

ATTACHMENT J

AMENDMENTS TO THE LAND USE BY-LAW FOR HALIFAX PENINSULA

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

1. Amend "GENERAL PROVISIONS" by adding a new Subsection 2(1A), following Subsection 2(1), as shown in **bold**:

2(1A) The Land Use By-law for Halifax Peninsula 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.

2. All schedules and maps of the Land Use By-law for Halifax Peninsula are amended to remove those areas 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.
3. Amend the "TABLE OF CONTENTS" by:
 - (a) deleting the words "QUINPOOL ROAD COMMERCIAL" from "GENERAL PROVISIONS";
 - (b) deleting the words and number "RC-4 ZONE: SOUTH BARRINGTON RESIDENTIAL/MINOR COMMERCIAL ZONE";
 - (c) deleting the words and number "C-2C ZONE: MINOR COMMERCIAL – QUINPOOL ROAD"; and
 - (d) deleting the words "BCDD ZONE: BRUNSWICK COMPREHENSIVE DEVELOPMENT DISTRICT".

4. Amend Section 1 (DEFINITIONS) by repealing the definitions for "Quinpool Road Area" and "Spring Garden Road Sub-Area", as shown below in ~~strikeout~~:

~~"Quinpool Road Area" means the area designated as the Quinpool Road Commercial Area Plan on zoning map ZM-2.~~

~~"Spring Garden Road Sub-Area" means the area designated as the Spring Garden Road Sub-Area on zoning map ZM-2.~~

5. Amend Section 1 (DEFINITIONS) by adding a new definition for "Ramparts", following the definition of "Quinpool Road Area", as shown below in **bold**:

"Rampart" means the Citadel Ramparts pursuant to Section 26B-A, and as depicted on Schedule ZM-26 - Halifax Citadel Ramparts.

6. Amend Section 1 (DEFINITIONS) by repealing the definition for "View Map" in its entirety, as shown below in ~~strikeout~~:

~~"View Map" means a map entitled Map Number TT-17-20158A View Planes for the City of Halifax, Nova Scotia, January 31, 1974, which map is attached hereto and forms part of this by-law.~~

7. Amend Section 1 (DEFINITIONS) by repealing the definition for "View Plane", and adding a new definition for "View Plane", following the definition of "View Plane (Repealed)", and before the definition of "Volume", as shown below in **bold** and ~~strikeout~~:

"View Plane" means any one of the following:

- (a) ~~View Plane 1 means the plane bordered by the sides formed by joining points B, A and B, D in the City of Halifax situate as indicated on the View Map.~~
- (b) ~~View Plane 2 means the plane bordered by the sides formed by joining points C, F and C, G, in the City of Halifax situate as indicated on the View Map.~~
- (c) ~~View Plane 3 means the plane bordered by the sides formed by joining points B, H and B, L, in the City of Halifax situate as indicated on the View Map.~~
- (d) ~~View Plane 4 means the plane bordered by the sides formed by joining points C, J and C, K, in the City of Halifax situate as indicated on the View Map.~~
- (e) ~~View Plane 5 means the plane bordered by the sides formed by joining points B, L and B, M, in the City of Halifax situate as indicated on the View Map.~~
- (f) ~~View Plane 6 means the plane bordered by the sides formed by joining points R, N and R, O, in the City of Halifax situate as indicated on the View Map.~~
- (g) ~~View Plane 7 means the plane bordered by the sides formed by joining points C, P and C, Q, in the City of Halifax situate as indicated on the View Map.~~
- (h) ~~View Plane 8 means the plane bordered by the sides formed by joining points C, S and C, T, in the City of Halifax situate as indicated on the View Map.~~
- (i) ~~View Plane 9 means the plane bordered by the sides formed by joining points E, U and E, V, in the City of Halifax situate as indicated on the View Map.~~
- (j) ~~View Plane 10 means the plane bordered by the sides formed by joining points C, W and C, X, in the City of Halifax situate as indicated on the View Map.~~

"View Plane" means a view, which remain unobstructed by structures and is cast in a perspective projection that is tied to a geographic location, as shown on Map ZM-25.

8. Repeal Section 4C, under "OTHER PERMITS REQUIRED" of "GENERAL PROVISIONS" in its entirety, as shown below in ~~strikeout~~:

~~4C — In the "Quinpool Road Commercial Plan" notwithstanding any other provision of this by-law, a development permit may be issued by the Development Officer for a project in respect of which approval was given by Council prior to approval of this section and where no decision of the Municipal Board has been given reversing such approval, provided that the development is completed within the time specified in the development agreement.~~

9. Repeal Section 16H "QUINPOOL ROAD COMMERCIAL" of "GENERAL PROVISIONS", as shown below in ~~strikeout~~:

~~QUINPOOL ROAD COMMERCIAL~~

~~16H — Notwithstanding any other provision of this by-law, the area known as the "Quinpool Road Lands" within the "Quinpool Road Area" shall be permitted that amount of non-residential gross floor area as allowed by the development agreement of April, 1977.~~

10. Amend Section 17, under "CLASSES OF ZONES" OF "ZONES, ZONING MAPS AND BUILDING LINE PLAN" of "GENERAL PROVISIONS", by:

- (a) deleting the words and numbers "South Barrington Residential/Minor Commercial Zone", "RC-4", "RC-4-V", "Minor Commercial - Quinpool Road", "C-2C", "C-2C-V", "Brunswick Comprehensive Development District", "BCDD", and "BCDD-V", as shown below in ~~strikeout~~;
- (b) adding the words "Schmidtville Heritage Residential Zone", following the words "C&D Materials Disposal Sites Zone", as shown below in **bold**;
- (c) adding the words "Schmidtville Heritage Residential Commercial Zone", following the words "Schmidtville Heritage Residential Zone", and before the words, "Infrastructure Charge Holding Zone", as shown below in **bold**;
- (d) adding the letters "SHR" under the column titled "Not Within View Plane", following the

- letters and number “CD-3”, as shown below in **bold**; and
- (e) adding the letters “SHRC” under the column titled “Not Within View Plane”, following the letters “SHR”, and before the letters “ICH”, as shown below in **bold**.

CLASSES OF ZONES

- 17 For the purpose of this by-law and of the maps entitled ZM-1, ZM-2, and ZM-17 Height Precinct Map annexed hereto, hereinafter referred to as "zoning maps", the following classes of zones are hereby established:

	Not Within View Plane	Within View Plane
Single Family Dwelling Zone	R-1	R-1-V
Single Family Dwelling A Zone	R-1A	R-1A-V
General Residential Zone	R-2	R-2-V
Townhouse Zone	R-2T	R-2T-V
General Residential Conversion Zone	R-2A	R-2A-V
Multiple Dwelling Zone	R-3	R-3-V
Neighbourhood Commercial Zone	RC-1	RC-1-V
Residential Minor Commercial Zone	RC-2	RC-2-V
High Density Residential Minor Commercial Zone	RC-3	RC-3-V
South Barrington Residential Minor Commercial Zone	RC-4	RC-4-V
Local Business Zone	C-1	C-1-V
General Business Zone	C-2	C-2-V
Minor Commercial Zone	C-2A	C-2A-V
Minor Commercial – Quinpool Road	C-2C	C-2C-V
Business Service Zone	C-3A	C-3AV
Industrial Zone	C-3	C-3-V
Professional Zone	C-4	C-4-V
Harbour-Related Industrial Zone	C-5	C-5-V
Adult Entertainment Zone	C-6	C-6-V
Park and Institutional Zone	P	P-V
Low-Density University Zone	U-1	U-1-V
High-Density University Zone	U-2	U-2-V
Canadian Forces Base Zone	CFB	CFB-V
Brunswick Comprehensive Development District	BCDD	BCDD-V
C&D Materials Transfer Stations Zone	CD-1	CD-1-V
C&D Materials Processing Facilities Zone	CD-2	CD-2-V
C&D Materials Disposal Sites Zone	CD-3	CD-3-V
Schmidtville Heritage Residential Zone	SHR	
Schmidtville Heritage Residential Commercial Zone	SHRC	
Infrastructure Charge Holding Zone	ICH	ICH-V
Regional Park Zone	RPK	RPK-V
Water Access Zone	WA	WA-V

11. Amend Subsection 18, under “ZONES, ZONING MAPS AND BUILDING LINE PLAN” of “GENERAL PROVISIONS” by:

- (a) deleting the letters and numbers “RC-4”, “C-2C”, and “BCDD”, as shown below in ~~strikeout~~; and
- (b) adding the letters and commas “SHR, SHRC,” following the letters, number, and comma “CD-3,” and before the letters “ICH”, as shown below in **bold**.

- 18 The uses of buildings and land permitted by this by-law in such zones may be referred to as R-1, R-1A, R-2, R-2T, R-2A, R-3, RC-1, RC-2, RC-3, ~~RC-4~~, C-1, C-2, C-2A, ~~C-2C~~, C-3A, C-3, C-5, C-6, P, U-1, U-2, CFB, ~~BCDD~~, CD-1, CD-2, CD-3, **SHR, SHRC**, ICH, RPK,

and WA uses, respectively.

12. Amend Section 24, under “ZONES, ZONING MAPS AND BUILDING LINE PLAN” of “GENERAL PROVISIONS”, by repealing Clause 24(a), and adding a new Clause 24(b), as shown below in **bold** and ~~strikeout~~:

PROTRUSIONS THROUGH VIEW PLANES

24 Notwithstanding any provision of this by-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to protrude through a View Plane except in the following circumstance:

~~(a) Where an existing building protrudes through a View Plane, a new building may be erected and may protrude through the View Plane, provided such new building or structure shall not enlarge upon the existing protrusion through the View Plane when viewed:~~

- ~~(i) in the case of View Planes 1, 3 and 5 from viewing position B;~~
- ~~(ii) in the case of View Planes 2, 4, 7, 8 and 10 from viewing position C;~~
- ~~(iii) in the case of View Plane 9 from viewing position E; and~~
- ~~(iv) in the case of view Plane 6 from viewing position R.~~

(b) Where a structure that lawfully existed on the coming into force date of this Clause protrudes into a view plane shown on Schedule ZM-25 - Halifax Citadel View Planes, a new structure may be erected, constructed, altered, reconstructed, or located so that it protrudes into the view plane if the new structure does not worsen the existing protrusion when viewed as follows:

- (i) view planes 1, 3, and 5 from viewing position A;**
- (ii) view plane 6 from viewing position B;**
- (iii) view planes 2, 4, 7, 8, and 10 from viewing position C; and**
- (iv) view plane 9 from viewing position D.**

13. Repeal Section 26B of “ZONES, ZONING MAPS AND BUILDING LINE PLAN” of “GENERAL PROVISIONS”, and add a new Section 26B-A, as shown below in **bold** and ~~strikeout~~:

CITADEL RAMPARTS

~~26B In addition to all other provisions of this by-law, no development permit shall be issued for any development within Schedule A that is greater than 90 ft. in height, unless such development will not be visible above the topmost line of the earthworks of the Citadel ramparts from an eye level 5.5 ft. above ground level at any of the specified viewing positions in the Parade Square of the Citadel. Elevations and coordinate values for the viewing positions in the Parade Square of the Citadel and elevations to the topmost line of the earthworks on the Citadel ramparts are shown on ZM-17 (Height Precinct Map).~~

26B-A (1) Coordinates describing the position of the ramparts, and the location of 12 viewing positions in the Parade Square of the Halifax Citadel, are shown on Schedule ZM-26 - Halifax Citadel Ramparts.

(2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes above any rampart, as seen from any of the 12 viewing positions in the Parade Square of the Halifax Citadel.

14. Repeal Subsection 48CA(1A), under “RC-3 ZONE: HIGH DENSITY-RESIDENTIAL/MINOR

COMMERCIAL ZONE” OF “ZONES, ZONING MAPS AND BUILDING LINE PLAN”, as shown below in ~~strikeout~~:

~~48CA(1A) — In the portion of the Area 8 of the “Peninsula North Area” on Gottingen Street, a lounge with a seating area not exceeding 600 square feet shall be permitted in association with a restaurant, provided that such seating area shall be less than the seating area of the restaurant.”~~

15. Repeal Subsections 48CC(1), 48CC(2), 48CC(3), 48CC(4) and 48CC(5), under “PENINSULA NORTH – AREA 8 – GOTTINGEN STREET” of “ZONES, ZONING MAPS AND BUILDING LINE PLAN”, as shown below in ~~strikeout~~:

~~PENINSULA NORTH – AREA 8 – GOTTINGEN STREET:~~

~~48CC(1) — In the Peninsula North Area – (Area 8), all buildings constructed for minor commercial uses, shall be required to provide direct access to pedestrians from Gottingen Street into the building, which is not more than two feet above grade; for the purposes of this section, grade shall be defined as being the elevation of the ground at any one point along the official street line of Gottingen Street abutting such lot.~~

~~48CC(2) — In the Peninsula North Area – (Area 8), the maximum setback for the first storey of: (1) buildings constructed for minor commercial uses, or (2) additions to buildings used for minor commercial uses, shall be 2 feet from the official street line of Gottingen Street.~~

~~48CC(3) — In the Peninsula North Area – (Area 8), buildings of over 50 feet width measured parallel to Gottingen Street shall have the appearance of two or more buildings by altering the appearance of the facade and/or roof in increments no greater than 50 feet. In addition, one third of the surface area of the face of the ground floor of the building shall be comprised of windows.~~

~~48CC(4) — In the Peninsula North Area – (Area 8) the following applies:~~

- ~~(1) for buildings constructed for minor commercial purposes which are on a lot greater than 20,000 square feet in area, parking shall be provided at a rate of 1 space for every 1000 square feet of gross commercial floor area.~~
- ~~(2) for additions to existing buildings used for minor commercial purposes that are 50 percent or more of the gross commercial floor area of the existing building, are on a lot greater than 20,000 square feet in area, parking shall be provided at a rate of 1 space for every 1000 square feet of gross commercial floor area of the addition.~~

~~48CC(5) — In the Peninsula North Area – (Area 8), all parking areas shall comply with the following requirements:~~

- ~~(i) Where minor commercial parking abuts a residential zone, an opaque fence a minimum of five feet of height, shall be erected to visually screen abutting properties.~~
- ~~(ii) Parking areas abutting a street shall be set back a minimum of 5 feet from any street line; the setback area shall be landscaped with natural ground cover to reach a height of no more than 2 feet upon maturity, or other materials, along that part of the street not required for any parking or pedestrian entrance.~~
- ~~(iii) Parking shall be constructed with a stable surface such as asphalt or concrete.~~
- ~~(iv) Lighting for parking area shall be directed away from any adjacent residential properties and from the street.~~

16. Repeal "RC-4 ZONE: SOUTH BARRINGTON RESIDENTIAL/MINOR COMMERCIAL ZONE" of "ZONES, ZONING MAPS AND BUILDING LINE PLAN" in its entirety, inclusive of Subsections 48DA(1), 48DA(2), 48DA(3), 48DB(1), 48DB(2), 48DB(3), 48DC(1), 48DD(1), 48DD(2), 48DE(1), 48DF(1), 48DG(1), 48DH(1), 48DI(1), 48DJ(1), 48DJ(2), 48DK(1), and 48DK(2), as shown below in ~~strikeout~~:

~~RC-4 ZONE: SOUTH BARRINGTON RESIDENTIAL/MINOR COMMERCIAL ZONE~~

~~48DA(1) The following uses shall be permitted in the RC-4 Zone:~~

- ~~(a) apartment house;~~
- ~~(b) uses permitted by Section 48DB(1); and~~
- ~~(c) any use accessory to any of the foregoing uses.~~

~~48DA(2) No person shall in any RC-4 zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 48DA(1).~~

~~48DA(3) No person shall in any RC-4 zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 48DA(1).~~

COMMERCIAL USES

~~48DB(1) Notwithstanding subsection 48DA(1), one or more of the following uses shall be located on the ground floor of a building immediately abutting the streetline, and shall comprise a minimum of 40 percent of the building's ground floor frontage:~~

- ~~(a) The following commercial uses:
 - ~~Banks and related uses;~~
 - ~~Licensed alcohol establishments;~~
 - ~~Personal service uses;~~
 - ~~Eating establishments;~~
 - ~~Movie theatres;~~
 - ~~Commercial recreation uses; and~~
 - ~~Retail uses; and~~~~
- ~~(b) Cultural uses.~~

~~48DB(2) Notwithstanding subsection 48DB(1), an apartment house entrance shall face and have direct access onto a public street.~~

REQUIREMENTS

~~48DB(3) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:~~

- ~~(a) The minimum lot frontage shall be 40 metres (131.2 feet); and~~
- ~~(b) The minimum lot area shall be 2,500 square metres (26,910.7 square feet).~~

LOT COVERAGE

~~48DC(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:~~

- ~~(a) The maximum lot coverage shall be 75 percent, except that enclosed parking below grade or extending no more than an average of 1 metre (3.3 feet) above grade along side and rear lot lines may cover 100 percent of the lot area.~~

HEIGHT

~~48DD(1) Height shall not exceed a maximum of 21.3 metres (70 feet).~~

~~48DD(2) Notwithstanding Section 71, elevator enclosures and mechanical penthouses shall be setback from the facing front yard roofline a minimum of 5 metres (16.4 feet) and shall be limited to 5 metres (16.4 feet) above the building height. Elevator enclosures and mechanical penthouses shall be limited to a maximum of 30 percent of the roof area.~~

RESIDENTIAL UNIT MIX

~~48DE(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall include a mixture of dwelling unit types. A minimum of 20 dwelling units within a building shall contain two or more bedrooms.~~

PARKING

~~48DF(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:~~

- ~~(a) Vehicular parking shall be enclosed in a building and provided as required by Section 6(2C); and~~
- ~~(b) Bicycle parking shall be provided as required by Sections 6A, 6B, and 6C.~~

SIGNS

~~48DG(1) Any persons carrying on a use permitted by Section 48DB(1) may place upon and parallel to the front of the building signage that comply with the following:~~

- ~~(a) No sign that encroaches into a street shall be less than 3.1 metres (10 feet) above the surface of a sidewalk;~~
- ~~(b) No part of a sign shall be closer than 3.1 metres (10 feet) horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane;~~
- ~~(c) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;~~
- ~~(d) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;~~
- ~~(e) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;~~
- ~~(f) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;~~
- ~~(g) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and~~
- ~~(h) No signs shall be permitted on the roof of a building.~~

BUILDING SETBACKS AND STREETWALLS

~~48DH(1) Buildings erected, altered or uses for RC-4 uses in an RC-4 Zone shall comply with the following requirements:~~

- ~~(a) A minimum setback of 6 metres (19.7 feet) between side and rear lot lines and the portion of the building above enclosed parking. Where a side lot line abuts a RC-4 Zone, the minimum setback from that lot line may be reduced to 5.5 metres (18.0 feet);~~
- ~~(b) A minimum setback of 4 metres (13.1 feet) between side and rear lot lines and balconies. This does not include patios for dwelling units at grade. Where a side lot line~~

- ~~abuts a RC-4 Zone, the minimum setback from that lot line for balconies may be reduced to 3.5 metres (11.5 feet);~~
- ~~(c) No setback is required on the side lot line shared with PID 40722381 for the length of 25 metres (82 feet) from the streetline. Beyond this distance the setback required by subsections 48DH(1)a and 48DH(1)b shall apply;~~
 - ~~(d) A maximum setback of 4 metres (13.1 feet) between the streetwall and the streetline for a minimum of 50 percent of the lot frontage;~~
 - ~~(e) A setback between 6 metres (19.7 feet) and 8 metres (26.2 feet) between the streetwall and the streetline for a minimum of 20 percent of the lot frontage;~~
 - ~~(f) A maximum streetwall height of 17 metres (55.8 feet);~~
 - ~~(g) A minimum streetwall height of 11 metres (36.1 feet);~~
 - ~~(h) The streetwall shall extend a minimum of 65 percent of the lot frontage; and~~
 - ~~(i) A minimum setback of 2 metres (6.6 feet) above the streetwall.~~

MAIN FLOOR AND ENTRANCES

~~48DI(1) Buildings erected, altered or used for RC-4 uses in an RC-4 Zone shall comply with the following requirements:~~

- ~~(a) The ground floor of the streetwall shall be comprised of 75 percent glazing and shall have a minimum height of 3.7 metres (12.1 feet); and~~
- ~~(b) Commercial uses shall have separate exterior access from any access to residential uses.~~

BUILDING MATERIALS

~~48DJ(1) The following external cladding materials shall be prohibited:~~

- ~~(a) vinyl;~~
- ~~(b) plastic;~~
- ~~(c) plywood;~~
- ~~(d) concrete block;~~
- ~~(e) exterior insulation and finish systems where stucco is applied to rigid insulation; and~~
- ~~(f) darkly tinted or mirrored glass (not including spandrel panels)~~

LANDSCAPING AND BUFFERING

~~48DJ(2) For any lot developed abutting a railway corridor, a concrete wall with a minimum height of 1.83 metres (6 feet) above average grade shall be provided along the entire rear lot line abutting the corridor. Between the concrete wall and the portion of the building above the enclosed parking, landscaped open space, a minimum of 3 metres (9.8 feet) in width, shall be provided. The wall shall be designed and constructed to ensure structural stability and be architecturally detailed on the side facing the development.~~

OPEN SPACE

~~48DK(1) A minimum of 35 percent of the lot area shall be comprised of at grade unit patios, unit balconies and terraces, above grade exterior building amenity space and interior amenity space. Interior amenity space shall include the following common elements:~~

- ~~(a) lobby;~~
- ~~(b) fitness room; and~~
- ~~(c) community room.~~

~~48DK(2) A minimum of 15 percent of the lot area shall be comprised of landscaped open space, which shall be provided at the grade established above enclosed parking.~~

17. Amend "C-2 ZONE: GENERAL BUSINESS ZONE" of "ZONES, ZONING MAPS AND BUILDING LINE PLAN" by deleting Subsections 58C(1), 58C(2), 58C(3), 58C(4), 58C(5), and 58C(6), as shown below in ~~strikeout~~:

C-2 ZONE: GENERAL BUSINESS ZONE

- 56(1) The following uses shall be permitted in any C-2 Zone:
- (a) R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses;
 - (b) Any business or commercial enterprise except when the operation of the same would cause a nuisance or a hazard to the public and except adult entertainment uses, junk yards and amusement centres;
 - (c) Billboards not to exceed twenty-eight square meters (28 m²) in area and not to extend more than eight meters (8 m) above the mean grade on which it is situated.
 - (d) Uses accessory to any of the foregoing uses.
- 56(2) No person shall in any C-2 Zone, carry out, cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 56(3) No person shall in any C-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 57(1) No front, side or rear yards are required for C-2 uses in C-2 Zones.
- 58 The height of a building in a C-2 Zone shall not exceed a height of eighty (80) feet, but for each foot that the building or that portion of the building which would exceed eighty (80) feet in height is set back from the property line, two (2) feet may be added to the height of the building.

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

- 58A(1) Buildings erected, altered or used for R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses in a C-2 Zone shall comply with the requirements of their respective zones.

~~PENINSULA NORTH - AREA 8:~~

- ~~58C(1) Notwithstanding Sections 6, 8 and 58A(1), buildings erected, altered, or used for R-1, R-2, R-2A, R-2T, R-3, RC-3, C-1, C-2A uses in the C-2 zone of the "Peninsula North Area (Area 8)" shall comply with the requirements of the C-2 zone.~~
- ~~58C(2) In the Peninsula North Area - (Area 8), all buildings constructed for commercial or industrial purposes, shall be required to provide direct access to pedestrians from Gottingen Street into the building, which is not more than two feet above grade; for the purposes of this section, grade shall be defined as being the elevation of the ground at any one point along the official street line of Gottingen Street abutting such lot.~~
- ~~58C(3) In the Peninsula North Area - (Area 8), the maximum setback for the first storey of: (1) buildings constructed for commercial or industrial uses, or (2) additions to buildings used for commercial or industrial uses, shall be 2 feet from the official street line of Gottingen Street.~~
- ~~58C(4) In the Peninsula North Area - (Area 8), buildings of over 50 feet width measured parallel to Gottingen Street shall have the appearance of two or more buildings by altering the appearance of the facade and/or roof in increments no greater than 50 feet. In addition,~~

~~one third of the surface area of the face of the ground floor of the building shall be comprised of windows.~~

~~58C(5) — In the Peninsula North Area – (Area 8) the following applies:~~

- ~~(1) for buildings constructed for minor commercial purposes which are on a lot greater than 20,000 square feet in area, parking shall be provided at a rate of 1 space for every 1000 square feet of gross commercial area.~~
- ~~(2) for additions to existing buildings used for minor commercial purposes that are 50 percent or more of the gross commercial floor area of the existing building, are on a lot greater than 20,000 square feet in area, parking shall be provided at a rate of 1 space for every 1000 square feet of gross commercial floor area of the addition.~~

~~58C(6) — In the Peninsula North Area – (Area 8), all parking areas shall comply with the following requirements:~~

- ~~(i) Where commercial or industrial parking abuts a residential zone, an opaque fence a minimum of five feet shall be erected to visually screen abutting properties.~~
- ~~(ii) Parking areas abutting a street shall be set back a minimum of 5 feet from any street line; the setback area shall be landscaped with natural ground cover to reach a height of no more than 2 feet upon maturity, or other materials, along that part of the street not required for any parking pedestrian entrance.~~
- ~~(iii) Parking shall be constructed with a stable surface such as asphalt or concrete.~~
- ~~(iv) Lighting for parking area shall be directed away from any adjacent residential properties and from the street.~~

18. Repeal “C-2C ZONE: MINOR COMMERCIAL – QUINPOOL ROAD” of “ZONES, ZONING MAPS AND BUILDING LINE PLAN” in its entirety, inclusive of Subsections 59G(1), 59G(2), 59G(3), 59H(1), 59I(1), 59J(1), 59J(A), 59K(1) AND 59L(1), as shown below in ~~strikeout~~:

~~C-2C ZONE: MINOR COMMERCIAL – QUINPOOL ROAD~~

~~59G(1) — The following uses shall be permitted in any C-2C Zone:~~

- ~~(a) R-1, R-2, R-2T, R-3, RC-3 and C-2A uses excluding billboards;~~
- ~~(b) stores for the purpose of rental of equipment including: video equipment and movies, automobiles, tools, appliances, office machines, and furniture;~~
- ~~(c) business support services;~~
- ~~(d) bakeries;~~
- ~~(e) parking lots or parking structures;~~
- ~~(f) wholesale and retail processing if operated in direct association with a retail use on the same premises provided that this clause does not apply to food processing;~~
- ~~(g) commercial schools;~~
- ~~(h) any use, excepting billboards, accessory to any of the foregoing uses.~~

~~59G(2) — No person in any C-2C Zone may carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in Subsection (1).~~

~~59G(3) — No person shall in any C-2C Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection 1.~~

~~R-1, R-2, R-2T, R-3 AND RC-3 USES IN A C-2C ZONE~~

~~59H(1) — Buildings erected, altered or used for R-1, R-2, R-2T, R-3, and RC-3 uses in a C-2C Zone shall comply with the requirements of the their respective zones.~~

HEIGHT

~~59I(1) — The height of any building in a C-2C Zone shall be in accordance with the heights as shown on ZM-17.~~

SPECIAL PARKING

~~59J(1) — A commercial structure of greater than 2,500 square feet of floor space shall provide parking at the rate of 1 space for every 1,000 square feet or part thereof of gross commercial floor space area;~~

~~59J(A) — All parking areas in the C-2C Zone shall comply with the following requirements:~~

- ~~(a) — Where the parking area abuts a residential property or zone, an opaque wood or masonry fence of a minimum of five feet in height shall be erected and maintained;~~
- ~~(b) — The parking area shall be set back a minimum of 4 ft. from any street line with the area of the setback being landscaped open space along that part of the street line not required for the entrance;~~
- ~~(c) — The parking area shall be maintained with a stable surface such as asphalt or concrete with bumper guards and lines marking the parking spaces;~~
- ~~(d) — Lighting facilities for the parking area, if provided, shall direct light away from residential properties.~~

RESIDENTIAL CONVERSION

~~59K(1) — Notwithstanding any other section of this by-law, interior conversion of commercial uses which existed on the date of adoption of this section of this by-law, to residential uses shall be permitted, provided there is no increase in building height or building volume.~~

~~59L(1) — Any commercial refuse container shall be entirely enclosed in a structure which effectively screens it from the street and adjacent residential uses.~~

19. Amend Subsection 70AC(1)(b) of “U-1 ZONE: LOW-DENSITY UNIVERSITY” of “ZONES, ZONING MAPS AND BUILDING LINE PLAN”, as shown in **bold** and ~~strikeout~~, by deleting the words and numbers “Section 26B”, after the words “as specified by”, and replacing them with the words and numbers “Section 26B-A”

HEIGHT EXEMPTIONS

70AC(1) Notwithstanding Section 71, height regulations herein set forth shall not apply to church spires, church belfries, chimneys, flagpoles, radio poles, water tanks, elevator enclosures, or mechanical penthouses occupying in the aggregate less than 30 percent of the area of the roof of the building on which they are located, provided that:

- (a) no building or structure shall protrude through a View Plane;
- (b) no building or structure which is located in Schedule A shall be visible above the Citadel Ramparts as specified by ~~Section 26B~~ **Section 26B-A**; and
- (c) water tanks, elevator enclosures and penthouses shall be setback from the perimeter of the roofline a minimum of 10 feet or incorporated as an integral part of the building design.

20. Repeal “BCDD ZONE: BRUNSWICK COMPREHENSIVE DEVELOPMENT DISTRICT” of “ZONES, ZONING MAPS AND BUILDING LINE PLAN” in its entirety, inclusive of Subsections 70EA(1), 70EA(2), 70EA(3), 70EB(1), 70EB(2), AND 70EB(3), as shown below in ~~strikeout~~:

~~BCDD: BRUNSWICK COMPREHENSIVE DEVELOPMENT DISTRICT~~

~~70EA(1) The following uses shall be permitted in any BCDD Zone:~~

- ~~(a) all uses and structures existing on 17 February 1998;~~
- ~~(b) all residential uses with the exception of rooming, boarding, or lodging houses;~~
- ~~(c) the office of a professional person located in the dwelling house used by such professional person as his private residence;~~
- ~~(d) a home occupation;~~
- ~~(e) a public park;~~
- ~~(f) an office in the existing building at 2085-99 Maitland Street;~~
- ~~(g) uses accessory to any of the foregoing uses.~~

~~70EA(2) No person shall in any BCDD zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).~~

~~70EA(3) No person shall in any BCDD zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).~~

~~70EB(1) No development permit shall be issued for a development in the BCDD zone except by development agreement pursuant to Policies 9.7, 9.7.1 and 9.7.2 of Part II, Section XI (Peninsula North Secondary Planning Strategy) of the Municipal Planning Strategy.~~

~~70EB(2) Applications for development agreements in any (Brunswick Comprehensive Development District) BCDD zone shall include the following information:~~

- ~~(i) a legal description of the total site proposed for development, to include present and proposed ownership;~~
- ~~(ii) a development schedule to indicate the stages or phases of development from beginning to completion;~~
- ~~(iii) total number and type of dwelling units including detailed plans showing the architectural design of each building with respect to height, design elements, building materials and colours; sizes of dwelling units and any accessory buildings;~~
- ~~(iv) site plan and supporting maps to describe existing topographic conditions including contours at 1 metre intervals, proposed lot lines, location, setbacks and size of all existing and proposed buildings and structures; lot sizes, proposed lot coverages, approximate gross and net population densities, and total amount of open space and landscaped space;~~
- ~~(v) the location and size of all areas to be reserved as common open spaces or public parks; existing and proposed circulation systems including parking, driveways, and major points of access and egress to the development; existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system; existing and proposed public utility system; a landscape plan indicating the treatment of private spaces; and information on areas and buildings adjacent to the proposed development to indicate the architectural and building form relationship to these areas;~~
- ~~(vi) any other information which may be required to evaluate the impact of the proposed development.~~

~~70EB(3) Notwithstanding Section EB (1), no development permit shall be required to reconstruct or repair any building referred to in Section 70EA(1)(a) which is destroyed or damaged by fire or otherwise as long as the building is reconstructed for the same use, to the same exterior dimensions and shape, and with the same architectural design and building materials.~~

21. Amend Clause 71(b) of "EXCEPTIONS" of "ZONES, ZONING MAPS AND BUILDING LINE PLAN", as shown in **bold** and ~~strikeout~~, by:

- (a) deleting the words "Schedule A", after the words "is located in" and before the words "shall be visible", and replacing them with "Schedule A-1"; and

- (b) deleting the words and numbers "Section 26B", after the words "as specified by", and replacing them with the words and numbers "Section 26B-A"

EXCEPTIONS

HEIGHT

71 The height regulations herein set forth shall not apply to church spires, church belfries, chimneys, flagpoles, radio poles, water tanks, elevator enclosures, or penthouses occupying in the aggregate less than 10 percent of the area of the roof of the building on which they are located, provided that:

- (a) no building or structure shall protrude through a View Plane; and
- (b) no building or structure which is located in Schedule A shall be visible above the Citadel Ramparts as specified by ~~Section 26B~~ **Section 26B-A**.

22. Repeal Section 92 "SCHEDULE "Q"" in its entirety, as shown below in ~~strikeout~~:

~~92~~ ~~SCHEDULE "Q"~~

~~In any area shown as Schedule "Q", any use shall be permitted which is permitted by the zoning designation of such area, except that any proposed residential or mixed residential-commercial development over four residential units may proceed only by development agreement pursuant to Policy 2.3.3. of Section XI.~~

23. Repeal Clauses 94(1)(b), 94(1)(i), 94(1)(n), 94(1)(o), 94(1)(p), 94(1)(q), 94(1)(r), 94(1)(s), and 94(1)(t) "SOUTH-END DEVELOPMENT AGREEMENTS" of "DEVELOPMENT AGREEMENT PROVISIONS" in their entirety, as shown below in ~~strikeout~~:

DEVELOPMENT AGREEMENT PROVISIONS

SOUTH-END DEVELOPMENT AGREEMENTS

94(1) In the South End Area, Council may, by development agreement pursuant to Section V of the Municipal Planning Strategy:

Reconstruction

- (a) permit reconstruction of any building which was in existence on 16 July 1981, which is destroyed by fire or otherwise, in accordance with Policies 1.7 and 2.5.

~~Existing Commercial Uses~~

- ~~(b) permit building or site improvements to any existing commercial uses in accordance with Policies 2.6 and 2.6.1.~~

Commercial and Industrial Combinations

- (c) permit commercial uses and services in conjunction with industrial uses in accordance with Policy 3.3

Saint Mary's University

- (d) permit any specific university use at the periphery of Saint Mary's University campus in accordance with Policy 7.2.1.1

Gorsebrook Lands - Residential

- (e) permit residential development on DND Gorsebrook lands in accordance with Policy 7.2.6.

Gorsebrook Lands - Institutional

- (f) permit institutional development on DND Gorsebrook lands in accordance with Policy 7.2.6.1

Pine Hill Divinity College

- (g) permit major university development on the Pine Hill Divinity College Campus in accordance in accordance with Policy 7.3.1.1

~~College, Summer, Spring Garden and South Park~~

- ~~(i) permit any development consistent with the zoning designation in the area bounded by College Street, Summer Street, Spring Garden Road and South Park Street which would not otherwise be permitted by the height requirements of this by-law in accordance with Policy 7.5.2.1.~~

Angle Controls

- (j) permit any specific development consistent with the zoning designation which would not otherwise be permitted by the angular plane requirements of this by-law in accordance with Policy 7.7.3

Industrial

- (k) permit any specific industrial use in area zoned industrial which would not otherwise be permitted by the height requirements of this by-law in accordance with Policy 7.8.2.1.

Residential in Industrial

- (l) permit any specific residential development in areas zoned for areas zoned for industrial development in accordance with Policy 7.8.2.2.

Intersection of Queen and Morris

- (m) permit mixed residential/commercial development at the intersection of Queen Street and Morris Street in accordance with Policies 7.5.5 and 7.6.1

~~Non-profit Medical or Rehabilitation Organization~~

- ~~(n) permit an office of a non-profit medical or medical and rehabilitative organization to be located on those properties on South Street between the Gorsebrook lands and Tower Road in accordance with Policies 7.6.2. and 7.6.3.~~

~~5515/17/19 and 5523 Inglis Street~~

- ~~(o) permit a multiple unit residential building in accordance with Policies 7.6.4 and 7.6.4.1~~

~~Cathedral Church of All Saints~~

- ~~(p) permit a mixed use commercial and multiple residential building in accordance with Policies 7.5.6 and 7.5.7~~

~~5251 South Street~~

- ~~(q) permit a multiple unit residential building in accordance with Policies 7.6.5 and 7.6.5.1~~

~~5620 South Street~~

- ~~(r) permit an apartment building in accordance with Policy 7.6.6.~~

Fenwick Tower

- (s) permit a mixed use residential and commercial development in accordance with policies 7.7A and 7.7A.1

~~1034-1056 Wellington Street~~

- ~~(t) Council may permit a residential development at 1034-1056 Wellington Street in accordance with Policies 7.7B.1 and 7.7B2 of Section V of the Halifax Municipal Planning Strategy. (RC-Jan 13/15;E-Feb 28/15)~~

1017 and 1021 Beaufort Avenue

- (u) permit a development comprised of detached one family dwelling houses in accordance with policies 1.4.1.3 and 1.4.1.4.

Schmidville Historic Park and Institutional Area

- (v) Permit the redevelopment of the Historic Park and Institutional Area when a proposed development involves the construction of a building, if the construction of any addition to an existing building exceeds a footprint of 1,500 square feet or any new building exceeds a footprint area of 1,500 square feet in accordance with Policy 7.9.8 of the District IX Policies of Section V of the Municipal Planning Strategy and Council shall consider the requirements listed in Policy 7.9.9 of the District IX Policies section V of the Municipal Planning Strategy.

24. Repeal Subsections 95(1)(c), 95(1)(e), 95(1)(f), 95(1)(g), 95(1)(i), 95(3), 95(4), 95(6), 95(7), and 95(8) of the "PENINSULA CENTRE - DEVELOPMENT AGREEMENTS" of "DEVELOPMENT AGREEMENT" in their entirety, as shown below in ~~strikeout~~:

PENINSULA CENTRE - DEVELOPMENT AGREEMENTS

- 95(1) In the "Peninsula Centre Area", Council may, by development agreement pursuant to Section VI of the Municipal Planning Strategy:

Townhousing

- (a) permit townhousing in accordance with Policy 1.8

Residential Reconstruction

- (b) permit reconstruction of any residential building which was in existence on 16 July 1981, which is destroyed by fire or otherwise in accordance with Policy 1.12

~~1350 Oxford Street~~

- ~~(c) permit high density residential uses at 1350 Oxford Street, in accordance with Policy 3.4~~

Thornvale

- (d) permit any use not otherwise permitted by the zoning designation of the city registered heritage property known as Thornvale, Thornvale Avenue, in accordance with Policy 6.1.1

~~Spring Garden Road Sub-Area - North of Spring Garden Road~~

- ~~(e) permit any development consistent with the zoning designation in the Spring Garden Road Sub-Area, north of Spring Garden Road, which would not otherwise be permitted by the height requirements of this by-law and in accordance with Policy 8.1.2~~

Offices in Apartment Buildings

- ~~(f) permit office uses on the ground floor of apartment houses in the Spring Garden Road Sub Area, in accordance with Policy 8.1.3~~

South-west Corner of Spring Garden Road and Summer Street

- (g) ~~permit any residential development at the south-west corner of Spring Garden Road and Summer Street which would not otherwise be permitted by the Height Precinct Map in accordance with Policy 8.1.4~~

1270 Oxford Street

- (i) ~~permit a multi-unit residential building in accordance with Policies 3.5 and 3.5.1.~~

6770 Jubilee Road

- (j) permit an additional dwelling unit through interior conversion of the existing 17-unit residential building in accordance with Policies 8.2.1.3 and 8.2.1.3.1.

95(2) Approval by Council under subsection (1) shall only be granted provided that no exemption shall be given to Section 24.

6112 Quinpool Road

95(3) ~~Council may permit a mixed use residential and commercial development at 6112 Quinpool Road in accordance with Policy 1.14 of Section VI and Policy 2.9 of Section XII of the Halifax Municipal Planning Strategy.~~

6124 Coburg Road and 1460, 1462, 1470 & 1474 Seymour Street

95(4) ~~Council may permit a residential or mixed use residential and commercial development at 6124 Coburg Road and 1460, 1462, 1470 and 1474 Seymour Street in accordance with Policy 1.15 of Section VI of the Halifax Municipal Planning Strategy.~~

P.I.D. 00137273 Cedar Street

95(2) For the property identified as P.I.D. 00137273 Cedar Street, notwithstanding the uses permitted by the zone, no development, other than a detached single unit dwelling, shall be permitted, except by development agreement pursuant to Policy 1.5.5 of Section VI.

95(6) ~~Civic No. 6345 Coburg Road, Halifax~~

~~Council may, by development agreement, pursuant to policies 1.16 and 1.16.1 of Section VI of the Halifax Municipal Planning Strategy, permit a multi-unit residential development~~

95(7) ~~Intersections of Robie, Pepperell and Shirley Streets, Halifax (6030 Pepperell Street)~~

~~Council may, by development agreement, pursuant to policies 3.2.1 of Section XVI of the Halifax Municipal Planning Strategy, permit mixed use, multi-unit residential development.~~

95(8) Council may permit a comprehensive mixed-use development on Quinpool Road, Pepperell Street, Preston Street and Shirley Street in accordance with Policy 1.17 of Section VI and Policy 2.11 of Section XII of the Halifax Municipal Planning Strategy.

25. Repeal Sections, Subsections and Clauses 98(1)(a), 98(1)(c), 98(1)(d), 98(1)(e), 98(1)(f), 98(1)(g), 98(1)(h), 98(1)(i), 98(3), 98A, 98B, 98C(1), 98C(2), 98C(3), 98C(4), 98D(1), 98D(2), 98E, and 98F of the "PENINSULA NORTH - DEVELOPMENT AGREEMENTS" of "DEVELOPMENT AGREEMENT" in their entirety, as shown below in ~~strikeout~~:

PENINSULA NORTH - DEVELOPMENT AGREEMENTS

- 98(1) In the "Peninsula North Area", Council may, by development agreement pursuant to Section XI of the Municipal Planning Strategy:

Parking Lots

- (a) ~~permit at-grade vehicular parking, loading and unloading facilities in accordance with Policies 1.5 and 1.5.1 for the properties known as:~~
- ~~(i) Civic No. 6290 Yale Street (LRIS No. 177212);~~
 - ~~(ii) Civic No. 6284-86 Yale Street (LRIS No. 177220);~~
 - ~~(iii) Civic No. 6278 Yale Street (LRIS No. 177246);~~
 - ~~(iv) Civic No. 6272 Yale Street (LRIS No. 177253);~~
 - ~~(v) Civic No. 2021 Oxford Street (LRIS No. 24778); and~~
 - ~~(vi) Civic No. 2046 Robie Street (LRIS No. 14006)~~

Non-conforming Residential Uses

- (b) permit reconstruction of a non-conforming residential building in Area #3, which is destroyed by fire or otherwise, in accordance with Policy 1.6

Windsor Street – Northeast side from North to Willow Streets

- ~~(c) permit offices and residential uses in accordance with Policy 10.4.~~

Gettingen Street West – Cunard to Gerrish

- ~~(d) permit, in accordance with Policy 2.15, any development which would not otherwise be permitted by the zoning requirements.~~

Gettingen and Cogswell – Northeast Corner

- ~~(e) permit, in accordance with Policy 2.11, any development which would not otherwise be permitted by the zoning requirements.~~

Robie/West/Cunard Streets

- ~~(f) permit an apartment building in accordance with Policy 1.7.~~

Cunard/June Streets

- ~~(g) permit an apartment building in accordance with Policy 1.8.~~

2594 Agricola Street (PID # 00169276) (RC-Jun 12/07;E-Jun 23/07)

- ~~(h) permit a mixed use building (Commercial and Residential) in accordance with Policy 2.16.~~

5784 Charles Street (PID # 00151431, 00151449, 00151662 and 00151670)

- ~~(i) permit a multiple unit residential building with commercial space in accordance with Policy 1.9.~~

- 98(2) In the "Peninsula North Area", a development permit may be issued for a project in respect of which approval was given by Council and where no decision of the Municipal Board has been given reversing such approval, provided that the development is completed within the time period specified in the development agreement.

Eastern Side of Gottingen Street between Russell Street and Kaye Street

~~98(3) Council may permit a mixed use residential and commercial development on the eastern side of Gottingen Street, between Russell Street and Kaye Street (PID # 40850463), in accordance with Policy 3.4 of the Halifax Municipal Planning Strategy (Section XI, Part II).~~

QUINPOOL ROAD - DEVELOPMENT AGREEMENTS

~~98A In the Quinpool Road Commercial Area, Council may, by development agreement pursuant to Section XII, Part II, of the Municipal Planning Strategy:~~

Commercial Designation

~~i) permit a lounge in association with a restaurant in accordance with Policies 2.8 and 2.8.1.~~

~~98B Council may permit a mixed use residential and commercial development at 6112 Quinpool Road in accordance with Policy 1.14 of Section VI and Policy 2.9 of Section XII of the Halifax Municipal Planning Strategy.~~

6009-6017 Quinpool Road - Northwest corner of Quinpool Road and Robie Street

~~98C (1) Council may, by development agreement, pursuant to Policies 2.10 through 2.10.4 of Section XII of the Halifax Municipal Planning Strategy, permit a mixed use, multiple unit residential and commercial development, providing the following conditions are satisfied:~~

- ~~(a) the development shall not exceed 78 metres in height;~~
- ~~(b) if the development exceeds 62 meters in height, the applicant shall provide a public benefit in the form of:
 - ~~(i) ten affordable housing dwelling units and the undergrounding of all electrical and utility wires adjacent to the development along both the Quinpool Road and Robie Street elevations; or~~
 - ~~(ii) twenty affordable housing dwelling units; or~~
 - ~~(iii) ten affordable housing dwelling units and \$900,000 as the contribution for the additional ten affordable dwelling units; or~~
 - ~~(iv) money in lieu of a contribution of twenty affordable housing dwelling units as the contribution for incentive or bonus zoning in the amount of \$1,800,000;~~~~
- ~~(c) the monthly rent for the affordable housing dwelling units shall be no more than \$750 per month for each of the ten units, and such rent
 - ~~(i) shall include heat, electricity, and hot water; and~~
 - ~~(ii) may exclude parking, cable, internet and telephone;~~~~
- ~~(d) the affordable housing dwelling units shall:
 - ~~(i) be located on the site of the development,~~
 - ~~(ii) be dispersed throughout the development,~~
 - ~~(iii) be similar in design, size, and appearance to other dwelling units within the development,~~
 - ~~(iv) contain two or more bedrooms and have a minimum area of 69.68 sq. m., and~~
 - ~~(v) be provided for 180 months, commencing on the initial occupancy date indicated in a signed sublease between the Minister of Community of Services, through Housing Nova Scotia, and~~~~
- ~~(e) an agreement is signed between the property owner and the Minister of Community Services, through Housing Nova Scotia, which leases the affordable dwelling units in the number determined in accordance with clause b to Housing Nova Scotia and such lease shall include provisions that~~

- ~~(i) — the term and the amount of rent satisfies subclause (d)(v) and clause c,~~
- ~~(ii) — that the Province may sublease each affordable dwelling unit to the people it determines have a household income in the low to moderate income range,~~
- ~~(iii) — an affordable housing unit tenant who no longer meets the requirements of household income in the low to moderate income range shall be permitted to remain in that dwelling unit until their lease expires, and~~
- ~~(iv) — the Province will provide a report, at least annually, to the Municipality confirming that each of the required affordable dwelling units are subleased to people whose household income is in the low to moderate income range; and~~
- ~~(f) — Housing Nova Scotia may sublease each affordable dwelling unit to the people it determines have a household income in the low to moderate income range, and~~
- ~~(g) — Housing Nova Scotia will provide a report, at least annually, to the Municipality confirming that each of the ten affordable dwelling units are subleased to people whose household income is in the low to moderate income range.~~

~~(2) — Council may accept money in the amount of \$900,000 if ten affordable housing dwelling units is provided or \$1,800,000 if no affordable housing dwelling units are provided in lieu of the contribution of affordable housing dwelling units.~~

~~(3) — Subject to 98D (1)(e), unless Council decides otherwise, the Municipality shall not accept money in lieu of the contribution of affordable housing dwelling units.~~

~~(4) — Money accepted in lieu of a contribution of affordable housing dwelling units shall be used for the purpose of affordable housing in the Municipality.~~

~~98D(1) An incentive or bonus zoning agreement for 6009-6017 Quinpool Road shall contain provisions respecting:~~

- ~~(a) — the identification of the development site; and~~
- ~~(b) — detailed construction drawings, site plans, specifications for the required public benefit;~~
- ~~(c) — the property owner reporting, at least annually, to the Province declaring the tenants in the affordable housing dwelling units are subleased to people with household income in the low to moderate income range;~~
- ~~(d) — an affordable housing unit tenant who no longer meets the requirements of household income in the low to moderate income range shall be permitted to remain in the unit until their lease expires; and~~
- ~~(e) — the property owner agrees to pay money in the amount of \$900,000 in lieu of the contribution of ten additional affordable housing dwelling units providing ten affordable housing dwelling units are provided if, at any time, the property owner breaches the lease required by clause 98C(e).~~

~~(2) — In considering whether to approve an incentive or bonus zoning agreement for 6009-6017 Quinpool Road, the Development Officer shall consider whether subsection (1) has been satisfied.~~

~~98E — Providing sections 98C and 98D are satisfied, a Development Officer may approve an incentive or bonus zoning agreement, or an amendment thereto, on behalf of the Municipality and, if so approved, the Mayor and Clerk must sign an agreement or amendment on behalf of the Municipality.~~

~~98F — Council may permit a comprehensive mixed use development on Quinpool Road, Pepperell Street, Preston Street and Shirley Street in accordance with Policy 1.17 of Section VI and Policy 2.11 of Section XII of the Halifax Municipal Planning Strategy.~~

26. Repeal Subsections 99(9), 99(11), and 100(3), of the “PENINSULA WIDE - DEVELOPMENT AGREEMENTS” of “DEVELOPMENT AGREEMENT” in their entirety, as shown below in ~~strikeout~~:

PENINSULA WIDE - DEVELOPMENT AGREEMENTS

99(1) Heritage Property

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit any specific development on a lot which is a city registered heritage property in accordance with Policy 6.8

99(2) Private Roads

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit residential development on lots that do not abut a publicly owned or maintained street in accordance with Policy 2.12

99(3) Amusement Centre

Council may, by development agreement, pursuant to the Implementation Policies of the Municipal Planning Strategy, permit the establishment of an amusement centre, in accordance with Policies 3.13, 3.13.1 and 3.13.3

99(4) Non-conforming Use

Council may, by development agreement, pursuant to Implementation Policies of the Municipal Planning Strategy, permit a non-conforming use to be changed to another non-conforming use, or permit the structure in which such a use is located to be altered or expanded in accordance with Policy 3.14

99(5) Lot Modification

Council may, by development agreement, pursuant to the Implementation Policies of the Municipal Planning Strategy, permit any use permitted by the zoning designation which would not otherwise be permitted by the minimum lot frontage, lot area and yard requirements of this by-law, in accordance with Policies 4.4 and 4.6

99(6) Podium Height Modification- R-3 Uses

Council may, by development agreement pursuant to the Implementation Policies of the Municipal Planning Strategy, permit any R-3 use permitted by the zoning designation which would not otherwise be permitted by the maximum height limit for any part of a building not containing any windows or doors serving habitable rooms, specified in Section 47(2)(d)(ii) in accordance with Policy 4.5

99(7) Public Service or Utility Use

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit a public service or utility use in accordance with Policies 7.2.2 and 7.2.1. Any uses considered through this section shall comply with Section 34 and Sections 44 to 48 of this by-law.

99(8) Non-Harbour Related Uses

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit non-harbour related uses in the C-5 zone in accordance with Policies 4.1.1.1 and 4.1.1.2

~~99(9) — 6955 Bayers Road (PID #40824005)~~

~~Council may, by development agreement, pursuant to Policies 2.14 and 2.14.1 of Section II of the Halifax Municipal Planning Strategy, permit the development of a multiple unit residential building at 6955 Bayers Road, Halifax (PID #40824005).~~

99(10) Day Care Facilities

Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit a day care facility which would not otherwise be permitted by the zoning requirements in accordance with Implementation Policies 3.20 and 3.20.1

~~99(11) — Council may, by development agreement, pursuant to Section II of the Municipal Planning Strategy permit a residential development on the property formerly owned by Petro Canada Limited (LMIS No. 34058), which would not otherwise be permitted by the zoning requirements in accordance with policy 2.15.~~

99(12) Capital Cost Contribution

As provided for by “Infrastructure Policies” of the Municipal Planning Strategy, uses within any designation which would require new or expanded infrastructure may be permitted subject to the development agreement provisions of the MGA.

99(13) Residential Pet Care Facilities

Council may, by development agreement, pursuant to Section II and the Implementation Policies of the Municipal Planning Strategy, permit a residential pet care facility in accordance with Implementation Policies 3.22 and 3.22.1"

100(1) Halifax Waterfront (HWDA) - Development Agreements Deleted

100(2) 3631 and 3639 Bright Place, 6100 Normandy Drive and a portion of the former Bright Place right-of-way

Council may, by development agreement, pursuant to Policies 2.18, 2.18.1 and 2.18.2 of Section II of the Halifax Municipal Planning Strategy, permit a multiple-unit residential development.

~~100(3) — Northern corner of Young Street and Windsor Street (former CFB Halifax Willow Park lands)~~

~~Council may, by development agreement, pursuant to Policies 5.4, and 5.5 of Section II of the Halifax Municipal Planning Strategy, permit a mixed use, multiple-unit residential and commercial development.~~

27. Amending “Map ZM-17 – Height Precincts” by removing “INSET A – Citadel Elevations”.
28. Repealing “TT20158A – View Map”.
29. Adding “Map ZM-25 – Halifax Citadel View Planes”, as shown on Attachment J-1.
30. Adding “Map ZM-26-Halifax Citadel Ramparts”, as shown on Attachment J-2.

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