HALIFAX

LAND USE BY-LAW

DARTMOUTH

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REPRINT OF THE DARTMOUTH

LAND USE BY-LAW

WITH AMENDMENTS TO

NOVEMBER 16, 2022

LAND USE BY-LAW

FOR

DARTMOUTH

THIS IS TO CERTIFY THAT this is a true copy of the Land Use By-law for Dartmouth which was passed by a majority vote of the former City of Dartmouth at a duly called meeting held on the 25th day of July 1978, and approved by the Minister of Municipal Affairs on the 15th day of September 1978 which includes all amendments thereto which have been adopted by the Halifax Regional Municipality as of the 16th day of November, 2022.

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

_____

Municipal Clerk

Table of Contents

SECTION 1: DEFINITIONS 1

SECTION 1A: DEFINITIONS FOR THE BP ZONE, CI ZONE AND BGI ZONE 12

SECTION 2: GENERAL PROVISIONS 15

SECTION 3: ZONES 48

PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE 50

PART 2: R-1M (SINGLE FAMILY (MODIFIED) RESIDENTIAL) ZONE 52

PART 1A: R-1A (AUXILIARY DWELLING UNIT) ZONE (RC-Sep 8/09;E-Nov 14/09) 53

PART 3: R-2 (TWO FAMILY RESIDENTIAL) ZONE 54

PART 4: R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE - MEDIUM DENSITY 56

PART 5: R-4 (MULTIPLE FAMILY RESIDENTIAL) ZONE - HIGH DENSITY 59

PART 6: TH (TOWN HOUSING) ZONE 61

PART 7: T (MOBILE HOME PARK) ZONE 62

PART 7A: NLW (NEIGHBOURHOOD LIVE-WORK) ZONE (RC-Sep 10/13;E-Nov 30/13) 63

PART 8: C-1 (LOCAL BUSINESS) ZONE 64

PART 8A: C-1A (NEIGHBOURHOOD COMMERCIAL) ZONE (RC-Sep 8/09;E-Nov 14/09) 65

PART 8B: C-1B (MIXED USE COMMERCIAL) ZONE (RC-Sep 8/09;E-Nov 14/09) 66

PART 9: C-2 (GENERAL BUSINESS) ZONE 67

PART 10: C-3 (GENERAL BUSINESS) ZONE 69

PART 11: C-4 (MASSAGE PARLOUR) ZONE (Deleted: RC-Jan 31/06;E-Mar 16/06) 70

PART 12: I-1 ZONE - LIGHT INDUSTRIAL ZONE 70

PART 13: I-2 ZONE - GENERAL INDUSTRIAL ZONE 72

PART 14: I-3 (HARBOUR-ORIENTED INDUSTRIAL) ZONE 74

PART 15: I-4 (SALVAGE) ZONE 76

PART 16: P (PARK) ZONE 77

PART 17: OS (OPEN SPACE) ZONE (RC-Feb 8/05;E-Apr 23/05) 78

PART 18: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 79

PART 19: S (INSTITUTIONAL) ZONE 80

PART 20: C (CONSERVATION) ZONE 81

PART 21: H (HOLDING) ZONE 82

PART 22: US (URBAN SETTLEMENT) ZONE (RC-Jun 25/14;E-Oct 18/14) 83

PART 23: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)84

PART 24: MF-1 (MULTIPLE FAMILY RESIDENTIAL) ZONE 85

PART 25: GC (GENERAL COMMERCIAL) ZONE 87

PART 26: SC (SERVICE COMMERCIAL) ZONE 88

PART 27: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE 89

PART 28: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02) 90

PART 29: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 10/02) 93

PART 30: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02) 95

PART 31: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02) 97

PART 32: TR (TRANSPORTATION RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14) 98

PART 33: BCDD (BURNSIDE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Jun 25/14;E-Oct 18/14) 99

PART 34: BP (BUSINESS PARK) ZONE (RC-Sep 30/20;E-Dec 5/20) .. 100

PART 35: CI (COMMERCIAL INDUSTRIAL) ZONE (RC-Sep 30/20;E-Dec 5/20) 103

PART 36: BGI (BURNSIDE GENERAL INDUSTRIAL) ZONE (RC-Sep 30/20;E-Dec 5/20) 106

SECTION 4: SCHEDULING 109

SCHEDULE A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (RC-Feb 15/22;E-Apr 9/22) 109

SCHEDULE J: WATER RESERVOIR 110

SCHEDULE K: EXISTING ZONNIG & LAND USE (303 MAIN STREET) 111

SCHEDULE Q: 6 Admiral Street 112

SCHEDULE T: Penhorn Drive/Portland Street/Green Village Lane (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) 113

SCHEDULE U: Home Depot Proposal 114

SCHEDULE U(1): Lands of Craigwood Estates 114

SCHEDULE Y: 3 Bruce Street 117

SCHEDULE Y(1): Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov

27/21) 117

SCHEDULE Z: Wetlands (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21)..... 119

SCHEDULE AA: Dartmouth Crossing (RC-Jun 24/08;E-Aug 9/08)..... 120

SCHEDULE AC: Waverley Road Legal Non-conforming Uses (RC-Sep 8/09;E-Nov 14/09) 121

SCHEDULE AD (RC-May 26/09;E-Jul 25/09) 122

SCHEDULE AF (RC-Sep 10/13;E-Nov 30/13)..... 123

SCHEDULE AG: Main Street Streetwall Heights (RC-Sep 10/13;E-Nov 30/13) 124

SCHEDULE AH: Gordon & Tacoma Development Agreement Option Area (RC-Sep 10/13;E-Nov 30/13)..... 125

SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15)... 126

SECTION 5: NON-CONFORMING USES 127

SECTION 6: APPEAL PROCEDURE..... 129

Schedule 1 **Added: Zoning Map for Dartmouth – Separate Map (HEMDCC-Jun 30/20;E-Jul 18/20)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BY-LAW C-357

ZONING BY-LAW
CITY OF DARTMOUTH

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

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

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

September 21, 1987

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

CITY OF DARTMOUTH

ZONING BYLAW

Bylaw C-357

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

September 1978

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

SECTION 1: DEFINITIONS

1. IN THIS BY-LAW:

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

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

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

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

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

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

(e) BASEMENT APARTMENT - means an apartment located in the basement of a building.

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

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

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

(fc) BICYCLE PARKING, ENHANCED - means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space). (RC-Jun 25/14;E-Oct 18/14)

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

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

(h) BUILDING LINE - means any line regulating the position of a building in relation to the street and the side and rear lot lines.

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

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

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

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

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

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

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

(ia) CONSERVATION USE - means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and

similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

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

(k) CITY - means the City of Dartmouth.

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

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

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

or disposal depot, or the manufacturing or processing or repairing or testing or use of internal combustion vehicles or engines. (RC-Sep 10/13;E-Nov 30/13)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Within the Main Street Designation where permitted height does not exceed 10.7 metres (35 ft.), height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface. Within the Main Street Designation where permitted height is greater than 10.7 metres (35 ft.), permitted height may be exceeded to accommodate the top storey of a building where such storey is no greater than 5 metres (15ft) high and covers no more than 25% of the building footprint, or where such storey is a loft within a pitched roof. (RC-Sep 10/13;E-Nov 30/13)

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

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

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

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

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

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

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

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

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

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

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

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

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

law C-514, Feb 15/84)

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

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

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

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

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

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

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

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

(afb) RESTAURANT, DRIVE-THROUGH means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-through restaurant is characterized by the provision of take-out services at a counter or from a drive-through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages. (RC-Sep 8/09;E-Nov 14/09)

(afc) RESTAURANT, FULL-SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within

the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages. (RC-Sep 8/09;E-Nov 14/09)

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

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

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

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

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

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

(i) that are rented for remuneration as separate rooms for residential accommodation; or

(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act. For greater certainty, a shared housing use is not considered a multiple family residential development.

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

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

(ah) SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place,

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

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

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

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

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

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

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

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

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

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

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

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

(ala) USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily

occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)

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

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

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

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

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

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

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

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

(aq) ADULT CABARET: means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude body of another person, or to observe, or view any such activity. Nothing in the definition of "adult cabaret" shall

be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or the communication of ideas or information.

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

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

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

(a) human genitals or human pubic region;

(b) human buttocks; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) HEAVY INDUSTRIAL USE means:

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

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

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

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

(14) KENNEL means premises used for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2: GENERAL PROVISIONS

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

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

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

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

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

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

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

7A Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

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

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

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

- **(a) The maximum number of hens permitted on a lot shall be:**
  - **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
  - **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
  - **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
  - **iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;**
- **(b) Hens shall be contained within an accessory building or a fenced area that:**
  - **i. is located in a rear yard;**
  - **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
  - **iii. subject to 11A(b)(iv), meets the requirements for accessory buildings under this by-law; and**
  - **iv. is setback a minimum of 1 metre from any side or rear lot line.**
- **(c) The following are not permitted:**
  - **i. On-site slaughtering or euthanizing of hens; and**
  - **ii. The sale of eggs, meat or hens.**

12. No business or profession concerned with house pets shall be operated or conducted in an R-1, **R-1M**, **R-1A (RC-Sep 8/09;E-Nov 14/09),** R-2, R-3, R-4, T or TH Zone. **(As amended by By-law C-694, Dec 6/91)**

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

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

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

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

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

(a) for single-family and two family dwellings, one parking space per unit shall be provided;
(b) for apartment buildings and row house projects:
    (i) 1.25 parking spaces shall be provided for each unit;
    (ii) parking areas located between the minimum setback and the building or within 15 feet of the street line shall be screened from the street by trees, landscape features, fences or a combination thereof;
    (iii) Apartment buildings within the Main Street Designation (except for townhouses), and apartment buildings within the Kuhn Road Designation as shown on Schedule "AI" (except for townhouses), (RC-Oct 6/15;E-Dec 5/15) shall provide 0.5 parking space per bachelor unit, 0.5 parking space per 1-bedroom unit, 1 parking space per 2-bedroom or larger unit, and 1 visitor parking space per Building, plus one additional visitor parking space for every 15 Dwelling Units; (RC-Sep 10/13;E-Nov 30/13) (RC-Aug 9/22;E-Sep 15/22)
    (iv) Dwelling units within the Main Street Designation, or within the Kuhn Road Designation as shown on Schedule "AI", (RC-Oct 6/15;E-Dec 5/15) owned by a registered charity, non-profit organization, non-profit co-operative, or government agency, for the purpose of providing housing, shall be exempt from the parking space requirement ratios in this By-Law. (RC-Sep 10/13;E-Nov 30/13) (RC-Aug 9/22;E-Sep 15/22)
(c) for auditoriums, theaters, stadiums and similar buildings, one parking space shall be provided for each eight seats;
(d) for business and professional offices, banks, medical clinics, governmental buildings and buildings of a similar nature, one parking space per 600 square feet of floor area shall be provided**, except within the Main Street Designation, where one parking space shall be provided for every 65 sq. m (700 sq. ft.) of floor area**; **(RC-Sep 10/13;E-Nov 30/13)**
(e) for general retail, trade and service, food store service, commercial, shopping centers, etc., one parking space for 300 square feet of floor area shall be provided**, except within the Main Street Designation, where one parking space shall be provided for every 37 sq. m (400 sq. ft.) of Floor Area**; **(RC-Sep 10/13;E-Nov 30/13)**
(f) for clubs, lounges, beverage rooms, taverns, **full-service restaurants, drive-through restaurants (RC-Sep 8/09;E-Nov 14/09)** and other eating establishments and buildings of a similar nature, one parking space per 100 square feet of floor area shall be provided**, except within the Main Street Designation, where one**

parking space shall be provided for every 28 sq. m (300 sq. ft.) of Floor Area; **(RC-Sep 10/13;E-Nov 30/13)**

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

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

(h) for hotels, tourist homes and buildings of a similar nature, one parking space shall be provided for each of the first 20 rooms, one parking space for every 4 rooms over 20 and one parking space for each 100 square feet of floor area for any restaurant therein;

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

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

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

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

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

- **(i) A minimum of one (1) parking space per external storage unit shall be provided. The parking space shall be located in front of the loading door for the unit it is intended to access. The parking space shall not be encumbered in any way and shall not be used for the purpose of sale or display.**
- **(ii) A minimum of one (1) parking space per ten (10) internal storage units shall be provided; and**
- **(iii) A minimum of one (1) parking space per 200 square feet of office or retail floor area shall be provided. (HECC-Jul 10/03,E-Aug 3/03)**
- **(iv) Notwithstanding Subclauses (i), (ii) and (iii), for self-storage buildings within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI, a minimum of one off-street parking space shall be provided for each employee if a full service office is located on the lot, and a minimum of one space shall be provided for every 100 storage units. (RC-Oct 6/15;E-Dec 5/15)**

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

(o) for schools:

- **(i) elementary and junior high schools: 1.5 parking spaces per classroom; and**
- **(ii) high schools: 4 parking spaces per classroom. (HECC-Dec 4/08;E-Dec27/08)**

(p) for shared housing 0 parking spaces. (RC-Aug 9/22;E-Sep 15/22)

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

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

(b) individual parking spaces shall be 8 feet by 20 feet except in the case of curb parking parallel to a driveway, in which case the length of the parking stall shall be increased to 22 feet. Notwithstanding the foregoing, up to one third of the individual parking spaces may be reduced in size to 7 feet by 16 feet minimum except in the case of curb parking in which case the length of the stall shall be increased to 18 feet. All parking areas, including driveways and maneuvering areas, shall be hard surfaced. (As amended by By-law C-460, Jun 3/82)

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

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

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

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

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

(fb) within the Kuhn Road Designation as shown on Schedule AI, no apartment building parking or commercial parking or institutional parking shall be located in the front yard; (RC-Oct 6/15;E-Dec 5/15)

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

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

(i) a landscaped buffer shall be provided for any new or expanded commercial, industrial or institutional use, including but not limited to: buildings; parking lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses. The landscaped buffer shall consist of:

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

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

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

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

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

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

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

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

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

(n) The landscaping features identified in Section 15(m) may be located within any or all of the following locations:

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

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

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

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

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

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

(a) for a floor area up to and including 3,000 square feet, one space;
(b) for a floor area of over 3,000 square feet and up to and including 6,000 square feet, two spaces;
(c) for a floor area of over 6,000 square feet, three spaces;
(d) within the Main Street Designation no loading space shall be located in a yard abutting a street. (RC-Sep 10/13;E-Nov 30/13)

17. 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 80% Class A, 20% Class B**
Hotels/ Motels/Inns	**1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces**
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	**1 space per 300m² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces**
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	**1 space per 500m² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces**
Use	**Bicycle Parking Requirement**
Auditoriums, Theatres, Stadiums, Halls	**1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces**
Schools, Colleges, Universities	**1 space for every 250m² GFA 20% Class A/ 80% Class B**
Recreation Facilities, Community Centres, Libraries.	**1 space per 200m² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces**
General Industrial Uses	**1 space per 1000 m² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces**

Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	**5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces**
Any Uses Not Specified Above	**1 space per 500 m² GFA 50% Class A/ 50% Class B**

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

(3) Each Class B bicycle parking space shall:

(i) be a minimum of 0.6m wide and 1.8m long;
(ii) have a minimum overhead clearance of 2.0m;
(iii) be located a minimum of 0.6m from any wall or other obstruction.

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

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

17A <u>LOCATION OF BICYCLE PARKING</u> (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

17B <u>SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS</u>
(RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

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

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

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

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

18B Notwithstanding any other provision of this By-law, and except within the Main Street Designation, (RC-Sep 10/13;E-Nov 30/13) apartment development in R-3, R-4, C-2, MF-1 and GC Zones shall be permitted only by Development Agreement. (As amended by By-law C-691, Dec 4/91)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18Q Notwithstanding any other provisions of the By-law, on lands zoned BCDD, development may be considered in accordance with Policy EC-14 of the Regional Municipal Planning Strategy. (RC-Jun 25/14;E-Oct 18/14)

18R Notwithstanding any other provisions of the By-law, on lands designated Rural Commuter pursuant to the Regional Municipal Planning Strategy, the following uses may be considered by development agreement: (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

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

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

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

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

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

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

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

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

18W Notwithstanding any other provision of this By-law, a mix of multiple unit dwellings,

townhouses, commercial, office, institutional and recreation uses may be considered in the Burnside Comprehensive Development District (BCDD) Zone subject to the provisions of a development agreement in accordance with policies BC-15 and BC-16. (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

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

(c) A building that has been erected on or before the effective date of this By-law on a lot having less than the minimum required frontage or area, or both, as required by either this By-law or the Regional Subdivision By-law, or having less than the minimum front yard, side yard, rear yard, separation distance or watercourse setback or buffer required by this By-law, may be enlarged, reconstructed, repaired or renovated provided that:

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

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

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

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

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

(iii) the non-conforming use does not expand into the extension,

enlargement or alteration;

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

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

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

(vii) the extension, enlargement or alteration:

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

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

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

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

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

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

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

22. The keeping of not more than three boarders or lodgers or leasing of not more than three rooms in any dwelling unit in an R-1, **R-1M, R-1A (RC-Sep 8/09;E-Nov 14/09),** R-2, T, or TH Zone shall be permitted but no window display or sign of any kind in respect to the use permitted by this clause shall be allowed. **(As amended by By-law C-694, Dec 6/91)**

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

(a) it shall be conducted by the resident occupant in his or her residence;

(b) it shall be clearly accessory and incidental to the use of the dwelling as a residence;

(c) it shall be conducted within the enclosed living areas of the dwelling or accessory buildings;

(d) no alterations shall be made which would change the physical character of the dwelling as a residence;

(e) no outside storage of any kind shall be associated with the home occupation;

(f) there shall be no exterior evidence of the conduct of a home occupation except for a business identification plate or sign of two square feet in maximum area;

(g) not more than 25% of the total floor area of the dwelling shall be used for a home occupation;

(h) one off-street parking space, other than that required for the dwelling, shall be provided for each 200 square feet of floor space occupied by the home occupation;

(ha) Within the Main Street Designation, and within the Kuhn Road Designation as shown on Schedule "AI", (RC-Oct 6/15;E-Dec 5/15) no parking space is required for any home occupation; (RC-Sep 10/13;E-Nov 30/13) (RC-Aug 9/22;E-Sep 15/22)

(i) it shall not be an obnoxious use;

(j) no stock in trade, except articles produced by members of the immediate family residing in the dwelling shall be displayed or sold on the property; (As amended by By-law C-421, Jan 2/81)

(k) the following are deemed not to be home occupations:

- **(i) automotive repair shop**
- **(ii) autobody repair shop**
- **(iii) auto paint shop**
- **(iv) machine shop**
- **(v) welding**
- **(vi) retail sales outlets, except articles produced by members of the immediate family in the dwelling**
- **(vii) restaurants**
- **(viii) amusement arcades (As amended by By-law C-514, Feb 15/84)**
- **(ix) adult entertainment uses (RC-Jan 31/06;E-Mar 16/06)**
- **(x) salvage yards (HECC-Mar 1/07;E-Mar 17/07)**
- **(xi) tattoo businesses (HECC-Jun 10/10;E-Jul 3/10)**

23.A Notwithstanding Subsection 23(g) of the General Provisions, on lands zoned as residential within the Waverley Road designation, as identified on Schedule 1 – Zoning Map for Dartmouth of this By-law, Expanded Home Occupations that use up to 60% of the gross floor area of the dwelling and accessory buildings are permitted subject to Site Plan Approval. Where the Site Plan Approval provisions conflict with Section 23 of the General Provisions, the Site Plan Approval provisions shall prevail. The Development Officer shall approve a site plan where the following matters have been addressed:

(a) Where the proposed expanded home occupation abuts a residential use or zone:

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

(b) No outdoor display shall be permitted;

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

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

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

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

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

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

24.A Interpretation of Zone Boundaries

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

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

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

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

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

(e) Where any portion of a street is closed for public use, the former street lands are assigned a zone as follows:

(i) where the abutting lands are part of a single zone the former street lands are assigned the same zone as the abutting lands, or

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

25. <u>TEMPORARY CONSTRUCTION USES PERMITTED</u>

(g) 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.

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

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

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

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

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

(m) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law. (HECC-Jan 20/09;E-Feb7/09)

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

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

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

27A. No accessory building in any R-1, <u>R-1M</u>, R-1A (RC-Sep 8/09;E-Nov 14/09), R-2, R-3, R-4, TH or T Zone shall be greater than 15 feet in height nor greater than 650 square feet in area. (HECC-Jul 12/01;E-Aug 5/01)

27B. No accessory building shall be located closer to the front lot line than the dwelling on the property in any Residential Zone. (HECC-July 12/01;E-Aug 5/01)

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

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

27C. SHIPPING CONTAINERS AS ACCESSORY BUILDINGS

(1) Shipping containers:

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

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

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

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

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

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

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

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

(a) SECONDARY SUITES

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

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

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

(iii) A two-family dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;

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

(v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

(b) BACKYARD SUITES

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

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

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

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

(iv) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section (Deletion: HEMDCC-Mar 4/21;E-Mar 27/21) 27A, whichever is less;

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

(vi) Where a residential use is a non-conforming use a backyard suite shall not be permitted;

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

(viii) Where the main dwelling unit does not have a side yard on both sides, a backyard suite must have unobstructed access upon the same lot in which the backyard suite is located to a public street.

28.(1) Every building shall be located at a distance from the street line as specified by the building line applicable to the subdivision in which the proposed building is to be located.

(2) Where no building line exists on a street where there are existing buildings, the building line shall be taken as the mean distance of the setback of the existing buildings from the street line in the block in which the proposed building is located.

(3) Where no building line exists on a street and there are no existing buildings on the street, the following minimum setbacks or ranges of minimum setbacks shall apply, unless otherwise provided in this or any other by-law of the City of Dartmouth.

R-1 15-30 feet minimum
R-1A 15 feet minimum (RC-Sep 8/09;E-Nov 14/09)
R-2 15-30 feet minimum
R-3 15 feet minimum, provided that in no case shall a building for R-3 use be located with respect to any street so that the height of the part exceeds the setback plus two-thirds the width of the street on which it fronts.
R-4 15 feet minimum, provided that in no case shall a building for R-4 uses be located with respect to any street so that the height of the part exceeds the setback plus one-half of the width of the street on which it fronts.
TH 15-30 feet minimum
T 12 feet minimum
C-1 15-30 feet minimum
C-2 0-30 feet minimum
C-1A 10 feet minimum (RC-Sep 8/09;E-Nov 14/09)
C-1B 10 feet minimum (RC-Sep 8/09;E-Nov 14/09)
C-3 0-30 feet minimum
I-1 15-30 feet minimum
I-2 20-60 feet minimum
I-3 20-60 feet minimum

S 30 feet minimum

(3A) Notwithstanding Clause (3) of Subsection 28, within the Main Street Designation the front yard setback shall be:

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

(4) Where a range of minimum setbacks is stated, the minimum setback shall be determined by considering the following factors:

(a) existing or projected traffic volumes,
(b) function of the street,
(c) pedestrian movements in the area,
(d) site conditions or natural constraints,
(e) avoiding monotonous streetscapes,
(f) ensuring proper functioning of driveways.

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

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

29A.(1) Notwithstanding the permitted uses in the R-1, <u>R-1M,</u> R-1A (RC-Sep 8/09;E-Nov 14/09), R-2, R-3, R-4, TH and the MF-1 Zones, medical clinics shall be permitted in areas designated residential on Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy through the development agreement provisions pursuant to Policy C-12, Policy C-13 and Policy C-14 of the Municipal Planning Strategy.

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

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

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

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

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

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

- **(a) exceed a height of twenty-five (25) feet from established grade, and no portion of the sign, or associated features of the sign, be located within twelve (12) feet from the established grade immediately under the sign.**
- **(b) be located less than 15 feet (4,572 metres) from any street line or abutting lot line, nor be located less than 250 feet (76.2 metres) from a lot which is zoned or used for park, institutional, open space or residential purposes. (HECC-Nov 18/99;E-Dec 19/99)**
- **(c) shall contain a sign face which exceeds 200 square feet in area.**
- **(d) shall have more than two sign faces, and billboards containing two sign faces shall have said sign faces affixed back-to-back.**
- **(e) be located within one thousand (1000) feet of another billboard.**
- **(f) be illuminated between the hours of 11:00 p.m. of any day and 7:00 a.m. of the following day, where such billboard abuts a lot zoned or used for residential, institutional, park or conservation purposes.**
- **(g) be located in any zone except the following:**
  C-3 - General Business Zone
  I-1 - Light Industrial Zone
  I-2 - General Industrial Zone.
- **(h) notwithstanding Section 30 (g) above, no billboard shall be permitted on any C-3 zoned lands abutting Waverly Road or Bel Ayr Avenue.**
- **(i) notwithstanding Section 30 (g) above, no billboard shall be permitted on any I-1 zoned lands abutting Waverley Road and Woodland Avenue (RC – Oct 26/21; E – Nov 27/21).**
- **(j) notwithstanding Section 30 (g) above, no billboard shall be permitted on any lands zoned C-3, I-1, or I-2 that are situated on the Halifax Harbour side of Pleasant Street or Windmill Road. (RC-May 11/99;E-Jun 26/99)**
- **(k) notwithstanding Section 30(g), a permanent identification, sponsorship or directional sign erected by the area Business Improvement District shall be permitted in any Zone within the Main Street Designation. (RC-Sep 10/13;E-Nov 30/13)**
- **(l) Notwithstanding Section 30(g) above, identification and directional signage for Burnside Industrial Park and City of Lakes Business Park may be erected within the BP Zone, Cl Zone, or BGI Zone. (RC-Sep 30/20;E-Dec 5/20)**

31(1) No building in an industrial zone shall be located less than fifty (50) feet from the ordinary high water mark of any watercourse. Further, excepting for the purpose of driveways, walkways and trails, no infilling, alteration of grade or removal of natural vegetation shall be permitted within fifty (50) feet of the ordinary high water mark of any watercourse or shoreline. No parking, storage, loading or other similar activities shall be permitted within this area. For lots in existence on the effective date of this

section, and where the fifty foot yard is prohibitive of development, the Development Officer may consider reducing the required yard through the minor variance process.

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

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

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

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

32A(1)(a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.

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

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

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

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

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

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

32A(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

32A(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of

windblown, diseased or dead trees, deemed to be hazardous or unsafe.

32A(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

32A(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

32A(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

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

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

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

32B(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

32B(4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

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

Where excavation is required for a development on any area identified on Schedule Y(1) attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements. (RC-Jun 25/14;E-Oct 18/14)

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

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule Z attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland. (RC-Jun 25/14;E-Oct 18/14)

32E SIGN PROVISIONS

Applications

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

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

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

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

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

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

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

Signs That Don't Require a Permit

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

- **(a) signs in display windows including writing, representations, painting or lettering directly on the surface of any window or door, or any other figure or similar character within a building visible from the exterior;**
- **(b) memorial signs and plaques bearing nothing other than the name of the owner, the name or the use of the building, the date of the erection of the building and reading matter commemorating a person or event;**
- **(c) signs denoting the architect, engineer, contractor or the services and products**

of the owner, when placed on construction sites, which signs shall be removed upon completion of the construction;

(d) signs required to be maintained by law;

(e) small signs displayed to direct the public to public services or locations;

(f) non-electrical interior signs;

(g) signs and notices displayed upon the occasion of any religious or patriotic manifestation or any exhibition;

(h) any notice bearing the name and announcements of a church, elementary or secondary school, cemetery, orphanage or other permanent public institution and erected on the site of such institution; and

(i) a single, unlighted sign one-half of a square metre (0.5 m2) or less in area, placed on any real property advertising such property for sale or rent.

Maintenance

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

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

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

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

Electrical and Illuminated Signs

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

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

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

Prohibited Signs

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

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

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

Signs Limitations

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

- **(a) a sign in respect to the keeping of boarders or lodgers of two-tenths of a square metre (0.2m2) or less in area; and**
- **(b) a sign of two-tenths of a square metre (0.2m2) or less in area identifying a home occupation and placed on a wall or fascia.**

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

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

- **(a) non-illuminated wall sign; or**
- **(b) one of the following:**
  - **(i) a non-illuminated awning sign;**
  - **(ii) a non-illuminated canopy sign; or**
  - **(iii) a non-illuminated under canopy sign.**
- **(c) within the Main Street Designation, those signs permitted within that Designation. (RC-Sep 10/13;E-Nov 30/13)**

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

32E(21) Except in the Main Street Core Area, no (RC-Sep 10/13;E-Nov 30/13) ground sign or projecting sign or any portion thereof shall be set nearer the street line than 4.6

metres and for the purposes of this section, the street line shall be the boundary of the street right of way whether or not it is improved as a street or sidewalk.

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

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

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

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

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

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

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

<u>Temporary Signs</u>

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

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

32F Ocean Infill Lots in Wright=s Cove

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

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

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

I DEFINITIONS

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

- **a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, shared housing use (RC-Aug 9/22;E-Sep 15/22) or other building where a person lives or which contains overnight accommodations.**
- **b) "Nacelle" means the frame and housing at the top of the tower that encloses the gearbox and generator.**
- **c) "Nameplate Capacity" means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine;**
- **d) "Total Rated Capacity" means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;**
- **e) "Tower Height" means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building's foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;**
- **f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.**
- **g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;**
  - **i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.**
  - **ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.**

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

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

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

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

a) URBAN WIND ZONE (UW-1)

- **i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).**
- **ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.**
- **iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,**
- **iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.**
- **v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.**
- **vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.**

b) RURAL WIND ZONE (RW-2)

- **i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).**
- **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 and,**
- **ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.**

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

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

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

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

V EXCEPTIONS

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

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

- **i) RPK (Regional Park) Zone.**

VII INSTALLATION AND DESIGN

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

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

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

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

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

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

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

VIII MISCELLANEOUS

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

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

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

IX SCHEDULES

a) Schedule - A-1 – Wind Energy Zoning

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

32H.1 EXEMPTIONS

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

(a) Single unit Dwellings
(b) Auxiliary Dwelling Units
(c) Accessory Buildings
(d) Temporary construction uses
(e) Changes in use or occupancy within an existing Building; or
(f) Internal renovations with no extension to an existing Building.

32H.2 EXTERIOR CLADDING

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

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

(v) metal siding utilizing exposed fasteners.

32H.3 ENTRANCES

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

32H.4 FACADES

(a) At least one of the following architectural elements shall be incorporated at intervals of at least every 12.2 m (40 ft) on every Facade within an R-3 Zone or Neighbourhood Live-Work (NLW) Zone, and at least every 15.2 m (80 ft) on every facade within the C-2 Zone:
- **(i) Protrusions;**
- **(ii) Recesses;**
- **(iii) Offsets;**
- **(iv) Bay Windows;**
- **(v) Porches; or**
- **(vi) Pillars.**

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

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

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

32H.5 WINDOWS

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

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

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

32H.6 ROOFS

(a) Flat roofs shall not be permitted except where:
- **(i) the flat roof is a deck or balcony; or**

(ii) the flat roof is located above a roof with no less than 7:12 and no more than 24:12 pitch on all sides of the building, or

(iii) the flat roof is surrounded by decorative parapets; or

(iv) the flat roof has eaves with decorative moldings or cornices where the underside of the eaves joins the building walls.

(b) At least one of the following architectural roof elements shall be incorporated at intervals of at least every 12.2 m (40 ft) within an R-3 Zone or NLW Zone, or at least every 15.2 m (80 ft) within a C-2 Zone:

(i) Offsets

(ii) Changes in Roof pitch

(iii) Raised or protruding parapets

(iv) Cross-Gables

(v) Dormers

(vi) Cupolas

(vii) Masonry-finished chimneys

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

32H.7 STREETWALL STEPBACKS

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

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

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

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

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

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

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

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

SECTION 3: ZONES

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

31. The following zones are established:

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

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

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

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

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

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

(a) Lot area minimum - 5,000 square feet
(b) Lot coverage maximum - 35 %
(c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
(d) Repealed (RC – Oct 26/21; E – Nov 27/21)

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

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

(1) Zone Requirements:

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

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

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

(a) The lot area minimum for all institutional uses, excluding public parks and playgrounds - 10,000 square feet
(i) Section 19 of this by-law does not apply to institutional uses permitted in the R-1 zone.
(b) For any new or expanded institutional use, the following landscaping provisions shall apply:
(i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) R-1 uses as hereinbefore set out,
(b) a semi-detached dwelling,
(c) a duplex dwelling,
(d) basement apartments added to single family dwellings so that each building contains only two families,
(e) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit, (RC-Aug 9/22;E-Sep 15/22)
(f) any uses accessory to any of the foregoing uses.

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

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

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

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

(1) Zone Requirements:

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

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

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

33(5) Notwithstanding the frontage requirement of Section 33 (3), an existing semi-detached dwelling in existence as of the 25th of July, 1978, on a lot that having less than 50' of street frontage, may be subdivided so that each unit is on its own lot

provided that all other requirements of this by-law are met. (HECC-Sep 10/09;E-Oct 3/09)

33(6) In addition to the uses permitted by clauses 33(1)(a)-(f), existing semi-detached or duplex dwellings are permitted an additional dwelling unit provided the following conditions are met;

(a) the lot is a minimum of 7,500 square feet in area;
(b) the lot has direct access to a Collector or Arterial Road, as identified on Map 4, Major Transportation Network, of the Municipal Planning Strategy;
(c) the lot abuts or is located directly across the road from an R-3, R-4, C-2 or C-3 zoned property; and
(d) The additional dwelling unit is wholly contained, except for the addition of steps, entranceways or accessibly ramps, within a semi-detached or duplex that existed on the date of the coming into effect of this subsection." (HEMDCC-Apr 7/16;E-Apr 30/16)

September 21, 1987

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

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

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

(a) R-1, R-2 and TH uses as herein set out,
(b) apartment buildings,
(c) uses accessory to any of the foregoing uses.
(d) shared housing use, (RC-Aug 9/22;E-Sep 15/22)
(e) Deleted (RC-Aug 9/22;E-Sep 15/22)
(f) day care facility within the Main Street Designation. (RC-Sep 10/13;E-Nov 30/13)

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

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

(a) Lot coverage, maximum - 25%
(b) Area of site required per dwelling unit:

Type of dwelling unit	**Area of site required per dwelling unit**
One bedroom and bedsitting room	1,300 sq. ft.
Two or more bedrooms	1,800 sq. ft.

Provided that where the site area is greater than one acre, the area of the site required per dwelling unit shall be:

Type of dwelling unit	**Area of site required per dwelling unit**
One bedroom and bedsitting room	1,000 sq. ft.
Two or more bedrooms	1,350 sq. ft.

(c) On all buildings a minimum side and rear yard clearance of 15 feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
(d) The yard area located between the street line and the minimum setback line shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas.
(e) Repealed (RC – Oct 26/21; E – Nov 27/21)

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

Minimum lot area	**372 square m [4000 sq. ft.]**
Minimum frontage	**14 m [46 ft], except for a flag lot, in which case the minimum lot frontage shall be not less than 9.1 m**

	[30 ft] and the building shall be located within the widest portion of such lot
Minimum Front or Flankage Yard	**6.1 metres [20 ft]**
Minimum Rear Yard	**12.2 metres [40 ft] for any portion of the Rear Yard abutting an R-1, R-1A or R-2 Zone**
Minimum Side Yard	**12.2 metres [40 ft] for any portion of the Side Yard abutting an R-1, R-1A or R-2 Zone**
Maximum Lot Coverage	**60 %**
Maximum Height of Main Building	**Refer to Schedule "AF"**

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

34(3B) Within the Main Street Designation an apartment building along the south side of Lakecrest Drive or the west side of Valleyfield Road shall have the appearance of Townhouse Dwellings. (RC-Sep 10/13;Nov 30/13)

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

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

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

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

34(7) KUHN ROAD DESIGNATION – OTHER REQUIREMENTS

(a) Notwithstanding subsections 34(3) and 34(4), within the Kuhn Road Designation as shown on Schedule AI, no development permit shall be issued for an apartment building or townhouse dwelling in the R-3 (Multiple Family Residential) Zone except by development agreement in accordance with Policy C-66 of the Dartmouth Municipal Planning Strategy.

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

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

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

- **(i) Bed and Breakfast uses having no more than three bedrooms;**
- **(ii) Craftshops;**
- **(iii) Day spas;**
- **(iv) Studios;**
- **(v) Offices;**
- **(vi) Workshops;**
- **(vii) Greenhouses;**
- **(viii) Warehouses, including indoor vehicle storage;**
- **(ix) Self storage uses;**
- **(x) Places of worship and associated halls;**
- **(xi) Public parks except sportsfields or ball diamonds;**
- **(xii) Conservation related projects; and**
- **(xiii) Accessory retail on the same lot as any use set forth in this subsection.**

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

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

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

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

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

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

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

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

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

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

(a) Lot coverage, maximum - 50%
(b) Area (in square feet) of site required by type of dwelling unit:

TYPE OF DWELLING UNIT

Number of Storeys	Bed-Sitting Room	One Bedroom	Two Bedrooms	Three or more Bedrooms
1	440 sq. ft.	550 sq. ft.	890 sq. ft.	1230 sq. ft.
2	410	510	820	1130
3	380	470	760	1050
4	350	440	700	970
5	330	410	650	890
6	320	380	610	820
7	310	360	570	770
8	310	350	540	720
9	300	340	510	690
10	300	330	480	660
11 & over	300	330	460	640

(c) Notwithstanding the provisions of paragraph (b) above, the number of permissible dwelling units for any site may be increased by:
  (i) 2% where at least one-third of the parking requirements are provided within the building; or
  (ii) 4% where at least two-thirds of the parking requirements are provided within the building; or
  (iii) 6% where all of the parking requirements are provided within the building; or
  (iv) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a City street from a five acre public open space.
(d) On all buildings a minimum side and rear yard clearance of fifteen feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.

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

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

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

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

PART 6: TH (TOWN HOUSING) ZONE

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

(a) Two or more one-family dwellings, which are attached vertically and which have their own independent entrances and exits;

(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)

(b) schools;

(c) any use accessory to any of the foregoing uses.

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

(a) Lot area minimum - 2,000 sq. ft. per unit

(b) Lot frontage minimum - 20 feet, except where the lot faces on the outside of a curve in a street in which case the minimum frontage shall be not less than 15 ft. and the dimension along the minimum set-back for the lot shall be not less than 20 feet.

(c) Lot coverage maximum – **45% except for a building containing not more than one storey above grade – 50% (HEMDCC-Jan 9/20; E-Jan 25/20)**

(d) not more than eight individual housing units shall be included in any one building block.

(e) A sideyard at least 10 feet in width shall be provided at each end of each building block.

(f) Every building block shall be located at a distance of not less than 15 feet from the street line.

(fa) Within the Main Street Designation a rear yard setback of not less than 6.1 metres (20 feet) shall be provided. (RC-Sep 10/13;E-Nov 30/13)

(g) Height Maximum - 35 feet on all parcels of land situated within the (RC – Oct 26/21; E – Nov 27/21) Main Street Designation as identified on Schedule AF (RC-Sep 10/13;E-Nov 30/13).

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

PART 7: T (MOBILE HOME PARK) ZONE

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

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

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

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

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

37A(1) NLW USES PERMITTED

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

Craftshops
Spas
Studios
Offices
Townhouse style residential developments where each unit has access to an internal private driveway which services the development
R-1, R-1A, and S uses as hereinbefore set out

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

37A(3) REQUIREMENTS: OTHER USES

(a) No development permit shall be issued for a townhouse block, craftshop, spa, studio or office except in conformity with the following:

Minimum Lot Area	**371.6 sq. m [4000 sq. ft]**
Minimum Frontage	**15 m [50 ft]**
Minimum Front Yard	**6 m [20 ft]**
Minimum Side or Flanking Yard	**4.5 m [15 ft]**
Minimum Rear Yard	**6 m [20 ft]**
Maximum Lot Coverage	**45 %**
Maximum Height of Main Building	**10.7 m [35 ft]**
Maximum Total Floor Area	**930 sq. m (10,000 sq. ft.)**

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

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

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

PART 8: C-1 (LOCAL BUSINESS) ZONE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 9: C-2 (GENERAL BUSINESS) ZONE

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

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

39(2) Buildings used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively.

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

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

39(4) Within the Main Street Designation, retail fuel outlets and accessory uses shall be prohibited except where the main building is located between the sidewalk and the fuel pumps, which building shall have at least one facade parallel and adjacent to the

front lot line, with a display window and a full-length canopy or awning extending out at least 1.5 metres [5 ft] in front of the façade. (RC-Sep 10/13;E-Nov 30/13)

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

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

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

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

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

PART 10: C-3 (GENERAL BUSINESS) ZONE

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

(a) C-2 uses as herein set out, excepting therefrom any residential uses;
(i) except Adult Entertainment uses (RC-Jan 31/06;E-Mar 16/06)
(b) warehousing and distribution

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

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

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

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

PART 12: I-1 ZONE - LIGHT INDUSTRIAL ZONE

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

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

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

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

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

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

(i) zoned or used for residential purposes, or

(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.

PART 13: I-2 ZONE - GENERAL INDUSTRIAL ZONE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) zoned or used for residential purposes, or

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

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

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

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

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

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

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

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

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

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

(a) Minimum front and flankage yard - 30 feet
This yard shall be landscaped, except for required driveways and walkways, and where there is frontage on a local street appropriate plantings shall be spaced sufficiently close to provide an effective screen of any working yards, loading areas or storage areas. Areas within this yard not planted with trees or hedges shall be planted with grass or otherwise suitably landscaped and maintained with shrubs and/or planting beds.

(b) Where the proposed use abuts a zone other than an industrial or commercial zone, or an existing residential use, a yard of thirty feet (30') shall be provided to ensure adequate screening of working yards, loading areas, storage areas, buildings and parking areas from the abutting property. Such yard shall include:
(i) a raised, landscaped berm of at least six (6) feet in height measured from grade of the abutting property, with coniferous plantings along the berm at minimum intervals of ten (10) feet, which shall be maintained in good order;
(ii) a solid opaque fence located behind the berm, said fence to be at least ten (10) feet in height;

(c) Where the proposed use is located within five hundred (500) feet of a residential, park, conservation or institutional zone, or existing residential use,

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

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

PART 15: I-4 (SALVAGE) ZONE

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

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

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

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

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

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

PART 16: P (PARK) ZONE

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 19: S (INSTITUTIONAL) ZONE

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

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

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

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

PART 20: C (CONSERVATION) ZONE

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

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

46(2) Notwithstanding the provisions of subsection (1), communications facilities are permitted on the land identified by Schedule "J". (As amended by By-law C-710, Dec 9/94)

46(3) Repealed (RC – Oct 26/21; E – Nov 27/21)

PART 21: H (HOLDING) ZONE

47(1) The following uses only shall be permitted in an H Zone:

(a) R-1, C, and P uses as herein set out;
(b) uses accessory to any of the foregoing uses.
(c) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation. (RC-Mar 22/05;E-Apr 23/05)

47(2) Buildings used for R-1, C or P uses in an H Zone shall comply with the requirements of an R-1, C or P Zone respectively.

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

47A(1) The following uses only shall be permitted in a US Zone:

(a) Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
(b) Public parks and playgrounds
(c) Uses accessory to the foregoing uses

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

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

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

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

(a) Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
(aa) Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
(b) Passive recreation uses
(c) Uses accessory to the foregoing uses

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

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

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

48(1) No person shall, in any MF-1 Zone erect, alter, repair, maintain or use any building in whole or in part, or use land for any purpose other than the following uses, namely:

(a) Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)
(b) Apartment house
(c) Hospitals, excepting hospitals for the treatment of infectious diseases
(d) Institutions, other than for corrections use or for the treatment of mental cases
(e) Sports or social club
(f) Fire station
(g) Hotel or motel
(h) Any use accessory to any of the foregoing uses.

48(2) Buildings erected, altered, repaired, maintained or used for MF-1 uses in an MF-1 Zone other than residential uses shall comply with the following requirements:

(a) Lot coverage maximum - 40%
(b) Every building shall be located at a distance from the street line as specified by the building line applicable to the street on which the proposed building is to be located. Where no building line exists and no building line is established by the Development Officer, the building line shall be taken as the mean distance of the set-back of the existing buildings from the street line in the block in which the proposed building is to be located, provided that in no case shall a building for MF-1 uses other than residential use be located with respect to any street so that the height of the building exceeds the set-back plus one-half of the width of the street on which it fronts.

48(3) Buildings erected, altered, repaired, maintained or used for residential uses in a MF-1 Zone shall comply with the following requirements:

(a) Lot coverage maximum - 40%
(b) Area of site in square feet required per dwelling unit for apartments:

	TYPE OF DWELLING UNIT			
Number of Storeys	**Bed-Sitting Room**	**One Bedroom**	**Two Bedrooms**	**Three or more Bedrooms**
1	440 sq. ft.	550 sq. ft.	890 sq. ft.	1230 sq. ft.
2	410	510	820	1130
3	380	470	760	1050
4 & over	350	440	700	970

(c) The area of site required in sub-section 2 above may be reduced by:
  (i) 2% where at least one-quarter of the parking requirements are provided within the building;
  (ii) 4% where at least one-half of the parking requirements are provided within the building;
  (iii) 6% where at least three-quarters of the parking requirements are provided

within the building;

(iv) 8% where all the parking requirements are provided within the building;

(v) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a city street from a public open space having a minimum size of five acre.

(d) Every building shall be located at a distance from the street line as specified by the building line applicable to the street on which the proposed building is to be located. Where no building line exists the Development Officer may establish a building line for the street. If no building line exists and no building line is established by the Development Officer the building line shall be taken as the mean distance of the set-backs of existing buildings from the street line in the block portion of the street on which the proposed building is to be located or the building line may be set by the Development Officer provided that no part of a building for residential use shall be located with respect to any street so that the height of the part exceeds the set-back plus two-thirds the width of the street on which it fronts.

(e) Yards having a minimum width of seven and one-half feet each shall be provided on each side and at the rear of the building.

(f) A minimum side and rear yard clearance of seven and one-half feet shall be maintained for all buildings up to and including three storeys in height, the minimum side and rear clearances shall be increased by five additional feet for each storey over three.

(g) Maximum height - four storeys exclusive of any storeys not containing one or more apartments.

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

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

PART 25: GC (GENERAL COMMERCIAL) ZONE

52(1) The following uses only shall be permitted in a GC Zone:

(a) **R-4** uses as herein set out;
(b) any business or commercial enterprise except obnoxious uses and uses creating a hazard to the public.

52(2) Buildings used for **R-4** uses in a GC Zone shall comply with the requirements of an **R-4** Zone.

52(3) Where apartments are to be constructed above commercial uses, the maximum density of apartments shall be as in the **R-4** Zone, provided however, that the commercial uses may cover 100% of the lot. In this case, the area of any floor where any portion is devoted to apartments shall not exceed 40% of the total area.

(As amended by By-law C-392, Dec 22/79)

PART 26: SC (SERVICE COMMERCIAL) ZONE

53 The following uses only shall be permitted in an SC Zone:

(a) commercial or industrial enterprises, except:
  (i) stores for the purpose of retail trade and service other than grocery stores or drug stores;
  (ii) obnoxious uses, uses creating a hazard to the public and uses creating heat, humidity and glare.

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

PART 27: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

53(A) (a) The following uses only shall be permitted in a CDD:

(i) residential uses;

(ii) commercial, institutional and recreational uses.

(iii) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation. (RC-Mar 22/05;E-Apr 23/05)

(b) No development permit shall be issued except in conformity with an agreement pursuant to Section 56(3) of the Planning Act.

(As amended by By-law C-698, Jun 18/93)

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

53(B)(1) CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

- **Construction and Demolition Materials Transfer Stations**
- **Uses accessory to permitted use**

53(B)(2) CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) - central services** **11,148 square metres (120,000 square feet) - on-site services**
Minimum Frontage	**15 metres (49.2 feet) - central services** **30 metres (98.4 feet) - on-site services**
Minimum Front Yard	**25 metres (82.0 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

53(B)(3) OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

(a) any building or structure shall meet the following separation distances:

(i)	**from any property line**	**30 metres (98.4 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**60 metres (196.9 feet)**
(iii)	**from a watercourse**	**30 metres (98.4 feet)**

(b) notwithstanding Section 53(B)(3)(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 53(B)(3)(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

53(B)(4) GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
  (i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;
  (ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or
  (iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.

(b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

(c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;

(d) notwithstanding Section 53(B)(4)(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

(e) no portion of the operation shall be located within any side, rear, or front yard setback;

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-1M, R-2, R-3, R-4, TH, T, and H) or community use (P, OS, S, and C); and

(g) no portion of the operation shall be located within a 1:100 year floodplain.

53(B)(5) GENERAL REQUIREMENTS: SITE PLAN APPROVAL

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;

b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;

c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts

upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;

e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;

f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;

g) all solid waste storage containers shall be screened from adjacent properties and streets;

h) impact of the location, number and size of signs;

i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and

j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

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

53(C)(1) CD-2 USES PERMITTED

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

- **Construction and Demolition Materials Processing Facilities**
- **All CD-1 Zone uses**
- **Uses Accessory to permitted uses, excluding construction and demolition disposal**
- **Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance**

53(C)(2) CD-2 ZONE REQUIREMENTS

In any CD-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) central services** **11,148 square metres (120,000 square feet) on-site services**
Minimum Frontage	**15 metres (49.2 feet) central services** **30 metres (98.4 feet) on-site services**
Minimum Front Yard	**30 metres (98.4 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

53(C)(3) OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone.

53(C)(4) OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

(i)	**from any property line**	**60 metres (196.8 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

(b) **notwithstanding Section 53(C)(4)(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).**

(c) **notwithstanding Section 53(C)(4)(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).**

53(C)(5) GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) **the operation complies with the general zone requirements as outlined in Section 53(B)(4).**

(b) **notwithstanding Sections 53(C)(2) to 53(C)(4), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.**

53(C)(6) GENERAL REQUIREMENTS: SITE PLAN APPROVAL

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 53(B)(5).

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

53(D)(1) CD-3 USES PERMITTED

No development permit shall be issued in any CD-3 (C&D Disposal) Zone except for the following, pursuant to the Site Plan Approval process:

- **Construction and Demolition Materials Disposal Sites**
- **All CD-2 zone uses**
- **Uses Accessory to permitted uses**
- **Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance**

53(D)(2) CD-3 ZONE REQUIREMENTS

In any CD-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**11,148 square metres (120,000 square feet)**
Minimum Frontage	**15 metres (49.2 feet) central services**
	30 metres (98.4 feet) on-site services
Minimum Front Yard	**50 metres (164 feet)**
Minimum Side Yard	**50 metres (164 feet)**
Minimum Rear Yard	**50 metres (164 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.1 feet)**

53(D)(3) OTHER REQUIREMENTS: CD-1 AND CD-2 ZONE USES

In any CD-3 Zone, no development permit will be issued for any:

(a) C&D Materials Processing Facility except in conformity with the provision for such a use as contained within the CD-2 Zone; and
(b) C&D Materials Transfer Station except in conformity with the provision for such a use as contained within the CD-1 Zone.

53(D)(4) OTHER REQUIREMENTS: C&D MATERIALS DISPOSAL SITES

No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:
  (i) from any property line 50 metres (164 feet)
  (ii) from the nearest residential dwelling

	or institutional use	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

53(D)(5) GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 53(B)(4).

(b) Notwithstanding Sections 53(D)(2) to 53(D)(4), inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

53(D)(6) GENERAL REQUIREMENTS: SITE PLAN APPROVAL

C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 53(B)(5).

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

53(E)(1) ICH USES PERMITTED

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (July 2, 2002) of this zone for the following:

- **Single Unit Dwellings**
- **Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)**
- **Open Space Uses**

53(E)(2) ICH ZONE REQUIREMENTS

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.

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

53(F)(1) The following uses only shall be permitted in a TR Zone:
None

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

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

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

(i) townhouse;
(ii) apartment building;
(ii.5) shared housing use; (RC-Aug 9/22;E-Sep 15/22)
(iii) commercial retail;
(iv) institutional;
(v) recreation;
(vi) offices

(b) No development permit shall be issued except in conformity with a development agreement pursuant to the Halifax Regional Municipality Charter.

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

PERMITTED USES

55 (1) The following uses only shall be permitted in a BP Zone:

- **(a) Banks and financial institutions;**
- **(b) Brewery, winery and distillery uses;**
- **(c) Broadcast uses;**
- **(d) Caretaker units;**
- **(e) Day care facilities;**
- **(f) Emergency services uses;**
- **(g) Existing uses;**
- **(h) Fitness centre uses;**
- **(i) Hotels;**
- **(j) Industrial training;**
- **(k) Industrial uses, except:**
  - **i. Heavy industrial uses;**
  - **ii. Salvage yards; and**
  - **iii. CD-1, CD-2, and CD-3 Zone uses;**
- **(l) Kennels, pet daycare uses and veterinary clinics;**
- **(m) Medical clinics;**
- **(n) Office uses;**
- **(o) Personal service uses;**
- **(p) Recreation uses, including commercial recreation;**
- **(q) Recreational vehicle sales;**
- **(r) Restaurants, full-service and Restaurants, take-out;**
- **(s) Retail building suppliers and used building material retail outlets;**
- **(t) Retail uses;**
- **(u) Self-storage facilities;**
- **(v) Service uses;**
- **(w) Utility uses;**
- **(x) Vehicle services; and**
- **(y) Accessory uses.**

REQUIREMENTS: ALL USES

55 (2) Premises used for BP uses in a BP Zone shall comply with the following requirements:

- **(a) Lot area minimum: 5,000 sq. ft. (464.5 sq. m);**
- **(b) Minimum front or flankage yard: 20 ft. (6.1 m);**
- **(c) Maximum building height: 5 storeys;**
- **(d) The external cladding of main buildings shall include one or more of the following materials:**
  - **i. architectural masonry units, excluding concrete block and cinder block;**
  - **ii. natural stone;**
  - **iii. precast concrete;**
  - **iv. steel panels; or**

v. glass panels;

(e) Subject to clause (f) below, every new or expanded main building shall have at least one barrier-free entrance which:

i. faces the public street; and

ii. is accessed from a barrier-free walkway;

(f) For lots with frontage on Burnside Drive and another public street, barrier-free entrances may face Burnside Drive only;

(g) Every new main building or addition to a main building shall have a barrier-free walkway that:

i. provides access from the public street to any barrier-free entrance referred to in clauses (e) and (f) above;

ii. is clearly separated from any vehicle parking or driving areas by:

(A) changes in grade; or

(B) changes in materials;

(h) Outdoor storage and outdoor display are prohibited;

(i) Except where driveway or walkway access is required, a 10 ft. (3 m) wide strip of soft landscaping shall be provided abutting the street line, excluding the street line of 100-series highways. Soft landscaping shall include:

i. salt-tolerant groundcover plants;

ii. one ornamental shrub for every 100 sq. ft. (9.29 sq. m.) of required landscaped area; and

iii. at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15.24 linear m) of lot frontage;

(j) Garbage and waste containers shall be screened from view from adjacent properties and public streets with an effective visual barrier, such as an opaque fence or landscaping; and

(k) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: INDUSTRIAL USES

55 (3) Industrial uses shall be entirely contained within a building, except for parking and loading facilities

OTHER REQUIREMENTS: RETAIL USES

55 (4) Standalone retail uses shall not exceed a maximum gross floor area of 3000 sq. ft. (278.7 sq. m) per retail premises. In a multi-tenant building, this requirement applies to each retail premises within the building. This requirement shall not apply to:

(a) recreational vehicle sales;

(b) retail building suppliers;

(c) used building material retail outlets;

(d) vehicle services; or

(e) retail uses accessory to a permitted industrial use.

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

55 (5) Cannabis production facilities in the BP Zone shall meet the following requirements:

(a) Where a lot containing a cannabis production facility abuts a lot
i. zoned or used for residential purposes, or
ii. that is used for a daycare, community centre, school, religious institution, public park or playground,

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

OTHER REQUIREMENTS: CARET AKER UNITS

55 (6) Each industrial premises shall be permitted one caretaker unit. Subject to the requirements of the Building Code Act, caretaker units in the BP Zone shall:

(a) be located within a main building that contains a permitted industrial use;
(b) include no more than two bedrooms; and
(c) have a maximum gross floor area of 602.8 sq. ft. (56 sq. m).

OTHER REQUIREMENTS: EXISTING USES

55 (7) Existing uses shall meet the following requirements:

(a) Uses lawfully existing September 5th, 2020 shall be considered permitted uses in the BP Zone;
(b) Existing uses shall be permitted:
i. to be extended, enlarged or altered;
ii. to resume operation if discontinued for not more than two years; and
iii. to be replaced or rebuilt if destroyed;
on the lot on which they occupied on September 5th, 2020, subject to the requirements of this Part; and
(c) Where an existing use is converted to another permitted use in the BP Zone, clause (b) above shall not apply.

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

PERMITTED USES

56(1) The following uses only shall be permitted in a Cl Zone:

- **(a) Banks and financial institutions;**
- **(b) Brewery, winery and distillery uses;**
- **(c) Broadcast uses;**
- **(d) Caretaker units;**
- **(e) Day care facilities;**
- **(f) Emergency services uses;**
- **(g) Existing uses;**
- **(h) Fitness centre uses;**
- **(i) Garden centres;**
- **(j) Heavy equipment sales and service uses;**
- **(k) Industrial training;**
- **(l) Industrial uses, except:**
  - **i. Heavy industrial uses;**
  - **ii. Salvage yards; and**
  - **iii. CD-1, CD-2, and CD-3 Zone uses;**
- **(m) Kennels, pet daycare uses and veterinary clinics;**
- **(n) Medical clinics;**
- **(o) Personal services;**
- **(p) Recreation uses, including commercial recreation;**
- **(q) Recreational vehicle sales;**
- **(r) Recycling depots;**
- **(s) Restaurant, drive-through; Restaurant, full-service; Restaurant, take-out;**
- **(t) Retail building suppliers and used building material retail outlets;**
- **(u) Retail uses;**
- **(v) Self-storage facilities;**
- **(w) Service uses;**
- **(x) Utility uses;**
- **(y) Vehicle services; and**
- **(z) Accessory uses.**

REQUIREMENTS: ALL USES

56 (2) Premises used for Cl uses in a Cl Zone shall comply with the following requirements:

- **(a) Lot area minimum: 5,000 sq. ft. (464.5 sq. m);**
- **(b) Minimum front or flankage yard: 20 ft. (6.1 m);**
- **(c) The external cladding of main buildings shall not have the appearance of:**
  - **i. unfinished concrete, except for foundation walls no greater than 2 ft. (0.6m) above grade and loading docks;**
  - **ii. plywood; or**
  - **iii. particle board, chip board or strand board;**
- **(d) Subject to clause (e) below, every new main building or addition to a main building shall have at least one barrier-free entrance which:**

i. faces the public street; and
ii. is accessed from a barrier-free walkway;

(e) For lots with frontage on Burnside Drive and another public street, barrier-free entrances may face Burnside Drive only;

(f) Every new or expanded main building shall have a barrier-free walkway that:
i. provides access from the public street to any barrier-free entrance referred to in clauses (d) and (e) above;
ii. is clearly separated from any vehicle parking or driving areas by:
A. changes in grade; or
B. changes in materials;

(g) No outdoor storage shall be permitted within any yard abutting a street line, excluding the street line of a 100-series highway;

(h) Except for areas where landscaping is required, outdoor display shall be permitted in any yard;

(i) Except where driveway or walkway access is required, a 10 ft. (3 m) wide strip of soft landscaping shall be provided abutting the street line, excluding the street line of a 100-series highway. Soft landscaping shall include:
i. salt-tolerant groundcover plants;
ii. one ornamental shrub for every 100 sq. ft. (9.29 sq. m.) of required landscaped area; and
iii. at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15 linear m) of lot frontage;

(j) Where a lot abuts a 100-series highway, landscaping shall be provided along the street line of the 100-series highway that consists of at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15.24 linear m);

(k) Garbage and waste containers shall be screened from view from adjacent properties and public streets with an effective visual barrier, such as an opaque fence or landscaping; and

(l) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: RETAIL USES

56 (3) Standalone retail uses shall not exceed a maximum gross floor area of 3000 sq. ft. (278.7 sq. m) per retail premises. In a multi-tenant building, this requirement applies to each retail premises within the building. This requirement shall not apply to:

(a) garden centres;
(b) heavy equipment sales and service uses;
(c) recreational vehicle sales;
(d) retail building suppliers;
(e) used building material retail outlets;
(f) vehicle services; or
(g) retail uses accessory to a permitted industrial use.

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

56 (4) Cannabis production facilities in the Cl Zone shall meet the following requirements:

(a) Where a lot containing a cannabis production facility abuts a lot
i. zoned or used for residential purposes, or
ii. that is used for a daycare, community centre, school, religious institution, public park or playground,

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

OTHER REQUIREMENTS: CARETAKER UNITS

6 (5) Each industrial premises shall be permitted one caretaker unit. Subject to the requirements of the Building Code Act, caretaker units in the Cl Zone shall:

(a) be located within a main building that contains a permitted industrial use;
(b) include no more than two bedrooms; and
(c) have a maximum floor area of 602.8 sq. ft. (56 sq. m.)

OTHER REQUIREMENTS: EXISTING USES

56 (6) Existing uses shall meet the following requirements:

(a) Uses lawfully existing on September 5th, 2020 shall be considered permitted uses in the Cl Zone;
(b) Existing uses shall be permitted:
i. to be extended, enlarged or altered;
ii. to resume operation if discontinued for not more than two years; and
iii. to be replaced or rebuilt if destroyed;
on the lot on which they occupied on September 5th, 2020, subject to the requirements of this Part; and
(c) Where an existing use is converted to another permitted use in the Cl Zone, clause (b) above shall not apply.

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

57 (1) PERMITTED USES

The following uses only shall be permitted in a BGI Zone:

(a) Brewery, winery and distillery uses;
(b) Broadcast uses;
(c) Caretaker units;
(d) CD-1 and CD-2 Zone uses;
(e) Emergency services uses;
(f) Existing uses;
(g) Heavy equipment sales and service uses;
(h) Industrial training;
(i) Industrial uses, except:
  i. CD-3 Zone uses;
(j) Kennels;
(k) Recreational vehicle sales;
(l) Recycling depots;
(m) Retail building suppliers and used building material retail outlets;
(n) Salvage yards;
(o) Self-storage facilities;
(p) Service uses;
(q) Utility uses;
(r) Vehicle services; and
(s) Accessory uses.

57 (2) Premises used for all BGI uses in a BGI Zone shall comply with the following requirements:

(a) Lot area minimum: 5,000 sq. ft. (464.5 sq. m);
(b) Minimum front or flankage yard: 20 ft. (6.1 m);
(c) Except for areas where landscaping is required, outdoor storage and outdoor display shall be permitted in any yard;
(d) Except where driveway or walkway access is required, a 10 ft. (3 m) wide strip of soft landscaping shall be provided abutting the street line, excluding the street line of a 100-series highway. Soft landscaping shall include:
  i. salt-tolerant groundcover plants;
  ii. one ornamental shrub for every 100 sq. ft. (9.29 sq. m.) of required landscaped area; and
  iii. at least one tree with a minimum base caliper of 50 millimetres for every 50 linear ft. (15 linear m) of lot frontage;
(e) Where a lot abuts a 100-series highway, landscaping shall be provided along the street line of the 100-series highway that consists of at least one tree with a minimum base caliper of 50 millimetres for every 50 linear ft. (15.24 linear m);
(f) Garbage and waste containers shall be screened from view from adjacent properties and public streets with an effective visual barrier, such as an opaque fence or landscaping; and

(g) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: HEAVY INDUSTRIAL USES

57 (3) Heavy industrial uses in the BGI Zone shall meet the following requirements:

(a) Notwithstanding Clause57(2)(a), lot area minimum: 107,639 sq. ft. (1.0 ha);
(b) Where a lot containing a heavy industrial use abuts:
i. a lot in the Cl Zone, buildings, structures, and outdoor storage shall be set back a minimum of 24.6 ft. (7.5 m) from the abutting lot line; or
ii. a lot in any other zone or a 100-series highway, then buildings, structures, and any outdoor storage shall be set back a minimum of 230 ft. (70 m) from the abutting lot line;
(c) Outdoor storage may be permitted within the required set back defined in clause (b) above, if landscaping is provided that acts as an effective visual screen. The landscaping shall consist of at least one tree with a minimum base calliper of 50 millimetres for every 50 linear ft. (15 linear m).

OTHER REQUIREMENTS: SALVAGE YARDS

57 (4) Salvage yards in the BGI Zone shall meet both the requirements for heavy industrial uses in Subsection 57(3) above, and the following requirements:

(a) Salvage operations and scrap materials storage on the site shall be screened from the view of any adjacent sites or streets;
(b) Fencing shall be constructed around the entire property which shall be:
i. not less than 6 ft. (1.8 m) in height;
ii. constructed of opaque material; and
iii. set back a minimum of 20 ft. (6.1 m) from the street line; and
(c) A lot containing a salvage yard must be separated a minimum distance of 500 ft. (152.4 m) from, and shall not immediately abut any lot that is:
i. zoned or used for residential purposes, or
ii. that is used for a daycare, community centre, school, religious institution, or public park.

OTHER REQUIREMENTS: CD-1 and CD-2 ZONE USES

57 (5) CD-1 and CD-2 Zone uses in the BGI Zone shall meet both the requirements of clause 57{3)(a) and the requirements of their respective zones.

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

57 (6) Cannabis production facilities in the BGI Zone shall meet the following requirements:

(a) Where a lot containing a cannabis production facility abuts a lot
i. zoned or used for residential purposes, or

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

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

OTHER REQUIREMENTS: CARET AKER UNITS

57 (7) Each industrial premises shall be permitted one caretaker unit. Subject to the requirements of the Building Code Act, caretaker units in the BGI Zone shall:

(a) be located within a main building that contains a permitted industrial use;
(b) include no more than two bedrooms; and
(c) have a maximum gross floor area of 602.8 sq. ft. (56 sq. m).

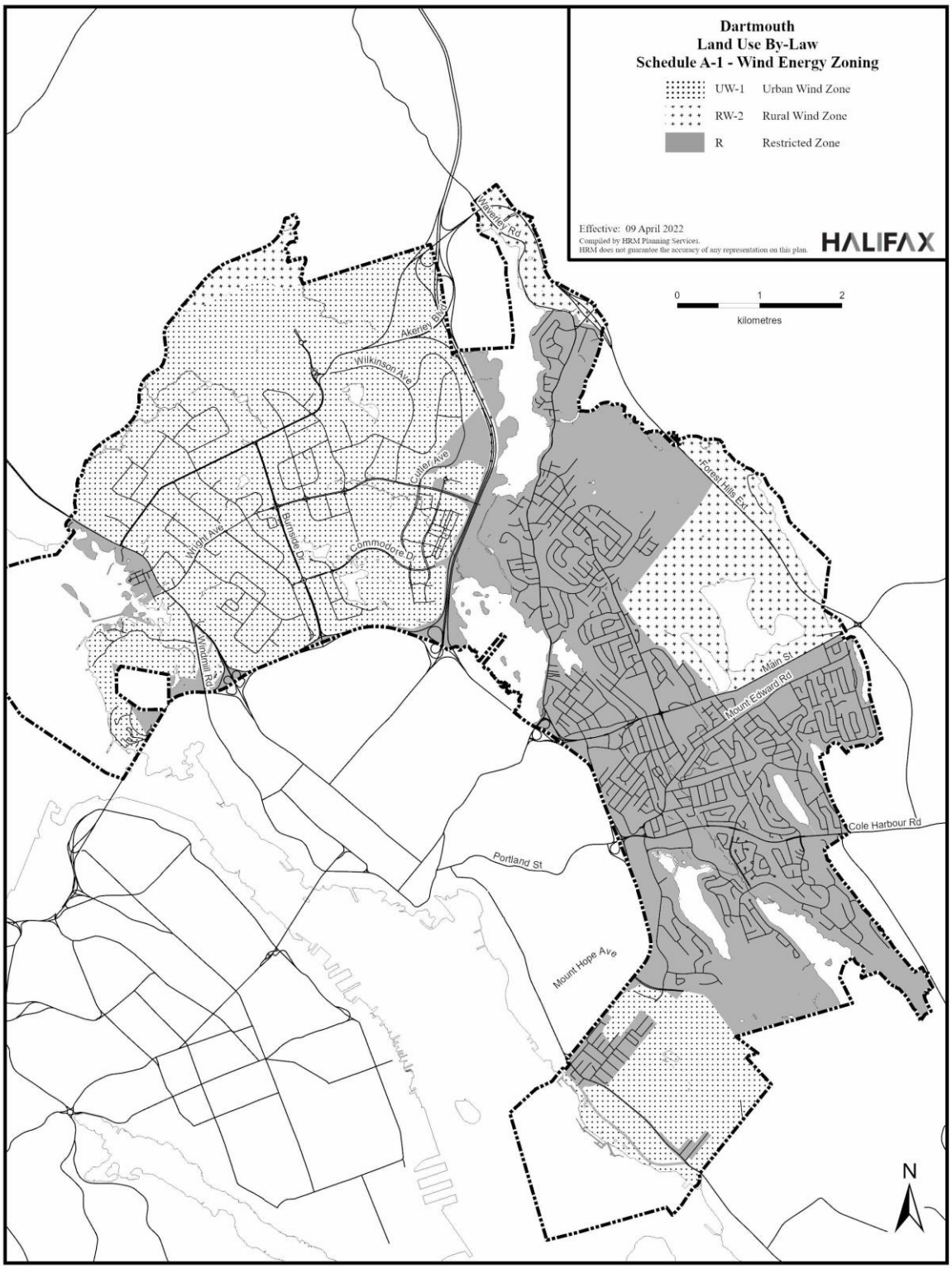
OTHER REQUIREMENTS: EXISTING USES

57 (8) Existing uses shall meet the following requirements:

(a) Uses lawfully existing on September 5th, 2020 shall be considered permitted uses in the BGI Zone;
(b) Existing uses shall be permitted:
i. to be extended, enlarged or altered;
ii. to resume operation if discontinued for not more than two years; and
iii. to be replaced or rebuilt if destroyed;
on the lot on which they occupied on September 5th, 2020, subject to the requirements of this Part; and
(c) Where an existing use is converted to another permitted use in the BGI Zone, clause {b) above shall not apply.

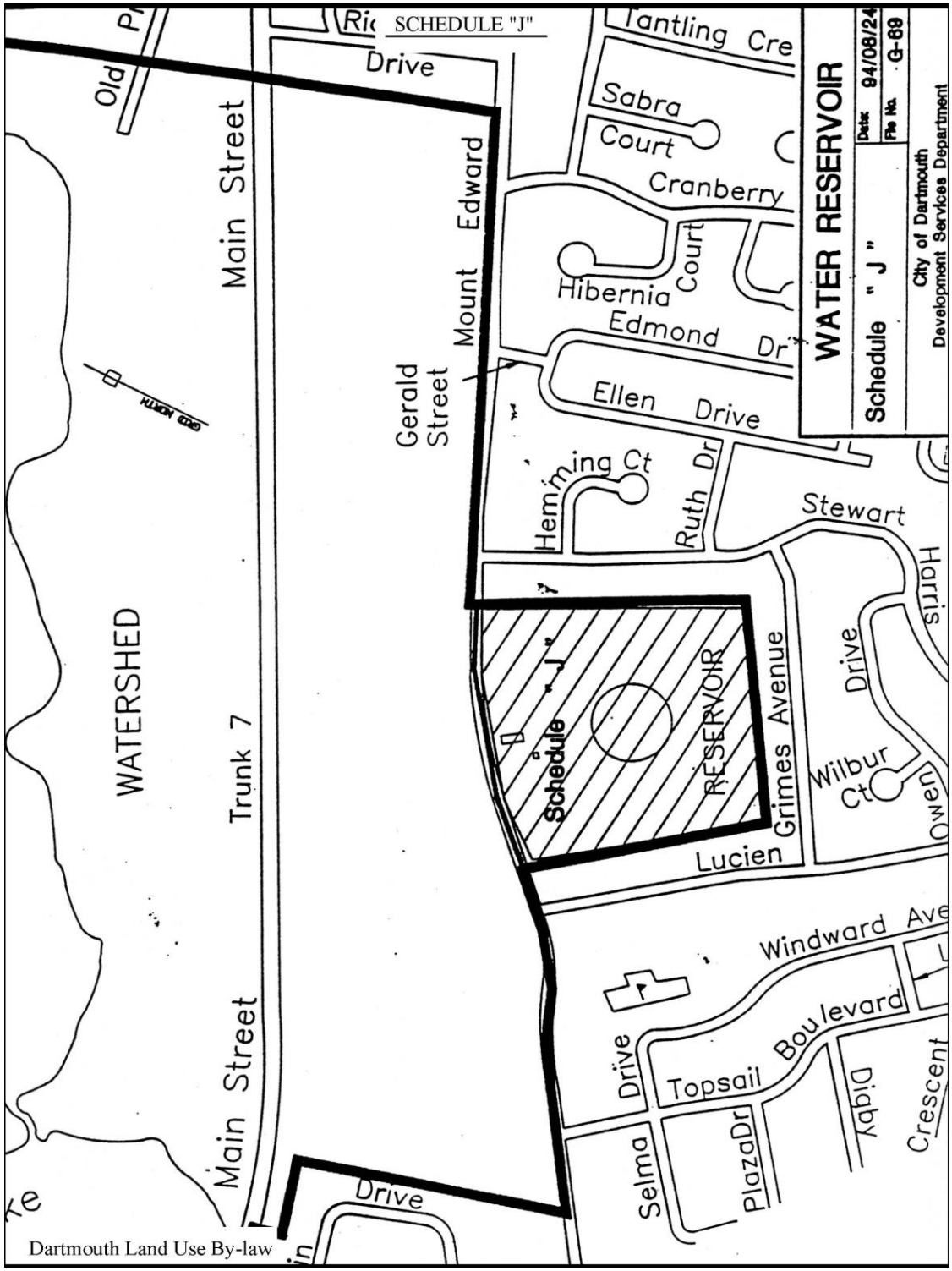
SECTION 4: SCHEDULING

SCHEDULE A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21) (RC-Feb 15/22;E-Apr 9/22)

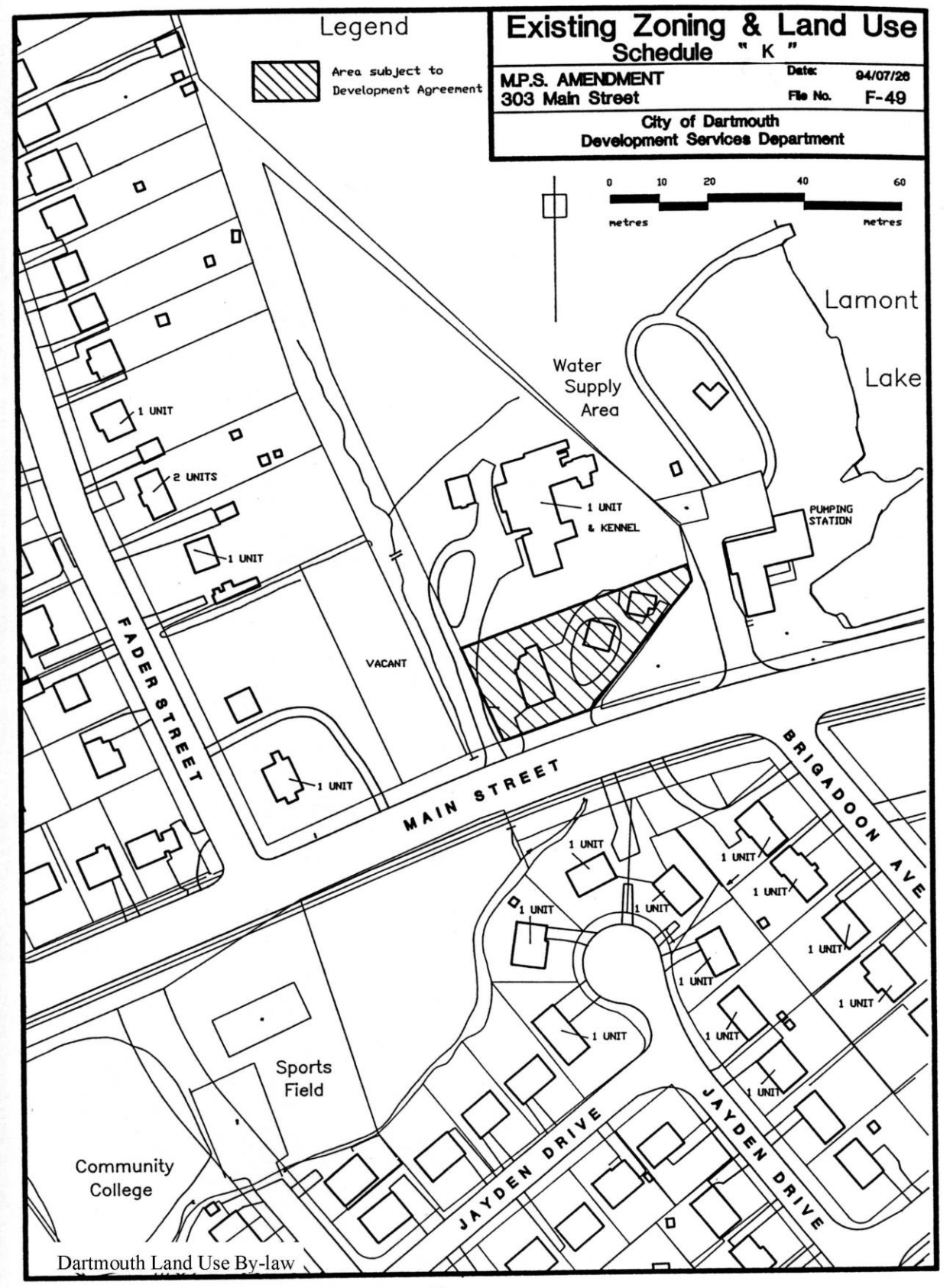


SCHEDULE H: Repealed (RC-Sep 30/20;E-Dec 5/20)

SCHEDULE J:WATER RESERVOIR



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

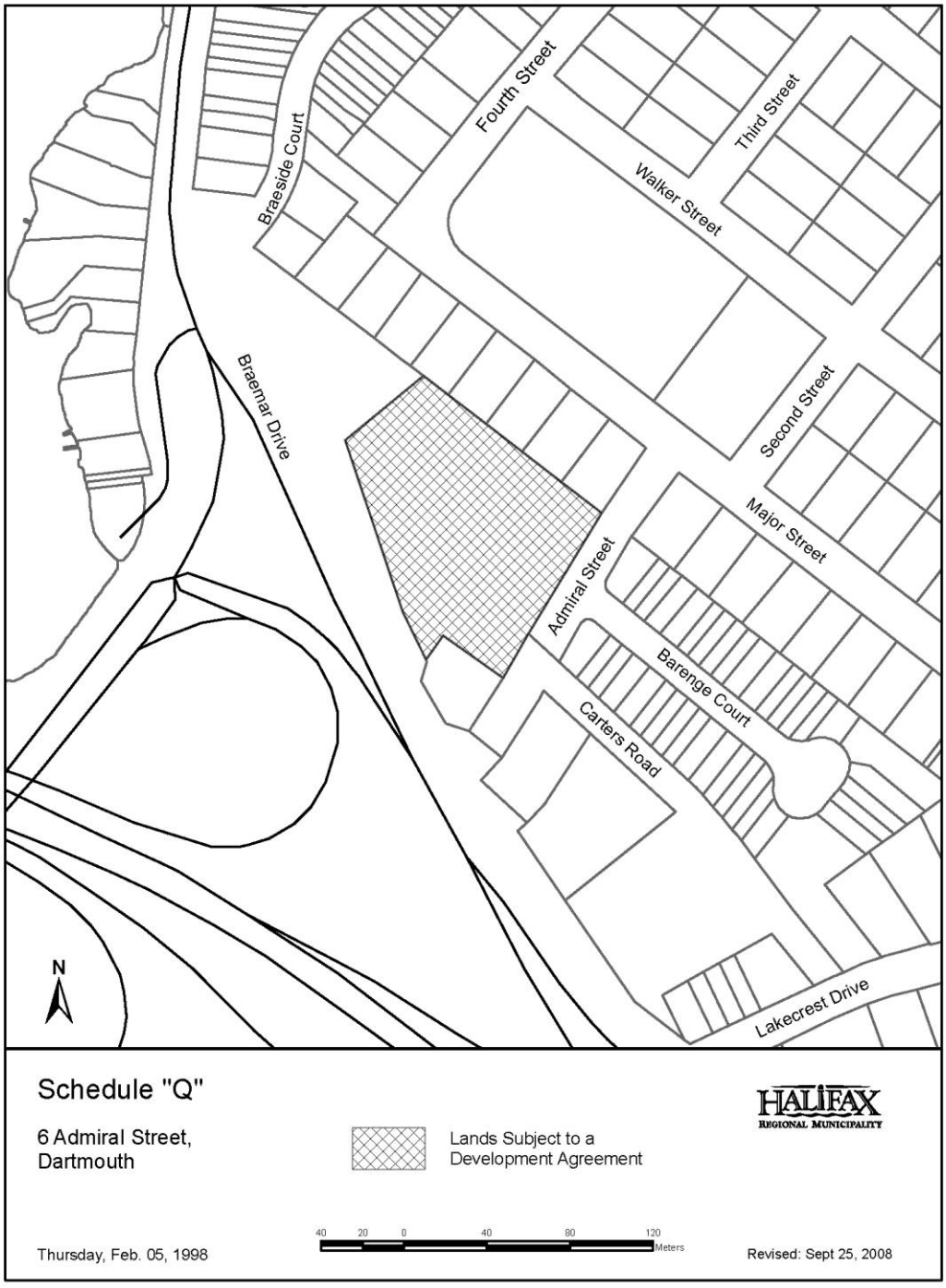


SCHEDULE M: DARTMOUTH & DOWNTOWN DARTMOUTH PLAN AREA
Repealed (RC–Oct 26/21;E–Nov 27/21)

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

SCHEDULE Q: 6 Admiral Street

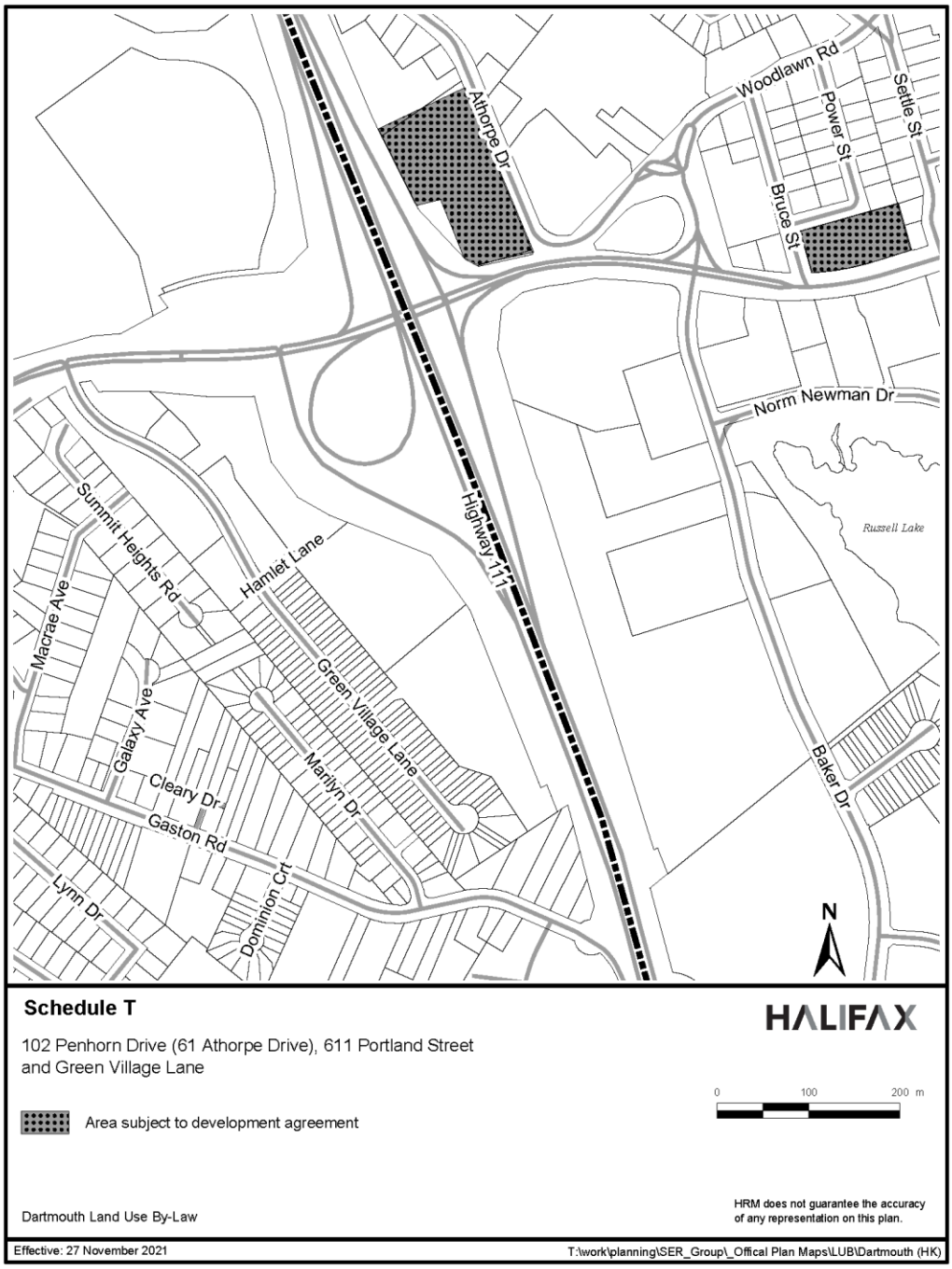
SCHEDULE "Q"



Dartmouth Land Use By-law

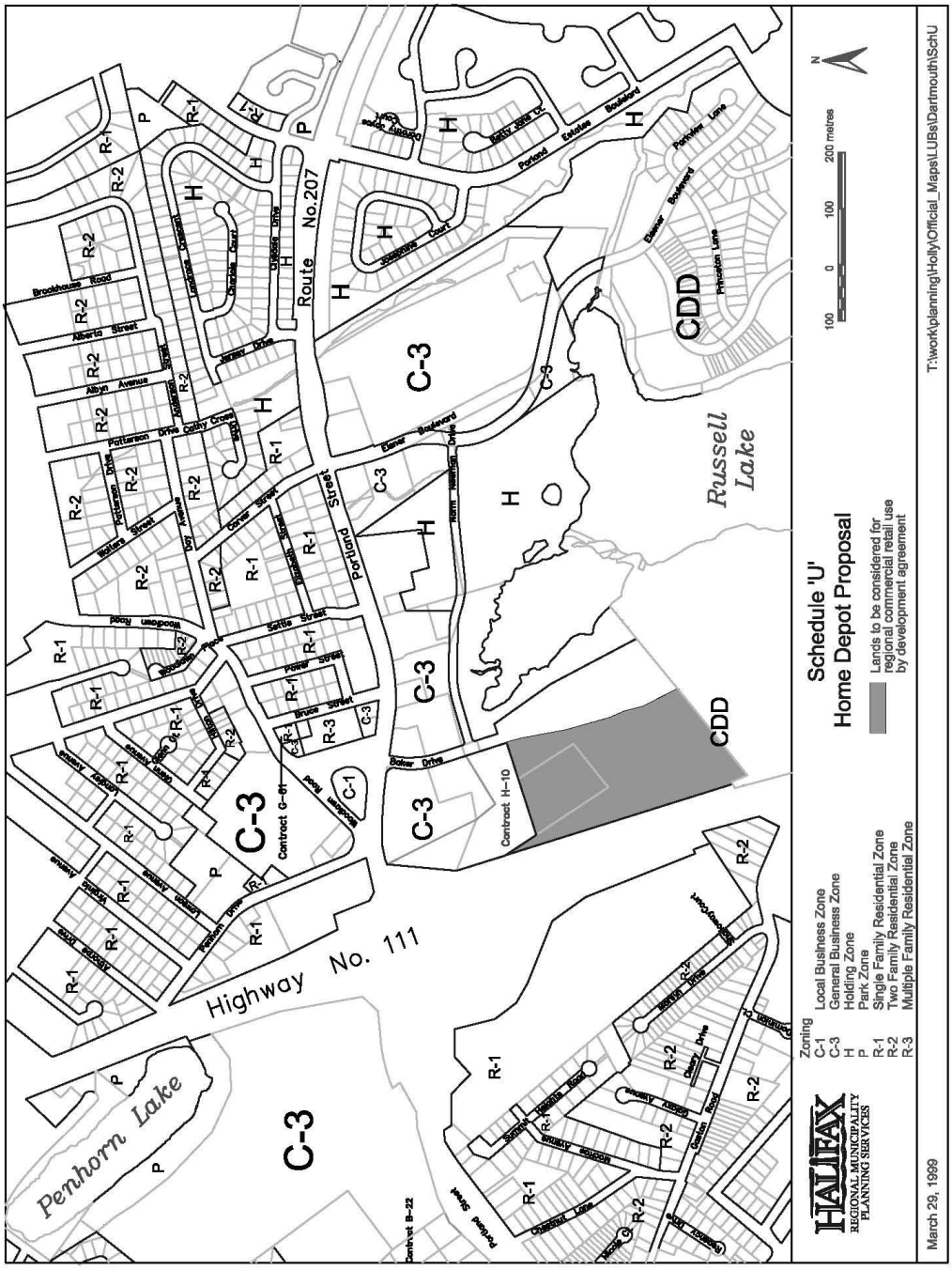
SCHEDULE R - Repealed (RC-Sep 18/19;E-Nov 30/19)

SCHEDULE T: Penhorn Drive/Portland Street/Green Village Lane (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21)



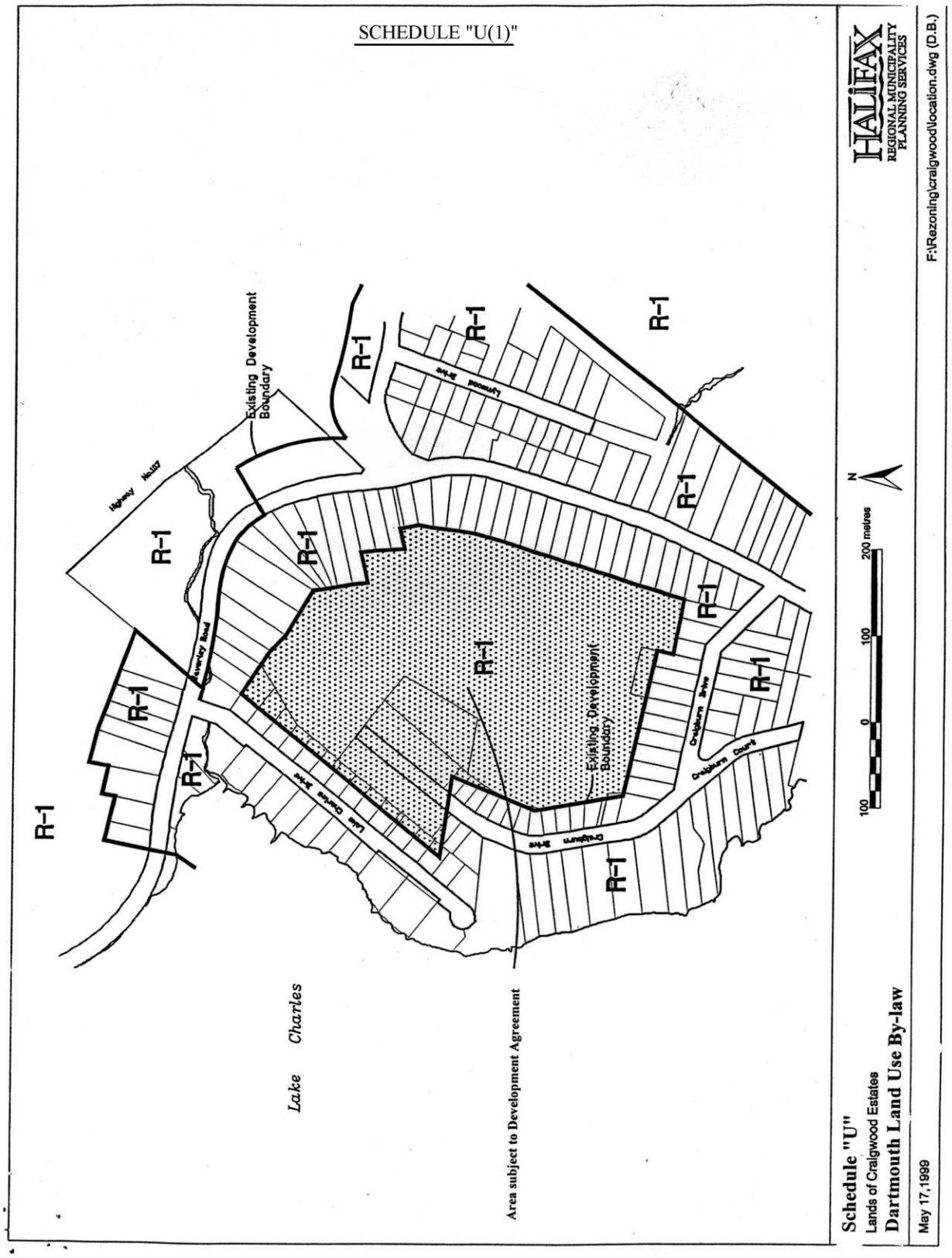
SCHEDULE U: Home Depot Proposal

SCHEDULE "U"



Dartmouth Land Use By-law

SCHEDULE U(1): Lands of Craigwood Estates



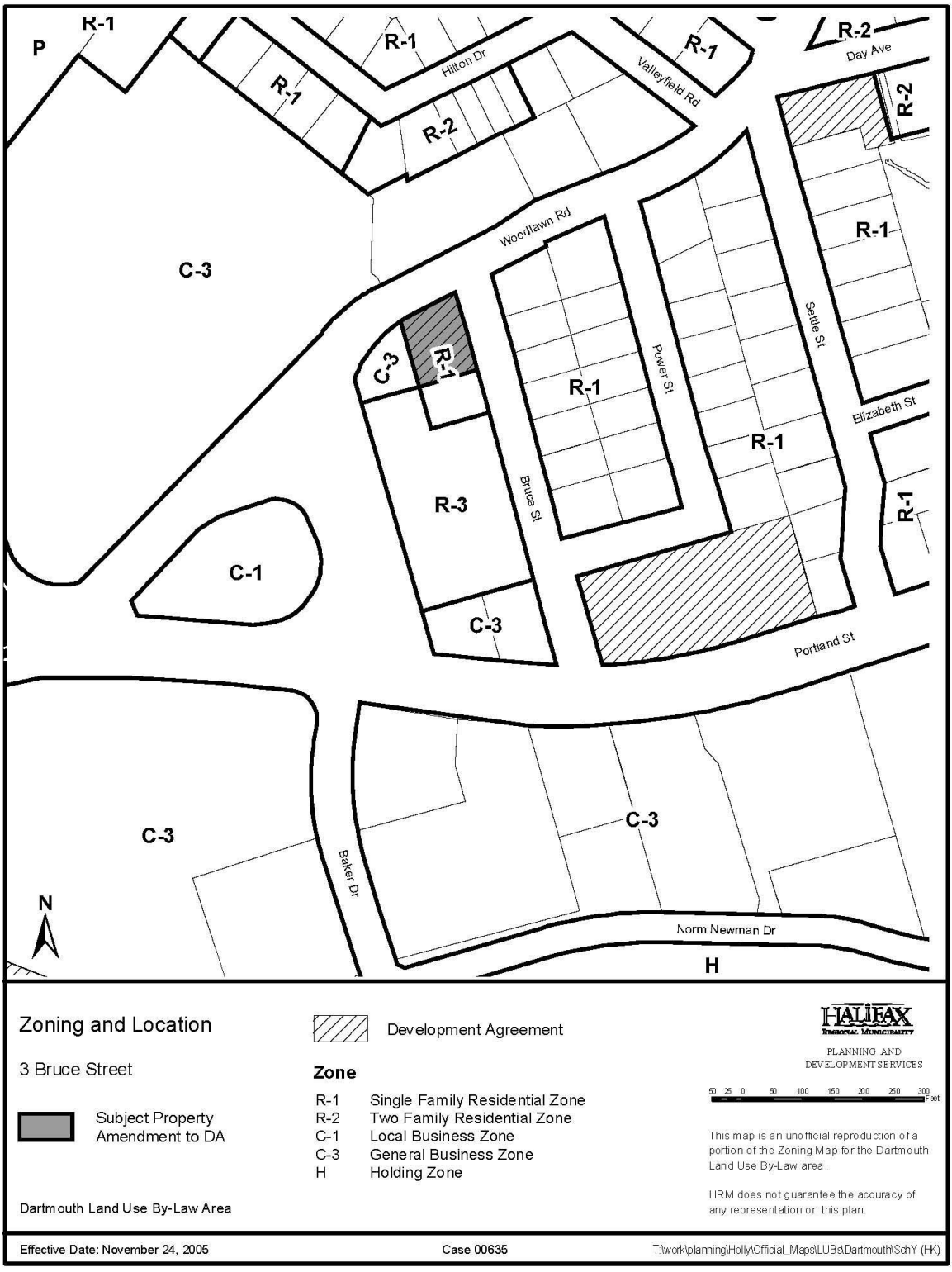
SCHEDULE V: Woodland Avenue East - Deleted (RC-Sep 18/19;E-Nov 30/19)

SCHEDULE W: Lake Banook Canoe Course Area – Repealed (RC–Oct 26/21;E–Nov 27/21)

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

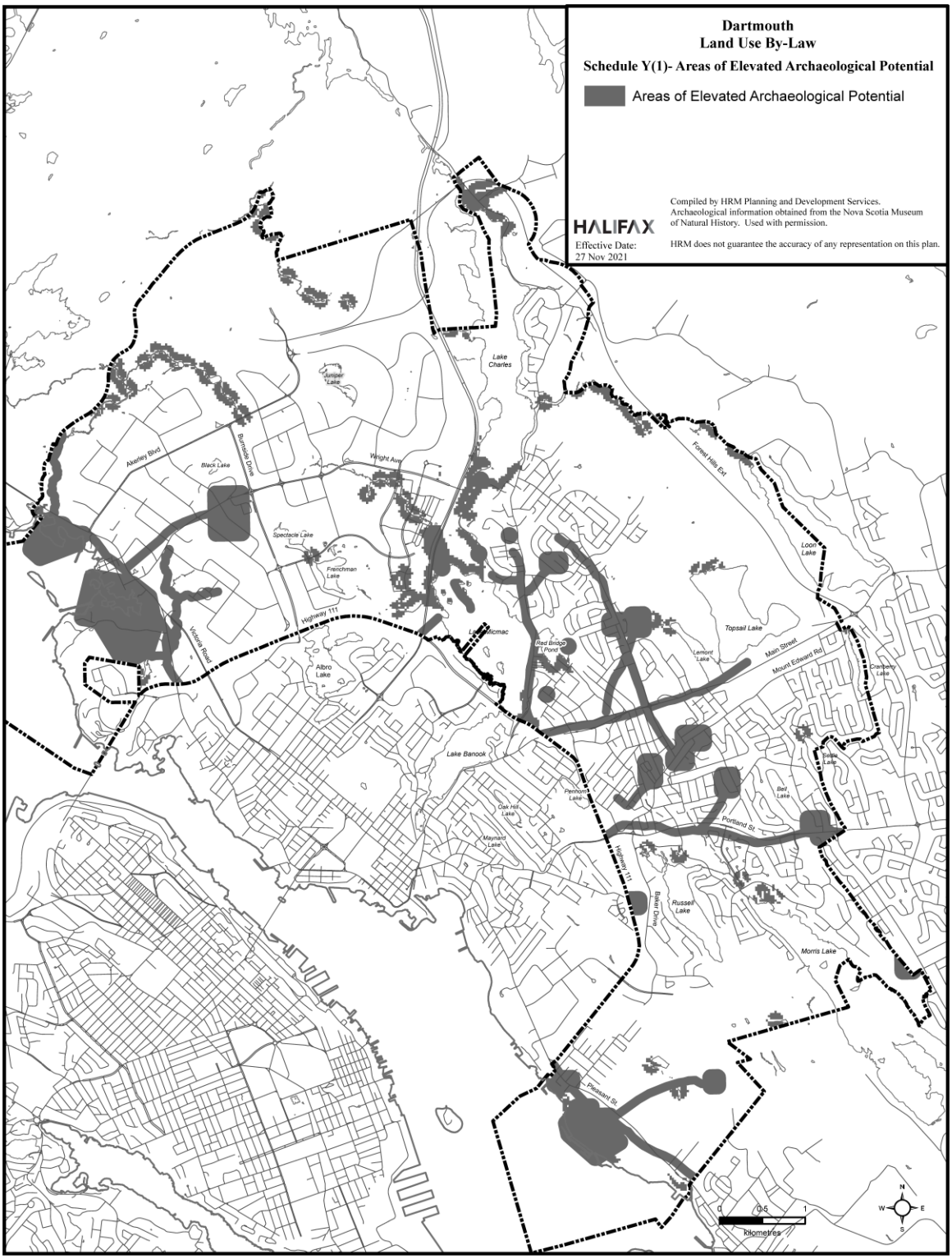
SCHEDULE Y: 3 Bruce Street

SCHEDULE "Y"

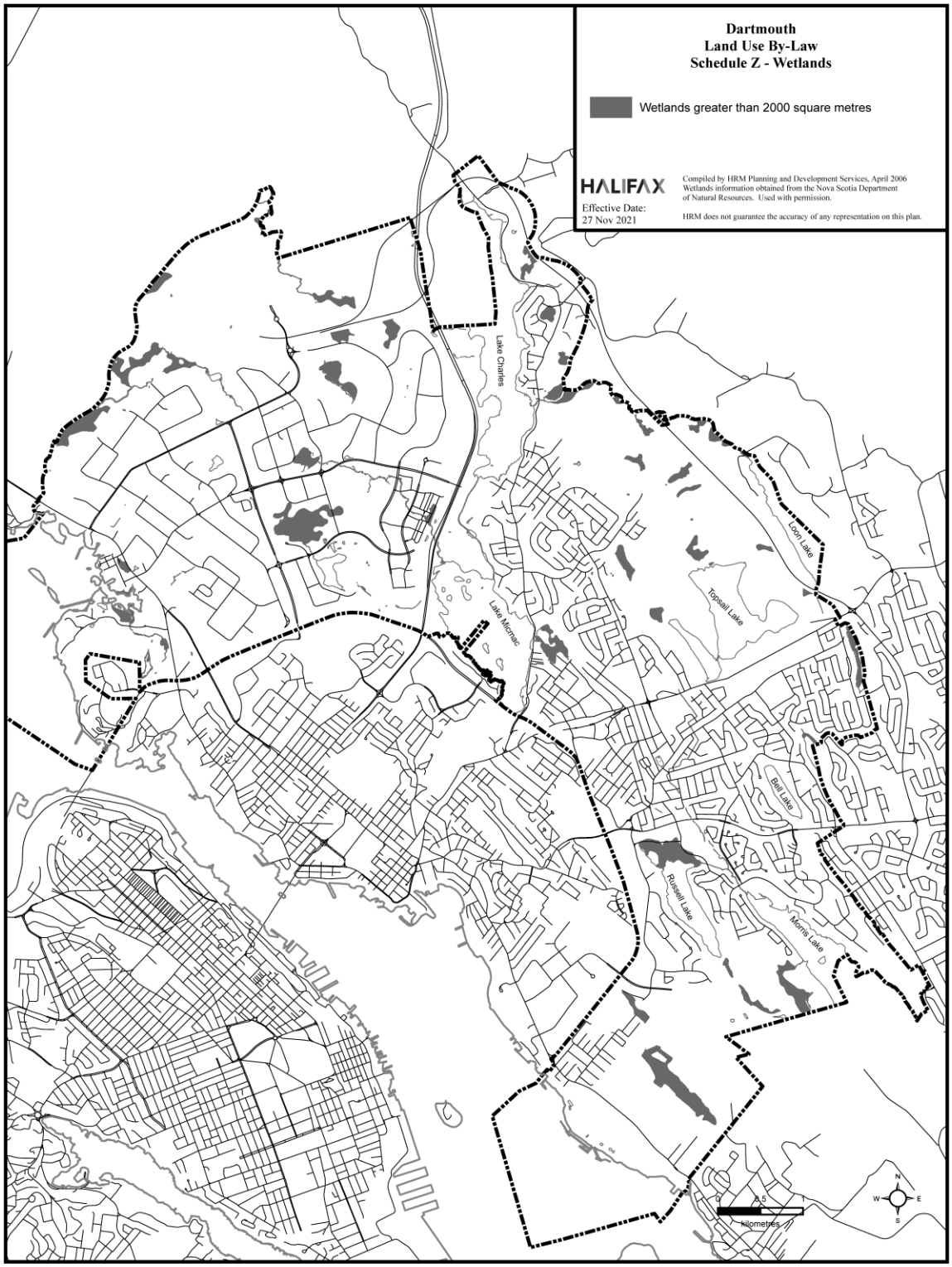


Dartmouth Land Use By-law

SCHEDULE Y(1): Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21)



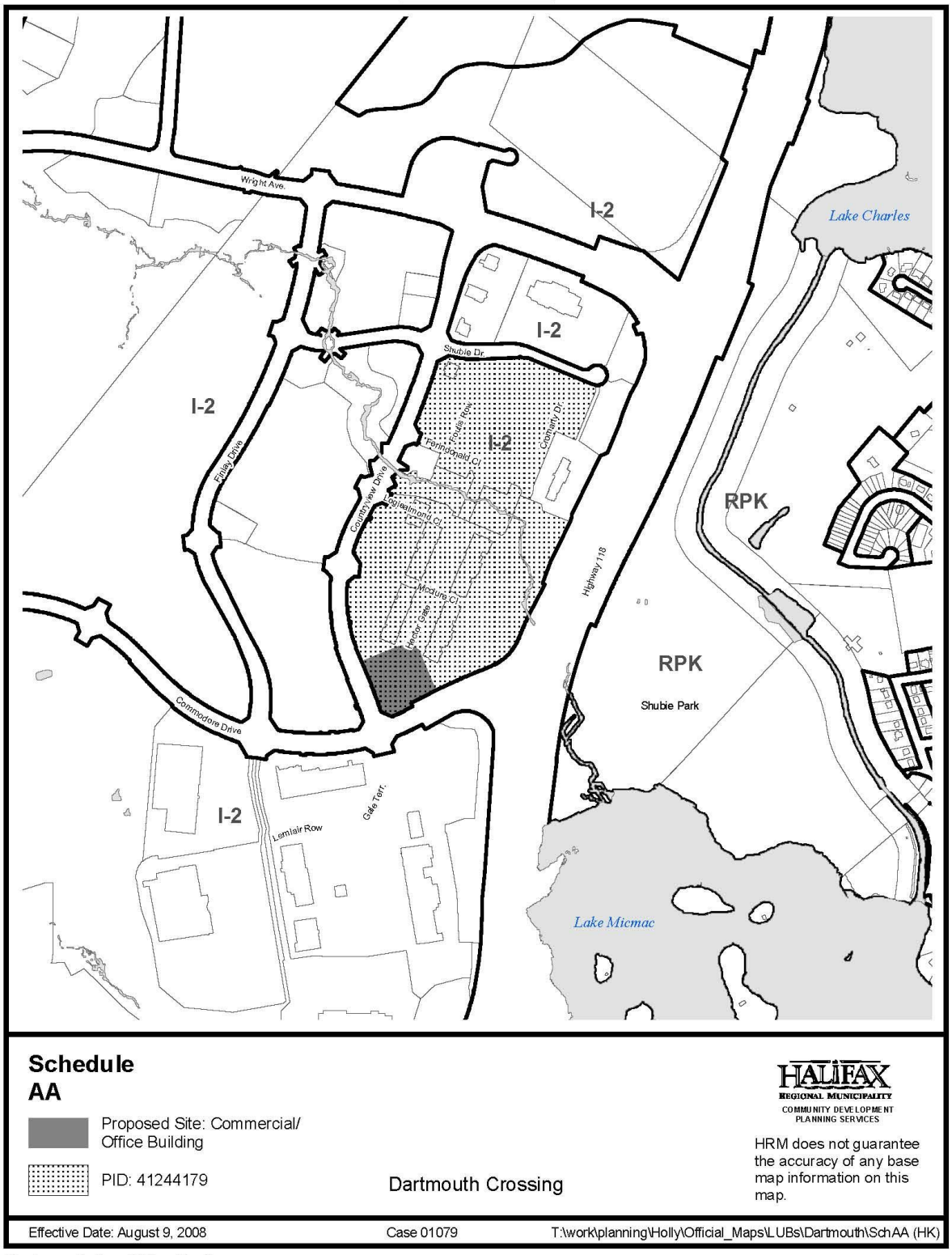
SCHEDULE Z: Wetlands (RC-Jun 25/14;E-Oct 18/14) (RC-Sep 18/19;E-Nov 30/19) (RC-Oct 26/21;E-Nov 27/21)



SCHEDULE Z(1): 32 Primrose Street - Repealed (RC-Sep 18/19;E-Nov 30/19)

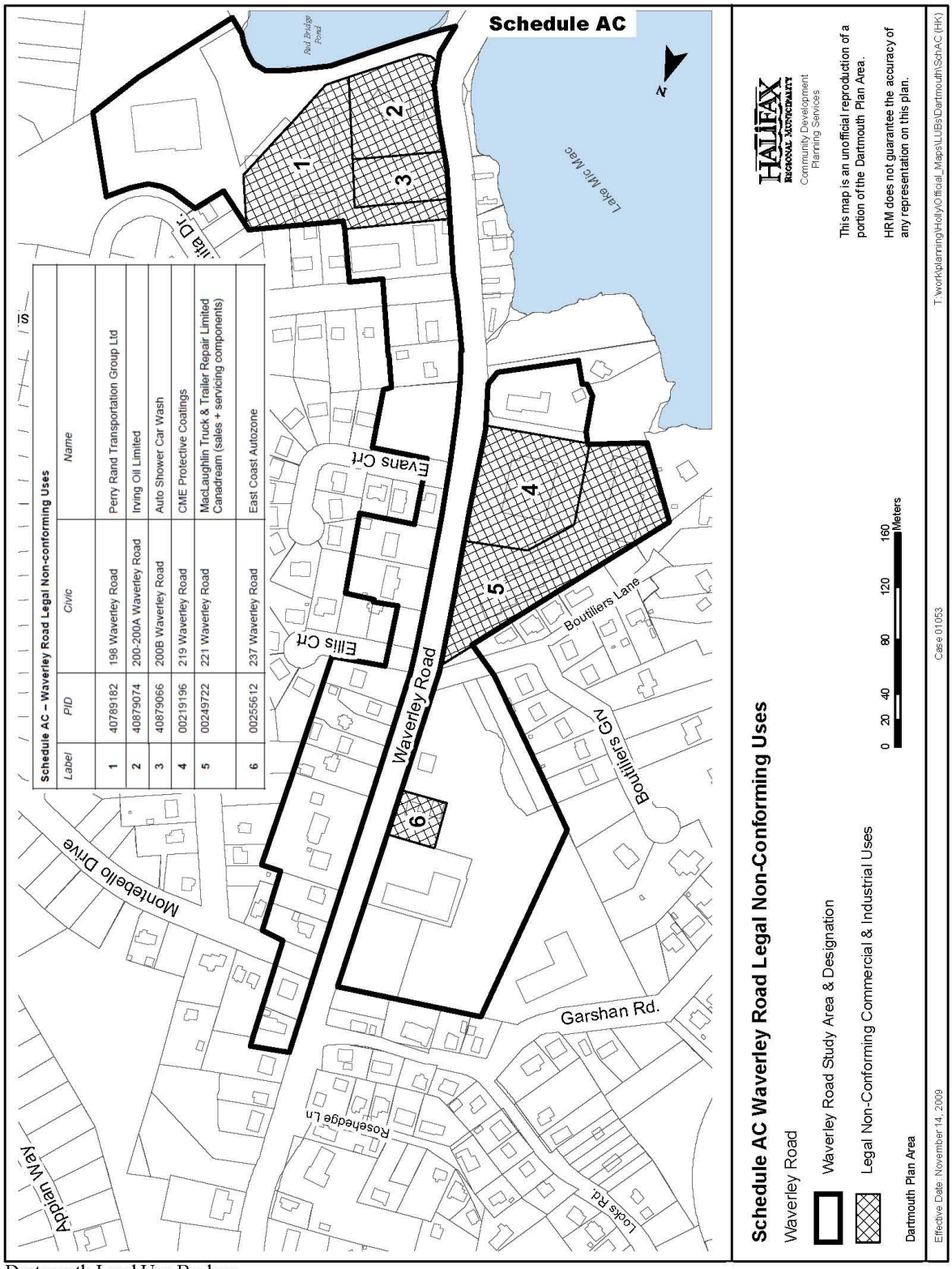
SCHEDULE AA: Dartmouth Crossing (RC-Jun 24/08;E-Aug 9/08)

SCHEDULE "AA"



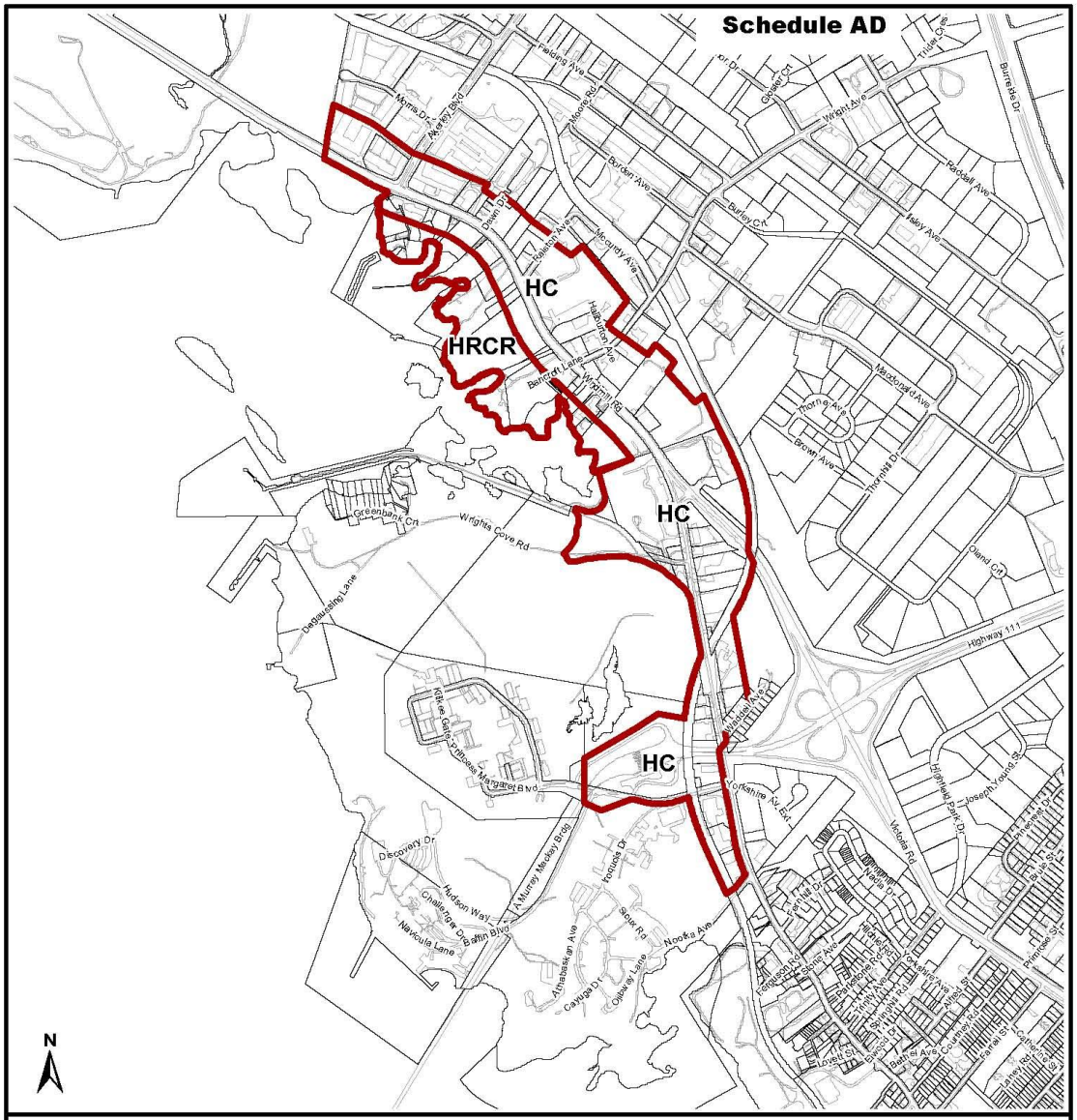
Dartmouth Land Use By-law

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



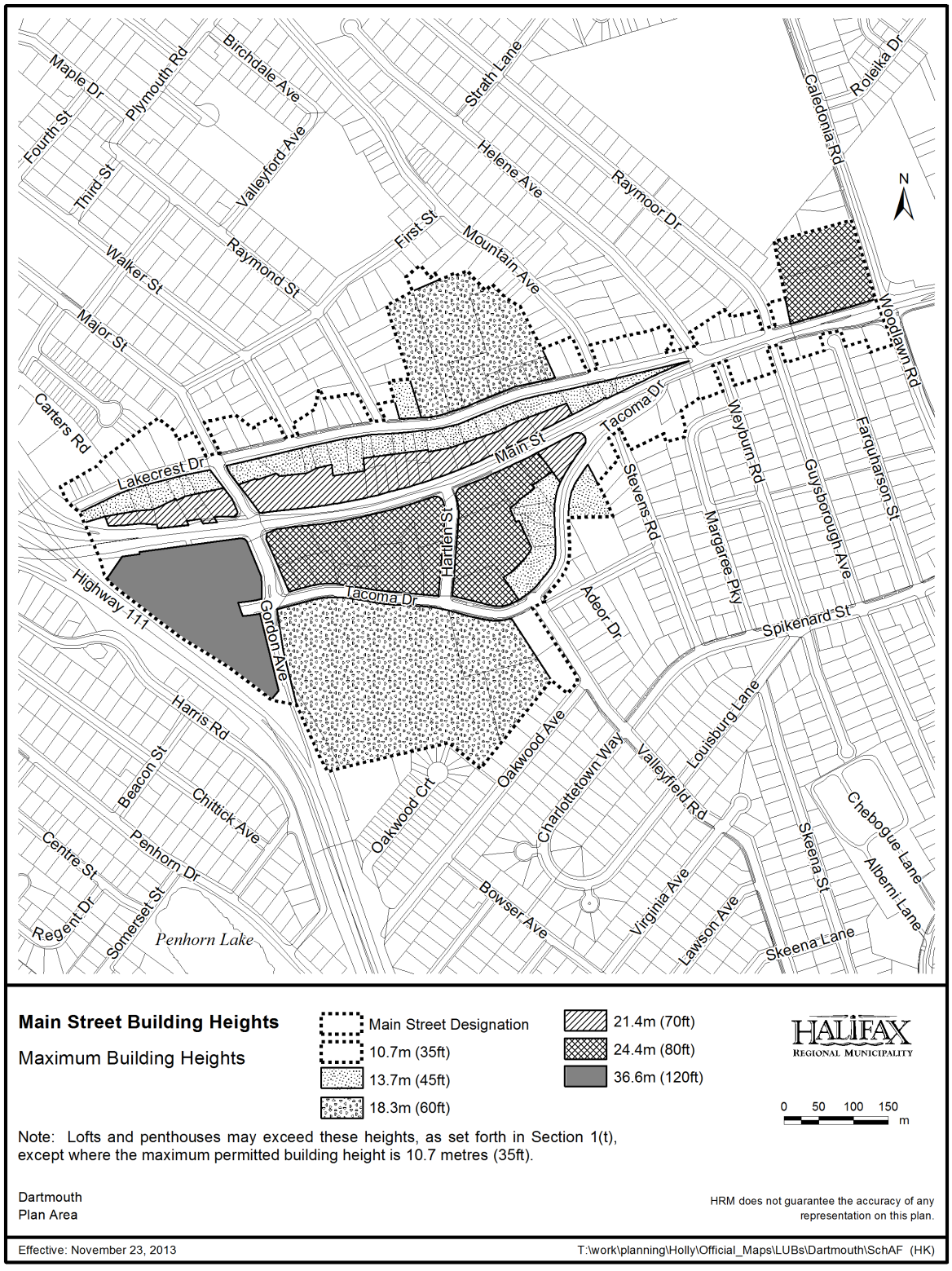
Dartmouth Land Use By-law

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

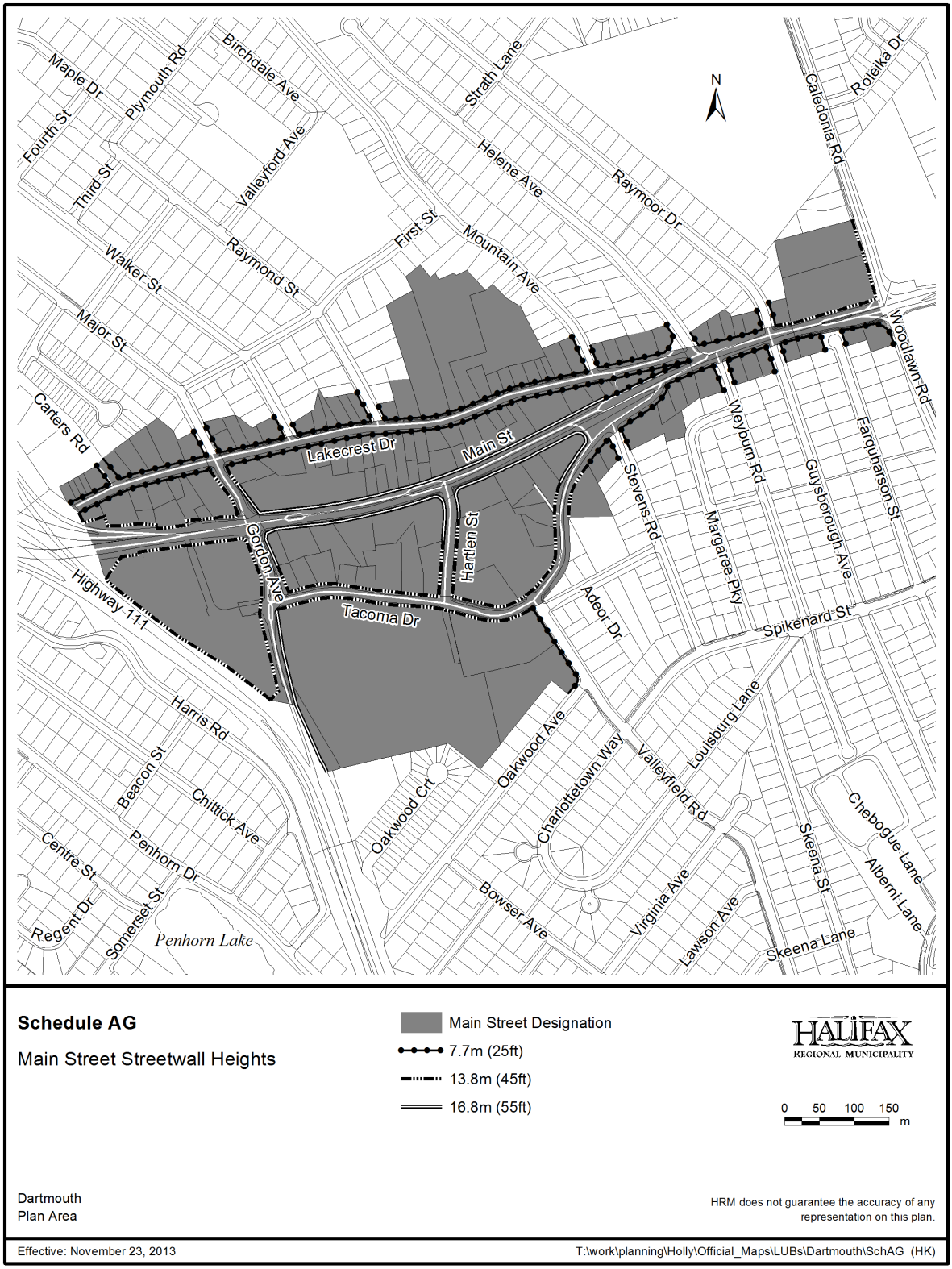


Dartmouth Land Use By-Law

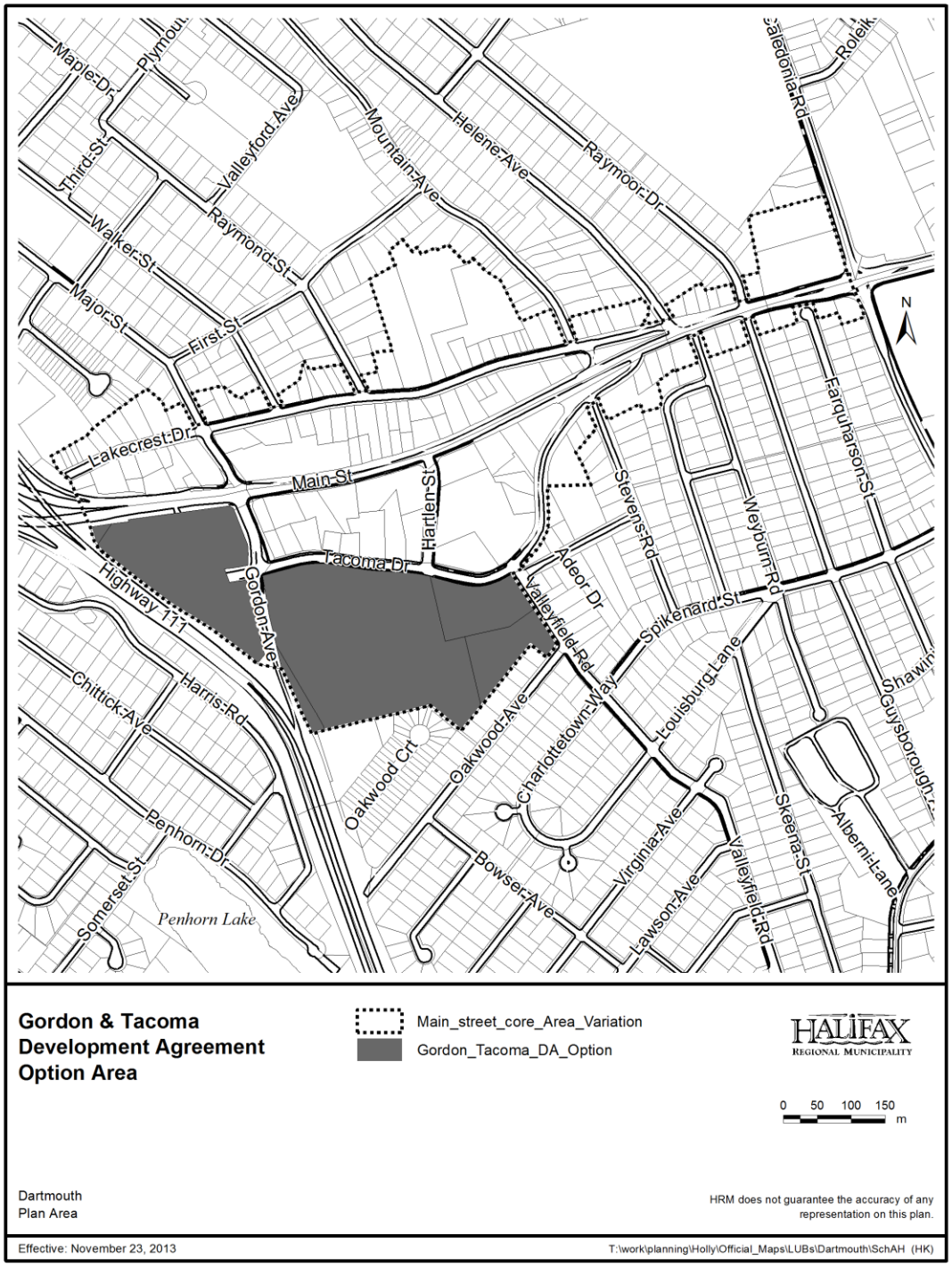
SCHEDULE AF (RC-Sep 10/13;E-Nov 30/13)



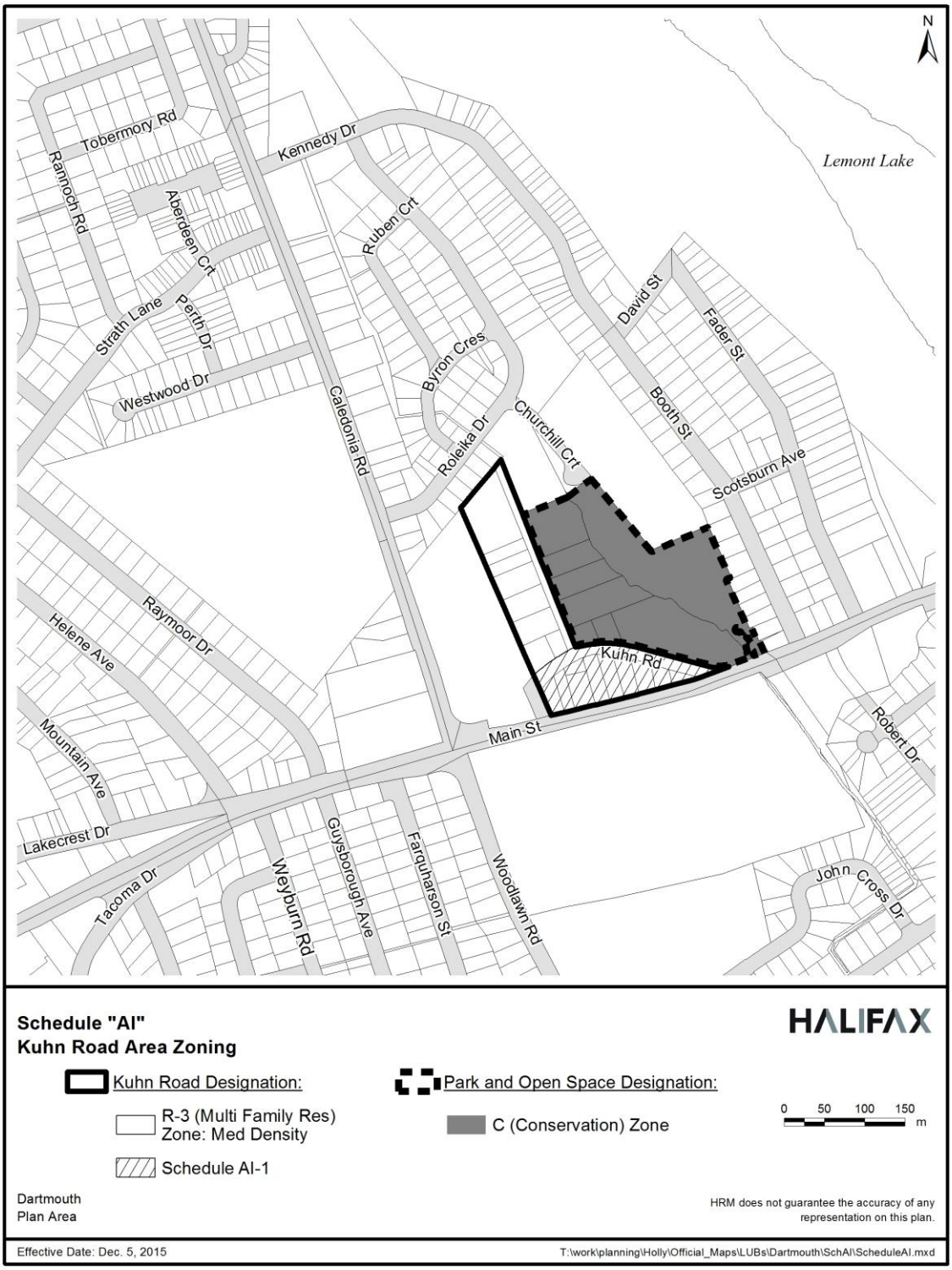
SCHEDULE AG: Main Street Streetwall Heights (RC-Sep 10/13;E-Nov 30/13)



SCHEDULE AH: Gordon & Tacoma Development Agreement Option Area (RC-Sep 10/13;E-Nov 30/13)



SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15)



SECTION 5: NON-CONFORMING USES

NOTE: This section is reproduced from "The Planning Act", Chapter 9, Statutes of Nova Scotia, 1983. (Section 83, 84, 85, 86, 87.)

Non-conforming

83(1) Subject to this Act, a non-conforming structure or a non-conforming use of land or a structure, existing at the date of the first publication of the notice of intention to adopt a land-use by-law or amend or revise a land-use by-law, may continue to exist.

Existing use

83(2) For the purpose of subsection (1), a non-conforming structure or a non-conforming use of land or a structure shall be deemed to be existing if

(a) the non-conforming structure, or structure containing the non-conforming use, was lawfully under construction; or

(b) the permit for its construction or use was in force and effect, except that this clause shall not apply unless the construction or use is commenced within twelve months after the date of the issuance of the permit and is completed in conformity with the permit within a reasonable time. 1983, c. 9, s. 83.

Cancellation of permit

84(1) A council may cancel any permit issued by the municipality in the circumstances of clause (b) of subsection (2) of Section 83, where the construction or use has not been commenced, and shall pay to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans and promotion of the development as may be agreed upon by the parties.

Arbitration

84(2) In the event the parties are unable to agree upon the amount to be paid, the person on whose behalf the permit was obtained may, by written notice, require that the municipality submit the claim to arbitration.

Arbitrator

84(3) The arbitration shall be by one arbitrator appointed by the parties, or appointed by the Minister if they are unable to agree. 1983, c. 9, s. 84.

Restriction on non-conforming use

85(1) No increase in volume of or any addition to a structure shall, except as required by an enactment, be made while a non-conforming use therein is continued, but such use may be extended throughout the structure.

Change in use

85(2) A non-conforming use shall not be changed to any other use unless the use is permitted for that property by the land-use by-law.

Change of occupant

85(3) A change of tenant, occupant or owner of any land or structure shall not of itself be deemed to affect the use of the land or structure for the purposes of this Section.

Repair or Maintenance

85(4) Subject to Section 86, this Act does not preclude the repair or maintenance of a structure. 1983, c. 9, s. 85.

Destruction or damage

86(1) If a non-conforming structure or a structure containing a non-conforming use is destroyed or damaged by fire or otherwise

(a) to an extent of less than seventy-five per cent of the market value of the structure, it may be rebuilt, repaired or re-occupied if the structure is substantially the same as it was before the destruction or damage and it is used for the same non-conforming use; or

(b) to an extent of seventy-five per cent or more of the market value of the structure, it shall not be rebuilt, repaired or re-occupied except in conformity with the requirements of land-use by-law applicable to the property.

Discontinuance

86(2) A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of six months, and in such event the land or structure shall not thereafter be used except in conformity with the requirements of the land-use by-law applicable to the property. 1983, c. 9, s. 86.

Variations in Section 85 or 86 restrictions

87(1) A municipal planning strategy may provide for the variation of the provisions of Section 85 or 86, but no variation shall increase the restrictions in Sections 85 and 86.

Policies

87(2) The policies adopted pursuant to subsection (1) may provide for

(a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;

(b) the extension of a non-conforming use of land;

(c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;

(d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.

87(3) The policies adopted pursuant to this Section may be carried out through the land-use by-law, or by development agreement, and where the council has provided for the latter, Sections 66 to 73 apply mutatis mutandis to any agreement entered into pursuant to this Section. 1983, s. 9, s. 87.

SECTION 6: APPEAL PROCEDURE

NOTE: This section is reproduced from "The Planning Act", Chapter 9, Statutes of Nova Scotia, 1983. (Section 63, 64)

Appeal

63(1) The amendment, revision of refusal by a council to amend or revise the land-use by-law may be appealed by

(a) an aggrieved person;
(b) the applicant;
(c) the Director;
(d) the council of an adjoining municipality.

Service

63(2) An appeal filed pursuant to subsection (1) shall be served on the Board within twenty-one days of the date of publication of the advertisement required under subsection (3) of Section 60 or, in the case of a refusal to amend the land-use by-law, within twenty-one days of the date of the decision of the council.

Determination by Board

63(3) The Board shall determine whether the decision of of the council reasonably carries out the intent of the municipal planning strategy.

Decision by Board

63(4) The Board may

(a) confirm the decision of the council;
(b) allow the appeal by reversing the decision of the council amending or revising the land-use by-law; or
(c) allow the appeal by instructing the council to amend the by-law in the manner prescribed by the Board.

Restriction on decision

63(5) The Board shall not allow the appeal unless the Board determines that the decision of the council cannot reasonably be said to carry out the intent of the municipal planning strategy.

Transitional Restriction

63(6) Where there is an appeal from a decision of council with respect to a zoning by-law in force by Section 112, the Board shall not interfere with the decision unless the decision of the council is inconsistent with or unnecessary for the protection of the best interests of the municipality.

Further Restriction

63(7) Notwithstanding subsections (5) and (6), the Board may allow an appeal by an applicant if, in the opinion by the Board;

(a) the applicant would suffer undue hardship; or

(b) extraordinary and compelling circumstances are present.

Exception

63(8) Notwithstanding subsection (1), an amendment to a land-use by-law are pursuant to clause (c) of subsection (4) is not subject to an appeal pursuant to this Section. 1983, c. 9, s. 63.

By-law

64 The provisions of a land-use by-law are severable and the illegality of any part does not affect the validity of the remainder of the by-law. 1983, c. 9, s. 64.

DARTMOUTH LAND USE BY-LAW AMENDMENT INDEX

The following is a list of Text Amendments made to By-law C-357, since September 15, 1978, being the date approval was granted by the Minister of Municipal Affairs.

AMENDMENT ORDER	BY-LAW NO.	NATURE OF AMENDMENT	SECTION(S) AMENDED	EFFECTIVE DATE	CASE/FILE NO.
1	C-392	Downtown	52, 54,55 & 56	Dec 22/79	A-24
2	C-383	Massage Parlours	1(za) & 40A	Sept 19/80	CW-11
3	C-418	Boarding Homes	1(u), 1(x), 14(k), 34 & 38	Nov 26/80	CW-16
4	C-421	Home Occupation	23(j)	Jan 21/81	CW-15
5	C-455	Senior Citizens Parking	14(1)	Apr 24/82	CW-18
6	C-459	Parking Commercial	1(ia) & 15(k)	June 3/82	CW-14
7	C-460	Multiple Family Parking Areas	15(b)	June 3/82	CW-13
8	C-464	C-1 Zone Amendment	38	Sept 26/82	CW-19
9	C-514	Home Occupation	1(ab), 23(j) & 23(k)	Feb 15/84	CW-24
10	C-508	Medical Clinics	29A	Apr 9/84	CW-25
11	C-523	NS Department of Housing, Senior Citizens Apartment Site; Schedule “F”	29C	Nov 30/84	MPS-17
12	C-471	Open Space Zone	44A	Aug 7/85	CW-21
13	C-554	Accessory Buildings	27A	Nov 13/85	CW-26
14	C-562	Salvage Zone	1(an) & 43A	Apr 27/86	CW-27
15	C-618	Day Nurseries / Undersized Lots	1(ma) & 18A	Aug21/87	CW-28
16	C-657	Lodging House	1(sa), 1(va), 1(x) & 29D	Feb 2/89	CW-32
17	C-687	Height of Office Buildings - Schedule “H”	29	Oct 30/90	CW-35
18	C-691	Apartment Buildings	1(c) & 18B	Dec 4/91	CW-38
19	C-694	Pinecrest/ Highfield Park	32A	Dec 6/91	CW-39
20	C-698	CDD - Comprehensive Development District	31(a) & 53A	June 18/93	7.60.10.35
21	C-713	303 Main Street	18C; Add Schedule “K”	Dec 2/94	F-49
22	C-710	C-Zone	46(1) & 46(2); Add Schedule “J’	Dec 9/94	G-69

23	C-711	Storage Facilities	46(e); Add Schedule "J"	Sept 27/94	G-69
24	C-716	36 Wentworth St	18D; Add Schedule "L"	Mar 21/95	A-65
25	C-722	Bus Terminal Wyse Road	44(1) & 44(2); Add Schedule "M"	June 9/95	A-71
26	C-727	Amendment to	56(3); Add Schedule "D"	July 28/95	A-73
27	C-725	Micmac Blvd.	18E; Add Schedule "N"	Aug 4/95	B-42
28	C-730	Lancaster Ridge S/D	32(3)	Oct 25/95	C-51
29		6 Admiral Street General Provisions	18F; Add Schedule "Q"	Feb 26/98	C # 01100
30		Petrocan, Victoria Rd - General Provisions	18G; Add Schedule "R"	Mar 19/98	C # 00184
31		Baker Drive, Home Depot	18I; Add Schedule "U"	June 19/99	C # 00111
32		Signage - Billboards	1(f)	June 26/99	C # 00127
33		Portland Valley/ Portland Street	18H; Add Schedule "T"	June 26/99	C # 00096
34		Craigwood Estates	18J; Add Schedule "U(1)"	Aug 14/99	PA-Dar- 06-96
35		General Provisions	30(b)	Dec 19/99	
36		MacPhee Pontiac 636 Portland St	15(1)	July 30/00	C # 00255
37		Downtown Dart Secondary LUB	29C	Sept 2/00	C # 00095
38		Drew Sperry 10 Celtic Drive		July 8/01	C # 00336
39		Accessory Buildings	1(t), 1(qa), 27A & 27B	Aug 5/01	C # 00319
40		Commercial Vehicles	(ia) & 15(k)	Oct 21/01	C # 00319
41		Wrights Cove	15(j), 15(l), 31, 41, 42 & 43	Oct 31/01	C # 00179
42		Setback Requirements	1(ao),1(ap) 32(4) & 33(4)	Nov 25/01	C # 00359
43		Woodland Ave East Planning Process	18K, 18L, 18M & 18N	Mar 2/02	C # 00243
44		Shipping Containers	(ana) & 27C	June 30/02	C # 00434
45		Infrastructure Charges	31 & 53E	Aug 17/02	C # 00423
46		Construction & Demolition Waste Management	Definitions, 53B, 53C & 53D	Nov 9/02	C # 00082

47		Shipping Containers	25 & 27C(1)	Mar 2/03	C # 00434
48		Housekeeping	14(m), 15(i), 15(m), 28(5) & 42(5)	Aug 3/03	C # 00591
49		Height Restrictions	32(2)(d), 33(3)(e), 34(3)(e), 36(2)(g), 37(4), 39(3)(e), 40(2)(e), 40A(2)(e),44(3), 44A(2), 45(2)(c),46(3), 48(3)(h),53(b), & Schedule "W"	Apr 23/05	C # 00698
50		Morris-Russell Lake Secondary Planning Strategy	H-Zone 1(C) & CDD-53A(a)(iii)	Apr 23/05	C # 00586
51		250 Victoria Rd, 101 Albro Lake Rd. & 103 Albro Lake Rd	18N(1) General Provisions & Schedule "X"	Aug 12/05	C # 00749
52		3 Bruce Street	18O General Provisions & Schedule "Y"	Nov 24/05	C # 00635
53		Adult Entertainment	Add 1(za), (aq) & (ar), 18P, 23(k)(ix), 39 1(b)(i), 40 1(a)(i), 41 1(a)(i), 41 1(a)(i)	Mar 16/06	C # 00851
54		Regional Plan	**Add** Zones RPK, US, UR TR & BCDD; Add Schedules Y(1) & Z; Add new definitions (fa), (fb), (fc), (iaa), (ada) & (aq)**;** **Add** 17, 17(A), 17(B), 18(Q), 32(A)1 to 32(A)7, 32(B)1 to 4, 32(C) & 32(D); **Add** 7A General Provisions	E - August 26, 2006	
55		House Keeping	Amend 1(an) - Salvage Yard	E - September 9, 2006	Case # 00863
56		Amend the Zoning Map 1	Amend the Zoning Map 1 - Rezoning C to C-1 322 Main Street, Dartmouth	E - September 25, 2006	Case # 00903
58		Salvage Yards	Add 23(k) (x)	HECC Mar 1/07;Eff Mar 17/07	Case # 00981
59		Sheppard's Island	Added Schedule AA-2"	RC-March 6/07;Eff Mar 31/07	Case # 00864
60		32 Primrose Street	Add 18(S); Add Schedule Z(1)	RC-April 10/07;E-Jun 9/07	Case #00817

61		Section 2 (PID 41244179) near the Northeast corner of Commodore Drive and Countryview Drive, Dartmouth	Add 29(F); Add Schedule AA	RC- June 24/08 E - Aug 9/08	Case # 01079
62		20 Baker Drive	Amendments to zoning map - from CDD to C-3	RC - Aug 7/08 E - Aug 30/08	Case # 01144
63		Heritage Properties	Add 18T	RC-Nov21/08 E-Jan 10/09	Case #01006
64		Institutional uses	Replaced Subsection (va) of section 1 part 1	HECC-Dec4/08 R- Dec 27/08	Case #01094
65		Institutional uses	Added a new Subsection(sb) of Section 1, Part1	HECC-Dec4/08 R- Dec 27/08	Case #01094
66		Institutional uses	Added two new Subsections 14(n) and (o) of Part 2	HECC-Dec4/08 R- Dec 27/08	Case #01094
67		Institutional uses	Replace the phrase "church and church halls" in Clause (b) of Section 32, Subsection (1) of Part 1	HECC-Dec4/08 R- Dec 27/08	Case #01094
68		Institutional uses	Added new Subsection **32(5)**	HECC-Dec4/08 R- Dec 27/08	Case #01094
69		Institutional uses	Delete the word "church" from Clause (d) of Section 45, Subsection (1) of Part 19.	HECC-Dec4/08 R- Dec 27/08	Case #01094
70		Institutional uses	Replaced Clause (e) of Section 45, Subsection (1) of Part 19 and added clauses (f) (g) (h)& (i)	HECC-Dec4/08 R- Dec 27/08	Case #01094
71		Institutional uses	Added clause (d) of Section 45, Subsection (2) of Part 19	HECC-Dec4/08 R- Dec 27/08	Case #01094
72		Cabarets and Pawn Shops	added (ha) following the definition for (h) Building Line.	HECC - Dec 4/08 R-Dec 27/08	Case #01135
73		Cabarets and Pawn Shops	added (afa) after the definition for (af) Registered Plan	HECC - Dec 4/08 R-Dec 27/08	Case #01135
74		Cabarets and Pawn Shops	added text following s.39.(1)(b)(iii)	HECC - Dec 4/08 R-Dec 27/08	Case #01135
75		Cabarets and Pawn Shops	added text following s.41.(1)(b)(iii)	HECC - Dec 4/08 R-Dec 27/08	Case #01135

76		Cabarets and Pawn Shops	added text following s.42.(1)(b)	HECC - Dec 4/08 R-Dec 27/08	Case #01135
77		Temporary Construction Uses Permitted	Amended Section 25	HECC - Jan 20, 2009 E- Feb 7 ,2009	Case #01058
78		Definition of Day Care Facility	Replaced Section 1(ma) and Section 18A Replaced wording Day Nurseries with Day care Facilities	HECC - March 3, 2009 E- March 21, 2009	Case #01074
79		Amendment to Schedule A zoning map	Staple amended schedule A to zoning map	HECC-May 11, 2009 E- May 30, 2009	Case #01222
80		Wright's Cove	- Rezoning certain lands on schedule 1 - Section 2 - added 18(U) and 18(V) - Section 1 - added 32(6) - Section 2 - added 32F - Section 42(1) - added (e) and (f) - Part 20 - added 42(1)(f) - Added schedule AA	R- May 26, 2009 E- July 25, 2009	Case #01031
81		Undersized lots	Replaced section 19 Added section 33(5)	HECC - Sept 10, 2009 E - Oct 3, 2009	Case #01293
82		Waverley Road	Added new definitions: Auxiliary Dwelling Unit, Fitness Centre, Restaurant (Drive-Through), Restaurant (Full-Service), Restaurant (Take- Out), Vehicle Services, Veterinary Clinic; Amended Section 11, 12, 14(f); Added Section 14(fa), 18(Ua); Amended Section 22, 23; Added Section 23A; Amended Section 27A, 28(3), 29(A), 32E(17), 31; Added 32(1)(h), Part 1A, 38(1)(fa); Amended 38(3)(d); Added Part 8A, 8B, Schedules "AB", "AC".	RC - September 8, 2009 E - November 14, 2009	Case #01053
83		Burnside Park	Amended Dartmouth Zoning Map	RC - Jan 19, 2010 E- May 8, 2010	Case # 01287

84		Tattoo businesses	Added (xi) tattoo businesses following 23. (k) (x)	HECC - June 10, 2010 E - July 3 2010	Case # 15846
85		385 & 387 Portland Street. Cox's Auto	Amended Dartmouth Zoning Map	HECC - June 10, 2010 E - July 3 2010	Case #15867
86		Dartmouth Common – Metro Transit	Amended Dartmouth Zoning Map	HECC - July 8 2010 E- July 31, 2010	Case # 01361
87		Group Homes – Dartmouth	Replaced Section 33 (1) (e); Added (saa) under section 1; Added (e) under section 34(1); Added (d) under section 39(1)	HECC - Nov 4, 2010 E - Nov 27, 2010	Case #15841
88		Wind Energy	Added **Section 32G Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Zoning Map.	RC – August 16, 2011 E – October 29, 2011	Project No. 00953
89		Wind Energy	Amend Section 32G IV by adding **b)** and **c)** after a): Wind Energy Facilities.	RC – October 18, 2011 E – October 29, 2011	Project No. 00953
90		Dartmouth Main Street Plan Review	Added definitions to Section 1 / Added Section 2.14(iii) and (iv); 2.15(fa); 2.15A; 2.16(d); 2.19(ca); 2.23(ha); 2.27BA and BB; 2.28(3A); 2.31(k); 2.32E(19)(c); 2.32E(21A); 2.32H, 3.32B(5); 3.34(1)(f); 3.34(3A), (3B), (3C); 3.36(2)(fa); Section 3, Part 7A; 3.39(1)(ba), (bb), and (bc); 3.39(3)(ba); 3.39(3)(da); 3.39(3)(f); 3.39(4), (5), (6), (7), (8), (9); 3.45(2)(ca); Schedule AE, AF, AG, AH; Amended Section 2.14(d), (e), (f); 2.15; 2.18B; 2.32E(21); 3.31; 3.32(2)(d); 3.33(3); 3.34(6); 3.36(2)(c); 3.36(2)(g); Zoning Map.	RC – September 10, 2013 E – November 30, 2013	Project No. 01286
91			Rezoning 58, 60, 62 Jamieson Street, Dartmouth from the R-1 (Single Family Residential) zone to TH (Town housing) zone	HEMDCC – February 13, 2014 E – March 8, 2014	Project 16674
92			Rezoning from I-2 to R-3	HEMDCC – September 11, 2014 E- October 4, 2014	Case 18809

93		RP+5	**Repeal/Readopt** Section 1(fa), (fb), (fc), (ia), (ada), (afda), (afdb), (as), 7A, 17, 17A, 17B, 18Q, 18R, 32A, 32B, 32C, 32D, 32G, 31, Part 18, 22, 23, Schedule AJ, A-1, Y(1), Z; **Add** Section 1(haa), (ald), Section 2 18W, 32I, 42(1A); **Amend** Parts of Section 2 18R, 32A(1), 32A(3), 32B(1), Schedule A-1, Y(1), Z	RC-June 25, 2014 E-October 18, 2014	RP+5
94		# of residential buildings permitted on a lot	**Add** Clause 10A to Part 2.	HEMDCC – July 30, 2015 E – August 15, 2015	Case 19864
95		Modify R-3 Zone requirements and development agreement criteria and to redesignate and rezone the Kuhn Road Swamp for conservation purposes.	**Add** Greenhouse to definitions, Section 2(14)(m)(iv), 2(15)(g)(fb), 2(32E(21A), Section 3 Part 4(34)(7), and Schedule AI; **Amend** Section 2(14)(b)(iii), 2(14)(b)(iv), 2(15A), 2(23)(ha), and Zoning Map.	RC – October 6, 2015 E – December 5, 2015	Kuhn Road Area
96		Dartmouth Crossing Rezone the BCDD zoned portion of Phase 3 back to the I-2 Zone	**Add Schedule "AL"**	HEMDCC – December 3, 2015 E – December 30, 2015	Case 20132
97		Case 19659	Within PART 3: R-2 (Two Family Residential) Zone, insert sub-section 33(6)	HEMDCC – April 7, 2016	E – April 30, 2016
98		Case 19626	**Add** Section 2, Part 18X – General Provisions, Mixed use development at the southwest corner of Portland Street and Portland Hills Drive	RC – March 21, 2017	E – June 3, 2017
99		Case 21490	**Rezone** 9 Veteran's Ave from the R-3 (Multiple Family Residential-Medium Density) zone and the R-1 (Single Family Residential) zone to the S (Institutional) zone, and a portion of the lands from the R-3 zone to the R-1 zone; **Add** Schedule "AM"	HEMDCC – March 1, 2018	E – March 17, 2018

100		Case 20269	**Rezone** 307 Prince Albert Rd. from C-2 (General Business) Zone to the GC (General Commercial) Zone, and 5 Glenwood Ave from the R-2 (Two Family Residential) Zone to the R-4 (Multiple Family Residential – High Density) Zone. **Add** Schedule "AN"	HEMDCC – April 5, 2018	E – April 28, 2018
101		Case 20436	**Amended** Section 18G, 240 Victoria Road	RC – Feb 27, 2018	E – May 12, 2018
102		Case: 21548	**Rezone:** 4 Fernhill Drive from the R-2 and the R-3 to the C-2. **Add** Schedule "AO"	HEMDCC – September 6, 2018	E-September 29, 2018
103		Case 21331	**Amend** several sections to add Cannabis related uses Nov 3/18	RC - Sep 18, 2018	E-November 3, 2018
104		Case 21648	**Amend section 32B(2)**	HW, HEMD and NWCC – Dec 11/18	E – Dec 29, 2018
105		Case 20694	**Rezone:** 400 Windmill and a portion of 398 Windmill to C-2. Add Schedule AP	HEMDCC – March 7, 2019	E- March 23, 2019
106		Case 21955	**Repealed / Replace** the zoning map for Dartmouth dates July 25, 1978 inclusive of sheets 1 to 38. Replace with Schedule 1 – Zoning Map for Dartmouth **Amend**: Table of Contents; adoption page; Section 1 (za), (adfa), (am); Section 11; Section 18A; Section 18P; Section 23 A; Section 29; Section 29A; Section 30; Section 4 **Repeal/Replace** Section 24	RC – March 5, 2019	E – April 6, 2019
107		Case 21552	**Rezone:** a portion of Landcaster Dr. from R-1 to R3	HEMDCC – May 2, 2019	E – May 18, 2019
108		Case 22059	**Rezone:** 24 Hester St. from R-1 to R-2	HEMDCC – May 2, 2019	E – May 18, 2019

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109		Regional Centre Plan – Pkg A	**Add** Section 2A under General Provisions; **Repeal** Section 2 Subsections 18E, 18G, 18L, 18M, 18N, 18N(1), 18S and Schedules N, R, V, X, Z(1).	RC – September 18, 2019	E – November 30, 2019
110		Case 21982	**Amend** sub-clause 36(2) (c) of Part 6 **Amend Schedule 1**, the Zoning Map - 20 Sea King from R1 - TH	HEMDCC – January 9, 2020	E – January 25, 2020
111		Case 21880	**Rezone**: PID: 00221952 from R-2 to R-3	HEMDCC – June 30, 2020	E – July 18, 2020
112		Case 21162 – Secondary / Backyard Suites	**Add** Section 1: Definitions – (akd) & (ake) – Backyard and Secondary Suites; Section 2, 27D; **Amend** Section 2, 10A; Section 2, 32B – Coastal Areas	RC – September 1, 2020	E – November 7, 2020
113		Case 21808	**Add:** Section 1A; Part 34, Part 35, Part 36 to Table of Contents and LUB before Section 4, Section 27C (4), clause 30(l), in Section 31 of Section 3: zones – BP, CI & BGI, Subsection 42(8) in Part 13 **Repealing:** Section 29E, Section 42(1A) in Part 13, Schedule H **Amend:** Schedule 1 – Zoning Map for Dartmouth	RC – September 29-30, 2020	E – December 5, 2020
114		Case 23274 – Secondary / Backyard Suites Housekeeping Amendments	**Delete** Section 2, Subsection 27D(b)(iv) – Change wording: from Sections to Section 27A	HEMDCC – March 4, 2021	E – March 27, 2021

115		Centre Plan Amendments (Package B)	**Amended:** • Table of Contents Section 4: Scheduling o *Deleted words* • Section 2A: General Provisions o *Deleted words and added The Regional Centre Plan Area* • Section 2: General Provisions o *Clause 18(H) by deleting words and "…PID #226183"* o *Clause 30(i) by deleting Waverley Road and Woodland Avenue* • Section 3: Zones o *Clause 33(3) by deleting "Lake Banook……Schedule W"* o *Clause 36(2)(g) by deleting "Lake Banook…and within the"* **Repealed entirely.** • Section 2: General Provisions o *Section 18 (D)* o *Section 32* • Section 3: Zones o *Part 1: clause 32(2)(d)* o *Part 1: clause 32(3)* o *Part 4: clause 34 (3)(e)* o *Part 5: clause 35(3)(e)* o *Part 7: clause 37(4)* o *Part 9: subsection 39(3)(e)* o *Part 10: clause 40(2)(e)* o *Part 16: clause 44(3)* o *Part 17: subsection 44(A)(2)* o *Part 19: clause 45(2)(c)* o *Part 20: subsection 46(3)* o *Part 24: clause 48(3)(h)* o *Part 26: clause 53(b)* o *Schedule M: Dartmouth & Downtown Dartmouth Plan Area* o *Schedule W: Lake Banook…Area.*	RC – October 26, 2021	E – November 27, 2021

116		Case 22227	**Amend** Section 1 and 2 to include definitions of ACCESSORY HEN USE	RC - October 5, 2021	E – January 8, 2022
117		Case 22670	**Amended:** Schedule 1; Schedule A-1, Wind Energy Zoning	RC – February 15, 2022	E – April 9, 2022
118		Special Planning Area – Port Wallace (Case 24284)	**Added** Section 18Z under General Provisions	Special Area Task Force – June 16, 2022	E- July 2, 2022
119		Case RP16-16 (Shared Housing)	**Amended** Section 1, Definitions – 1(a); Section 2, General Provisions – 14(b)(iii)(iv), 14(l), 18F, 18(Ua), 23(ha), 32G I(a); Section 3, R-2 Zone – 33(1)(e); R-3 Zone – 34(7)(b); S Zone – 45(1)(f); MF-1 Zone – 48(1)(a); ICH Zone – 53(E)(1) **Deleted** Section 1, Definitions - 1(sab), 1(x); Section 2, General Provisions – 14(k), 29D; R-3 Zone – 34(1)(e), 34(6); C-2 Zone – 39(1)(d) **Added** Section 1, Definitions – 1(aga), 1(agb); Section 2, General Provisions – 14(p), 18Y; Section 3, R-1 Zone – 32(1)(aa); R-3 Zone – 34(1)(d); R-4 Zone – 35(1)(ba); TH Zone – 36(1)(aa); S Zone – 45(1)(fa); US Zone – 47A(1)(aa); UR Zone – 47B(1)(aa); BCDD Zone – 54(a)(ii.5)	RC-August 9, 2022	E-September 15, 2022
120		Case 22257 – (Regional Plan – Phase 3)	**Amended** Schedule 1 Zoning Map – rezone lands from Holding to CDD; Section 1(ai); Section 2, Clause 18R(i), 18T, Section 26, Section 27C, Section 32I **Deleted** Section 2, Section 27C(3)	RC-October 11, 2022	E-November 16, 2022