

**ATTACHMENT D:**  
**AMENDMENTS TO LAND USE BY-LAW FOR DARTMOUTH**

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

1. Unless otherwise repealed under sections 23 and 24 of this amending By-law, all maps and schedules of the Municipal Planning Strategy for Dartmouth are amended to remove those areas located within the Regional Centre Plan Area as shown on Map 1: Urban Structure Designations, under the Secondary Municipal Planning Strategy for the Regional Centre.
2. Amend SECTION 4: SCHEDULING of the "TABLE OF CONTENTS" by:
  - (a) deleting the words, numbers and colon symbol "SCHEDULE M: DARTMOUTH & DOWNTOWN DARTMOUTH PLAN AREA 14"; and
  - (b) deleting the words and colon symbol "SCHEDULE W: Lake Banook Canoe Course Area 119".
3. Amend "SECTION 2A: GENERAL PROVISIONS", as shown in **bold** and ~~strikeout~~, by:
  - (a) deleting the words "the Centres, Corridors, Higher-Order Residential, Future Growth Nodes, and Downtowns", after the words "to the lands located within", and before the words and number "as shown on Schedule 1"; and
  - (b) adding the words "the Regional Centre Plan Area" after the words "to the lands located within".

2A The Land Use By-law for Dartmouth shall not apply to the lands located within ~~the Centres, Corridors, Higher Order Residential, Future Growth Nodes, and Downtowns~~ **the Regional Centre Plan Area**, as shown on Schedule 1 contained in the Regional Centre Land Use By-law.
4. Amend "SECTION 2: GENERAL PROVISIONS", by repealing Section 18D in its entirety, as shown below in ~~strikeout~~:

~~18D Notwithstanding any other provision of this By-law, on lands known as civic number 36 Wentworth Street, identified as Schedule "L", Council may consider the development of an apartment building and semi-detached dwelling by development agreement, according to Policy DA-22 of the Municipal Planning Strategy.~~
5. Amend Section 18H of "SECTION 2: GENERAL PROVISIONS", as shown in **bold** and ~~strikeout~~, by:
  - (a) adding the word "Number" after the words "known as Civic"; and
  - (b) deleting the words, numbers, brackets, and hashtag symbol "Numbers 102 Penhorn Drive (PID #226183) and", after the words "known as Civic", and before the words, numbers, brackets, and hashtag symbol "611 Portland Street (PID #73247)";

18H Notwithstanding any other provisions of the By-law, on lands known as Civic **Number Numbers 102 Penhorn Drive (PID #226183)** and 611 Portland Street (PID #73247), as identified as Schedule "T", redevelopment for commercial use may be considered in accordance with Policies C-21 and C-22 of the Municipal Planning Strategy.
6. Amend Clause 30(i) of "SECTION 2: GENERAL PROVISIONS", as shown below in **bold** and ~~strikeout~~,

by:

- (a) deleting the comma between the words "Waverley Road" and "Woodland Avenue", and replacing it with the word "and"; and
- (b) deleting the words "and Ferrell Street" after the words "Woodland Avenue" and before the period at the end of the clause.

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

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

7. Amend "SECTION 2: GENERAL PROVISIONS", by repealing Section 32 in its entirety, as shown below in ~~strikeout~~:

~~32 All buildings within the "Lake Banook Canoe Course Area" as identified on Schedule "W" that exceeds the maximum height restriction applied to this area shall be considered an existing building and permitted to be repaired and/or replaced provided that the height of the building does not increase." [identified on Schedule "W".~~

8. Amend "SECTION 3: ZONES", by repealing Clause 32(2)(d) under Part 1: R-1 (Single Family Residential) Zone, in its entirety, as shown below in ~~strikeout~~:

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

- (a) Lot area minimum - 5,000 square feet
- (b) Lot coverage maximum - 35 %
- (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
- ~~(d) Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W", and within the Main Street Designation as~~

~~identified on Schedule AF.~~

9. Amend "SECTION 3: ZONES", by repealing Clause 32(3) under Part 1: R-1 (Single Family Residential) Zone, in its entirety, as shown below in ~~strikeout~~:

~~32(3) Notwithstanding anything else in this by-law, the following zone requirements shall apply to lots TH-7, TH-8, TH-9, TH-10 and TH-11 on Chineok Court and lots TH-1, TH-2, TH-13, TH-14 and TH-15 on Tutor Court in the Lancaster Ridge Subdivision only:~~

~~(a) Zone Requirements:~~

~~Minimum lot area 3000 square feet  
Minimum lot frontage 36 feet  
Minimum front yard 15 feet  
Minimum side yards 5 feet (one side)  
For dwelling 10 feet (other side)  
Minimum rear yard 10 feet  
Maximum lot coverage 35 per cent~~

~~(b) For detached garages and accessory buildings, the minimum setback from any side or rear property line is two (2) feet.~~

~~(c) For decks and verandahs, the minimum setback from any side or rear property line is five (5) feet.~~

~~(d) Notwithstanding Section 3(a), minimum sideyards, where a dwelling includes an attached garage the minimum sideyard for both sides of the dwelling shall be five (5) feet.~~

~~(e) On all lots where there is no attached garage, the driveway shall extend into the sideyard of the lot a minimum of fifteen (15) feet beyond the front wall of the structure.~~

~~(f) Where a lot fronts on the outside of a street curve having a radius of one hundred (100) feet or less, the required lot frontage may be reduced to a minimum of 25 feet.~~

10. Amend "SECTION 3: ZONES", by amending Clause 33(3)(e) under Part 3: R-2 (Two-Family Residential) Zone, to delete the words and comma "~~Lake Banook Canoe Course Area~~" as identified on Schedule "~~W~~", and within the " after the words "situated within" and before the words "Main Street Designation", as shown below in ~~strikeout~~:

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

~~(a) Lot area minimum - 5,000 sq. ft.~~

~~(b) Lot coverage maximum - 35%~~

~~(c) Side and rear yards shall be provided on each side and at the rear of a building as specified in the Building By-laws of the City.~~

~~(d) notwithstanding anything contained in this section, a lot in an R-2 Zone created by the subdivision of a lot containing two semi-detached dwellings shall be permitted, provided that each lot resulting from the subdivision and each individual dwelling unit complies with the following requirements:~~

~~(i) Lot area minimum - 2,500 square feet~~

~~(ii) Lot frontage minimum - 25 feet~~

~~(iii) Lot coverage maximum - 35%~~

~~(iv) compliance with the building by-laws of the City.~~

~~(e) Height Maximum -35 feet on all parcels of land situated within the "~~Lake Banook Canoe Course Area~~" as identified on Schedule "~~W~~", and within the Main Street Designation as identified on Schedule AF.~~

11. Amend "SECTION 3: ZONES", by repealing Clause 34(3)(e) under Part 4: R-3 (Multiple Family Residential) Zone, in its entirety, as shown below in ~~strikeout~~:

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

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

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

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

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

- (c) On all buildings a minimum side and rear yard clearance of 15 feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
- (d) The yard area located between the street line and the minimum setback line shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas.
- ~~(e) Height Maximum 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

12. Amend "SECTION 3: ZONES", by repealing Clause 35(3)(e) under Part 5: R-4 (Multiple Family Residential) Zone – High Density, in its entirety, as shown below in ~~strikeout~~:

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

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

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

- (c) Notwithstanding the provisions of paragraph (b) above, the number of permissible dwelling units for any site may be increased by:
  - (i) 2% where at least one-third of the parking requirements are provided within the building; or
  - (ii) 4% where at least two-thirds of the parking requirements are provided within the building; or
  - (iii) 6% where all of the parking requirements are provided within the building; or
  - (iv) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a City street from a five acre public open space.
- (d) On all buildings a minimum side and rear yard clearance of fifteen feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
- ~~(e) Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

13. Amend "SECTION 3: ZONES", by amending Clause 36(2)(g) under Part 6: TH (TOWN HOUSING) Zone, to delete the words and comma "~~Lake Banook Canoe Course Area" as identified on Schedule "W", and within the~~" after the words "situated within the" and before the words "Main Street Designation", as shown below in ~~strikeout~~:

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

- (a) Lot area minimum - 2,000 sq. ft. per unit
- (b) Lot frontage minimum - 20 feet, except where the lot faces on the outside of a curve in a street in which case the minimum frontage shall be not less than 15 ft. and the dimension along the minimum set-back for the lot shall be not less than 20 feet.
- (c) Lot coverage maximum – 45% except for a building containing not more than one storey above grade – 50%
- (d) not more than eight individual housing units shall be included in any one building block.
- (e) A sideyard at least 10 feet in width shall be provided at each end of each building block.
- (f) Every building block shall be located at a distance of not less than 15 feet from the street line.
- (fa) Within the Main Street Designation a rear yard setback of not less than 6.1 metres (20 feet) shall be provided.
- (g) Height Maximum - 35 feet on all parcels of land situated within the "~~Lake Banook Canoe Course Area" as identified on Schedule "W", and within the~~ Main Street Designation as identified on Schedule AF.

14. Amend "SECTION 3: ZONES", by repealing Subsection 37(4) under Part 7: T (MOBILE HOME PARK) Zone, in its entirety, as shown below in ~~strikeout~~:

~~37(4) No Buildings shall exceed 35 feet in height on those parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

15. Amend "SECTION 3: ZONES", by repealing Clause 39(3)(e) under PART 9: C-2 (GENERAL BUSINESS) Zone, in its entirety, as shown below in ~~strikeout~~:

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

- (a) Lot area minimum - 5,000 sq. ft.
- (b) Height maximum - 3 storeys for a building with an office function as its primary function.
- (ba) Within the Main Street Designation, except for those lots abutting Lakecrest Drive, residential uses are not permitted on the ground floor of a building, except for entrance lobbies, common areas and accessory uses.
- (c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
- (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building Bylaws of the City of Dartmouth.
- (da) Within the Main Street Designation, where the yard abuts any R-1, R-1A or R-2 zone, a minimum 6.1 metre (20 ft.) side and rear yard is required.
- ~~(e) Additional Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~
- (f) Within the Main Street Designation, the maximum height shall be as identified on Schedule AF.

16. Amend "SECTION 3: ZONES", by repealing Clause 40(2)(e) under PART 10: C-3 (GENERAL BUSINESS) Zone, in its entirety, as shown below in ~~strikeout~~:

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

- (a) Lot area minimum - 5,000 square feet
- (b) Height maximum - 3 storeys for a building with an office function as its primary function.
- (c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
- (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City of Dartmouth.
- ~~(e) Additional Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

17. Amend "SECTION 3: ZONES", by repealing Subsection 44(3) under PART 16: P (PARK) Zone, in its entirety, as shown below in ~~strikeout~~:

~~44(3) No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

18. Amend "SECTION 3: ZONES", by repealing Subsection 44(A)(2) under PART 17: OS (OPEN SPACE) Zone, in its entirety, as shown below in ~~strikeout~~:

~~44(A)(2) No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

19. Amend "SECTION 3: ZONES", by repealing Clause 45(2)(c) under PART 19: S (INSTITUTIONAL) Zone, in its entirety, as shown below in ~~strikeout~~:

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

- (a) Lot area, minimum - 5,000 square feet
- (b) Maximum coverage - 50%
- ~~(c) Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~
- (ca) Within the Main Street Designation, maximum height shall be as identified on Schedule AF.
- (d) For any new or expanded institutional use, the following landscaping provisions shall apply:
  - (i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.
  - (ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width.

20. Amend "SECTION 3: ZONES", by repealing Subsection 46(3) under PART 20: C (CONSERVATION) Zone, in its entirety, as shown below in ~~strikeout~~:

~~46(3) No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".~~

21. Amend "SECTION 3: ZONES", by repealing Clause 48(3)(h) under PART 24: MF-1 (MULTIPLE FAMILY RESIDENTIAL) Zone, in its entirety, as shown below in ~~strikeout~~:

48(3) Buildings erected, altered, repaired, maintained or used for residential uses in a MF-1 Zone shall comply with the following requirements:

- (a) Lot coverage maximum - 40%
- (b) Area of site in square feet required per dwelling unit for apartments:

| Number of<br><u>Storeys Room</u> | Bed-Sitting | TYPE OF DWELLING UNIT  |                         |                                   |
|----------------------------------|-------------|------------------------|-------------------------|-----------------------------------|
|                                  |             | <u>One<br/>Bedroom</u> | <u>Two<br/>Bedrooms</u> | <u>Three or more<br/>Bedrooms</u> |
| 1                                | 440 sq. ft. | 550 sq. ft.            | 890 sq. ft.             | 1230 sq. ft.                      |
| 2                                | 410         | 510                    | 820                     | 1130                              |
| 3                                | 380         | 470                    | 760                     | 1050                              |
| 4 & over                         | 350         | 440                    | 700                     | 970                               |

- (c) The area of site required in sub-section 2 above may be reduced by:
  - (i) 2% where at least one-quarter of the parking requirements are provided within the building;
  - (ii) 4% where at least one-half of the parking requirements are provided within the building;
  - (iii) 6% where at least three-quarters of the parking requirements are provided within the building;
  - (iv) 8% where all the parking requirements are provided within the building;
  - (v) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a city street from a public open space having a minimum size of five acre.
- (d) Every building shall be located at a distance from the street line as specified by the building line applicable to the street on which the proposed building is to be located.

Where no building line exists the Development Officer may establish a building line for the street. If no building line exists and no building line is established by the Development Officer the building line shall be taken as the mean distance of the set-backs of existing buildings from the street line in the block portion of the street on which the proposed building is to be located or the building line may be set by the Development Officer provided that no part of a building for residential use shall be located with respect to any street so that the height of the part exceeds the set-back plus two-thirds the width of the street on which it fronts.

- (e) Yards having a minimum width of seven and one-half feet each shall be provided on each side and at the rear of the building.
- (f) A minimum side and rear yard clearance of seven and one-half feet shall be maintained for all buildings up to and including three storeys in height, the minimum side and rear clearances shall be increased by five additional feet for each storey over three.
- (g) Maximum height - four storeys exclusive of any storeys not containing one or more apartments.
- ~~(h) Within the "Lake Banook Canoe Course Area" as identified on Schedule "W", no buildings or structures shall exceed 35 feet in height.~~

22. Amend "SECTION 3: ZONES", by repealing Clause 53(b) under PART 26: SC (SERVICE COMMERCIAL) Zone, in its entirety, as shown below in ~~strikeout~~:

53 The following uses only shall be permitted in an SC Zone:

- (a) commercial or industrial enterprises, except:
  - (i) stores for the purpose of retail trade and service other than grocery stores or drug stores;
  - (ii) obnoxious uses, uses creating a hazard to the public and uses creating heat, humidity and glare.
- ~~(b) Within the "Lake Banook Canoe Course Area" as identified on Schedule "W", no buildings or structures shall exceed 35 feet in height.~~

23. Repealing SCHEDULE M: DARTMOUTH & DOWNTOWN DARTMOUTH PLAN AREA.

24. Repealing SCHEDULE W: Lake Banook Canoe Course Area.

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