

# ATTACHMENT B

## PROPOSED AMENDMENTS TO THE DARTMOUTH LAND USE BY-LAW

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Dartmouth Land Use By-law is hereby further amended as follows:

1. Appendix "A" the official zoning map for Dartmouth dated July 25, 1978, inclusive of sheets 1 to 38, is repealed.
2. The Land Use By-Law Table of Contents is amended by:
  - (a) deleting the words "Schedule "A";
  - (b) deleting the words "Schedule "A-2" Sheppard's Island";
  - (c) deleting the words "Schedule "S " ;
  - (d) deleting the words "Schedule "AB" Waverley Road Zoning Map";
  - (e) deleting the words "Schedule "AE" Main Street Zoning";
  - (f) deleting the words "Schedule "AJ" RP+5 Conformation of Regional Zones";
  - (g) deleting the words "Schedule "AK" " ;
  - (h) deleting the words "Schedule "AL" " ;
  - (i) deleting the words "Schedule "AM" " ;
  - (j) deleting the words "Schedule "AN" " ; and
  - (k) deleting the words "Schedule "AO" " .
3. The Land Use By-Law Table of Contents is further amended by adding the words "Schedule 1 - Zoning Map for Dartmouth" directly below the heading titled "Section 4: Scheduling" and above the newly deleted words " Schedule "A" " .
4. The Land Use By-Law adoption date page is amended, as shown below in bold and ~~strikeout~~, by deleting the words "Schedule A" and replacing them with the words "Schedule 1 - Zoning Map for 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 "A"~~ **Schedule 1 - Zoning Map for Dartmouth** in the Dartmouth Land Use By-law for Zoning.

5. Section 1 (za) is amended, as shown below in bold and strikeout, by deleting the words "Schedule AE" and replacing them with the words "Schedule AF".

(za) MAIN STREET DESIGNATION means those lands identified in ~~Schedule AE~~  
**Schedule AF.**

6. Section 1 (afda) is amended as shown below in bold and strikeout by re-lettering it as "(afdaa)".

~~(afda)~~ **(afdaa)** SCHEDULE "Y(1)" - means the Areas of Elevated Archaeological Potential Map attached to this By-law."

7. Section 1 (afda) is further amended as shown below in bold and strikeout by:

(a) deleting the words "SCHEDULE "Y(1)" - means the Areas of Elevated Archaeological Potential Map attached to this By-law.""; and

(b) adding the words "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 time by Council or a Community Council."

~~(afda) SCHEDULE "Y(1)" - means the Areas of Elevated Archaeological Potential Map attached to this By-law."~~ **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 time by Council or a Community Council.**

8. Section 1 (am) is amended, as shown below in bold and strikeout, by deleting the words "an appendix hereto" and replacing them with the words "Schedule 1 - Zoning Map for Dartmouth".

ZONE - means an area of land in the City of Dartmouth described by words or map in this by-law or in ~~an appendix hereto~~ **Schedule 1 - Zoning Map for Dartmouth.**

9. Section 11 is amended, as shown below in bold and strikeout, by deleting the words "Schedule "A" " and replacing them with the words "Schedule 1 - Zoning Map for Dartmouth".

Horses, cattle, sheep, swine, and domestic fowl shall not be kept on those lands in the City of Dartmouth described in ~~Schedule "A"~~ **Schedule 1 - Zoning Map for Dartmouth** hereto, nor in an R-1, R-1M, R-1A, R-2, R-3, R-4, Tor TH Zone.

10. Section 18A is amended, as shown below in bold and strikethrough, by:

- (a) adding the letter “n” between letters “n” and “i” in the word “Planing”;
- (b) deleting the words “the Generalized Land Use Map (Map 8a and 9)” and replacing them with the words “Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy”; and
- (c) deleting the words “the Generalized Land Use Map (Map 8a and 9)” and replacing them with the words “Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy”.

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 Generalized Land Use Map (Map 8a and 9)~~ **Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy.**

Residential development of existing undersized lots with insufficient frontage in areas designated residential or urban core on ~~the Generalized Land Use Map (Map 8a and 9)~~ **Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy.**

11. Section 18P is amended, as shown below in bold and strikethrough, by deleting the words “the Generalized Land Use Map” and replacing them with the words “Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy”.

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 ~~the Generalized Land Use Map~~ **Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy.**

12. Section 23.A is amended, as shown below in bold and strikethrough, by deleting the words “Schedule “AB” ” and replacing them with the words “Schedule 1 - Zoning Map for Dartmouth”.

Notwithstanding Subsection 23(g) of the General Provisions, on lands zoned as residential within the Waverley Road designation, as identified on ~~Schedule “AB”~~ **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.

13. Section 24 is repealed in its entirety as shown below in strikeout:

~~24. (1) Where a zone boundary is indicated as approximately following lot lines the boundary shall follow such lot lines.~~

~~(2) Where the position of the boundary line of a zone as shown on any zone map is not coincident with the limit of a street, but parallel to it, and the distance from such street line is not indicated, such boundary line shall follow the rear lot line of the properties fronting on such street as such lines exist on the date of the coming into effect of this by law.~~

~~(3) Where, however, a rear lot line is at a greater distance than two hundred feet from such street line, the boundary line shall be deemed to be a distance of two hundred feet from the street line, if not otherwise indicated on the zoning map.~~

14. Section 24A, as shown below in bold, is inserted between Sections 24 and Section 25:

**24A 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 centre 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 centreline 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.**

15. Section 29 is amended, as shown below in bold and strikeout, by:

- (a) deleting the words “maps, Appendix A, form” and replacing them with the words “map, Schedule 1 - Zoning Map for Dartmouth, forms”; and
- (b) deleting the words “in the maps” and replacing them with the words “on the map.”

The zoning ~~maps, Appendix A, form~~ **map, Schedule 1 - Zoning Map for Dartmouth, forms** part of this by-law. The zoning provisions herein apply to the zones as described ~~in the maps on the map.~~

16. Section 29A.(1) is amended, as shown below in bold and strikeout, by deleting the words “the Future Land Use Map of the Municipal Planning Strategy” and replacing them with the words “Map 10 (Generalized Future Land Use) of the Dartmouth Municipal Planning Strategy”.

Notwithstanding the permitted uses in the R-1, R-1M, R-1A, R-2, R-3, R-4, TH and the MF-1 Zones, medical clinics shall be permitted in areas designated residential on ~~the Future Land Use map of the Municipal Planning Strategy~~ **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.

17. Section 30 is amended, as shown below in bold and strikeout, by:

- (a) deleting the letter “s” in the word “maps” in the first instance that it appears;
- (b) deleting the words “Appendix “A” ” and replacing it with the words “on Schedule 1 - Zoning Map for Dartmouth”; and
- (c) deleting the words “hereinafter referred to as the zoning maps”.

For the purpose of this by-law and in accordance with the maps contained in ~~Appendix “A”~~ **on Schedule 1 - Zoning Map for Dartmouth** hereinafter referred to as the zoning maps, the City is divided into zones.

18. Section 4: Scheduling is amended by repealing the following schedules:

- (a) “Schedule A”;
- (b) “Schedule A-2 Sheppard’s Island”;
- (c) “Schedule S Zone Amendments”;
- (d) “Schedule AB Waverley Road Zoning Map”;
- (e) “Schedule AE Main Street Zoning”;
- (f) “Schedule AJ RP+5 Conformation of Regional Zones”;
- (g) “Schedule AK Dartmouth”;
- (h) “Schedule AL Dartmouth Crossing”;
- (i) “Schedule AM 9 Veterans Avenue”;
- (j) “Schedule AN 307 Prince Albert Road & 5 Glenwood Avenue”; and
- (k) “Schedule AO 4 Fernhill Drive”.

19. Section 4: Scheduling is amended by adding “Schedule 1 – Zoning Map for Dartmouth” as shown on Attachment B-1, as a digital file format.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

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Municipal Clerk