

ATTACHMENT H

AMENDMENTS TO THE DOWNTOWN DARTMOUTH LAND USE BY-LAW

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

1. Deleting the words “DOWNTOWN BUSINESS DISTRICT ZONE” from the “Table of Contents”.
2. Deleting the words and number “SCHEDULE C1: View Planes” from the “Table of Contents”.
3. Adding the words and number “SCHEDULE C1A: View Planes” to the “Table of Contents” immediately below the newly deleted words and number “SCHEDULE C1: View Planes”.
4. Deleting the words and number “SCHEDULE C2: Detailed View Plane Geometry” from the “Table of Contents”.
5. Deleting the words and number “SCHEDULE C3: Waterfront View Corridors” from the “Table of Contents”.
6. Adding the words and number “SCHEDULE C3A: Best Street Waterfront View Corridor” to the “Table of Contents” immediately below the newly deleted words and number “SCHEDULE C3: Waterfront View Corridors”.
7. Adding the words and number “SCHEDULE C3B: Mott Street Waterfront View Corridor” to the “Table of Contents” immediately below the newly added words and number “SCHEDULE C3A: Best Street Waterfront View Corridor”.
8. Adding the words and number “SCHEDULE C3C: Old Ferry Road Waterfront View Corridor” to the “Table of Contents” immediately below the newly added words and number “SCHEDULE C3B: Mott Street Waterfront View Corridor”.
9. Amend Section 2 (ADMINISTRATION) by adding a new header and Subsection after Subsection 2.(6), as shown below in **bold**:

(7) Lands Within the Boundary of the Regional Centre Secondary Municipal Planning Strategy

The Downtown Dartmouth Land Use By-law shall not apply to those lands located within the Centres, Corridors, Higher-Order Residential, Future Growth Nodes, and Downtowns of the Regional Centre Secondary Municipal Planning Strategy, as shown on Schedule 1: Regional Centre Land Use By-law Boundary.

10. Subsection 3.(1) is amended, as shown below in ~~strikeout~~, by deleting the words “Downtown Business District Zone DB”.
- 3.(1) For the purposes of this By-law Downtown Dartmouth as defined by the map contained in Schedule A is divided into the following zones the boundaries of which are shown on Schedule A. Such Zones may be referred to by the appropriate symbols:

Downtown Neighbourhood Zone	DN
Downtown Business District Zone	DB

Waterfront Zone	W
Marine Business Zone	M
Park and Open Space Zone	PK

11. Subsection 5.(18) is amended by:

- (a) adding a period "." immediately after the word "lot"; and
- (b) deleting the comma and words ", excepting multiple unit and townhouse dwellings in the DB Zone";

as shown below in **bold** and ~~strikeout~~,

(18) ONE RESIDENTIAL BUILDING PER LOT

There shall be no more than one building containing residential uses per lot., ~~excepting multiple unit and townhouse dwellings in the DB Zone~~

12. Subsection 5.(28) is amended, as shown below in **bold** and ~~strikeout~~, by deleting the words and numbers "Schedule C-1 and Schedule C-2" and replacing them with the word and number "Schedule C-1A":

- (28) Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed or located so as to protrude into any View Plane as described in ~~Schedule C-1 and Schedule C-2~~ **Schedule C-1A**.

13. Repealing Subsection 5.(29), as shown below in ~~strikeout~~:

~~(29) To preserve waterfront view corridors, every structure shall be setback a minimum of 8 metres from the mean centre line of the prolongation of any street as shown on Schedule C-3. This setback shall be required along the entire length of each street prolongation to the ordinary high water mark of Halifax Harbour or to the furthest boundary of any water lot, whichever is greater.~~

14. Adding a new Subsection 5.(29A) immediately below the newly repealed Subsection 5.(29), as shown below in **bold**:

(29A) To preserve views to the Halifax Harbour, no structure shall protrude into identified waterfront view corridors, the boundaries of which are described on Schedules C3A to C3C.

15. Repealing Subsection 6.(2), as shown below in ~~strikeout~~:

~~ACCESS~~

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

16. Subsection 7.(15) is amended by:

- (a) deleting the words and comma "Downtown Business District Zone,"; and

- (b) deleting the comma and words and numbers “, and 1.67 sq m (18 sq ft) in the DB Zone” in clause (c);

as shown below in ~~strikeout~~,

- (15) Ground signs shall only be permitted in the ~~Downtown Business District Zone~~, Waterfront Zone, and Marine Business Zone subject to the following:
- (a) the maximum number of sign faces shall be two, placed back to back;
 - (b) the maximum height shall be 2.4 m (8 feet) (inclusive of posts) in the MB Zone, and 1.83 m (6 feet) in the W and DB zones;
 - (c) the maximum area per sign face shall be 2.23 sq m (24 sq ft) in the MB and W zones, ~~and 1.67 sq m (18 sq ft) in the DB Zone~~;
 - (e) minimum setback from a property line shall be 0.61 m (2 feet); and
 - (d) only one ground sign per street frontage shall be permitted.

17. Repealing Subsection 7.(21), as shown below in ~~strikeout~~:

~~Notwithstanding any other provision of this by-law, internally illuminated fascia signs with plastic/vinyl faces shall be permitted on upper levels of existing buildings located at 33 Alderney Drive, 40 Alderney Drive, 45 Alderney Drive, 46 Portland Street, 176 Portland Street, and 65 Queen Street, in addition to any other permitted signs, subject to the following:~~

- ~~(a) Excepting 65 Queen Street, any such sign shall only be located at the top storey level of the main building wall between the uppermost storey windows and the roof line, and may not extend above the roof line or below the top of the window line;~~
- ~~(b) Only one sign per building side shall be permitted, excepting 46 Portland Street, where no signs are permitted on the Prince Street facing elevation;~~
- ~~(c) The maximum ratio of sign width to sign height shall be 6.5 to 1;~~
- ~~(d) Lettering may exceed 38 cm (15 inches) in height; and~~
- ~~(e) Signs must be used only for company/agency identification~~

18. Subsection 8.(2) is amended by:

- (a) deleting the words “Downtown Business District and”; and
- (b) deleting the word “Zones” and replacing it with the word “Zone”;

as shown below in **bold** and ~~strikeout~~,

The requirements in this section apply to buildings within the ~~Downtown Business District and Waterfront Zones~~ **Zone**:

19. Section 8.(3) is amended by:

- (a) deleting the first sentence immediately after the word and colon “Renovations:”;
- (b) deleting the words and comma “Where an individual building is not addressed in that plan,” in the second sentence; and
- (c) deleting the word “the” before the words “following general principles” and replacing it with the word “The”;

as shown below in **bold** and ~~strikeout~~,

(3) Renovations:

~~The Development Officer shall review all development permit applications within the Downtown Business District Zone to determine that all renovation comply generally with the “Facade and Signage Improvements Plan for Downtown Dartmouth”. Where an individual building is not addressed in that plan, the~~ **The** following general principles shall be applied:

- (a) that exterior materials are of a traditional nature and design;
- (b) that door and window openings are compatible in proportion with the majority of adjacent and facing buildings;
- (c) that buildings are constructed to the street line or setbacks are consistent with the building setbacks for adjacent properties along the street.
- (d) that the street-level design of any building shall include multiple architectural treatments such as canopies, porches, planters, and other suitable architectural treatments to complement a human-scale, pedestrian environment.

20. Subsection 8.(4) 3) is amended, as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the words “Schedule C” after the words “in accordance with” and replacing them with the words “Schedule C1A”;
- (b) deleting the words “~~Special Requirement--Alderney Drive within the Main Street Corridor;~~ and
- (c) repealing clause (a);

as shown below in **bold** and ~~strikeout~~,

- 3) in no case shall an appurtenance or structure be permitted to penetrate view planes established in accordance with ~~Schedule C~~ **Schedule C1A** of this by-law. ~~Special Requirement--Alderney Drive within the Main Street Corridor~~
- a) ~~Notwithstanding section 8(4) lots that front on Alderney Drive within the Main Street corridor will not be required to step back. Further, no structure shall be permitted to penetrate a view plane as per Schedule C Schedules C1 and C2 of this by-law. For clarification, the Main Street corridor includes all properties fronting on Portland Street between Prince Albert Road and Alderney Drive and all properties on the west side of Alderney Drive that are contained within the Business District Zone. For these properties, architectural features such as canopies or sloping roofs will be required to minimize the impact on the street.~~

21. Subsection 9.(3) is amended by deleting the third bullet point, as shown below in ~~strikeout~~:

ADDITIONAL USES WHICH MAY BE CONSIDERED THROUGH SITE PLAN APPROVAL:

- Townhouse Dwellings
- Neighborhood Commercial Uses
- ~~Downtown Business Uses Along Prince Albert Road between Eaton Avenue and Pleasant Street.~~

22. Subsection 9.(4) is amended by deleting the first bullet point, as shown below in ~~strikeout~~:

ADDITIONAL USES WHICH MAY BE CONSIDERED BY DEVELOPMENT AGREEMENT:

- ~~Multiple unit dwellings and townhouses on those sites noted on Schedule B.~~
- Conversions of registered heritage properties to uses of land not permitted above.

- Expansion of the St. Georges Tennis Club

23. Repealing Clause 9.(14) (f), as shown below in ~~strikeout~~:

~~(f) To create additional opportunity for development on designated sites A, B, C, D, and E on Schedule B of this Bylaw, provisions are established to permit construction of laneways narrower than the standard public street width to provide access to the development, provided that the laneway is of adequate width to facilitate the safe movement of traffic to and from the site, and adequate addresses maintenance.~~

24. Subsection 9.(16) is amended by:

- (a) deleting the comma and words “, and to Downtown Business uses along Prince Albert Road between Eaton Avenue and Pleasant Street”; and
- (b) repealing clause (a);

as shown below in ~~strikeout~~,

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

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

- ~~(a) New development and expansions to existing Downtown Business Uses along Prince Albert Road between Eaton Avenue and Pleasant Street are permitted to a maximum floor area of 5,000 square feet (464.5 square metres).~~
- (b) Where the proposed commercial use abuts a residential use, required parking shall be setback from side and rear property boundaries, an opaque fence of an adequate height to screen the obscure the view from the adjacent residential property shall be constructed along all property boundaries abutting the residential use and a landscaped buffer strip of a minimum width of three (3) feet shall be provided in these portions of the property.
- (c) No outdoor storage or display shall be permitted.
- (d) If the proposed commercial use involves re-use of an existing structure, on-site parking shall not be required.
- (e) Commercial signs shall be limited in size and located so to minimize intrusion on the neighbourhood. A maximum of one sign per business premise shall be permitted.
- (f) All requirements in this section shall be adequately maintained.

25. Repealing Section 10 “DOWNTOWN BUSINESS DISTRICT ZONE” in its entirety, as shown bellow in ~~strikeout~~:

~~DOWNTOWN BUSINESS DISTRICT ZONE~~

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

~~(2) PERMITTED USES:~~

~~Commercial Uses:~~

~~Any retail, business, office, entertainment or service use excluding, automotive service and repair outlets, vehicle sales, outdoor display courts and drive-through establishments, cabarets, adult entertainment, pawn shops, secondhand shops, and any obnoxious use.~~

~~Institutional & Cultural Uses~~

~~Residential Uses: Single Unit Dwellings~~

~~Two Unit Dwellings~~

~~Townhouse Dwellings~~

~~Rooming Houses to a maximum of six rooms for rent~~

~~Multiple Unit Dwelling Conversions~~

~~Multiple Unit Dwellings to a maximum of 24 units~~

~~Residential uses legally in existence on the effective date of this bylaw~~

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

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

~~Townhouses on reduced standard laneways on four residential opportunity sites shown on Schedule B.~~

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

~~Multiple unit dwelling development greater than 24 units~~

~~Conversions of registered heritage properties to uses of land not permitted above.~~

~~Any new construction on the block bounded by the Starr Manufacturing property~~

~~Larger scale commercial or residential commercial mix projects that do not meet the zone requirements~~

(5) ZONE STANDARDS	Minimum Lot Area	2500 square feet (232.3 square metres)
	Minimum Lot Frontage	25 feet (7.6 metres)
	Maximum Lot Coverage	100%
	Maximum Front/Flanking Yard	2 feet (0.6 metres)
	Side and Rear Yards	Buildings may be built to the lot lines.
	Maximum Height	In accordance with Section 8

~~(6) SPECIAL REQUIREMENTS FOR RESIDENTIAL USES:~~

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

~~(a) Single, Two Unit and Townhouse Dwellings:~~

~~For single and two unit dwellings and townhouse dwellings, the requirements of section 9 shall apply.~~

~~(b) Multiple Unit Dwelling Conversion:~~

~~Any building in existence as of the date of adoption of this plan may be converted entirely or partially to multiple unit dwellings provided that all units are a minimum of 500 square feet (46.5~~

~~square metres) in floor area, and that at least two thirds of the units contain one or more bedrooms.~~

~~(c) Multiple Unit Dwellings~~

~~Maximum Number of Dwelling Units / Lot 24~~

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

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

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

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

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

~~(8) PARKING REQUIREMENTS~~

~~(a) Required Parking:~~

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

~~(b) Parking Access:~~

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

~~(9) SPECIAL REQUIREMENTS – VACANT LOTS:~~

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

~~(10) ARCHITECTURAL REQUIREMENTS~~

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

~~(11) LANDSCAPING~~

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

~~(12) STARR MANUFACTURING BLOCK~~

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

~~(13) USE OF PUBLIC SIDEWALKS~~

~~(a) Sidewalk cafes and restaurants are permitted, subject to any other municipal bylaw or regulation.~~

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

~~(14) OUTDOOR STORAGE AND DISPLAY~~

~~No outdoor storage or display is permitted on properties within the zone, excepting that those items identified under (12) may be displayed.~~

26. Repealing Schedule C1 – View Planes
27. Adding Schedule C1A – View Planes, as shown on Attachment H-1
28. Repealing Schedule C2 – Detailed View Plane Geometry Tables
29. Repealing Schedule C3 - Waterfront View Corridors
30. Adding Schedule C3A – Best Street Waterfront View Corridor, as shown on Attachment H-2
31. Adding Schedule C3B – Mott Street Waterfront View Corridor, as shown on Attachment H-3
32. Adding Schedule C3C – Old Ferry Road Waterfront View Corridor, as shown on Attachment H-4
33. Amend all schedules and maps of the Land Use By-law for Downtown Dartmouth are amended to remove those areas affected by Schedule 1 – Regional Centre Land Use By-law Boundary located within the Centres, Corridors, Higher-Order Residential, Future Growth Nodes, and Downtowns as shown on Schedule 1 – Regional Centre Land Use By-law Boundary.

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_____.

Municipal Clerk