein.

### FRONT YARD SETBACK

34AD A building line laid down for adjacent residential buildings shall also apply to those buildings hereafter erected or altered to RC-1 uses.

### R-1 AND R-2 USES IN RC-1 ZONE

34AE Buildings erected, altered or used for R-1 and R-2 uses in an RC-1 Zone shall comply with the requirements of the R-1 and R-2 Zones respectively.
(previous Section 34AF(1) and 34AF(2) - Rescinded

## COMMERCIAL USES

34AF **Commercial uses** shall comply with the following:

(a) Commercial uses shall be restricted to the ground floor;
(b) Maximum gross commercial floor area of 1,000 square feet; and
(c) Separate exterior access from any access to R-1, R-2 or R-2P uses.

## C-1 ZONE

## LOCAL BUSINESS ZONE

35(1) The following uses shall be permitted in any C-1 Zone:

(a) All R-1, R-2, R-2T and R-4 Zone uses;
(b) A store for the purpose of retail trade, rental and services only, excluding:
    (i) motor vehicle dealers;
    (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities;
    (iii) adult entertainment uses; and
    (iv) amusement centres
(c) A service station
(d) Bank, public hall, office, municipal building, hairdresser, beauty parlour, restaurant, receiving office of a dry cleaner or dyer;
(e) Any use accessory to any of the foregoing uses.

35(2) No person shall in any C-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

35(3) No person shall in any C-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### R-1, R-2, R-2T AND R-4 USES IN C-1 ZONE

36 Buildings erected, altered, or used for R-1, R-2, R-2T and R-4 uses in a C-1 Zone shall comply with the requirements of their respective zones.

### REQUIREMENTS

37 Buildings erected, altered, or used for C-1 uses in a C-1 Zone shall comply with the following requirements:

(a) Lot coverage, maximum - 50 percent;
(b) Height, maximum - 35 feet;
(c) (i) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;
    (ii) where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.
(d) Notwithstanding the provisions of clause (c) where:
    (i) the sidewalls of a building are fireproof to comply with the provisions of the Building By-law of the city; and
    (ii) the abutting lot is not a lot in a residential zone which is used for residential purposes.

Such building shall be exempt from the side building line requirements and the distance requirements from any other building.

**SIGNS**

38(1) Each C-1 use shall be permitted one identification sign which may be illuminated.

38(2) In addition to the sign permitted in (1), each property shall be permitted to erect one free-standing identification sign which may be illuminated, provided that it will not cause a hazard or nuisance to the public.

## C-2A ZONE

## MINOR COMMERCIAL ZONE

38A(1) The following uses shall be permitted in any C-2A Zone:

(a) R-1, R-2, R-2P, R-2T, R-2AM, R-3 and C-1 uses;
(b) stores for the purpose of retail trade and rental excepting:
  (i) motor vehicle dealers;
  (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
  (iii) adult entertainment uses
(c) radio, television, and electrical appliance repair shops;
(d) watch and jewellery repair shops;
(e) a store for the purpose of personal service including shoe repair shops, barber and beauty shops, dry cleaners, self- service laundries, funeral services, and excepting massage parlours, adult entertainment uses and amusement centres;
(f) (Deleted)
(g) a motion picture theatre;
(h) a service station;
(i) offices;
(j) a bank and other financial institutions;
(k) a restaurant;
(l) community facilities;
(la) billboards not to exceed twenty-eight square meters (28m2) in area and not to extend more than eight meters (8m) above the mean grade on which it is situated;
(lb) commercial recreation use
(lc) recycling depots, bingo hall, pool hall and motor vehicle repair shops in the **"Mainland South Area"** excluding:
  (i) auto body shops; and
  (ii) those engaged in the repair of trucks or other vehicles in excess of a gross weight of 6,000 pounds.
(ld) Motor Vehicle Sales in the Bedford Highway area
(ld) **day care facility (RC-Mar 3/09;E-Mar 21/09)**
(m) any use accessory to any of the foregoing uses.

38A(2) No person shall in any C-2A Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

38A(3) No person shall in any C-2A Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### R-1, R-2, R-2P, R-2T, R-2AM AND R-3 USES IN C-2A ZONE

38B(2) Buildings erected, altered or used for R-1, R-2, R-2P, R-2T, R-2AM and R-3 uses in a C-2A Zone shall comply with the requirements of their respective zones.

**HEIGHT**

38C**(1)** The height of any building in a C-2A Zone shall not exceed 35 feet. **(HWCC-Jun 24/15;E-Jul 11/15)**

**BEDFORD HIGHWAY SECONDARY PLAN (HWCC-Jun 24/15;E-Jul 11/15)**

**38C(2) In the Bedford Highway Secondary Plan, notwithstanding Section 38B (2), R-3 uses shall not exceed 35 feet in height.**

**38C(3) Notwithstanding Section 38C(2), in the Bedford Highway Secondary Plan, where commercial use(s) occupy the full ground floor of a mixed commercial and multiple unit residential development, inclusive of a residential entrance, the residential portion of the building shall be subject to the requirements of the R-3 Zone including a maximum height of 50 feet.**

**38C(4) Notwithstanding Section 38B(2) and Section 38C(3), for the property at 522 Bedford Highway, no building or use shall exceed the height of 35 feet.**

**SIGNS**

38D(1)
(a) Any persons carrying on a business may place upon and parallel to the front of the building a non-illuminated signboard not exceeding 3 feet in height and limited to the space immediately above the ground floor store windows extending the length of such front and appertaining solely to the ownership of the business conducted therein. For each foot that the building face upon which the said signboard is place is setback from the street line, 05 feet may be added to the height of such signboard to a maximum of 8 feet. In no case shall a sign be permitted by this section, to exceed 300 square feet.
(b) Any person carrying on a business may place upon the building, a non-illuminated signboard not exceeding 3 feet in height and 300 square feet in area or 2 non-illuminated signboards, each of which does not exceed 3 feet in height and a total of 300 square feet inj area and appertaining solely to the ownership of the business conducted therein.

38D(2) Illuminated signs may be erected provided they do not constitute a nuisance or hazard to the public.

38D(3) A single signboard (illuminated or otherwise) may be placed upon and perpendicular to the front of a building for the purpose of identifying the proprietor or nature of the business permitted therein. Such signboards shall be located immediately above the ground floor windows and shall not exceed 12 square feet (1.12 square meters) in area on a single surface. A maximum of two such signboards shall be permitted for any building regardless of the number of uses contained therein.

**SETBACKS FROM RESIDENTIAL ZONES**

38E(1) Any building used for C-1 or C-2A purposes in a C-2A zone shall be set back a minimum of 20 feet from a rear lot line and 12 feet from a side lot line where such lot line abuts a residential zone.

**LANDSCAPING ALONG STREET LINE**

38E(2) Any C-1 or C-2A use in a C-2A Zone shall provide a minimum 4 foot strip of landscaped open space, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance.

38F(1) In the **"Bedford Highway Area"** one vehicle access point shall be permitted to the Highway for each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for lots with frontage greater than 100 feet.

38F(2) For the purposes of Subsection (1), the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting, or a similar device that will not obstruct the view of traffic.

**FAIRVIEW AREA**

**ACCESS**

38G(1) Stores shall front on Dutch Village Road, Titus Street or Alma Crescent only. There shall be no commercial display of goods for sale on the side or rear of any buildings.

38G(2) Vehicular access to commercial uses and parking areas shall be from Dutch Village Road, Titus Street or Alma Crescent. Access from side streets is also permitted provided that the minimum distance from an abutting residential zone to the point of access shall be 5 feet.

38G(3) Driveways and parking areas for C-1 or C-2A uses in a C-2A Zone shall be set back a minimum distance of 5 feet from a rear lot line adjacent to a residential zone and a side lot line adjacent to a residential zone and be screened by a fence having a minimum height of 5 feet. The 5 foot setback area is to be landscaped and where a transparent fence is to be used, the landscaped setback area must provide solid visual screening on a year-round basis to a minimum height of 5 feet at maturity.

**PARKING MAINLAND SOUTH AREA**

38H(1) Notwithstanding Section 9(d) the following parking requirements shall apply to Minor Commercial uses in the **"Mainland South Area"**:

(i) 3 spaces per l,000 sq.ft. of office space;
(ii) 4 spaces per l,000 sq.ft. of retail/service store space;
(iii) 8 spaces per l,000 sq.ft. of restaurant space; and
(iv) parking shall not be permitted within 3 feet of the street line and parking areas for commercial uses must be paved.

38H(2) In the **"Mainland South Area"** no vehicular access shall be obtained through a side or rear yard adjacent to a residential zone.

**SETBACKS FROM RESIDENTIAL ZONE**

38H(3) Buildings erected, altered, or used for commercial purposes in a C-2A Zone shall be set back a minimum of 20 ft. from a rear lot line and 12 ft. from a side lot line adjacent to a residential zone.

38H(4) Yard areas required pursuant to Section 38H(3) shall be landscaped.

(previous Section 38I(1) - Rescinded)

**MOTOR VEHICLE REPAIR**

38I A lot containing a motor vehicle repair shop in the **"Mainland South Area"** shall:

(a) have an opaque fence a minimum of five feet in height abutting any residential zones;
(b) have lighting facilities, if provided, directed away from any abutting residential zones;
(c) have enclosed any commercial refuse container in a structure which screens them from the street and abutting residential zones;
(d) not have outdoor storage of inoperative motor vehicles, boxes, crates or any other materials; and
(e) provide a minimum of a 6 foot strip of landscaped open space, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance.

38J **MOTOR VEHICLE SALES**

No area of the lot greater than 10,000 square feet shall be used for the parking and display of motor vehicles including manoeuvring areas.

38J **MOTOR VEHICLE REPAIR SHOPS**

Notwithstanding Section 38A(1)(b)(ii), motor vehicle repair shops, excluding those which service or repair motor vehicles in excess of 6000 pounds or auto body shops or auto paint shops, may be permitted provided that:

(a) They are located on a site which has a valid occupancy permit for a service station or the most recent valid occupancy permit is for a service station.
(b) An opaque fence having a minimum height of five feet is constructed abutting any residential zone.
(c) Lighting facilities, if provided, are directed away from any abutting residential zone.
(d) Any commercial refuse container is enclosed in a structure which screens it from the street and abutting residential zones.
(e) There is no outdoor storage of inoperative motor vehicles, boxes, crates or any other materials.

(f) There is landscaped open space; raised or otherwise protected, having a minimum width of six feet along that part of the street line not required for the curb cut or pedestrian entrance.

**<u>264 HERRING COVE ROAD</u> (RC-Jun 10/14;E-Jul 26/14)**

**38K Notwithstanding subsection 38A(1), service stations, recycling depots, motor vehicle repair, billboards, and residential uses shall not be permitted at the site identified as 264 Herring Cove Road on ZM-26.**

## C-2B ZONE

## HIGHWAY COMMERCIAL ZONE

38AA(1) The following uses shall be permitted in any C-2B Zone:

(a) R-1, R-2, R-2P, R-2T, R-2AM, R-3, C-1 and C-2A uses;
(b) a motel;
(c) a motor vehicle dealer;
(d) motor vehicle repair shop;
**(e) Deleted (RC-Jan 11/11;E-Mar 12/11)**
(f) any use accessory to the foregoing uses.

38AA(2) No person shall in any C-2B Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1)

38AA(3) No person shall in any C-2B Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### R-1, R-2, R-2P, R-2T, R-2AM AND R-3 USES IN C-2B ZONE

38AB Buildings erected, altered or used for R-1, R-2, R-2P, R-2T, R-2AM and R-3 uses in a C-2B Zone shall comply with the requirements of their respective zones.

38AC The height of any building in a C-2B Zone shall not exceed 35 feet. In the "Bedford Highway Area" notwithstanding Section 38AB no uses shall exceed 35 feet in height.

38AD Any C-2B use in a C-2B Zone shall be set back a minimum of 20 feet from the front lot line.

### SETBACKS FROM RESIDENTIAL ZONES

38AE Any C-1, C-2A or C-2B use in a C-2B Zone shall be set back a minimum of 20 feet from the rear lot line and 12 feet from a side lot line where the lot lines are adjacent to a residential zone.

### DRIVEWAY ACCESS

38AF(1) In the **"Bedford Highway Area"** one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.

38AF(2) For the purposes of Subsection (1), the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting, or a similar device that will not obstruct the view of traffic.

## C-2C ZONE (RC-Oct 4/16;E-Nov 26/16)

## DUTCH VILLAGE ROAD MIXED USE ZONE

**38BA(1) The following uses shall be permitted in the C-2C Zone:**

- **(a) all R-2 and R-2TA uses;**
- **(b) retail and rental stores excluding:**
  - **(i) motor vehicle dealers;**
  - **(ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and**
  - **(iii) adult entertainment uses**
- **(c) health clinic;**
- **(d) appliance and small scale repair shops;**
- **(e) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;**
- **(f) bowling alley;**
- **(g) a theatre;**
- **(h) a service station;**
- **(i) offices;**
- **(j) a bank and other financial institutions, excluding drive-throughs;**
- **(k) a restaurant, excluding drive-throughs;**
- **(l) community facilities;**
- **(m) commercial recreation uses;**
- **(n) day care facility;**
- **(o) apartment house;**
- **(p) micro breweries;**
- **(q) coffee roasteries;**
- **(r) ferment-on-premises facility, as defined by the Province of Nova Scotia Liquor Control Act;**
- **(s) brew pub;**
- **(t) lounges; (HWCC-Jul 30/18;E-Aug 25/18)**
- **(u) institutional uses;**
- **(v) government or public buildings;**
- **(w) existing R-1 uses; and**
- **(x) any use accessory to any of the foregoing uses.**

**38BA(2) No person shall, in any C-2C Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 38BA(1).**

**38BA(3) No person shall, in any C-2C Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 38BA(1).**

**38BA(4) Buildings used for existing R-1, R-2 and R-2TA uses shall comply with the requirements of their respective zones.**

**RETAIL**

**38BB(1) Any lands located in Area D, as shown on ZM-28, Plan Dutch Village Road Overview Map, shall limit retail use permitted under 38BA(1) to a maximum ground floor gross floor area of 650 square metres.**

**REQUIREMENTS**

**38BC(1) Buildings erected, altered or used for C-2C uses, in a C-2C Zone shall comply with the following requirements:**

- **(a) The maximum building depth shall be 25 m;**
- **(b) Notwithstanding clause 38BC(1) (a), a building may exceed the maximum building depth, provided:**
  - **(i) the height of the remainder of the building does not exceed 10.5 m;**
  - **(ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building;**
  - **(iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth; and**
  - **(iv) the land is shown on ZM-29, Plan Dutch Village Road Buildings May Exceed Maximum Building Depth.**
- **(c) The maximum front yard setback shall be 3 metres;**
- **(d) Notwithstanding clause 38BC(3) (c), the lands shown on ZM-30, Plan Dutch Village Road Area Exempt from Front Yard Setback Map shall be exempt from the maximum front yard setback requirement;**
- **(e) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map;**
- **(f) The building shall be stepped back 3 m on all sides of the building for all portions of the building above the streetwall height;**
- **(g) The building shall be setback 5m from the side yards above the streetwall height; and**
- **(h) The streetwall shall extend a minimum of 65 percent of the lot frontage. Where located on a corner lot, the streetwall shall extend 65% of the lot frontage for both streets;**

**LOT COVERAGE**

**38BD(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**

- **(a) The maximum lot coverage shall be 75 percent, except that enclosed parking below grade or extending no more than an average of 1 metre above grade along side and rear lot lines may cover 100 percent of the lot area.**

**HEIGHT**

**38BE(1) Building height shall not exceed the maximum height as shown on ZM-32, Plan Dutch Village Road Height Map.**

**38BE(2) Notwithstanding clause 38BE(1), on lots with a lot depth of less than 30 m, the maximum height shall be 13.5 m.**

**38BE(3) Notwithstanding the definition of height in Section 2 of this by-law, for lands that have frontage on both Percy Street and Joseph Howe Drive, height shall mean the vertical distance between the average grade adjoining the building, and the highest part of the roof.**

**RESIDENTIAL UNIT MIX**

**38BF(1) Apartment house uses in a C-2C Zone shall include a mixture of dwelling unit types. A minimum of 30 percent of the dwelling units within a building shall contain two or more bedrooms.**

**PARKING**

**38BG(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**

- **(a) Vehicular parking shall be enclosed in a building, or located to the rear or side yard of the building; and**
- **(b) Notwithstanding subsection 9(d), parking for the following uses shall be provided at the following ratios:**
  - **(i) 2 spaces per 100 $m^2$ of gross floor area of office space;**
  - **(ii) 3 spaces per 100 $m^2$ of gross floor area of retail/service store space; and**
  - **(iii) 3 spaces per 100 $m^2$ of gross floor area of restaurant space.**

**SIGNS**

**38BH(1) Any persons carrying on a use permitted by Subsection 38BA(1) may place upon and parallel to the front of the building signage that comply with the following:**

- **(a) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;**
- **(b) Fascia signs shall not extend beyond 15 cm on the extremity of a wall on which they are affixed;**
- **(c) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;**
- **(d) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;**

**(e) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and**

**(f) No signs shall be permitted on the roof of a building.**

**SETBACKS FROM BALCONIES**

**38BI(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**

**(a) No balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units at grade.**

**MAIN FLOOR AND ENTRANCES**

**38BJ(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**

**(a) The ground floor of the streetwall shall be comprised of 60 percent glazing;**
**(b) The ground floor height of a commercial building shall be at least 4.5 m; and**
**(c) Commercial uses shall have separate exterior access from any access to residential uses.**

**EXTERNAL BUILDING APPEARANCE**

**38BK(1) The following external cladding materials shall be prohibited for all uses except existing R-1 uses:**

**(a) Vinyl;**
**(b) Plywood;**
**(c) Concrete block;**
**(d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and**
**(e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.**

**LANDSCAPING AND BUFFERING**

**38BL(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:**

**(a) Where the lands abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting residential property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line;**
**(b) The landscaped area shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials,**

**annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliber) and three (3) shrubs per 4.6 metres of required landscaping; and**

**(c) existing trees and shrubs shall be incorporated into the landscaped setback, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres requirement.**

**38BL(2) For the purposes of 38BL(1), the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground area of the existing building by at least 20%.**

**38BL(3) Any building that is erected for any C-2C use in a C-2C Zone shall be required to landscape the front yard setback. A driveway may be permitted cross this landscaped area. This landscaped area shall comply with 38BL(1) (b) and 38BL(1) (c).**

**AMENITY SPACE**

**38BM(1) Apartment house buildings shall provide amenity space at a rate of 10 m2 per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space shall include one of the following common elements:**

**(a) fitness room of a minimum size of $40m^2$; or**
**(b) community room of a minimum size of $40m^{2.}$**

**EXISTING STRUCTURES**

**38BN Notwithstanding clauses 38BC(1) (c) and 38BC(1) (h), where an existing commercial building is deemed to be nonconforming under this Bylaw, it shall be allowed to be extended, enlarged or altered as long as the extension, enlargement or alteration complies with this Bylaw or a variance is granted by the Development Officer.**

**SERVICE STATIONS**

**38BO(1) Any service station shall comply with the following requirements:**

**(a) lighting shall be directed away from any abutting residential zones;**
**(b) enclose any commercial refuse container in a structure which screens them from the street and abutting residential zones;**
**(c) outdoor storage shall not be permitted; and**
**(d) a 1.9 m fence with a landscaping strip of a minimum depth of 1 metre, shall be provided where the lands abut a residential zone.**

**38BO(2) Notwithstanding 38BL(1) (a), any service station shall require a minimum of a 2 metre wide strip of landscaped area, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance;**

**THROUGH LOTS**

**38BP(1) Notwithstanding subclause 38BC(1) (h), through lots located on Joseph Howe Drive shall have a streetwall that extends a minimum of 65 percent of the lot frontage on Joseph Howe Drive and 50 percent of the lot frontage on Percy Street.**

**38BP(2) Where a surface parking area is permitted for through lots located along Percy Street, a landscaped area, measuring 6 metres in depth, measured from the Percy Street street line, shall be provided in accordance with 38BL(1) (c) and 38BL(1) (d).**

## C-2 ZONE

## GENERAL BUSINESS ZONE

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

(a) C-1 and C-2A uses
(b) any commercial enterprise except when the operation of same would cause a nuisance or a hazard to the public, and except adult entertainment uses, junk yards and amusement centres;
(c) (Deleted)
(ca) (Deleted)
(d) (Deleted)
(e) uses accessory to the foregoing uses

39(2) No person shall in any C-2 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

39(3) No person shall in any C-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

40 (Deleted)

### REQUIREMENTS

41 Buildings erected, altered or used for C-1, C-2A or C-2 uses in a C-2 Zone shall comply with the following requirements:

(a) lot coverage, maximum - 50 percent (except that a Motel building or buildings shall occupy a surface area of not more than 30 percent of the total area of the building lot);
(b) (i) every building shall be at least 12 feet from every other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;
(ii) where the building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot;
(c) notwithstanding the provisions of clause (b) where:
(i) the sidewalls of a building are fireproof to comply with the provisions of the Building By-law of the city; and
(ii) the abutting lot is not a lot in a residential zone which is used for residential purposes.

Such building shall be exempt from the side building line requirements and the distance requirements from any other building.

**MAINLAND SOUTH AREA**

41A(1) Buildings erected, altered or used for C-1, C-2A or C-2 uses in a C-2 zone in the **"Mainland South Area"**, shall comply with the following requirements:

(a) Buildings, parking, service areas, and circulation lanes must be a minimum of 30 feet from any rear or side lot line which abuts a residential zone. Except for building, such setbacks shall not be required where screening in the form of a solid fence or vegetative hedging is provided.
(b) No vehicular access shall be obtained through a side or rear yard adjacent to a residential zone.
(c) **Parking requirements shall be 5.5 spaces per 1,000 sq.ft. of G.F.A. (RC-Aug 5/08;E-Aug 23/08)**
(d) (Previous Section Deleted)
(d) Lot coverage maximum - 50 percent

**SIGNS**

42(1) Each C-1, C-2A or C-2 use shall be permitted one identification sign which may be illuminated.

42(2) In addition to the sign permitted in (1), each property shall be permitted to erect one free-standing identification sign which may be illuminated, provided that it will not cause a nuisance or hazard to the public.

## C-6 ZONE

## ADULT ENTERTAINMENT ZONE

42A(1) The following uses shall be permitted in any C-6 Zone:

(a) C-2 uses as hereinbefore set out;
(b) an adult entertainment use;

42A(2) No person shall in any C-6 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

42A(3) No person shall in any C-6 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1), provided that in any one building only one adult entertainment use shall be permitted.

### REQUIREMENTS

42B No front, side or rear yards are required for C-6 uses in C-6 Zones.

### ADULT ENTERTAINMENT USES

42C No development permit shall be issued for an adult entertainment use within 300 ft. of the nearest property line of any land in any residential zone, or any school, library, park, playground or other recreational facility, any church, convent, synagogue or similar place of worship, or another adult entertainment use;

### SIGNS

42D Signs for the purpose of advertising an adult entertainment use shall:

(a) be limited to one sign for each adult entertainment use;
(b) advertise only the name of the adult entertainment use;
(c) be not larger than 12 square feet;
(d) be attached upon and parallel to the front of the building in which the use is being carried on;
(e) be the only advertising visible or audible from the outside of the building.

42E A sign permitted under the provisions of Section 42D may be illuminated, provided it does not constitute a nuisance or hazard to the public.

### C-2 USES IN C-6 ZONE

42F Buildings erected, altered or used for C-2 uses in a C-6 Zone shall comply with the requirements of the C-2 Zone as detailed in Sections 39 to 42 inclusive.

## I-1 ZONE

## GENERAL INDUSTRIAL ZONE

43(1) The following uses shall be permitted in any I-l Zone:

(a) any C-2 use;
(b) an industrial enterprise except when the operation of same would cause a nuisance or a hazard to the public and except junk yards**;**
**(c) cannabis production facilities (RC-Sep18/18; E-Nov 3/18)**

43(2) No person shall in any I-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

43(3) No person shall in any I-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### C-2 USES IN I-1 ZONE

44 Buildings erected, altered or used for C-2 uses in an I-1 Zone shall comply with the requirements of a C-2 Zone.

### REQUIREMENTS

45 Buildings erected, altered, repaired, maintained or used for I-1 uses in an I-1 Zone shall comply with the following requirements:

(a) The building lines applicable in an R-1 Zone shall apply to I-1 Zone, except that when the appropriate walls of a building specified in Section 43(1)(a) and (b) are fireproof to comply with the provisions of the Building By-law of the municipality, such building shall be exempt from the side building line requirements and the distance requirement from any other building; provided that the exception shall not apply to a lot line abutting a lot used for residential uses only but his proviso shall not apply to lots within an Industrial Zone which do not abut on a Residential Zone.

### OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep18/18; E-Nov 3/18)

**46 Where a lot containing a cannabis production facility abuts a lot**

**(i) zoned or used for residential purposes, or**

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

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

## I-2 ZONE

## RADIO TRANSMITTER ZONE

49(1) The following uses shall be permitted in any I-2 Zone:

(a) radio or television transmitter station;
(b) uses accessory to any of the uses in (a).

49(2) No person shall in any I-2 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

49(3) No person shall in any I-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### REQUIREMENTS

50 Buildings erected, altered or used for I-2 uses in an I-2 Zone shall comply with the following requirements:

(a) The building lines applicable in an R-1 Zone shall apply to I-2 uses in an I-2 Zone except that when the appropriate walls of a building specified in Section 49 are fireproof to comply with the provisions of the Building By-law of the municipality, such building shall be exempt from the side building line requirements and the distance requirements from any other building; provided that the exception shall not apply to a lot line abutting a lot use for residential uses only, but this proviso shall not apply to lots within a commercial zone which do not abut on a residential zone.

## I-3 ZONE

## GENERAL INDUSTRIAL ZONE

50A(1) The following uses shall be permitted in any I-3 Zone:

(a) any industrial/commercial enterprise, except when the operation of same would cause a nuisance or hazard to the public and except:
  (i) billboards;
  (ii) adult entertainment uses; and
  (iii) amusement centres.

(b) a public park.

**(c) cannabis production facility (RC-Sep18/18; E-Nov 3/18)**

50A(2) No person shall in any I-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

50A(3) No person shall in any I-3 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### REQUIREMENTS

**50A (4) No development permit shall be issued except in conformity with the following:**

**(a) No front, side or rear yards are required in an I-3 Zone;**

**(b) Any development undertaken in an I-3 Zone serviced with on-site sewage disposal or water services shall be setback a minimum of 200 feet from the ordinary high water mark of any lake or watercourse;**

**(c) Any development undertaken in an I-3 Zone serviced with city sewer or water services shall meet the watercourse setback and buffer requirements of Section 14QA of this by-law; and**

**(d) Any use permitted in the I-3 Zone shall be set back a minimum of 30 feet from a collector roadway and 10 feet from all other roadways.**

**(HWCC-Sep 13/16;E-Oct 1/16)**

### SEWER AND WATER

50A(5) Sewage disposal and water services may be provided on site or off site in any manner consistent with the regulations of the Province of Nova Scotia, provided that no on-site sewer and water services shall be permitted on land inside the Development Boundary identified on Map II, Appendix "C" of the Halifax- Dartmouth Metropolitan Regional Development Plan.

### ACCESSORY BUILDINGS

50A(6) Notwithstanding the provision of Section 2(a) hereof, an accessory building in the I-3 Zone shall not have a maximum height requirement.

**SPECIAL PARKING**

50A(7) Notwithstanding Section 9(d) where a structure is built on a lot greater than 2 acres:

(a) parking shall be provided as follows:
(i) office structure - 3 spaces per 1,000 square feet of gross floor area;
(ii) retail or service structure - 4 spaces per 1,000 square feet of gross floor area;
(iii) restaurant - 8 spaces per 1,000 square feet of gross floor area.
(b) off street loading and unloading shall be provided at the sides and rear of the building on a collector roadway except where a berm or other similar screening a minimum 5 feet in height is provided between the loading area and the street.
(c) driveways, parking areas, and loading and unloading areas shall be maintained with a stable surface.
(d) areas not used for parking, driveways, storage or other similar purposes shall be landscaped.

**SIGNS**

Previous Section 50A(8)(a and b) Deleted and readopted with the following:

50A(8) Each I-3 use shall be permitted identification signs, which may be illuminated on the building, and one freestanding identification sign which may be illuminated, provided that it is not located within 100 feet of the street line of Highway 102 and Highway 103 between the interchange with Highway 102 and the City of Halifax pumping station at 120 Chain Lake Drive.

**OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep18/18; E-Nov 3/18)**

**50A(9) Where a lot containing a cannabis production facility abuts a lot**

**(i) zoned or used for residential purposes, or**

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

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

## P ZONE

## PARK AND INSTITUTIONAL ZONE

51(1) The following uses shall be permitted in any P Zone:

(a) a public park;
(b) a recreation field, sports club, and community facilities;
(c) a cemetery;
(d) a hospital, public school, university, monastery, church, library, court of law, or other institution of a similar type, either public or private;
(e) an institution used for the advancement of public school education services;
(f) uses accessory to any of the uses in (a), (b), (c), (d) and (e);
(g) **day care facility (RC-Mar 3/09;E-Mar 21/09)**.

51(2) No person shall in any P Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

51(3) No person shall in any P Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### SIGNS

52 No person shall in a P Zone erect, place or display any billboard or sign except:

(a) One fascia sign per building elevation facing a street;
(b) One fascia sign for the building elevation containing the main entrance where such entrance does not face a street;
(c) One free standing sign not to exceed 12 feet in height and 40 square feet in area (per side) per vehicular entrance and pedestrian entrance where such entrance is not part of a vehicular entrance, provided, however, that where the property contains more than one principal park and institutional use such sign shall not exceed 18 feet in height and an additional 10 square feet of area may be added to a maximum of 80 square feet (per side) for each additional park and institutional use;
(d) The signs permitted by (a), (b), and (c) may be illuminated;
(e) The signs permitted by (a), (b), and (c) shall be limited to indicating the name of the building or site and civic address of the property on which it is located, the logo, slogan or motto of the occupant of such building or site; and
(f) The signs permitted by (a), (b) and (c) may also contain a changeable message area which shall be limited to indicating the name, date and time of an event taking place on the site.

### REQUIREMENTS

53 Buildings erected, altered or used for P uses in a P Zone shall comply with the following requirements:

(a) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;
(b) Notwithstanding the provisions of clause (a), a carport or a detached or attached non-commercial garage shall be located not less than 4 feet from the rear and both side lines of the lot on which it is situated, and shall be located 8 feet from any other building;
(c) Where a building is situated on a corner lot, it shall be at least 20 feet from each street line abutting such lot.

**DRIVEWAY ACCESS**

53A(1) In the **"Bedford Highway Area"** one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.

53A(2) For the purposes of Subsection (1), the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting or a similar device that will not obstruct the view of traffic.

**HRM PARK AT HERRING COVE ROAD AND WILLIAMS LAKE ROAD (RC-Jun 10/14;E-Jul 26/14)**

**53A(3) Notwithstanding subsection 51(1), uses permitted by clauses 51(1)(b), 51(1)(c), 51(1)(d), 51(1)(e), and 51(1)(g) shall not be permitted at the site identified as Pocket Park on ZM-26.**

## U-2 ZONE

## HIGH DENSITY UNIVERSITY

53AA(1) The following uses shall be permitted in any U-2 Zone:

(a) any university use;
(b) uses accessory to any of the foregoing uses.

53AA(2) No person shall in any U-2 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1).

53AA(3) No person shall in any U-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1).

53AB In the area designated as **"Bedford Highway Area"** any U-2 use shall be set back a minimum of 50 feet from any property line that abuts a residential zone.

### DRIVEWAY ACCESS

53AC(1) In the **"Bedford Highway Area"** one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.

53AC(2) For the purposes of Subsection (1), the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting or a similar device that will not obstruct the view of traffic.

## T ZONE

## MOBILE HOME PARK ZONE

54(1) The following uses shall be permitted in any T Zone:

(a) mobile home park;
(b) any use accessory to the uses in (a).

54(2) No person shall in any T Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

54(3) No person shall in any T Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

### REQUIREMENTS

55 Buildings erected, altered or used or land used for T uses in a T Zone shall comply with the provisions of the **Mobile Home By-law of the Municipality of the County of Halifax** as amended to the first day of January, 1969.

## H ZONE

## HOLDING ZONE

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

(a) a detached one-family dwelling, provided that on-site sewage disposal and water services are provided on the lot on which the dwelling is proposed to be located;
(b) a public park or playground;
(c) a public recreational centre, provided that sewer and water service connections for the centre are made to the existing city services;
(d) the office of a professional person located in the dwelling house used by such professional person as his private residence;
(e) any use, other than a privy, accessory to any of the uses in (a), (b), (c) and (d).

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

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

### REQUIREMENTS FOR SFD IN HOLDING ZONE

61(4) Buildings erected, altered or used as single family residences in a Holding Zone shall comply with the "Single Family Dwelling Zone" requirements as contained in Section 21(a) and (c) through (h) inclusive of this by-law.

### 348 PURCELL'S COVE ROAD (RC-Aug 2/16;E-Sep 3/16)

**61(5) Notwithstanding the definitions of "accessory building" and "accessory use" in sections 2, sections 14A, 14C, and 14U, clauses 21 (a), (b), (ba), (e), (f) and (g)) and subsections 61(1), 61(2), 61(3), 61(4), for those properties known as Lots G1, G2 and a portion of a water lot located at 348 Purcell's Cove Road, Halifax (PID #00270975, 41158452 and 00633511) and shown on Map ZM-27, the following shall apply:**

**(a) An existing single family dwelling and an accessory building shall be permitted on Lot G2 (PID #41158452) and a portion of a water lot (PID #00633511) as shown on Map ZM-27. No additions to the single family dwelling building or the accessory building which would increase the floor area on Lot G2 shall be permitted. No new buildings on Lot G2 shall be permitted. However, nothing in this clause shall prevent repairs and renovations to or the replacement of buildings that existed on the effective date of this provision on Lot G2;**

**(b) (i) An accessory building existing on the effective date of this provision and located in the northern corner of Lot G1 (PID #00270975) shall be permitted:**

**(A) to be accessory to the dwelling located on Lot G2,**

**(B) at a height of a maximum of three storeys and a maximum of thirty (30) feet and**

**(C) to have a minimum setback of zero (0) feet from a side or rear property line, as shown on Map ZM-27.**

**(ii) The accessory building in the northern corner of Lot G1 shall not be occupied at any time as a dwelling.**

**(iii) No additions to the accessory building in the northern corner of Lot G1 which would increase the floor area of this building or increase the existing height of this building shall be permitted.**

**(iv) However, nothing in this clause shall prevent repairs and renovations to or the replacement of the accessory building in the northern corner of Lot G1;**

**(c) An existing accessory building located on the eastern side of Lot G1 (PID #00270975) shall be permitted to have a minimum setback of zero (0) feet from a side or rear property line, as shown on Map ZM-27. Additions to this building shall comply with clause 21(f) and shall have a maximum height of fourteen (14) feet;**

**(d) The southernmost accessory building on Lot G1 shall be permitted to expand, subject to compliance with clause 21(f) and subject to a maximum height of fourteen (14) feet;**

**(e) New accessory buildings on Lot G1 which are accessory to the dwelling located on Lot G2 shall comply with the requirements of Section 21 and shall have a maximum height of fourteen (14) feet; and**

**(f) The provisions of clauses 61(5) (a), (b), (c), (d), (e) and subsection 62EE (7) shall not exempt the existing buildings from any associated approvals from any agency or government which may be necessary in order to obtain municipal permits for the existing buildings.**

**US (URBAN SETTLEMENT) ZONE (RC-Jun 25/14;E-Oct 18/14)**

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

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

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

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

**REQUIREMENTS**

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

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

**KEARNEY LAKE - RESIDENTIAL ENVIRONMENTS**

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

**UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)**

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

**(a) Single family dwellings, on existing lots or lots approved pursuant to Section 38 of the Subdivision By-law provided that a private on-site sewage disposal system and well are provided on the lot**
**(b) Passive recreation uses**
**(c) Uses accessory to the foregoing uses**

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

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

**REQUIREMENTS**

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

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

**PWS (PROTECTED WATER SUPPLY) ZONE (RC-Jun 25/14;E-Oct 18/14)**

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

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

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

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

**REQUIREMENTS**

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

| | |
|---|---|
| **Minimum Front or Flankage Yard:** | **9.1m** |
| **Minimum Rear or Side Yard:** | **4.6m** |

**62(5) OTHER REQUIREMENTS: SETBACKS FROM WATER SUPPLY SOURCES (RC-Jun 25/14;E-Oct 18/14)**

**(a) No development permit shall be issued for any development within 30.5 metres of any lake or other watercourse within the PWS (Protected Water Supply) Zone, except for the uses permitted under Section 62(1).**
**(b) Nothwithstanding Section 14QA(1), water distribution or purification uses may be built to the lot line where the line corresponds to the shore line.**

## RDD ZONE

## RESIDENTIAL DEVELOPMENT DISTRICT ZONE

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

(a) R-1 and R-2 uses as hereinbefore set out;
(b) Uses accessory to the foregoing.

### R-1 AND R-2 USES IN RDD ZONE

62A(2) Buildings erected, altered or used for R-1 and R-2 uses in an RDD zone shall comply with the requirements of the R-1 and R-2 zones respectively.

62A(3) No person shall in any RDD zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection(1).

62A(4) No person shall in any RDD zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

62B(1) Notwithstanding any other provision of this by-law, Council may, by resolution, approve any specific development application pursuant to Policy 1.5.1 of Part II, Section X (Schedule I) of the Municipal Planning Strategy.

62B(2) Application for development agreements in any Residential Development District (RDD) shall include the following information:

(i) a legal description of the total site proposed for development, to include present and proposed ownership;
(ii) a development schedule to indicate the stages or phases of development from beginning to completion;
(iii) total number and type of dwelling units, lot size, proposed lot coverages, approximate gross and net population densities, total amount of open space and usable open space, total amount of commercial and, where applicable, institutional facilities;
(iv) site plan and supporting maps to describe existing topographic conditions including contours at 5 foot intervals, water courses or bodies, flood plains, wetlands, significant natural features and forest cover including the general location of trees 6 inches in diameter or greater, proposed lot lines, location and size of all existing and proposed buildings and structures including maximum heights, types of dwelling units, density per type, and non-residential structures;
(v) the location and size of all areas to be dedicated or reserved as common open spaces, public parks, recreation areas, and other public uses; existing and proposed street circulation systems including parking and serviced areas, and major points of ingress and egress to the development; existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system; existing and proposed public utility system, and, where

applicable, provide sanitary and water systems on and adjacent to the development site; and general schematic landscape plan indicating the treatment of private and public open spaces, information on areas adjacent to the proposed development to indicate the relationship to these areas, to include land uses, zoning classifications, densities, circulation systems, public facilities and significant natural features and sensitive landscape.

(vi) any other information which may be required to evaluate the impact of the proposed development.

## WC ZONE
## WESTERN COMMON ZONE

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

(c) Conservation related uses;
(d) Trails, picnic areas and wilderness campsites;
(e) Public and private parks and playgrounds;
(f) Recreation uses with the exception of golf courses;
(g) Historic sites and monuments;
(h) Churches and cemeteries;
(i) Uses accessory to the foregoing.

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

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

62AA(4) **WC ZONE REQUIREMENTS**

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

| | | |
|---|---|---|
| (a) | Minimum lot area | 100,000 square feet (9,289 square meters) |
| (b) | Minimum building setback from any property line | 30 feet (9.1 meters) |
| (c) | Maximum lot coverage | 35 percent |
| (d) | Maximum height (main Building) | 35 feet |

(e) No buildings, structure or parking areas shall be located within 300 feet (91.4 meters) of any watercourse except for buildings or structures intended for conservation related uses or non-motorized water related recreation uses.

## WCDD ZONE
## WENTWORTH COMPREHENSIVE DEVELOPMENT DISTRICT

62AC No municipal development permit or subdivision approval shall be granted except in accordance with the terms and conditions of a development agreement approved by Council and in effect.

## BWCDD ZONE
## BEDFORD WEST COMPREHENSIVE DEVELOPMENT DISTRICT ZONE

**62AD** **No development permit shall be issued for a development with a Bedford West Comprehensive Development District (BWCDD) Zone except in accordance with a development agreement approved pursuant to policies contained in the Bedford West Secondary Planning Strategy. (RC-Jun 20/06;E-Jul 29/06)**

## SRCDD ZONE
## SETON RIDGE COMPRENSIVE DEVELOPMENT DISTRICT ZONE
**(RC-Jul 17/18;E-Jul 28/18)**

**62AE(1) The following uses shall be permitted in any SRCDD Zone:**

**(a) Existing uses**
**(b) Public Parks**

**62AE(2) With the exception of permitted uses, no development permit shall be issued for a development within a Seton Ridge Comprehensive Development District (SRCDD) Zone except in accordance with a development agreement approved pursuant to policy 8A.11 of the Bedford Highway Secondary Planning Strategy.**

## WCCDD ZONE
## WESTERN COMMON
## COMPREHENSIVE DEVELOPMENT DISTRICT

62AB(1) No municipal development permit shall be granted except in accordance with the terms and conditions of a development agreement approved by Council and in effect.

62AB(2) Application for development agreements in any Western Common Comprehensive Development District (WCDD) Zone shall include the following information:

(i) a legal description of the total site proposed for development, to include present and proposed ownership;
(ii) a development schedule to indicate the stages or phases of development from the beginning to completion;
(iii) total number and type of dwelling units, lot size, proposed lot coverages, approximate gross and net population densities, total amount of open space and useable open space, total amount of commercial and, where applicable, institutional facilities;
(iv) site plan and supporting maps to describe existing topographic conditions including contours at 5 foot intervals, water courses or bodies, flood plains, wetlands, significant natural features and forest cover including the general location of trees 6 inches in diameter or greater, proposed lot lines, location and size of all existing and proposed buildings and structures including maximum heights, types of dwelling units, density per type and non-residential structures;
(v) the location and size of all area to be dedicated or reserved as common open spaces, public parks, recreation areas, and other public uses; existing and proposed street circulation systems including parking and serviced areas, and major points of ingress and egress to the development; existing and proposed pedestrian circulation system; including its interrelationship with the vehicular circulation system; existing and proposed public utility system, and, where applicable, provide sanitary and water systems on and adjacent to the development site; and general schematic landscape plan indicating the treatment of private and public open spaces, information on areas adjacent to the proposed development to indicate the relationship to these area, to include land uses, zoning classifications, densities, circulation systems, public facilities and significant natural features and sensitive landscape.
(vi) Any other information which may be required to evaluate the impact of the proposed development.

## CD-1
## C&D MATERIALS TRANSFER STATIONS ZONE

62BA(1) The following uses shall be permitted in any CD-1 Zone:

(a) Construction and Demolition Materials Transfer Stations
(b) Uses accessory to permitted use

62BA(2) No person shall in any CD-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (l).

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

REQUIREMENTS

62BB(1) Buildings erected, altered, or used for CD-1 uses in a CD-1 Zone shall comply with the following requirements:

| | | |
|---|---|---|
| Minimum Lot Area | 3,716 square metres | (40,000 square feet) central services |
| | 11,148 square metres | (120,000 square feet) on-site services |
| Minimum Frontage | 15 metres | (49.2 feet) central services |
| | 30 metres | (98.4 feet) on-site services |
| Minimum Front Yard | 25 metres | (82.0 feet) |
| Minimum Side Yard | 30 metres | (98.4 feet) |
| Minimum Rear Yard | 30 metres | (98.4 feet) |
| Maximum Lot Coverage | 50 % | |
| Maximum Height | 11 metres | (36.0 feet) |

OTHER REQUIREMENTS

62BB(2) No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

(a) any building or structure shall meet the following separation distances:

| | | |
|---|---|---|
| (i) from any property line | 30 metres | (98.4 feet) |
| (ii) from the nearest residential dwelling or institutional use | 60 metres | (196.9 feet) |
| (iii) from a watercourse | 30 metres | (98.4 feet) |

(b) notwithstanding Section 62BB(2)(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).
(c) notwithstanding Section 62BB(2)(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material,

product, or equipment) the building setback from any property line may be reduced to 10 metres (32.8 feet).

62BB(3) GENERAL REQUIREMENTS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
  (i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;
  (ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or
  (iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.

(b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

(c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;

(d) notwithstanding Section 62BB(3)(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

(e) no portion of the operation shall be located within any side, rear, or front yard setback;

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-2, R-2P, R-2T, R-2AM, R-3,R-4,T,H, and RDD) or community use (P or WC and WC); and

(g) no portion of the operation shall be located within a 1:100 year floodplain.

SITE PLAN APPROVAL

62BB(4) All C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

(a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;

(b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;
(c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;
(d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;
(e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;
(f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;
(g) all solid waste storage containers shall be screened from view from adjacent properties and streets;
(h) impact of the location, number and size of signs;
(i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and
(j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

## CD-2
## C&D MATERIALS PROCESSING FACILITIES ZONE

62CA(1) The following uses shall be permitted in any CD-2 Zone:

(a) CD-1 uses
(b) Construction and Demolition Materials Processing Facilities
(c) Uses Accessory to permitted uses, excluding construction and demolition disposal
(d) Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

62CA(2) No person shall in any CD-2 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (l).

62CA(3) No person shall in any CD-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (l).

REQUIREMENTS

62CB(1) Buildings erected, altered or used for CD-1 uses in a CD-2 zone shall comply with the requirements of the CD-1 zone.

62CB(2) Buildings erected, altered, or used for CD-2 uses in a CD-2 Zone shall comply with the following requirements:

| | | |
|---|---|---|
| Minimum Lot Area | 3,716 square metres | (40,000 square feet) - central services |
| | 11,148 square metres | (120,000 square feet) on-site services |
| Minimum Frontage | 15 metres | (49.2 feet) central services |
| | 30 metres | (98.4 feet) on-site services |
| Minimum Front Yard | 30 metres | (98.4 feet) |
| Minimum Side Yard | 30 metres | (98.4 feet) |
| Minimum Rear Yard | 30 metres | (98.4 feet) |
| Maximum Lot Coverage | 50 % | |
| Maximum Height | 11 metres | (36.0 feet) |

OTHER REQUIREMENTS

62CB(3) No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

| | | | |
|---|---|---|---|
| (i) | from any property line | 60 metres | (196.8 feet) |
| (ii) | from the nearest residential dwelling or institutional use | 90 metres | (295.3 feet) |

(iii) from a watercourse 60 metres (196.8 feet)

(b) notwithstanding Section 62CB(3)(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 62CB(3)(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) the building setback from any property line may be reduced to 10 metres (32.8 feet).

GENERAL REQUIREMENTS

62CB(4) No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 62BB(3); and

(b) notwithstanding Sections 62CB(1) to 62CB(3), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

SITE PLAN APPROVAL

62CB(5) C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 62BB(4).

## CD-3
## C&D MATERIALS DISPOSAL SITES ZONE

62DA(1) The following uses shall be permitted in any CD-3 Zone:

(a) CD-1 and CD-2 uses
(b) Construction and Demolition Materials Disposal Sites
(c) Uses Accessory to permitted uses

62DA(2) No person shall in any CD-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (l).

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

REQUIREMENTS

62DB(1) Buildings erected, altered or used for CD-1 or CD-2 uses in a CD-3 zone shall comply with the requirements of the CD-1 or CD-2 zones respectively.

62DB(2) Buildings erected, altered, or used for CD-3 uses in a CD-3 Zone shall comply with the following requirements:

| | | |
|---|---|---|
| Minimum Lot Area | 11,148 square metres | (120,000 square feet) |
| Minimum Frontage | 15 metres | (49.2 feet) - central services |
| | 30 metres | (98.4 feet) - on-site services |
| Minimum Front Yard | 50 metres | (164 feet) |
| Minimum Side Yard | 50 metres | (164 feet) |
| Minimum Rear Yard | 50 metres | (164 feet) |
| Maximum Lot Coverage | 50 % | |
| Maximum Height | 11 metres | (36.1 feet) |

OTHER REQUIREMENTS:

62DB(3) No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:

| | | | |
|---|---|---|---|
| (i) | from any property line | 50 metres | (164 feet) |
| (ii) | from the nearest residential dwelling or institutional use | 90 metres | (295.3 feet) |
| (iii) | from a watercourse | 60 metres | (196.8 feet) |

GENERAL REQUIREMENTS

62DB(4) No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 62BB(3).
(b) Notwithstanding Sections 62DB(1) to 62DB(3), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

SITE PLAN APPROVAL

62DB(5) C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 62BB(4)".

## ICH
## INFRASTRUCTURE CHARGE HOLDING ZONE

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

1. Single Unit Dwellings
2. Open Space Uses

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

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

62EB(1) Buildings erected, altered, or used for ICH uses in a ICH Zone shall only be permitted on lots in existence on the date of adoption (July 2, 2002) of this zone and comply with the requirements of the R-1 Zone (Section 28).

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

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

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

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

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

**REQUIREMENTS**

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

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

## PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

### REQUIREMENTS

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

| | |
|---|---|
| **Minimum Lot Area:** | **930m²** |
| **Minimum Frontage:** | **30.5m** |
| **Minimum Front or Flankage Yard:** | **20m** |
| **Minimum Side or Rear Yard:** | **20m** |

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

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

## WA (WATER ACCESS) ZONE (RC-Jan 11/11;E-Mar 12/11)

**62EE (1) The following uses shall be permitted in any WA Zone:**

**(a) wharves and docks;**
**(b) municipal, provincial and national historic sites and monuments;**
**(c) passive recreation uses; and,**
**(d) public works and utilities.**

**62EE (2) No person shall in any WA Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsections (1), (5) or (6).**

**62EE (3) No person shall in any WA Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsections (1), (5) or (6).**

**62EE (4) No person shall in any WA Zone construct or erect a building, with the exception of public works, public utilities, a multi-use trail system and associated facilities and ferry terminal facilities, on a wharf, on pillars, on piles, or on any other type of structural support located on or over a water lot.**

### NORTHWEST ARM

**62EE (5) Ferry Terminal Facilities shall be permitted within the Northwest Arm Water Access Zone.**

### WESTERN SHORE OF THE BEDFORD BASIN

**62EE (6) A multi-use trail system and associated parking facilities shall be permitted within the Western Shore of the Bedford Basin Water Access Zone.**

### 348 PURCELL'S COVE ROAD (RC-Aug 2/16;E-Sep 3/16)

**62EE (7) Notwithstanding subsections 62EE(1),(2),(3)(4), section 14U and pursuant to subsection 61(5), an existing single family dwelling shall be permitted on a portion of a water lot (PID #00633511) as shown on Map ZM-27.**

### PERMITS

63 Each application for a development permit shall include the following particulars:

(a) The location, dimensions, and abutters of the lot on which the building is or is proposed to be situated;
(b) When and by what means the boundaries of the lot were established;
(c) Whether the lot has been approved by the Committee, and, if so, the date of such approval;
(d) The owner of the lot;

(e) The dimensions of the proposed building and the relation of such proposed building to the lot lines or, in the case of an alteration or repair, the nature of such alteration and repair;
(f) The purpose for which the building is to be used;
(g) Any other information as may be necessary to comply with the provisions of this by-law.

**PLAN OF SURVEY**

64 The Development Officer may require a plan of survey showing such of the information required under Section 63 to determine and to secure compliance with the provisions of this by-law.

**RECORD**

65 In addition to his other duties imposed under this or any other law or statute, the Development Officer shall keep and maintain a record of all information submitted to him under the provisions of Sections 63 and 64.

## SCHEDULES

66 (Deleted)

67 (Deleted)

## SCHEDULE "K"

68(1) Any area of land shown as Schedule "K" shall be a Comprehensive Development District.

68(2) No development permit shall be issued for a development in a Schedule "K" unless the proposed development has been approved by a resolution of Council.

68(3)(a) The purpose for which land within a Schedule "K" area is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types; shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and community facilities for the use of residents in the immediate area; and shall include provision for automobile, transit, and pedestrian circulation; and an emphasis on conservation of natural environment features including lakes and waterways, mature trees, and natural topographic features. In addition to the above, Council may consider provision for commercial uses in accordance with the policies of the Municipal Planning Strategy.

68(3)(b) Notwithstanding clause (a), pursuant to Section II, Policy 3.3 of the Municipal Development Plan, the lands designated commercial on the east of Bicentennial Drive at the Bayers Lake Interchange shall be developed primarily as a mixed commercial/residential area.

68(4) For greater certainty, but without limiting the general powers of Subsection 68(3) above, the following uses may be permitted;

(a) detached one family dwellings;
(b) semi-detached dwellings;
(c) duplex dwellings;
(d) apartment houses
(e) attached houses;
(f) public park or playground;
(g) commercial uses;
(h) local commercial uses intended for the use of residents of the immediate area;
(i) a community centre;
(j) golf course;
(k) notwithstanding Section (h) above, regional scale retail uses, including large-format outlets, shall only be permitted on those lands situated at the south-east quadrant of the Lacewood Drive/Bicentennial Drive interchange.
(l) uses accessory to any of the foregoing uses

68(5) An application for a development permit in any Schedule "K" area shall be submitted in two stages, the first stage of which shall be a tentative plan that shall include the

following information for the entire area of land owned by the applicant which is designated as Schedule "K":

(a) A plan to a scale of 1" = 100', or 1" = 40', showing the following information:
  (i) The location of the various uses and their areas;
  (ii) Delineation of the various residential areas indicating for each such area its size and location, number of dwelling units (including number of bedrooms for each unit), types of dwelling units (i.e., townhouse, apartments, single family dwellings), parking layout and population density;
  (iii) The location, size, shape, and surface treatment of public and private open spaces;
  (iv) The proposed interior roadway system and connection to existing roadways including location of bus bays;
  (v) Topography of the area showing contour intervals of not more than five feet of elevation, as well as an indication of soil coverage of the site;
  (vi) All existing and proposed rights-of-way and easements, either public or private, within the area;
  (vii) Description, size and location of the proposed community cultural facilities, community centres, etc.;
  (viii) Description, size and location of proposed local commercial uses intended for the use of residents of the immediate area;
  (ix) The uses and ownership of land abutting the area in question;
  (x) A key plan with a scale between 1" = 200' and 1" = 1,320' showing the location of the site in relation to the surrounding communities;
  (xi) General indication of how the phasing and scheduling is to proceed, if phasing is intended for the project.
(b) A plan to a scale of 1" = 100' and 1" = 40' showing an outline of the existing and proposed:
  (i) roadways, walkways, rights-of-way and easements;
  (ii) sanitary sewer system;
  (iii) storm sewer system;
  (iv) water system;
  (v) surface drainage and means of disposal of the water;
  (vi) street and walkway lighting;
  (vii) telecommunication system;
  (viii) electrical distribution system.
(c) A plan showing the overall drainage areas contributing to the flows of the area in question.

68(6) After holding a public hearing and considering the plan proposal submitted under Subsection 68(5), Council shall determine whether the applicant may proceed to final approval and on what conditions, if any, Council may refuse the proposal where, in the opinion of Council, the proposal is inconsistent with the purposes of Schedule "K" or Section 5 of this by-law.

68(7) In the event that Council does not refuse the application, the applicant shall provide:

(a) such information as required by Sections 63 and 64 of the by-law for that portion of the proposal for which the applicant is applying for a development permit;
(b) such additional information (final servicing plans, survey plan, etc.) as may be required by the Development Officer;
(c) the terms of the proposed agreement pursuant to Subsection (8).

68(8) Approval by Council under Section 68(6) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct.

68(9) Council shall consider the application for final approval and shall either approve the development or notify the applicant of the objectionable features of the final plan.

69(1) (Deleted)

69(2) (Deleted)

**SCHEDULE "L"**

69 In an area designated as Schedule "L", any industrial or commercial use shall be permitted which is permitted by the land use by-law designation of such area, provided that:

(a) industrial and/or commercial uses shall not exceed a height of thirty-five (35) feet;
(b) industrial and/or commercial uses shall not exceed a gross floor area of 5,000 square feet;
(c) industrial and/or commercial uses shall not be permitted on sites in excess of 15,000 square feet of lot area;
(d) residential uses shall not be permitted in areas zoned industrial or commercial;
(e) Council may, after a public hearing and by resolution, approve any specific development requested which would not otherwise be permitted by this by-law, provided that no approval shall be given inconsistent with Policies 3.7 and 4.6 of Part II, Section II, and Policy 3.12 of the Implementation Policies Section, all of the Municipal Planning Strategy;
(f) approval by Council under Subsection (e) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct;
(g) applications for amendments to agreements made pursuant to Subsection (e) may be made by Council after a public hearing if deemed necessary.

70 (Original Section Deleted - See New Section 70 Below)

**FAIRVIEW AREA- DEVELOPMENT AGREEMENTS**

70 In the **"Fairview Area"**, Council may, by development agreement pursuant to Section VII of the Municipal Planning Strategy:

**Medium Density Residential**

(a) permit medium density residential development on properties larger than one acre in accordance with Policy 1.6

**Reconstruction - Non-conforming Commercial Use**

(b) permit any building containing a non-conforming commercial use in existence on 31 January 1985 to be reconstructed in the event that such building is destroyed, in accordance with Policy **2A.9 (RC-Oct 4/16;E-Nov 26/16)**

**Titus Smith School Site**

(c) permit high density senior's housing on the former Titus Smith School Site in accordance with Policies 1.7 and 1.7.1

**35 Coronation Avenue**

(d) permit townhouse development at 35 Coronation Avenue in accordance with Policies 1.8 and 1.8.1

**Former Halifax West High School Site, Dutch Village Road**
**(RC-Nov 15/11;E-Jan 14/12)**

**(e) permit a mixed-use development containing residential, commercial and public open space uses at the former Halifax West High School site on Dutch Village Road in accordance with Policies 1.9 and 1.9.1**

**(f) Any building in Area A on ZM-28 that has a height of more than 25 m shall be considered a high-rise and may be permitted by a development agreement process, in accordance with Policies 7 and 7.1. (RC-Oct 4/16;E-Nov 26/16)**

**MAINLAND WIDE - DEVELOPMENT AGREEMENTS**

71(1) **Private Roads**

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit residential development on lots that do not abut a publicly owned and maintained street in accordance with Policy 2.12

71(2) **Heritage Property**

Council may, by development agreement, pursuant to Section II of the Policies of the Municipal Planning Strategy, permit any development on a lot which is a city registered heritage property in accordance with Policy 6.8

71(3) **Public Service or Utility Use**

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit a public service or utility use in accordance with Policies 7.2.2 and 7.2.2.1. Any uses considered through this section shall comply with Section 53 of the P, Park and Institutional Zone.

71(4) **Amusement Centre**

Council may, by development agreement, pursuant to the Implementation Policies of the Municipal Planning Strategy, permit the establishment of an amusement centre in accordance with Policies 3.13, 3.13.1 and Section 5 of this by-law.

71(5) **Non-conforming Use**

Council may, by development agreement, pursuant to the Implementation Policies of the Municipal Planning Strategy, permit a non-conforming use to be changed to another non-conforming use, or permit the structure in which such a use is located to be altered or expanded in accordance with Policy 3.14.

71(6) **Lot Modification**

Council may, by development agreement, pursuant to the Implementation Policies of the Municipal Planning Strategy, permit any use permitted by the zoning designation, which would not otherwise be permitted by the minimum lot frontage, lot area and yard requirements of this by-law, in accordance with Policies 4.4. and 4.6

71(7) **Podium Height Modification - R-4 Uses**

Council may, by development agreement, pursuant to the Implementation Policies of the Municipal Planning Strategy, permit any R-4 use which would not otherwise be permitted by the maximum height limit for any part of a building not containing any windows or doors serving habitable rooms specified in Section 33(2(d)(ii) in accordance with Policy 4.5

71(8) **Day Care Facilities**

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit a **day care facility** which would not otherwise be permitted by the zoning requirements in accordance with Implementation Policies 3.20 and 3.20.1. **(RC-Mar 3/09;E-Mar 21/09)**

71(9) **7, 9, 11 and 13 Springvale Avenue**

Council may, by development agreement, pursuant to Policies 2.16 and 2.16.1 of Section II of the Municipal Planning Strategy, permit the development of a multiple unit residential building on a consolidated parcel of civic numbers 7, 9, 11 and 13 Springvale Avenue (LRIS PID Nos. 207019, 207027, 207035 and 207043.

71(10) **50 Bedford Highway (RC-Apr 20/10;E-May 29/10**)

**Council may, by development agreement, pursuant to Policies 1.7 and 1.7.1 of Section VIII of the Halifax Municipal Planning Strategy, permit the development of a mixed use building at 50 Bedford Highway, Halifax (PID #00296665).**

**MAINLAND SOUTH AREA - DEVELOPMENT AGREEMENTS**

72 In the "Mainland South Area", Council may, by development agreement pursuant to Section X of the Municipal Planning Strategy:

Block F, Kelly Street

(a) permit a residential complex including assisted living facilities on Block F, Kelly Street, in accordance with Policies 1.2.3 and 1.2.3.1.

**72(1) For the area known as Regatta Point, the Municipality may, by development agreement, permit the consolidation of Lot RP-1 (PID 40396699) with Lot RP-2 (16 Anchor Drive; PID 40396681), and the expansion of the existing apartment building to a maximum of 118 units on the consolidated lot. (RC-Jan 19/10;E-Apr 17/10)**

**72(2) The Municipality may, by development agreement, allow townhouse style residential developments that do not meet the requirements of the R-2T (Townhouse) Zone in accordance with Policy 1.3.4. (RC-Feb 2/10;E-Apr 17/10)**

**72(3) The Municipality may, by development agreement, allow for apartment house developments in accordance with policies 1.2.5, 1.2.6, 1.2.7, 1.2.8, and 2.3.2 of Section X (Mainland South Secondary Planning Strategy, Residential Environments and Commercial) of the Municipal Planning Strategy for Halifax. (RC-Jun 10/14;E-Jul 26/14)**

**72(4) Civic Number 15 Shoreham Lane, Halifax (RC-Sept 19/17;E-Nov 11/17)**
**Council may, by development agreement, pursuant to policies 1.5.3 and 1.5.3.1 of Section X of the Halifax Municipal Planning Strategy, permit the following uses within the existing building:**

- **i. a grocery store, drug store, laundromat, dry cleaner, tailor, dressmaker, beauty shop or barber shop;**
- **ii. bank, public hall, office, hairdresser, beauty parlour, restaurant, receiving**

**office of a dry cleaner or dyer;**

**iii. a store for retail trade, rental and services, excluding: motor vehicle dealers and repair shops; service stations; and amusement centres; and**

**iv. any use accessory to any of the foregoing uses.**

**72(5) The Municipality may, by development agreement, pursuant to policies 1.5, 1.5.1, 1.5.8 and Schedule I (Guidelines for Residential Development District) of Section X (Mainland South Secondary Planning Strategy) of the Halifax Municipal Planning Strategy, allow multiple-unit residential (apartment) uses with ground floor commercial uses on Lots N1, N2 and N3A (PID 41352022, 41352030, 41394024), Cowie Hill Road, encompassing up to 17.5% of the land area covered by the development agreement, and may allow for a single residential unit type (bachelor-type unit counting as 1 person per unit) on Lots N1, N2 and N3A. (RC-Oct 2/18;E-Nov 3/18)**

**73 <u>CONSERVATION DESIGN DEVELOPMENT – DEVELOPMENT AGREEMENTS</u> (RC-Jun 25/14;E-Oct 18/14)**

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

**(a) Conservation Design Developments in accordance with policies S-14, S-15, S-16 and S-17 of the Regional Municipal Planning Strategy, as applicable. (RC-Jun 25/14;E-Oct 18/14)**

**<u>SCHEDULE "R"</u> (RC-Jan 11/11;E-Mar 12/11)**

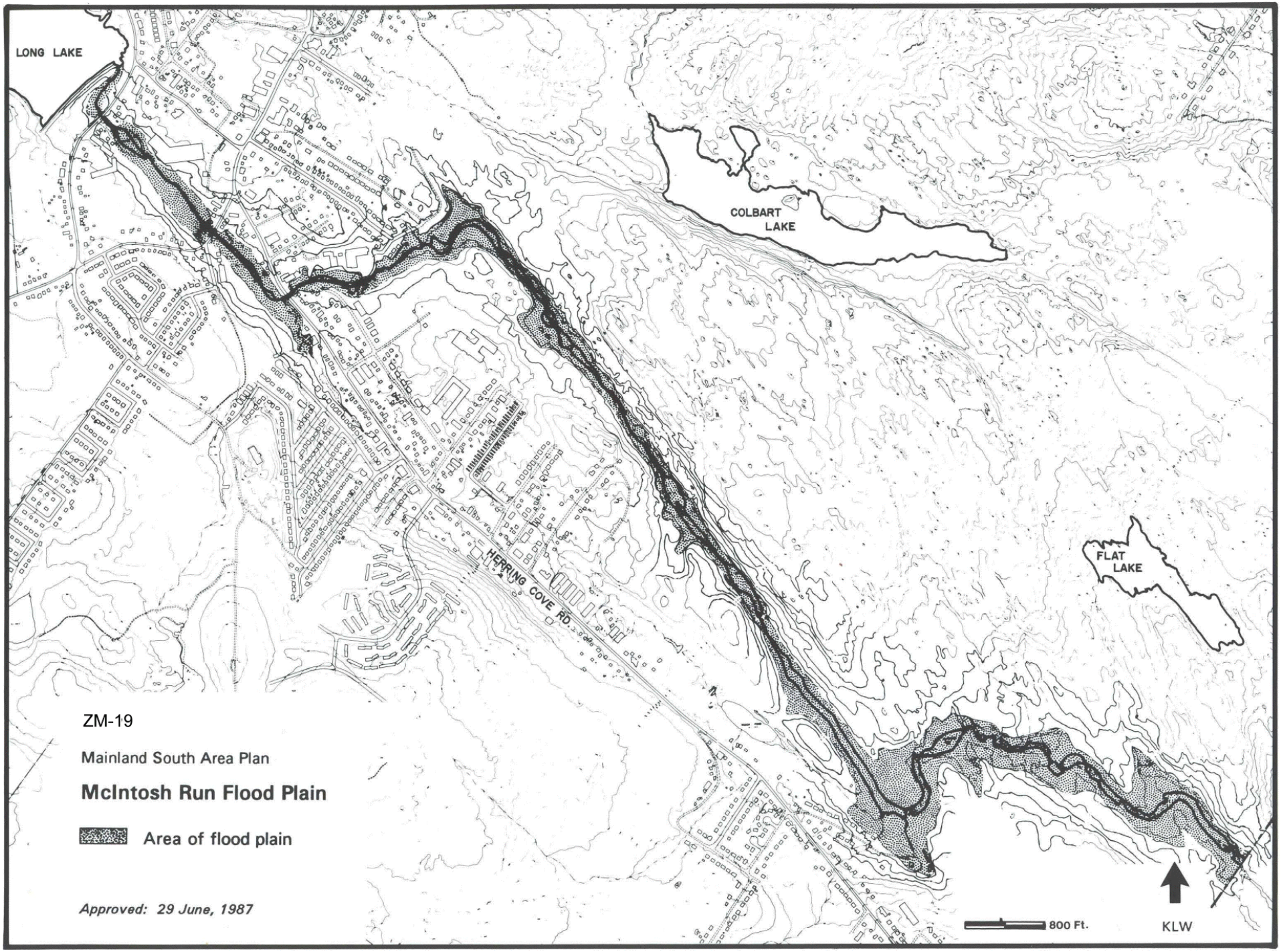
**74 In an area designated Schedule "R", any residential or commercial use shall be permitted which is permitted by the land use by-law designation of such area, provided that:**

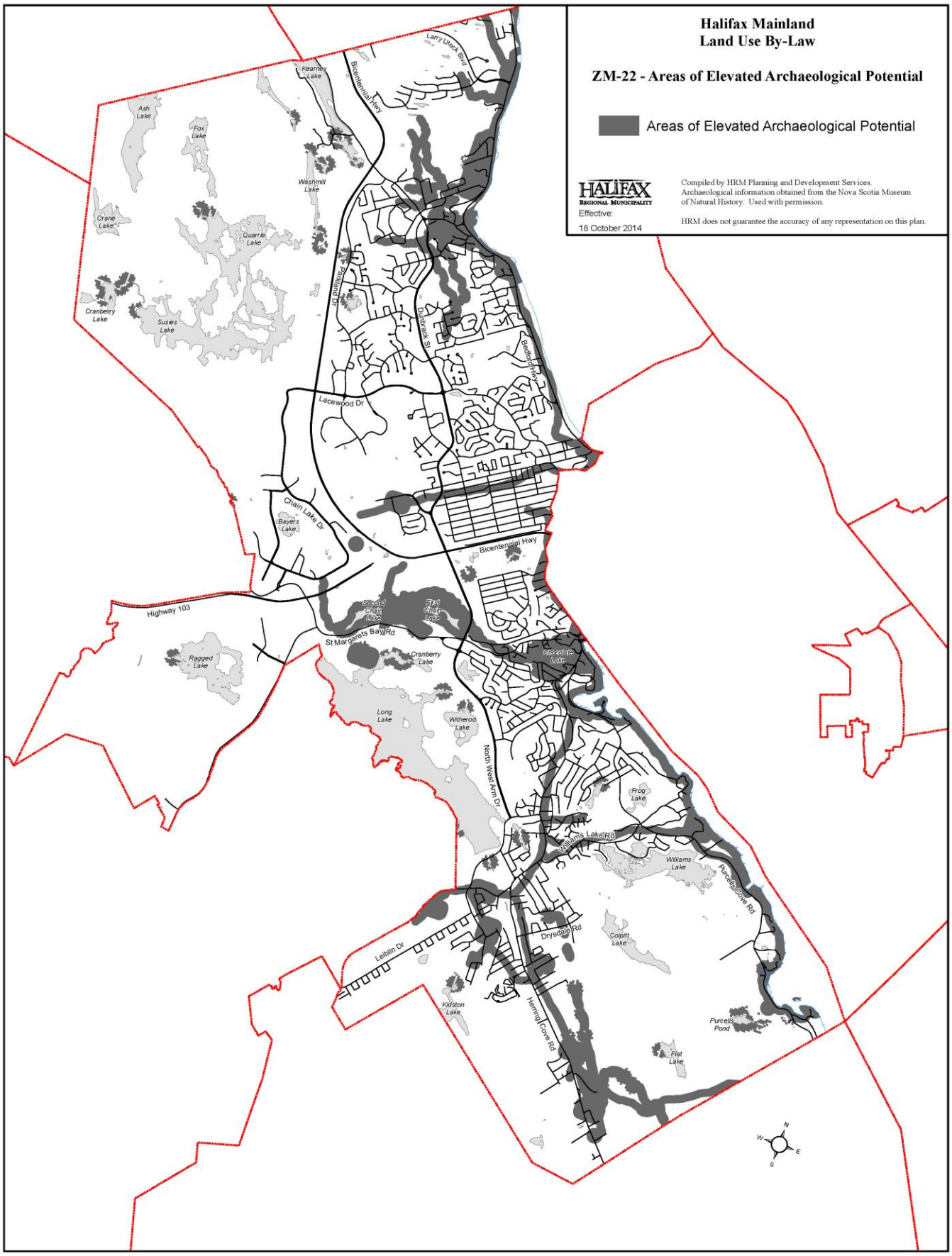
**(a) residential and commercial uses shall not exceed a height of thirty-five (35) feet;**

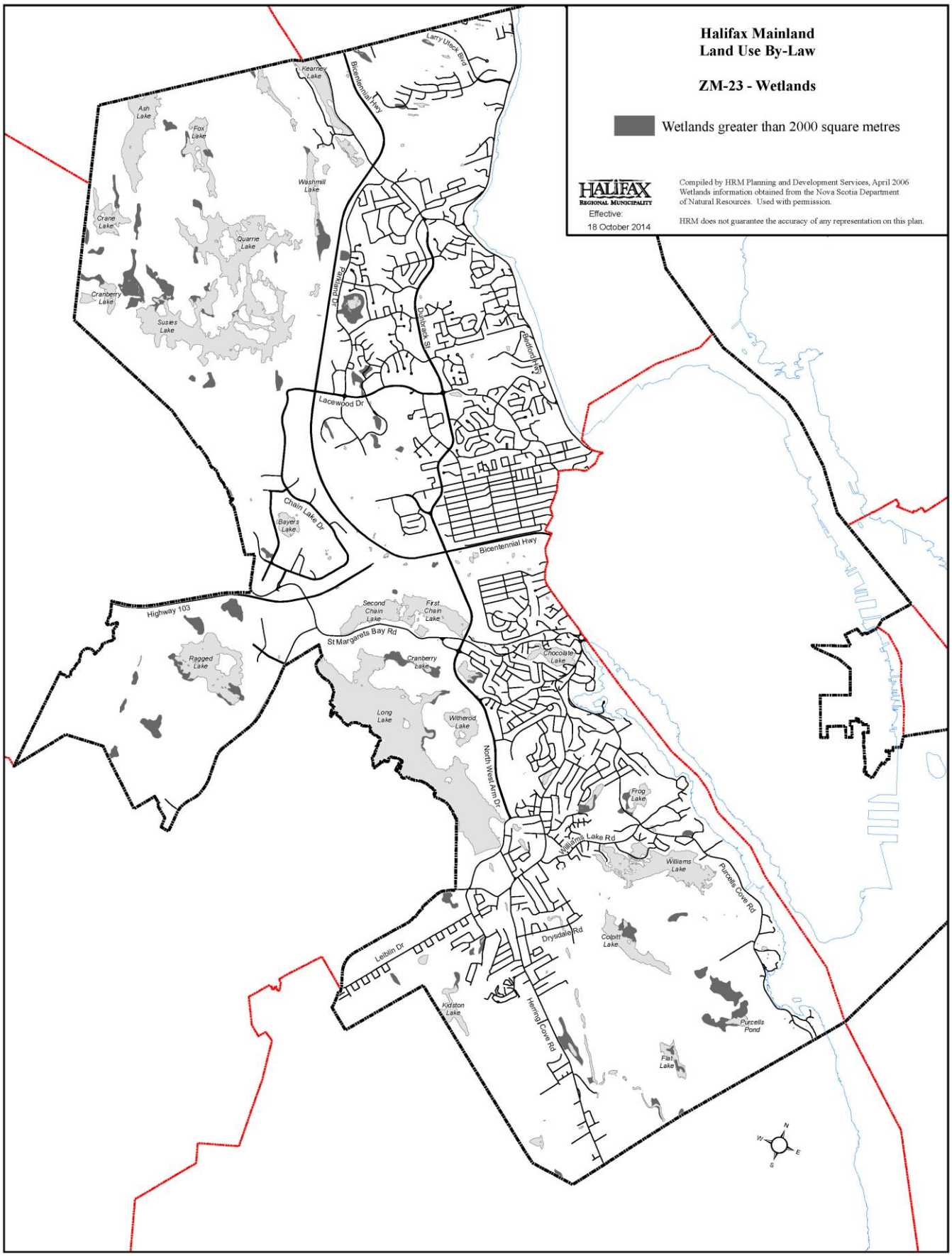
**(b) Council may, after a public hearing and by resolution, approve any specific development requested which would not otherwise be permitted by this by-law, provided that no approval shall be given inconsistent with Policies 1.8, 1.8.1, 1.8.2 and 1.8.3 of Part 1, Section VIII, of the Municipal Planning Strategy;**

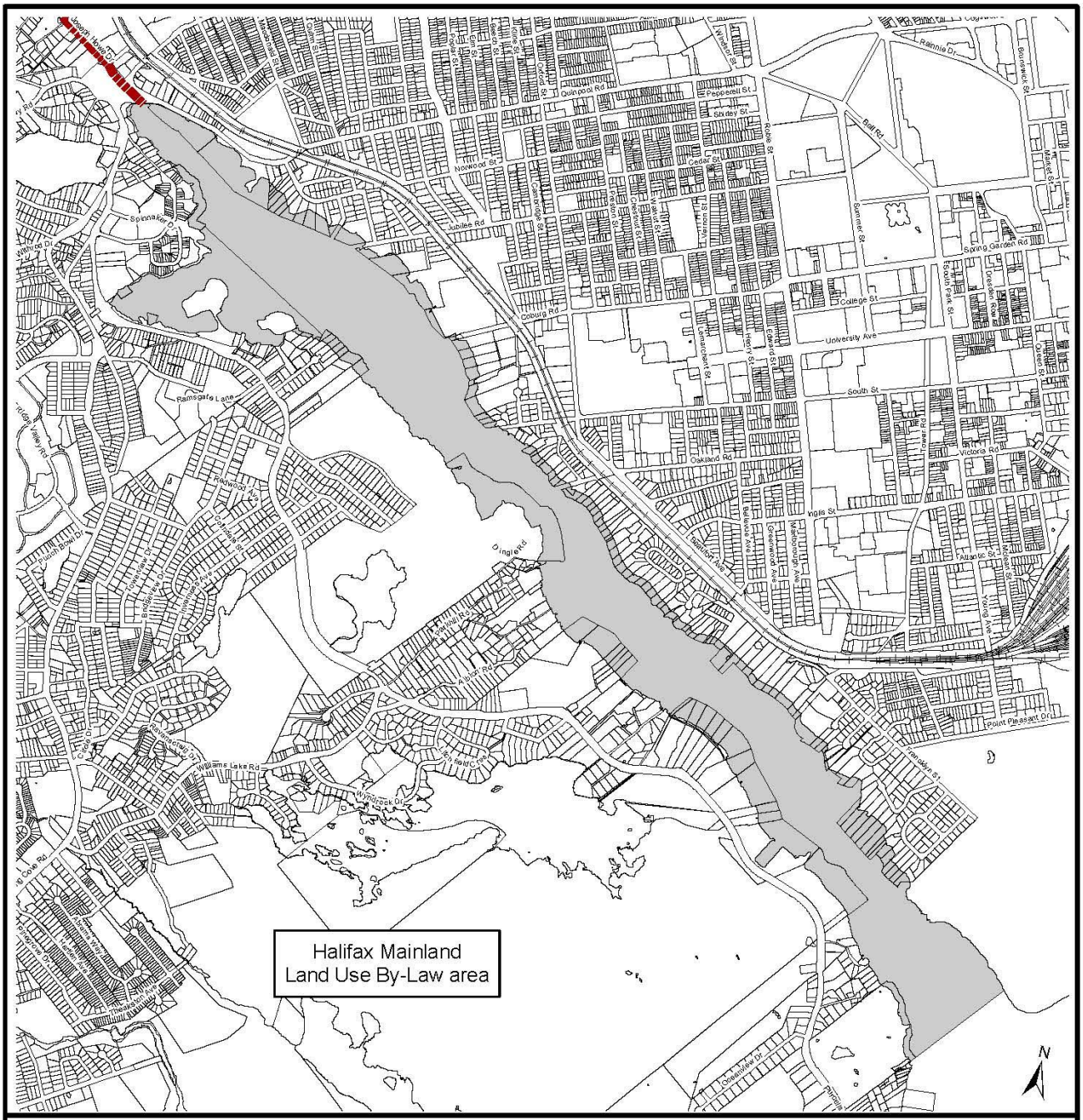
**(c) approval by Council under Subsection (b) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct;**

**(d) applications for amendments to agreements made pursuant to Subsection (b) may be made by Council after a public hearing if deemed necessary.**


LONG LAKE
COLBART LAKE
FLAT LAKE
HERRING COVE RD.
ZM-19
Mainland South Area Plan
McIntosh Run Flood Plain
Area of flood plain
Approved: 29 June, 1987
800 Ft.
KLW


Halifax Mainland
Land Use By-Law
ZM-22 - Areas of Elevated Archaeological Potential
Areas of Elevated Archaeological Potential
HALIFAX
REGIONAL MUNICIPALITY
Effective:
18 October 2014
Compiled by HRM Planning and Development Services.
Archaeological information obtained from the Nova Scotia Museum of Natural History. Used with permission.
HRM does not guarantee the accuracy of any representation on this plan.
Larry Uteck Blvd
Kearney Lake
Bicentennial Hwy
Ash Lake
Fox Lake
Washmill Lake
Crane Lake
Quarries Lake
Cranberry Lake
Susies Lake
Pebbleford Dr
Dunbrack St
Beechville Hwy
Lacewood Dr
Chain Lake Dr
Bayers Lake
Bicentennial Hwy
Highway 103
Second Chain Lake
First Chain Lake
St Margarets Bay Rd
Ragged Lake
Cranberry Lake
Grosvenor Lake
Long Lake
Witherod Lake
North West Arm Dr
Frog Lake
Williams Lake Rd
Williams Lake
Purcells Cove Rd
Drysdale Rd
Colpitt Lake
Leiblin Dr
Kidston Lake
Herring Cove Rd
Purcells Pond
Flat Lake
N
W
E
S


Halifax Mainland
Land Use By-Law
ZM-23 - Wetlands
Wetlands greater than 2000 square metres
HALIFAX
REGIONAL MUNICIPALITY
Effective:
18 October 2014
Compiled by HRM Planning and Development Services, April 2006
Wetlands information obtained from the Nova Scotia Department of Natural Resources. Used with permission.
HRM does not guarantee the accuracy of any representation on this plan.
Larry Uteck Blvd
Kearney Lake
Bicentennial Hwy
Ash Lake
Fox Lake
Washmill Lake
Crane Lake
Quarrie Lake
Cranberry Lake
Susies Lake
Pockwood Dr
Dunbrack St
Scotch Hwy
Lacewood Dr
Chain Lake Dr
Bayers Lake
Bicentennial Hwy
Highway 103
Second Chain Lake
First Chain Lake
St Margarets Bay Rd
Ragged Lake
Cranberry Lake
Chocolate Lake
Long Lake
Witherod Lake
North West Arm Dr
Frog Lake
Williams Lake Rd
Williams Lake
Purcells Cove Rd
Drysdale Rd
Colpitt Lake
Leiblin Dr
Kidston Lake
Herring Cove Rd
Purcells Pond
Flat Lake
N
W
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S




**ZM-24**

Northwest Arm
Halifax

Water Access area

Halifax Mainland
Land Use By-Law

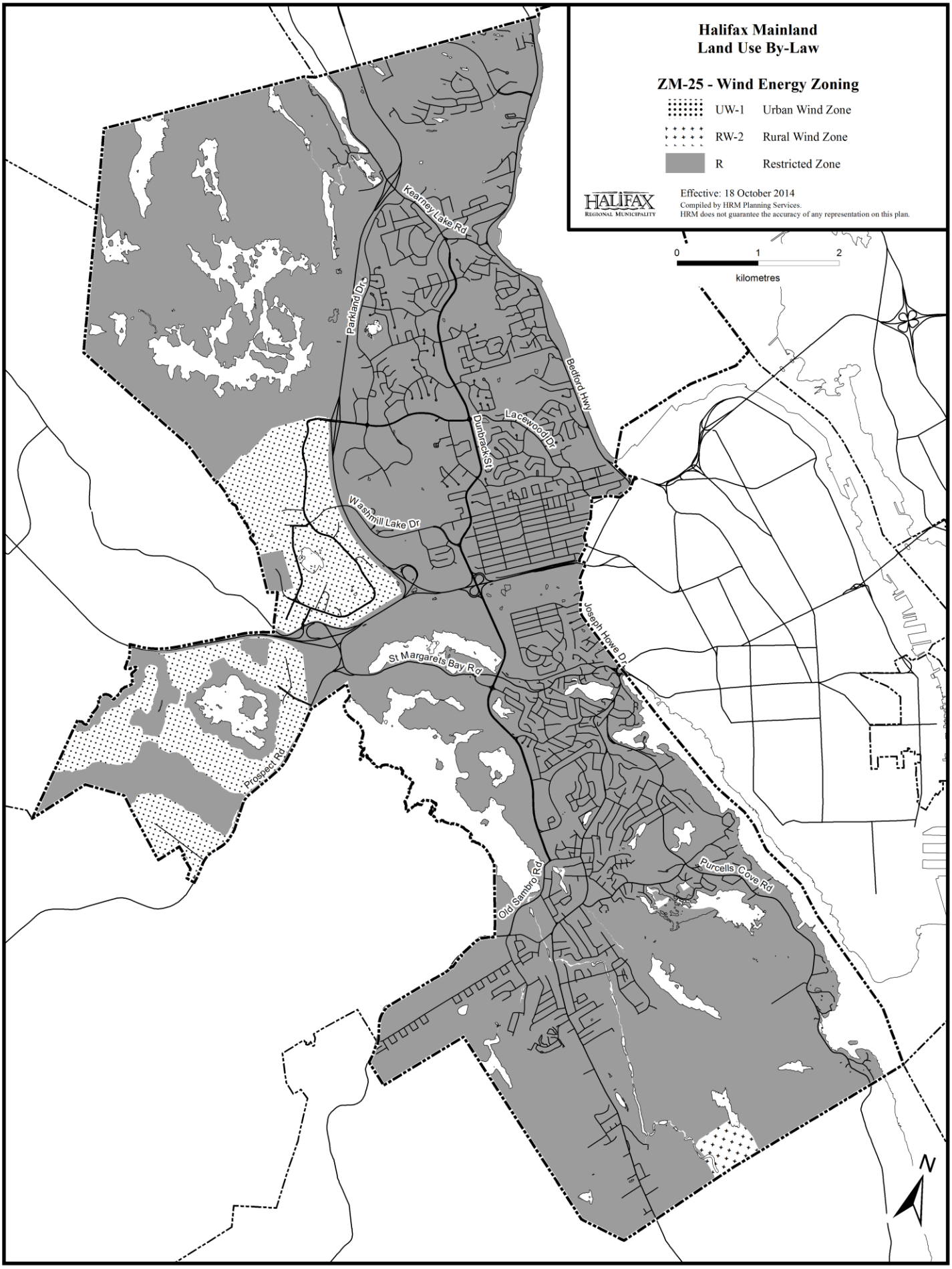
HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

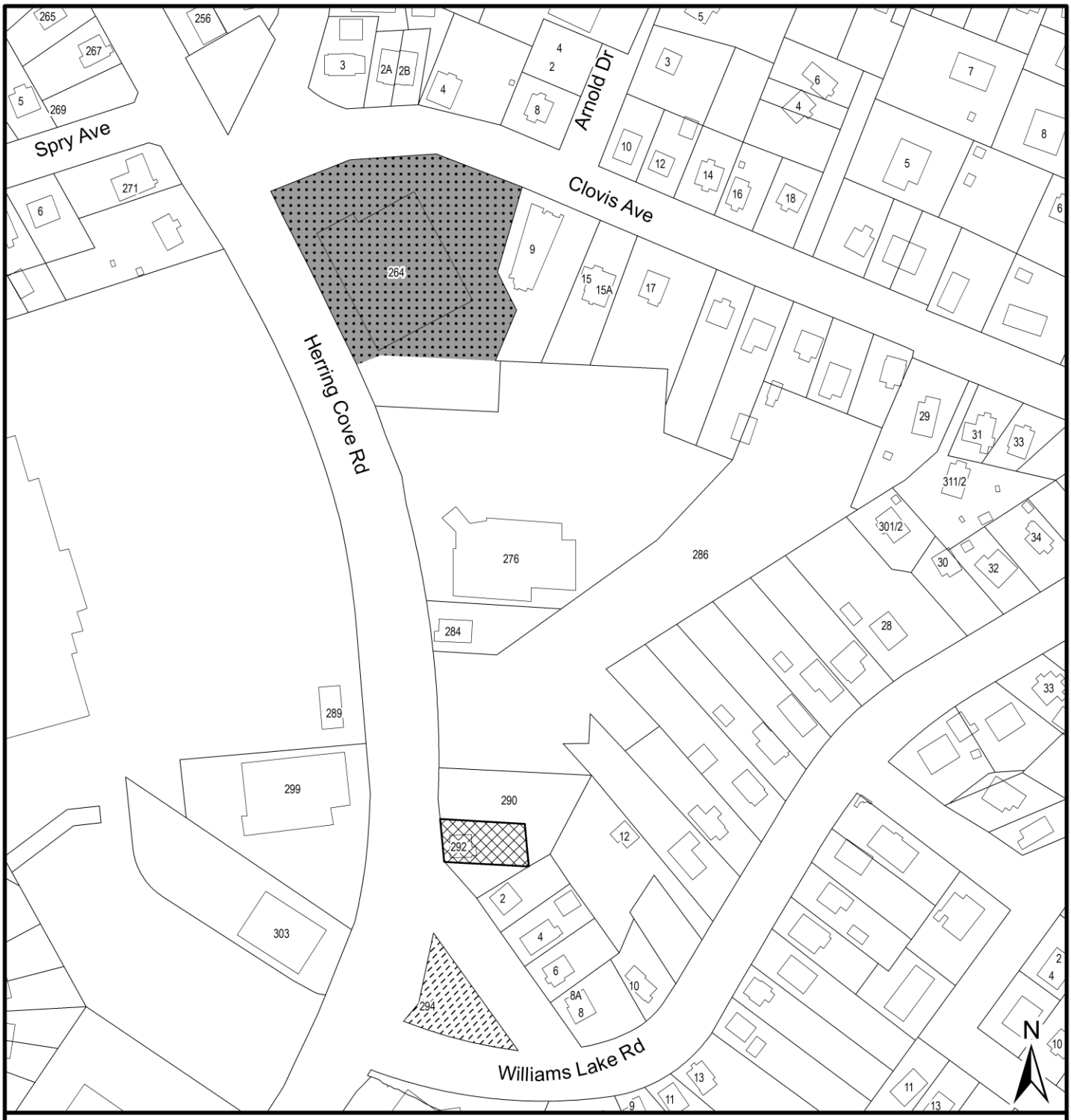
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HRM does not guarantee the accuracy of any representation on this plan.

Effective: 21 July 2007

ZM-24_WaterAccess.pdf (HEC)


Halifax Mainland
Land Use By-Law
ZM-25 - Wind Energy Zoning
UW-1 Urban Wind Zone
RW-2 Rural Wind Zone
R Restricted Zone
HALIFAX
REGIONAL MUNICIPALITY
Effective: 18 October 2014
Compiled by HRM Planning Services.
HRM does not guarantee the accuracy of any representation on this plan.
0 1 2
kilometres
Kearney Lake Rd
Parkland Dr
Bedford Hwy
Lacewood Dr
Dunbrack St
Washmill Lake Dr
Joseph Howe Dr
St Margarets Bay Rd
Prospect Rd
Old Sambro Rd
Purcells Cove Rd
N




**ZM-26**

Herring Cove Road
Halifax

264 Herring Cove Road

3-unit Dwelling Site

Pocket Park

HALIFAX

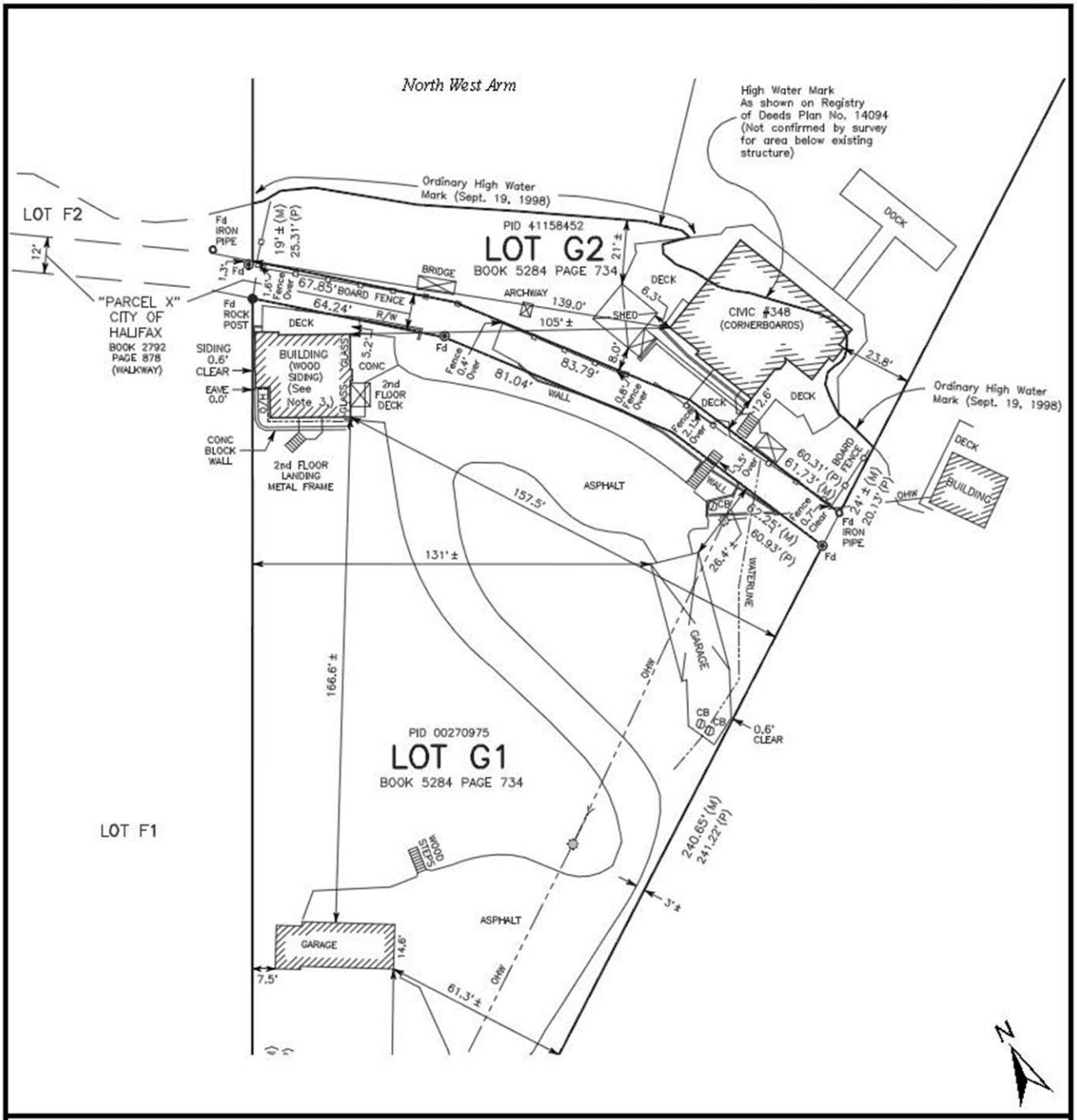
0 20 40 60 m

Halifax Mainland Land Use By-Law

The accuracy of any representation on this plan is not guaranteed.

Effective: 26 July 2014

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**ZM-27**

**348 Purcell's Cove Road**
**Halifax**

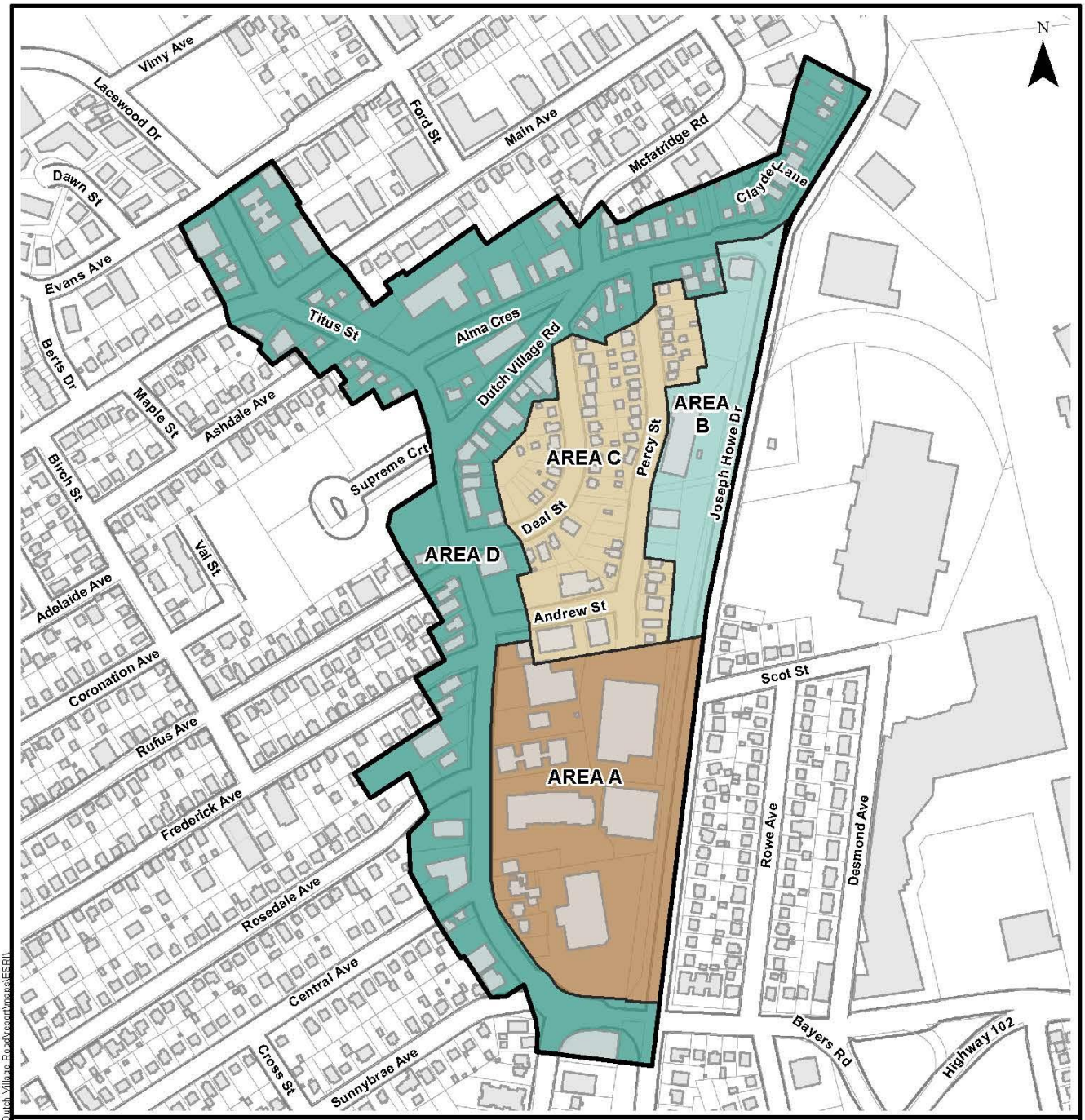
HALIFAX

Plan shown is a portion of a location certificate dated February 4, 2010 and revised January 4, 2011
Certified to Gene Jensen by Carl K. Hartlen, NSLS

Halifax Mainland
Land Use By-Law Area

HRM does not guarantee the accuracy of any representation on this plan.

31 October 2014 | Case 18120 | T:\work\planning\Casemaps\HMAIN\18120\ (HEC)




## ZM-28 Plan Dutch Village Road
## Overview Map

HALIFAX

PLANNING & DEVELOPMENT

0 50 100 m

- Area A
- Area B
- Area C
- Area D

15 August 2016 | Plan Dutch Village Road | *HRM does not guarantee the accuracy of any representation on this plan.*

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## ZM-29 Plan Dutch Village Road
## Buildings May Exceed Maximum Building Depth Map

May Exceed Maximum Building Depth

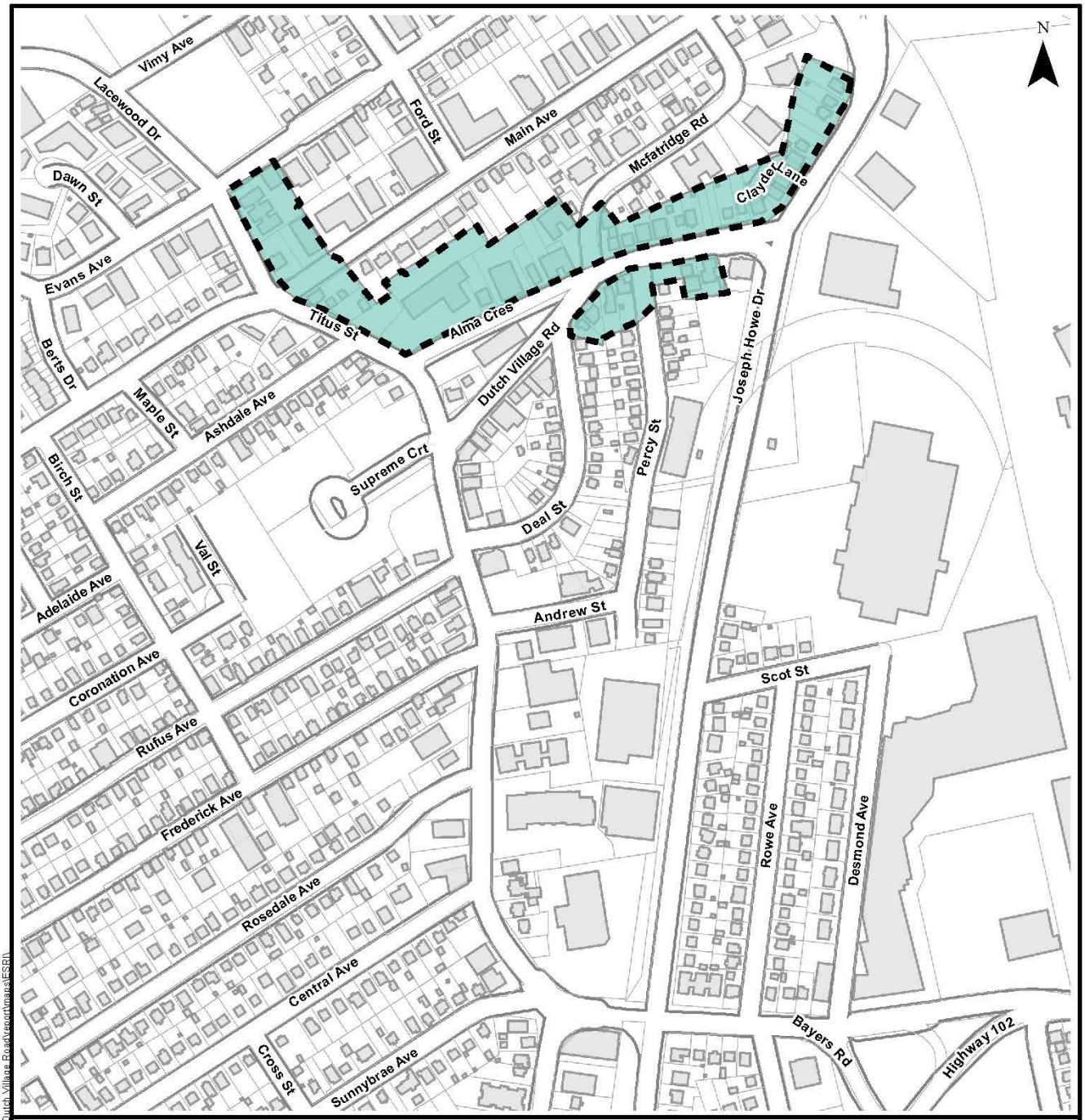
HALIFAX

PLANNING & DEVELOPMENT

0 50 100 m

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15 August 2016 | Plan Dutch Village Road | *HRM does not guarantee the accuracy of any representation on this plan.*




## ZM-30 Plan Dutch Village Road
## Area Exempt from Front Yard Setback Map

Exempt from Maximum Front Yard Setback

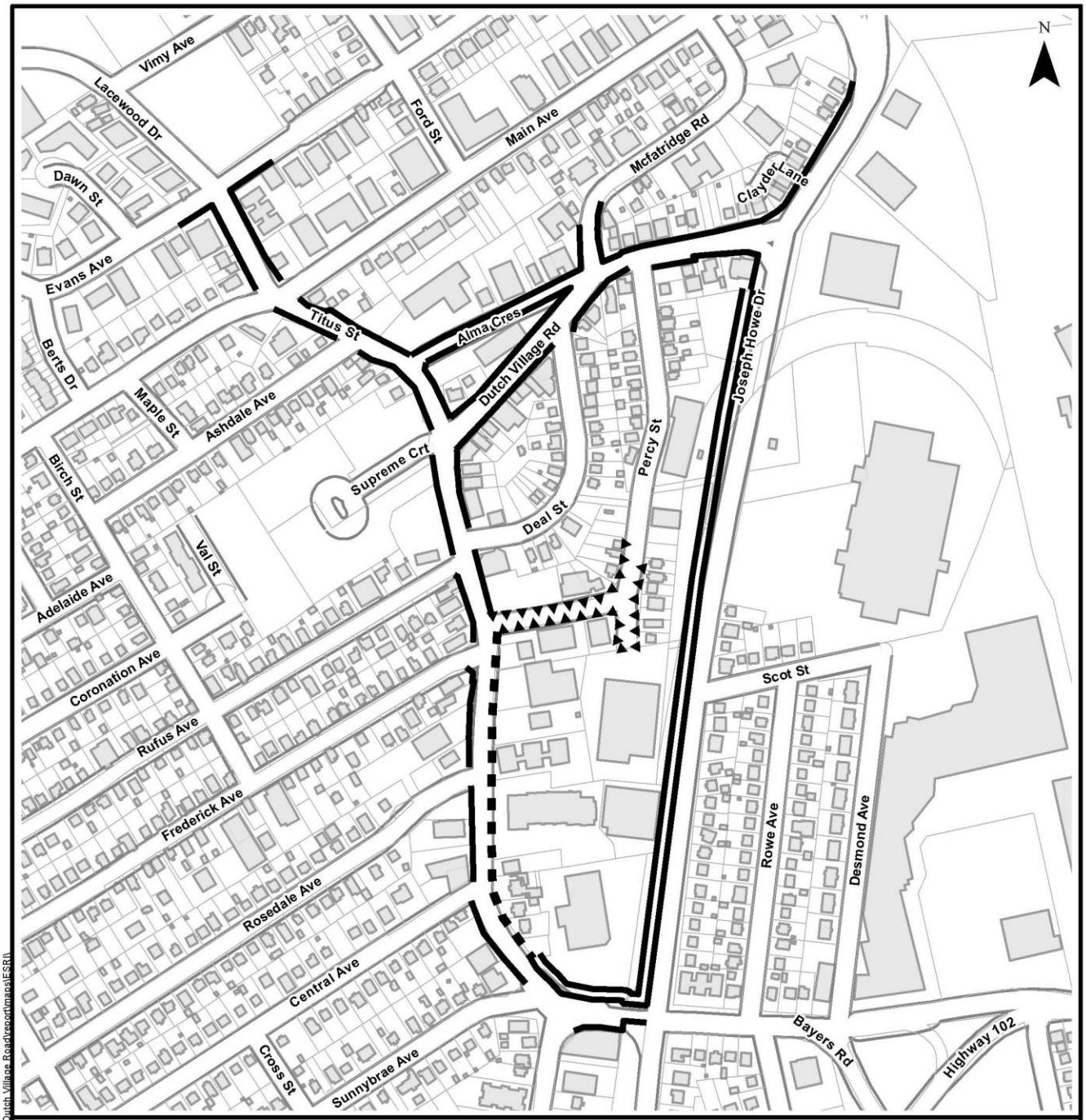
HALIFAX

PLANNING & DEVELOPMENT

0 50 100 m

15 August 2016 | Plan Dutch Village Road | *HRM does not guarantee the accuracy of any representation on this plan.*

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## ZM-31 Plan Dutch Village Road
## Street Wall Height Map

HALIFAX

PLANNING & DEVELOPMENT

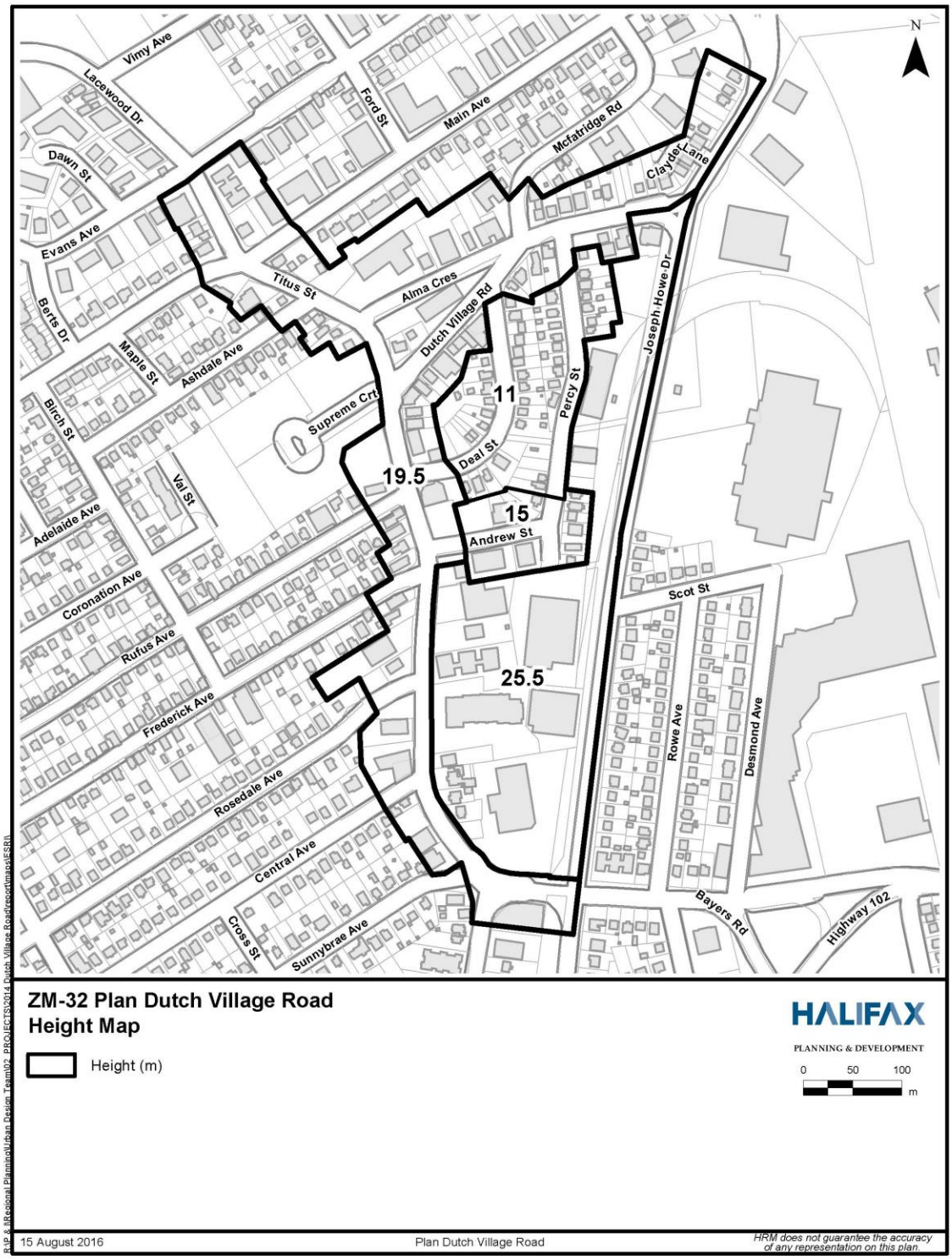
0 50 100 m

Street Wall Height:

- ▲▲▲▲ 9m
- ——— 10.5m
- ■ ■ ■ 13.5m
- ═══ 16.5m

15 August 2016 | Plan Dutch Village Road | *HRM does not guarantee the accuracy of any representation on this plan.*

RAP & JR\Regional Planning\Urban Design Team\02_PROJECTS\2014 Dutch Village Road\mxd\maps\ESRI\


N
Vimy Ave
Lacewood Dr
Dawn St
Evans Ave
Berts Dr
Ford St
Main Ave
Mcfatridge Rd
Clayden Lane
Titus St
Alma Cres
Dutch Village Rd
Joseph Howe Dr
Maple St
Ashdale Ave
Birch St
Supreme Crt
Percy St
11
Deal St
19.5
15
Andrew St
Val St
Adelaide Ave
Coronation Ave
Rufus Ave
Frederick Ave
Rosedale Ave
Central Ave
Cross St
Sunnybrae Ave
25.5
Scot St
Rowe Ave
Desmond Ave
Bayers Rd
Highway 102
ZM-32 Plan Dutch Village Road
Height Map
Height (m)
HALIFAX
PLANNING & DEVELOPMENT
0 50 100
m
15 August 2016
Plan Dutch Village Road
HRM does not guarantee the accuracy of any representation on this plan.

# HALIFAX MAINLAND LAND USE BY-LAW
# AMENDMENTS

| Section Number | Council Approval | Effective Date | Subject |
|---|---|---|---|
| 2 | May 3/95 | Jun 3/95 | Housekeeping 9 - Re-Alphabetize and Remove Subsection Designations from Definitions |
| | May 11/95 | Jun 10/95 | Definition - Bed and Breakfast |
| | Nov 22/95 | Dec 31/95 | Housekeeping 12 - Definition of Bedford Highway Area, Fairview Area, Mainland South Area, and Schedules K and L. |
| | Mar 28/96 | Apr 23/96 | Townhouse Definition<br>Townhouse Building Definition |
| | Oct 7/02 | Oct 27/02 | Apartment House readopted |
| | Mar 20/96 | Apr 18/96 | Junk Yard Definition<br>Recycling Depot Deleted |
| | Mar 3/97 | Mar 31/97 | Motor Vehicles Sales |
| | Jul 15/97 | Aug 12/97 | Child Care Centres |
| | Sept 28/99 | Dec 19/99 | Billboard Definition |
| | Sept 28/99 | Dec 19/99 | Residential Zone Definition |
| | May 16/01 | June 3/01 | Recycling Depot Definition |
| | May 1/01 | June 9/01 | Non-conforming Use Amendment |
| | July 2/02 | August 17/02 | Amended - Zoning Area |
| | July 9/02 | August 28/02 | Amended - Zoning Area |
| | Sept 9/02 | Sept 29/02 | Shipping Containers |
| | Sept 10/02 | Nov 9/02 | Construction & Demolition - Definitions |
| | June 27,06 | Aug 26, 06 | Bicycle Parking, Conservation Use, Recreation Use, Areas of Elevated Archaeological Potential, Watercourse and Wetland Areas Definitions |
| | Sept 26/06 | Nov 18/06 | Sign |
| | June 27,06 | Aug 26, 06 | Community Facility Definition |
| | Mar 3/09 | Mar 21/09 | Day Care Facility |
| | Jan 11/11 | Mar 12/11 | Add Western Shore of the Bedford Basin Water Access Area |
| | Jun 25/14 | Oct 18/14 | **RP+5** - **Repeal/Readopt** Definition of "Areas of Elevated Archaeological Potential", "Bicycle Parking, Class A", Bicycle Parking, Class B", Bicycle Parking, Enhanced", "Conservation Use", "Recreation Use", "Watercourse", "Wetlands Areas", and "Zoning Area". Added "Canadian Geodetic Vertical Datum (CGVD28)", and Water Control Structure". |
| | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** – Adding the following definitons: Building Depth, Health Clinic, Landscaping, Lot Depth, Stacked Townhouse, Streetline Grade, Streetwall, Streetwall Height. |
| | Jul 30/18-HWCC | Aug 25/18 | **Case 21439 – Added** Lounge as a definition |
| 2(f) | Mar 25/93 | Apr 24/93 | Deleted - "Basement" |
| | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| 2(l) | Jul 17/86 | Aug 19/86 | Rental |
| 2(m) | Jul 17/86 | Aug 19/86 | Rental |
| 2(n) | Mar 25/93 | Apr 24/93 | Deleted - "Converted Multiple Dwelling" |
| 2(r) | Mar 25/93 | Apr 24/93 | Deleted - "Double Duplex Dwelling" |
| 2(u) | Apr 15/93 | May 12/93 | Definition - Dwelling Unit |
| 2(ba) | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |

| | | | |
|---|---|---|---|
| 2(ga) | Jun 11/87 | Jul 14/87 | Commercial Recreation Use |
| 2(ha) | Jan 15/87 | Feb 17/87 | Community Facility |
| 2(ll) | Mar 25/93 | Apr 24/93 | Deleted - "Municipality" |
| 2(ma) | Jul 22/92 | Aug 22/92 | Housekeeping 1 and 2 |
| 2(mb) | Jul 22/92<br>Mar 24/93 | Aug 22/92<br>Apr 25/93 | Housekeeping 1 and 2<br>Deleted - "Committee" |
| 2(mc) | Jul 22/92 | Aug 22/92 | Housekeeping 1 and 2 |
| 2(oa) | Mar 25/93 | Apr 24/93 | Housekeeping 4 and 5 |
| 2(pp) | Mar 25/93 | Apr 24/93 | Deleted - "Overnight Cabin" |
| 2(tt)(e) | Jun 20/90 | Jul 21/90 | Psychologist |
| 2(tt)(f) | Jul 22/92 | Aug 22/92 | Housekeeping 1 and 2 |
| 2(vv) | Mar 25/93 | Apr 25/93 | Deleted - "Registered Deed" |
| 2(wa) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 2(ww) | Mar 25/93 | Apr 25/93 | Deleted - "Registered Plan" |
| 2(yy) | Mar 12/87 | Apr 14/87 | Semi-Detached Amendments |
| 2(za) | Mar 13/80 | May 1/80 | Home Occupation |
| 2(baa) | Jun 12/80<br>Jun 26/80<br>May 31/84 | Sept 29/80<br>Sept 29/80<br>Jul 3/84 | Adult Entertainment Zone<br>Adult Entertainment Zone<br>Adult Cabaret |
| 2(bai) | May 31/84 | Jul 3/84 | Adult Cabaret |
| 2(bbb) | Feb 27/86 | Mar 28/86 | Subdivision of Undersized Lot(s) |
| 2(cca) | Jan 30/92 | Mar 26/92 | Junk Yards |
| 2(dda) | Jan 31/85 | Jul 5/85 | Fairview Secondary Plan |
| 2(haa) | Feb 15/79 | Apr 16/79 | Massage Parlour |
| 2(lla) | Jan 31/85 | Jul 5/85 | Fairview Secondary Plan |
| 2(mma) | May 31/84 | Jul 3/84 | Adult Cabaret |
| 2(tta) | Jun 28/84 | Apr 13/87 | Public Service Use |
| 2(uua) | Jan 30/92 | Mar 2/92 | Recycling Depots |
| 2(wwa) | Jul 17/86 | Aug 19/86 | Rental |
| 2(zz) | Jun 12/80<br>Jun 26/80 | Sept 29/80<br>Sept 29/80 | Adult Entertainment Zone<br>Adult Entertainment Zone |
| 2(aaaa) | Mar 13/80 | Apr 25/80 | Special Care Homes |
| 2(baai) | Dec 8/82[1] | Dec 8/82 | Amusement Centres |

[1] Municipal Board Decision

| | | | |
|---|---|---|---|
| | Aug 25/83 | Sept 24/83 | Amusement Centres |
| 2(bbba) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 2(zzaa) | May 28/87<br>Sept 15/94 | Jun 29/87<br>Oct 11/94 | Mainland South Secondary Plan<br>Housekeeping 8 |
| 2(aaaai) | Dec 8/82[2]<br>Jan 27/83<br>Apr 14/83 | Dec 8/82<br>May 22/83<br>May 22/83 | Amusement Centres<br>Amusement Centres<br>Amusement Centres |
| 3A | Jun 27,06<br>Jun 25/14 | Aug 26, 06<br>Oct 18/14 | General Provisions<br>**RP+5 - Repeal/Readopt** |
| 4A | Jan 31/85<br>Jul 27/95 | Jul 5/85<br>Aug 28/95 | Fairview Secondary Plan<br>Deleted - Housekeeping 11 |
| 4B | Mar 14/85 | May 28/85 | Bedford Highway Secondary Plan |
| 5 | Nov 26/81<br>Jun 25/14 | Jan 9/82<br>Oct 18/14 | Requirement for Street Frontage<br>**RP+5 – Amend** |
| 5A | April 13/04<br>June 27/06 | April 22/04<br>Aug 26, 06 | General Provisions<br>Deleted - General Provisions |
| 6 | Jul 22/92 | Aug 22/92 | Deleted - Basement Below Grade |
| 7(1) | May 26/88 | Jun 28/88 | Requirement for Lot Consolidation |
| 7(3) | Sept 11/86 | Oct 14/86 | R-2 Zone Requirements |
| 7(c) | Mar 25/82 | May 8/82 | Multi Buildings Per Lot |
| 7(d) | Jul 17/86 | Aug 19/86 | I-3 Zone Amendments |
| 7(3)(e) | July 4/00 | Aug 5/00 | WC Zone (Western Common) |
| 9(a)(iia) | Aug 18/93<br>Nov 22/95 | Sept 28/93<br>Dec 31/95 | Housekeeping 7<br>Housekeeping 12 |
| 9(a)(iii) | Jan 31/85<br>Nov 12/92<br>Jun 7/95<br>Mar 28/96 | Jul 5/85<br>Feb 15/93<br>Jul 5/95<br>Apr 23/96 | Fairview Secondary Plan<br>Parking Amendments<br>Housekeeping 10<br>R-2T Amendment |
| 9(a)(iv) | Sept 11/86 | Oct 14/86 | R-3 Zone Amendments |
| 9(a)(v) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 9(a)(vi) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 9(a)(vii) | Nov 12/92<br>Jun 7/95 | Feb 15/93<br>Jul 5/95 | Parking Amendments<br>Housekeeping 10 |
| 9(d) | Jan 31/85<br>Feb 26/87 | Jul 5/85<br>Mar 31/87 | Fairview Secondary Plan<br>Commercial Parking |
| 11(1) | Mar 13/80<br>Jul 15/97<br>Mar 3/09 | Apr 25/80<br>Aug 12/97<br>Mar 21/09 | Special Care Home<br>Child Care Centres<br>Day Care Facility |

[2] Municipal Board Decision

| | | | |
|---|---|---|---|
| 11(2) | Mar 13/80<br>Jul 15/97<br>Mar 3/09 | Apr 25/80<br>Aug 12/97<br>Mar 21/09 | Special Care Home<br>Child Care Centres<br>Day Care Facility |
| 11A | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 11B | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 12 | Jul 27/95 | Aug 28/95 | Deleted - Housekeeping 11 |
| 13AA,AB&AC | June 27,06<br>Jun 25/14 | Aug 26, 06<br>Oct 18/14 | Bicycle Parking Requirements<br>**RP+5 - Repeal/Readopt** |
| 14 | Jul 17/86 | Aug 19/86 | Rental |
| 14A(a) | July 4/00<br>April 13/04 | Aug 5/00<br>April 22/04 | deleted -WC Zone (Western Common)<br>WC Zone |
| 14A(b) | Aug 27/87 | Sept 26/87 | Water/Sewer Exemption |
| 14A(c) | Jul 28/83 | Dec 11/84 | I-3 Zone |
| 14A(f) | Mar 14/85<br>Dec 12/05 | May 28/85<br>Jan 1/06 | Bedford Highway Secondary Plan<br>Repealed - Bedford Highway Area |
| 14A(g) | Aug 27/87 | Sept 26/87 | Water/Sewer Exemption |
| 14A(h) | Jun 25/14 | Oct 18/14 | **RP+5 - Add** |
| 14B | Mar 13/80 | May 1/80 | Home Occupation |
| 14B(11) | Jan 11/90 | Feb 11/90 | Home Occupation |
| 14B(12) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 14B(13) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 14B(14)(a) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 14B(14)(b) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 14B(B)(c) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 14C | Dec 17/81 | Feb 7/82 | Lot Area Reduced - 3000 sq.ft. |
| 14D | Jul 29/82<br>Sept 28/99 | Sept 10/82<br>Dec 19/99 | Billboards<br>deleted - billboards - Readopted by 14D(1) |
| 14D(1) | Sept 28/99 | Dec 19/99 | Billboards |
| 14D(2) | Sept 28/99 | Dec 19/99 | Billboards |
| 14D(2)(b) | Nov 1/99 | Dec 19/99 | Billboards |
| 14D(3) | Sept 28/99 | Dec 19/99 | Billboards |
| 14D(4) | Sept 28/99 | Dec 19/99 | Billboards |
| 14DA | Sept 26/06 | Nov 18/06 | General sign provisions |
| 14E(1) | Jan 31/85<br>Nov 22/95 | Jul 5/85<br>Dec 31/95 | Fairview Secondary Plan<br>Housekeeping 12 |
| 14E(2) | Mar 14/85<br>Nov 22/95 | May 28/85<br>Dec 31/95 | Bedford Highway Secondary Plan<br>Housekeeping 12 |

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|---|---|---|---|
| 14F(1) | Jan 31/85<br>Jul 22/92<br>Jul 27/95 | Jul 5/85<br>Aug 22/92<br>Aug 28/95 | Fairview Secondary Plan<br>Housekeeping 1 and 2<br>Deleted - Housekeeping 11 |
| 14F(2) | Jan 31/85<br>Oct 6/88<br>Jan 30/92<br>Jul 27/95 | Jul 5/85<br>Nov 5/88<br>Apr 2/92<br>Aug 28/95 | Fairview Secondary Plan<br>Contract Provision<br>Non-Conforming Contract Provision<br>Deleted - Housekeeping 11 |
| 14F(3) | Jul 30/92<br>Jul 27/95 | Oct 29/92<br>Aug 28/95 | Titus Smith Contract Provision<br>Deleted - Housekeeping 11 |
| 14F(4) | May 26/94<br>Jul 27/95 | Jul 25/94<br>Aug 28/95 | 35 Coronation Avenue Contract Provision<br>Deleted - Housekeeping 11 |
| 14H | May 16/85<br>Feb 3/93 | Nov 8/85<br>Mar 2/93 | Alteration to Non-Conforming Uses<br>Housekeeping 3 |
| 14H(2) | Oct 28/93 | Jan 18/94 | Non-Conforming<br>Structure Replacement |
| 14H(3) | May 1/01 | June 9/01 | Non-conforming Use |
| 14I | Aug 29/85 | Oct 1/85 | Boat and Trailer Storage |
| 14I(1) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 14I(2) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 14I(3)A | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 14I(3)B(i) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 14I(3)B(ii) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 14I(3)B(iii) | Nov 12/92 | Feb 15/93 | Parking Amendments |
| 14J | Feb 27/86 | Mar 28/86 | Subdivision of Undersized Lot(s) |
| 14J(c) | Nov 3/03<br>Nov 10/03 | Nov 30/03<br>Nov 30/03 | Housekeeping Amendments<br>Housekeeping Amendments |
| 14K | May 28/87<br>Nov 22/95 | Jun 29/87<br>Dec 31/95 | Mainland South Secondary Plan<br>Housekeeping 12 |
| 14L | May 28/87<br>Aug 18/93 | Jun 29/87<br>Sept 28/93 | Deleted - Mainland South Lot Size on Body of Water<br>Housekeeping 7 |
| 14M | May 28/87<br>Nov 22/95 | Jun 29/87<br>Dec 31/95 | Mainland South Secondary Plan<br>Housekeeping 12 |
| 14N | May 28/87<br>Nov 22/95 | Jun 29/87<br>Dec 31/95 | Mainland South Secondary Plan<br>Housekeeping 12 |
| 14O | Oct 13/88<br>Jul 27/95 | Feb 13/89<br>Aug 28/95 | Heritage Contract Provision<br>Deleted - Housekeeping 11 |
| 14P | Jan 30/92<br>Jul 27/95 | Apr 2/92<br>Aug 28/95 | Non-Conforming Contract Provision<br>Deleted - Housekeeping 11 |
| 14Q | May 13/93<br>Jul 27/95 | Aug 17/93<br>Aug 28/95 | Private Road Contract Provision<br>Deleted - Housekeeping 11 |
| 14QA (1-7) | June 27,06 | Aug 26, 06 | Watercourse Setbacks and Buffers |

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|---|---|---|---|
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| 14QA(1) | Jun 25/14 | Oct 18/14 | **RP+5 – Amend** |
| 14QA(3) | Jun 25/14 | Oct 18/14 | **RP+5 - Amend** |
| 14QB | June 27,06 | Aug 26, 06 | Coastal Areas |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Amend** |
| 14S | June 27,06 | Aug 26, 06 | Areas of Elevated Archaeological Potential |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| 14T | June 27,06 | Aug 26, 06 | Wetlands Map |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| 14U | May 1/07 | July 21/07 | Defining Northwest Arm, Adding 14U Development & Subdivision on Northwest Arm; Adding WA Zone |
| | Jan 11/11 | Mar 12/11 | Case # 01251 - Readopted entire Section 14U with - Development and Subdivision on the Northwest Arm and the Western Shore of the Bedford Basin |
| 14V | Jan. 20/09 | Feb. 7/09 | Case # 01058 - Amending Section 14V (Temporary Construction Uses Permitted) |
| 14W | Aug 16/11 | Oct 29/11 | Project #00953 - Wind Energy: Added to Part 14. |
| | Oct 18/11 | Oct 29/11 | Project #00953 - Wind Energy: Added 14W IV b) and c) after 14W IV a). |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| 14X | Jun 25/14 | Oct 18/14 | **RP+5 - Add** |
| 15 | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| | June 21/05 | Aug 6/05 | Zoning Map ZM-1 |
| 16 | Feb 14/80 | Mar 23/80 | C-2A Zone |
| | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |
| | Mar 14/85 | May 28/85 | Bedford Highway Secondary Plan |
| | Jan 31/85 | Jul 5/85 | Fairview Secondary Plan |
| 16(1) | Jun 3/93 | Jul 17/93 | Housekeeping 6 |
| | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| | July 4/00 | Aug 5/00 | WC Zone (Western Common Master Plan) |
| | July 2/02 | Aug 17/02 | Infrastructure Charge Holding Zone |
| | July 9/02 | Aug 28/02 | WCDD Zone |
| | Sept 10/02 | Nov 9/02 | CD-1, CD-2 & CD-3 Zone |
| | June 27,06 | Aug 26, 06 | US, UR, RPK and W - PWS Zones |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** Add R-2TA, R-4A and C-2C. |
| 16(2) | Jun 3/93 | Jul 17/93 | Housekeeping 6 |
| | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| | July 4/00 | Aug 5/00 | WCCDD Zone (Western Common Master Plan) |
| | Sept 10/02 | Nov 9/02 | CD-1, CD-2 & CD-3 Zone |
| | July 2/02 | Aug 17/02 | ICH Zone |
| | July 9/02 | Aug 28/02 | WCDD Zone |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Amended |
| 17(c) | May 28/87 | Jun 29/87 | Mainland South Secondary Plan |
| 17(f) | May 28/87 | Jun 29/87 | Mainland South Secondary Plan |

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|---|---|---|---|
| 17(g) | Mar 4/02 | Mar 24/02 | Zoning for closed streets (Case 00248) |
| 17(h) | Jan 11/11 | Mar 12/11 | Case #01251 - Readopted |
| 19A | Dec 12/85 | Jan 14/86 | Application Fees |
| 19A(1) | Jun 29/85 | Aug 8/88 | Advertising Costs |
| | Dec 7/88 | Jan 3/89 | Application Fees |
| | Dec 5/90 | Jan 5/91 | Application Fees |
| 19A(2) | Jun 29/85 | Aug 8/88 | Advertising Costs |
| 20(1)(d) | Jan 15/87 | Feb 17/87 | Community Facility |
| 20(1)(i) | Sept 28/89 | Feb 12/90 | Day Nursery |
| | Jul 15/97 | Aug 12/97 | Child Care Centres |
| | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 20(1)(j) | Mar 13/80 | Apr 25/80 | Special Care Home |
| 20(1)(k) | Mar 13/80 | Apr 25/80 | Special Care Home |
| | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| 20(1)(ba) | Mar 13/80 | May 1/80 | Home Occupation |
| 21(ba) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 21(ca) | Feb 3/93 | Mar 2/93 | Housekeeping 3 |
| 21(i) | June 30/98 | Aug 5/98 | Boscobel Road Lot Sizes |
| | April 6/09 | October 8/09 | Daycare Facility (01234) |
| 22(a) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 22(b) | May 11/94 | Jun 10/95 | Bed and Breakfast |
| 22(g) | May 11/95 | Jun 10/95 | Bed and Breakfast |
| 23(c) | Mar 13/80 | May 1/80 | Home Occupation |
| | Jul 15/97 | Aug 12/97 | Child Care Centres |
| 23(e) | Mar 3/09 | Mar 21/09 | Day Care Facility |
| | Jul 15/97 | Aug 12/97 | Child Care Centres |
| 23A | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 23A(a) | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 23A(c) | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 23A(d) | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 23B | Sept 28/89 | Feb 12/90 | Day Nursery |
| | Jul 15/97 | Aug 12/97 | Child Care Centres |
| | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 23C | Sept 28/89 | Feb 12/90 | Deleted - Additional Children Provision |
| 23D | Mar 13/80 | May 1/80 | Home Occupation |
| | Jul 15/97 | Aug 12/97 | Child Care Centres |
| 24(1)(ca) | Jun 10/14 | Jul 26/14 | Case 16367 – 286/290 Herring Cove Road |
| 24(1)(d) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |

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|---|---|---|---|
| 24(1)(f) | Jan 31/85<br>Nov 22/95 | Jul 5/85<br>Dec 31/95 | Fairview Secondary Plan<br>Housekeeping 12 |
| 24(1)(g) | Jan 31/85<br>Sept 15/94 | Jul 5/85<br>Oct 11/94 | Fairview Secondary Plan<br>Housekeeping 8 |
| 24(4) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| 25A | Feb 3/93 | Mar 2/93 | Deleted - Day Nursery Other Than Dwelling |
| 26(i) | Mar 12/87 | Apr 14/87 | Semi-Detached Amendments |
| 26(ba) | Aug 18/93<br>Nov 22/95 | Sept 28/93<br>Dec 31/95 | Housekeeping 7<br>Housekeeping 12 |
| 26(ca) | Feb 3/93<br>Jul 15/97<br>Jul 15/97<br>Jul 15/97 | Mar 2/93<br>Aug 12/97<br>Aug 12/97<br>Aug 12/97 | Housekeeping 3<br>Child Care Centres<br>Child Care Centres<br>Child Care Centres |
| 28(c) | Mar 13/80 | May 1/80 | Home Occupation |
| 28(e) | Mar 3/09<br>Jul 15/97<br>Jul 15/97 | Mar 21/09<br>Aug 12/97<br>Aug 12/97 | Day Care Facility<br>Child Care Centres<br>Child Care Centres |
| 28AA-AD | Jan 31/94 | Jul 5/85 | Fairview Secondary Plan |
| 28AA(c) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| 28AB(1) | Mar 12/87<br>Jul 15/97 | Apr 14/87<br>Aug 12/97 | Semi-Detached Amendments<br>Child Care Centres |
| 28AB(5) | Mar 12/87<br>Dec 14/16-HWCC<br>Sep 12/17-HWCC | Apr 1487<br>Dec 31/16<br>Sep 30/17 | Semi-Detached Amendments<br>**RP16-02** – Amended<br>**RP17-01** – Amended 28AB(5)(2) and 28AB(5)(3) |
| 28AD | Dec 14/16-HWCC | Dec 31/16 | **RP16-02** – Amended |
| 28AF | May 28/87 | Jun 29/87 | Mainland South Secondary Plan |
| 28AE | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 28AJ(1) - 28AN(b) | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 28AO(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** – Added |
| 28AO(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AO(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AP | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AQ(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AQ(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AQ(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AR(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AR(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AS(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |

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|---|---|---|---|
| 28AS(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AS(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AT(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AT(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AT(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AU(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AU(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AV | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AW | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28AX | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 28BA-BD | Jan 31/85 | Jul 5/85 | Fairview Secondary Plan |
| 28BA(ba) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BA(1) | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 28BA(1)(b) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(1) | Mar 12/87<br>Feb 3/93<br>Aug 18/93 | Apr 14/87<br>Mar 2/93<br>Sept 28/93 | Semi-Detached Amendments<br>Housekeeping 3<br>Housekeeping 7 |
| 28BC(2) | Aug 18/93<br>Mar 28/96 | Sept 28/93<br>Apr 23/96 | Housekeeping 7<br>R-2T Amendment |
| 28BC(3) | Aug 18/93<br>Mar 28/96 | Sept 28/93<br>Apr 23/96 | Housekeeping 7<br>R-2T Amendment |
| 28BC(3)(a) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(3)(b) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(3)(c) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(3)(d) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(3)(e) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(3)(f) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BC(4) | Aug 18/93 | Sept 28/93 | Deleted - Lot Coverage R-2A - Readopted by 28BC(3)(d) |
| 28BC(5) | Aug 18/93 | Sept 28/93 | Deleted - Height R-2A - Readopted by 28BC(3)(e) |
| 28BC(6) | Mar 12/87<br>Aug 18/93 | Apr 14/87<br>Sept 28/93 | Semi-Detached Amendments<br>Housekeeping 7 |
| 28BD | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 28BE | Sept 17/87<br>Aug 18/93 | Oct 20/87<br>Sept 28/93 | Deleted - R-2AM (Additions)<br>Housekeeping 7 |
| 28BG | Feb 11/88 | Mar 15/88 | R-2AM Amendments |
| 28BH | Mar 25/93 | May 28/93 | 9 and 11 Alma Crescent |

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|---|---|---|---|
| 28C | Jun 10/14 | Jul 26/14 | Case 16367 – 286/290 Herring Cove Road |
| 28CA-CG | Mar 14/85<br>Jul 15/97 | May 28/85<br>Aug 12/97 | Bedford Highway Secondary Plan<br>Child Care Centres |
| 28CA(1)(a) | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 28CA(1)(c) | Aug 18/93<br>Mar 3/09 | May 28/93<br>Mar 21/09 | Housekeeping 7<br>Day Care Facility |
| 28CC(1) | Aug 18/93<br>Mar 28/96 | May 28/93<br>Apr 23/96 | Housekeeping 7<br>R-2T Amendment |
| 28CD | Aug 18/93 | May 28/93 | Housekeeping 7 |
| 28CD(6) | Aug 18/93 | May 28/93 | Housekeeping 7 |
| 28CD(7) | Aug 18/93 | May 28/93 | Housekeeping 7 |
| 28CD(8) | Aug 18/93 | May 28/93 | Housekeeping 7 |
| 28CE(5) | Sept 11/86 | Oct 14/86 | R-3 Zone Amendments |
| 28CF | Sept 11/86 | Oct 14/86 | R-3 Zone Amendments |
| 28CG | Aug 18/93 | Sept 29/87 | Deleted - Bedford Highway Plan Parking |
| 28CH(1) | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 28CI<br><br>29(1) | May 28/87<br>Nov 22/95<br>Jul 15/97 | Jun 29/87<br>Dec 31/95<br>Aug 12/97 | Mainland South Secondary Plan<br>Housekeeping 12<br>Child Care Centres |
| 28CJ | Jul 25/17-HWCC | Aug 12/17 | **Case 20100** – Add 28CJ: Yards, Landscaping and Screening – Mainland South, to the R-3 Zone. |
| 28CK | Jul 25/17-HWCC | Aug 12/17 | **Case 20100** – Add 28CK: Commercial Uses, to the R-3 Zone. |
| 29(1)(a) | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 29(1)(f) | Jul 28/83 | Aug 29/83 | R-4 Professional Offices |
| 29(1)(g) | Mar 13/80<br>Mar 3/09 | Apr 25/80<br>Mar 21/09 | Special Care Home<br>Day Care Facility |
| 29A | May 16/85 | Jun 18/85 | Commercial Uses in Apartments |
| 29B | May 16/85 | Jun 18/85 | Commercial Uses in Apartments |
| 31 | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 33(2)(e) | Jul 27/95 | Aug 28/95 | Deleted - Housekeeping 11 |
| 34(3) | Mar 13/80 | Apr 25/80 | Special Care Home |
| 34AA-AE | Jan 31/85 | Jul 5/85 | Fairview Secondary Plan |
| 34AA(1)(a) | Jun 7/95 | Jul 5/95 | Housekeeping 10 |
| 34AA(1)(b) | Jun 7/95 | Jul 5/95 | Rescinded - Housekeeping 10 |
| 34AA(1)(c) | Jun 7/95 | Jul 5/95 | Housekeeping 10 |
| 34AA(1)(d) | Jun 7/95 | Jul 5/95 | Housekeeping 10 |

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|---|---|---|---|
| 34AAA(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** – Added |
| 34AAA(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAA(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAA(4) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAB(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAC(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAD(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** – Added |
| 34AAE(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAF(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAG(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAH(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAI(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAI(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAI(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAJ(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AAK | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 34AB | Jun 7/95 | Jul 5/95 | Housekeeping 10 |
| 34AF | Jun 7/95 | Jul 5/95 | Housekeeping 10 |
| 34AF(1) and (2) | May 28/87<br>Jun 7/95 | Jun 29/87<br>Jul 5/95 | Mainland South Secondary Plan<br>Rescinded - Housekeeping 10 |
| 35(1)(a) | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 35(1)(b) | Jun 12/80<br>Jun 26/80<br>Dec 2/82[3]<br>Jul 17/87<br>Jun 3/93 | Sept 29/80<br>Sept 29/80<br>Dec 2/82<br>Aug 19/86<br>Jul 17/93 | Adult Entertainment Zone<br>Adult Entertainment Zone<br>Amusement Centres<br>Rental<br>Housekeeping 6 |
| 35(1)(c) | Jun 3/93 | Jul 17/93 | Housekeeping 6 |
| 35(1)(d) | Jan 15/87 | Feb 17/87 | Community Facility |
| 35(1)(e) | Jun 3/93 | Jul 17/93 | Housekeeping 6 |
| 36 | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 37(c) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 37(d)(i) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 38A-D | Feb 14/80<br>Jul 15/97 | Mar 23/80<br>Aug 12/97 | C-2A Zone<br>Child Care Centres |

3 Municipal Board Decision

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|---|---|---|---|
| 38A(1)(a) | Mar 14/85<br>Jan 31/85<br>Sept 15/94<br>Mar 28/96 | May 28/85<br>Jul 5/85<br>Oct 11/94<br>Apr 23/96 | Bedford Highway Secondary Plan<br>Fairview Secondary Plan<br>Housekeeping 8<br>R-2T Amendment |
| 38A(1)(b) | Jul 17/86 | Aug 19/86 | Rental |
| 38A(1)(e) | Dec 2/82[4] | Dec 8/82 | Amusement Centre |
| 38A(1)(f) | Sept 15/94 | Oct 11/94 | Deleted - Bowling Alley |
| 38A(1)(la) | Jul 30/81 | Sept 11/81 | Billboards |
| 38A(1)(lb) | Jun 11/87 | Jul 14/87 | Commercial Recreation Use |
| 38A(1)(lc) | Apr 12/95<br>Jun 7/95<br>May 16/01 | May 12/95<br>Jul 5/95<br>June 3/01 | Bingo and Pool Hall C-2A Zone<br>Housekeeping 10<br>Recycling depot |
| 38A(1)(ld) | Mar 3/97<br><br>Mar 3/09 | Apr 1/97<br><br>Mar 21/09 | Motor Vehicles Sales in<br>Bedford Highway Area<br>Day Care Facility |
| 38B(2) | Jan 31/85<br>Mar 28/96 | Jul 5/85<br>Apr 23/96 | Fairview Secondary Plan<br>R-2T Amendment |
| 38BA(1) | Oct 4/16<br>Jul 30/18-HWCC | Nov 26/16<br>Aug 25/18 | **Case Plan Dutch Village Road** – Added<br>**Case 21439 – Added** "lounge" to Section 38BA(1) as a permitted use. |
| 38BA(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BA(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BA(4) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BB(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BC(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BD(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BE(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BE(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BE(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BF(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BG(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BH(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BI(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BJ(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BK(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BL(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |

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|---|---|---|---|
| 38BL(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BL(3) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BM(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BN | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BO(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BO(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BP(1) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38BP(2) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 38C | Dec 12/05 | Jan 1/06 | Building Height<br>Bedford Highway Area |
| 38C(1) | Jun 24/15 | Jul 11/15 | **Case 19533** - Building Height |
| 38C(2) | Jun 24/15 | Jul 11/15 | **Case 19533** – Bedford Highway Secondary Plan |
| 38C(3) | Jun 24/15 | Jul 11/15 | **Case 19533** – Bedford Highway Secondary Plan |
| 38C(4) | Jun 24/15 | Jul 11/15 | **Case 19533** – Bedford Highway Secondary Plan |
| 38D(1) | Sept 5/00 | Sept 24/00 | C2-A sign requirements |
| 38E | Mar 14/85<br>Jan 31/85 | May 28/85<br>Jul 5/85 | Bedford Highway Secondary Plan<br>Fairview Secondary Plan |
| 38D(3) | Aug 18/93<br>Oct 16/86 | Sept 16/93<br>Nov 18/86 | RC-2, RC-3, C-2A Overhanging Signs<br>C-2A Zone |
| 38F | Mar 14/85 | May 28/85 | Bedford Highway Secondary Plan |
| 38F(1) | Jan 31/85<br>Nov 22/95 | Jul 5/85<br>Dec 31/95 | Fairview Secondary Plan<br>Housekeeping 12 |
| 38G | Oct 16/86 | Nov 18/86 | C-2A Zone |
| 38H | May 28/87 | Jun 29/87 | Mainland South Secondary Plan |
| 38H(2) | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 38I(1) | Apr 27/89<br>Jun 7/95 | Jun 29/89<br>Jul 5/95 | Automobile Specialty Shops<br>Rescinded - Housekeeping 10 |
| 38I(2) | Jun 7/95 | Jul 5/95 | Housekeeping 10 |
| 38J | Feb 10/97<br>Mar 3/97 | Apr 1/97<br>Mar 30/97 | Motor Vehicle Sales<br>Motor Vehicle Sales |
| 38K | Jun 10/14 | Jul 26/14 | Case 16367 – 264 Herring Cove Road |
| 38AA(1)(a) | Mar 28/96 | Apr 23/96 | R-2T Amendment |
| 38AA(1)(e) | Jan 11/11 | Mar 12/11 | Case #01251 - Section deleted |
| 38AA-AF | Mar 14/85 | May 28/85 | Bedford Highway Secondary Plan |
| 38AB | Jul 22/92<br>Mar 28/96 | Aug 22/92<br>Apr 23/96 | Housekeeping 1 and 2<br>R-2T Amendment |

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|---|---|---|---|
| 38AC | Dec 12/05 | Jan 1/06 | Building Height<br>Bedford Highway Area |
| 38AF(1) | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 39(1)(a) | Aug 18/93 | Sep 28/93 | Housekeeping 7 |
| 39(1)(b) | Feb 15/79 | Apr 16/79 | Massage Parlour |
| | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jan 27/83 | May 22/83 | Amusement Centres |
| | Apr 14/83 | May 22/83 | Amusement Centres |
| | Jan 30/92 | May 26/92 | Junk Yards |
| 39(1)(c) | Aug 18/93 | Sept 28/93 | Deleted - M Uses (C-2 Zone) |
| 39(1)(d) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| | Jul 19/95 | Sept 5/95 | Shopping Centres - Mainland South |
| 39(1)(e) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| 39(1)(ca) | Jul 30/81 | Sept 11/81 | Billboards |
| | Aug 18/93 | Sept 28/93 | Deleted - Billboards (C-2 Zone) |
| 40 | Aug 18/93 | Sept 28/93 | Deleted - Referral Back to C-1 for C-1 Uses in C-2 Zone |
| 41 | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 41(b) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 41(c)(i) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 41A | May 28/87 | Jun 29/87 | Mainland South Secondary Plan |
| 41A(1) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| | Jul 19/95 | Sept 5/95 | Shopping Centres - Mainland South |
| | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 41A(1)(a) | Sept 15/94 | Oct 11/94 | Housekeeping 8 |
| 41A(1)(c) | Jul 19/95 | Sept 5/95 | Shopping Centres - Mainland South |
| | Aug 5/08 | Aug 23/08 | Case # 01119 - Parking requirements |
| 41A(1)(d) | Sept 15/94 | Oct 11/94 | Deleted - Referral Back to C-2A for C-2A Uses in C-2 Zone |
| | Jul 19/95 | Sept 5/95 | Shopping Centres - Mainland South |
| 41A-F | Feb 15/79 | Apr 16/79 | Massage Parlour |
| 42(1) | Aug 18/93 | Sept 28/93 | Housekeeping 7 |
| 42(1)(b) | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |
| | May 31/84 | Jul 3/84 | Adult Cabaret |
| 42A(3) | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |
| 42C | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |
| 42D | Jun 12/80 | Sept 29/80 | Adult Entertainment Zone |
| | Jun 26/80 | Sept 29/80 | Adult Entertainment Zone |

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|---|---|---|---|
| 43(1)(b) | Jan 30/92 | Mar 26/92 | Junk Yards |
| 46 | Jun 3/93 | Jul 17/93 | Deleted - IP Zone |
| 47 | Jun 3/93 | Jul 17/93 | Deleted - IP Zone |
| 48 | Jun 3/93 | Jul 17/93 | Deleted - IP Zone |
| 50A(1-5) | Jul 28/83 | Dec 11/84 | I-3 Zone |
| 50A(1) | Aug 23/89<br>Jun 7/95 | Oct 26/89<br>Jul 5/95 | I-3 Zone Amendments<br>Housekeeping 10 |
| 50A(1)(b) | Jul 17/86 | Aug 19/86 | I-3 Zone Amendments |
| 50A(4) | Aug 23/89<br>Sep 13/16 | Oct 26/89<br>Oct 1/16 | I-3 Zone Amendments<br>**Case 20265 –** Repealed and replaced |
| 50A(6) | Jul 17/86 | Aug 19/86 | I-3 Zone Amendments |
| 50A(7) | Aug 23/89 | Oct 26/89 | I-3 Zone Amendments |
| 50A(8) | Aug 23/89<br>Jan 3/96 | Oct 26/89<br>Feb 4/96 | I-3 Zone Amendments<br>I-3 Zone Sign Amendments |
| 50A(8)(a) | Jul 18/90<br>Jan 3/96 | Aug 18/90<br>Feb 4/96 | Signage - I-3 Zone<br>Deleted |
| 50A(8)(b) | Jul 18/90<br>Jan 3/96 | Aug 18/90<br>Feb 4/96 | Signage - I-3 Zone<br>Deleted |
| 51(1) | Jul 15/97 | Aug 12/97 | Child Care Centres |
| 51(1)(b) | Jan 15/87 | Feb 17/87 | Community Facility |
| 51(1)(d) | Mar 14/85 | Apr 15/85 | Court of Law |
| 51(1)(e) | Oct 11/79 | Nov 24/79 | Education Services |
| 51(1)(f) | Oct 11/79 | Nov 24/79 | Education Services |
| 51(1)(g) | Mar 3/09 | Mar 21/09 | Day Care Facility |
| 52 | Jun 28/94 | Jul 27/94 | Signage - P Zone |
| 53A | Mar 14/85 | May 28/85 | Bedford Highway Secondary Plan |
| 53A(1) | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 53A(3)<br>and<br>53AA-AC | Jun 10/14<br><br>Mar 14/85 | Jul 26/14<br><br>May 28/85 | Case 16367 – HRM park at Herring Cove Road<br>Williams Lake Road<br>Bedford Highway Secondary Plan |
| 53AC(1) | Nov 22/95 | Dec 31/95 | Housekeeping 12 |
| 56 | Jun 3/93 | Jul 17/93 | Deleted - M Zone |
| 57 | Jun 3/93 | Jul 17/93 | Deleted - M Zone |
| 58 | Jun 3/93 | Jul 17/93 | Deleted - M Zone |
| 59 | Jun 3/93 | Jul 17/93 | Deleted - G Zone |
| 60 | Jun 3/93 | Jul 17/93 | Deleted - G Zone |
| 61(1)(d) | Sept 27/79 | Nov 8/79 | Professional Person |

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|---|---|---|---|
| 61(1)(e) | Sept 27/79 | Nov 8/79 | Professional Person |
| 61(4) | Mar 28/85 | Apr 14/85 | Holding Zone |
| 61(5) | Aug 2/16 | Sep 3/16 | Case 18120 - **Added** |
| 61A-B | May 28/87 | Jun 28/87 | Mainland South Secondary Plan |
| 61A(1-5) | June 27,06<br>Jun 25/14 | Aug 26, 06<br>Oct 18/14 | US Zone<br>**RP+5 - Repeal/Readopt** |
| 61A(2-4) | Jul 22/92 | Aug 22/92 | Housekeeping 1 and 2 |
| 61AA(1-4) | June 27,06<br>Jun 25/14 | Aug 26, 06<br>Oct 18/14 | UR Zone<br>**RP+5 - Repeal/Readopt** |
| 61AA(1) | Jun 25/14 | Oct 18/14 | **RP+5 – Amend** |
| 62 (1-4) | June 27,06<br>Jun 25/14 | Aug 26, 06<br>Oct 18/14 | PWS Zone<br>**RP+5 - Repeal/Readopt** |
| 62(5) | Jun 25/14 | Oct 18/14 | **RP+5 - Add** |
| 62AA | July 4/00 | Aug 5/00 | WC (Western Common) Zone |
| 62AB | July 4/00 | Aug 5/00 | WCCDD (Western Common Comprehensive Development District) Zone |
| 62AC | July 9/02 | Aug 28/02 | WCDD Zone (Wentworth Comprehensive Development District) |
| 62AD | June 20/06 | July 29/06 | BWCDD Zone (Bedford West Comprehensive Development District) |
| 62AE | Jul 17/18 | Jul 28/18 | **Case 19514** – Added Section SRCDD Zone – Seton Ridge Neighbourhood |
| 62BA(1) | Sept 10/02 | Nov 9/02 | CD-1 Zone C&D Materials Transfer Stations |
| 62CA(1) | Sept 10/02 | Nov 9/02 | CD-2 Zone C&D Materials Processing Facilities |
| 62DA(1) | Sept 10/02 | Nov 9/02 | CD-3 Zone C&D Materials Disposal Sites |
| 62EA(1)(2)(3) | July 2/02 | Aug 17/02 | Infrastructure Charge Holding Zone62EB(1) |
| 62EC(1-4) | June 27/06<br>June 27/06<br>Jan 11/11<br>Jun 25/14 | Aug 26, 06<br>Aug 26, 06<br>Mar 12/11<br>Oct 18/14 | RPK Zone<br>PA Zone<br>Case #01251 - WA (Water Access) Zone<br>**RP+5 - Repeal/Readopt** |
| 62ED(1-5) | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| 62EE(7) | Aug 2/16 | Sep 3/16 | Case 18120 - **Added** |
| 66 | May 28/87 | Jun 28/87 | Deleted - Schedule D |
| 66(c) | Nov 26/81 | Jan 9/82 | Requirement for Street Frontage |
| 66(ba) | Dec 8/82[5] | Dec 8/82 | Amusement Centres |
| 67 | Feb 3/93 | Mar 2/93 | Deleted - Schedule E |

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|---|---|---|---|
| 67(c) | Nov 26/81 | Jan 9/82 | Requirement for Street Frontage |
| 67(ba) | Dec 8/82[6] | Dec 8/82 | Amusement Centres |
| 68(3) | Apr 16/81 | May 31/81 | Commercial Uses - Schedule K |
| 68(3)(a) | Oct 1/92 | Dec 2/92 | Schedule K - Business Campus |
| 68(3)(b) | Oct 1/92 | Dec 2/92 | Schedule K - Business Campus |
| 68(4)(g) | Apr 16/81 | May 31/81 | Commercial Uses - Schedule K |
| 68(4)(h) | Apr 16/81 | May 31/81 | Commercial Uses - Schedule K |
| 68(4)(i) | Apr 16/81 | May 31/81 | Commercial Uses - Schedule K |
| 68(4)(k) | Apr 16/81 | May 31/81 | Commercial Uses - Schedule K |
| 68(4)(l) | Oct 1/92 | Dec 2/92 | Schedule K - Business Campus |
| 68(6) | Nov 26/81 | Jan 9/82 | Requirement for Street Frontage |
| 69 | Jan 27/83<br>Apr 14/83<br>Jul 14/83 | May 22/83<br>May 22/83<br>Aug 17/83 | Amusement Centres<br>Amusement Centres<br>Schedule L |
| 69(1) | Jul 27/95 | Aug 28/95 | Deleted - Housekeeping 11 |
| 69(2) | Jul 27/95 | Aug 28/95 | Deleted - Housekeeping 11 |
| 69(e) | Jun 29/88 | Oct 17/88 | Schedule L |
| 70 | Jun 28/84<br>Jul 22/92<br>Jul 27/95 | Apr 13/87<br>Aug 22/92<br>Aug 28/95 | Public Service Use<br>Housekeeping 1 and 2<br>Deleted Old Section 70 - Housekeeping 11 |
| 70(e) | Nov 15/11 | Jan 14/12 | Case No. 01254 – Added |
| 70(f) | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| 70-71(7) | Jul 27/95 | Aug 28/95 | Development Agreement Provisions - Housekeeping 11 |
| 71(8) | Jul 15/97 | Aug 12/97 | Child Care Centres |
| | Mar 21/09 | Day Care Facility | |
| 71(9) | May 20/03 | June 14/03 | 7, 9, 11 & 13 Springvale Avenue |
| 71(10) | Apr 20/10 | May 29/10 | 50 Bedford Highway |
| 72(a) | June 17/03 | Oct 25/03 | Senior Citizen Assisted Living Complex |
| 72(1) | Jan 19/10<br>Feb 2/10 | Apr 17/10<br>April 17/10 | Regatta Point, Halifax<br>Add definition of Townhouse style Residential development and adding section 72(2). |
| 72(3) | Jun 10/14 | Jul 26/14 | Case 16367 – 286/290 Herring Cove Road |
| 72(4) | Sep 19/17 | Nov 11/17 | Case 19722 – 15 Shoreham Lane, Halifax - changes to permitted uses within existing building |

6 Municipal Board Decision

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|---|---|---|---|
| 72(5) | Oct 2/18 | Nov 3/18 | **Case 20936 – Added** – Multi-unit residential/commercial uses by development agreement on Lots N1, N2, N3A, Cowie Hill Road |
| 73 | Jun 27/06 | Aug 26/06 | Open Space Design Development - Development Agreements |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Amend** |
| 74 (a-d) | Jan 11/11 | Mar 12/11 | Case #01251 - Added Schedule R |
| 75 | Sep 18/18 | Nov 03/18 | Case 21331 **Amend** several sections to add Cannabis related uses Nov 3/18 |
| ZM-1 | Jan. 20/09 | Mar. 28/09 | Amended ZM-1 to rezone designated area to I-3 |
| | Jan 12/10 | Apr 17/10 | Case #01332 - Amended ZM-1to allocate areas to Halifax Plan area designated Industrial and rezoned to I-3. |
| | Jan 11/11 | Mar 12/11 | Case #01251 - Amend to rezone lands along the western shore of the Bedford Basin to C-2B and WA. |
| | Mar 15/11 | May 28/11 | Case #16104/16106 - Rezone PID #00289140 from US to BWCDD. |
| | Aug 9/11 | Oct 8/11 | Case #01213 - Amend ZM-1, Zoning Map, to remove subject lands, Drysdale Bog, Goodwood from the Halifax Plan Area |
| | Feb 4/13-HWCC | Feb 23/1 | Case #17002 Amended Map ZM-1 (Halifax Zoning Map) by rezoning 69 Tremont Drive from I-2 (Radio Transmitter) Zone to Schedule K and to rezone Map ZM-1 (Halifax Zoning Map) is further amended by rezoning PID 00292722 from R-1 (Single Family Dwelling) Zone to Schedule K |
| | Mar 18/13-HWCC | Apr 6/13 | Case #17973 – Map ZM-1 (Halifax Zoning Map) is further amended by rezoning 485 Herring Cove Road from the R-4 (Multiple Unit Dwelling) Zone to the P (Park and Institutional) Zone on Schedule A |
| | Sept 23/13-HWCC | Oct 12/13 | Case #18229 – Amend by applying the R-1 Zone on 60 Scotch Pine Terrace, Halifax |
| | Oct 28/13 – HWCC | Nov 16/13 | Case #18230 – Amend by rezoning the 5 Wren Street, Halifax, from R-1 (Single Family Dwelling) Zone to R-2T (Townhouse) Zone |
| | May 6/14 – HWCC | May 24/14 | Case 18474 – Property east of Washmill Lake Drive to be removed from Schedule K and rezoned from I-2 (Radio Transmitter) to R-2P (General Residential) |
| | May 6/14 – HWCC | May 24/14 | Case 18655 – 552 Washmill Lake Drive removed from Schedule K and zoned R-2P (General Residential) |
| | May 6/14 – HWCC | May 24/14 | Case 18734 – 8 Hillcrest Street rezoned from R-2 (Two Family Dwelling) to R-2P (General Residential) |
| | Jun 10/14 | Jul 26/14 | Case 16367 – 286/290 Herring Cove Road |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Jun 25/14 | Oct 18/14 | **RP+5 – Amend** |
| | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** – Amended |
| | Apr 18/17-HWCC | May 6/17 | **Case 20246 – Amend** to rezone former Briarwood Golf Course Lands, Herring Cove Road, from R-1 to R-2 |
| | Jul 25/17-HWCC | Aug 12/17 | **Case 20100 – Amend** to rezone 214, 216, 218 Herring Cove Road, Halifax from R-2P to R-3 Zone. |
| | Jul 25/17-HWCC | Aug 12/17 | **Case 20156 – Amend** to rezone PID 40595977 on Lynn Road and Elizabeth Drive, Halifax from R-1 to R-2 Zone. |

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| | Oct 10/17-HWCC | Oct 28/17 | **Case 20231 – Amend** to rezone 2728 Joseph Howe Drive, Halifax from R-1 to R-2T Zone. |
| | Feb 20/18-HWCC | Mar10/18 | **Case 19532 – Amend** to rezone Parcel 3, Mainland Common Washmill Lake Drive, Halifax from I-2 to Schedule "K" |
| | March 27/18-RC | May 26/18 | **Case 21209** – Amend Map by rezoning lands at 61 Evergreen Place from UR to I-3 |
| | Jul 30/18-HWCC | Aug 25/18 | **Case 21385- Amend** by rezoning PIDs 40414831 and 40019026 and a portion of PIDs 00325985, 00330803, and 00330811 from R-1 to R-2 Zone. |
| ZM-2 | Jan 11/11 | Mar 12/11 | Case #01251 - Amend to include Schedule R lands. |
| | Jun 10/14 | Jul 26/14 | Case 16367 – 286/290 Herring Cove Road |
| | March 27/18-RC | May 26/18 | **Case 21209** – Remove land shown on Schedule C from Map ZM-2 Schedules and Secondary Planning Areas. |
| ZM-22 | Aug 9/11 | Oct 8/11 | Case #01213 - Amend ZM-22, Areas of Elevated Archaeological Potential, to remove subject lands, Drysdale Bog, Goodwood from the Halifax Plan Area. |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Amend** |
| ZM-23 | Aug 9/11 | Oct 8/11 | Case #01213 - Amend ZM-23, Wetlands, to remove subject lands, Drysdale Bog, Goodwood from the Halifax Plan Area. |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Amend** |
| ZM-25 | Aug 16/11 | Oct 29/11 | Case #00953 – Add ZM-25 – Wind Energy Zoning Map. |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Repeal/Readopt** |
| | Jun 25/14 | Oct 18/14 | **RP+5 - Amend** |
| ZM-26 | Jun 10/14 | Jul 26/14 | Case 16367 – 286/290 Herring Cove Road |
| ZM-27 | Aug 2/16 | Sep 3/16 | Case 18120 – **Add** ZM-27 – 348 Purcells Cove Road |
| ZM-28 | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| ZM-29 | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| ZM-30 | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** – Added |
| ZM-31 | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |
| ZM-32 | Oct 4/16 | Nov 26/16 | **Case Plan Dutch Village Road** - Added |