



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.5
Halifax and West Community Council
January 18, 2022

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Kelly Denty, Executive Director Planning and Development

DATE: January 6, 2022

SUBJECT: **Case 23872: Discharging Development Agreement for lands at 5785 Sarah Street, 2400 Agricola Street, and 5780 West Street, Halifax**

ORIGIN

Application by YHZ Designs, on behalf of the property owner.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), 2008, c. 39, Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Approve, by resolution, the Discharging Agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
2. Require the Discharging Agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

YHZ Designs is applying, on behalf of the property owner, to discharge an existing development agreement that allows the property at 5785 Sarah Street, 2400 Agricola Street, and 5780 West Street, Halifax to be used as a hotel. Discharging the existing agreement will allow future redevelopment of this land to be contemplated under the existing zoning of the Regional Centre Land Use By-law.

Subject Site	5785 Sarah Street, 2400 Agricola Street, and 5780 West Street, Halifax (PID's 00151217, 00151092, and 00151100)
Location	Corner of West Street and Agricola Street, Halifax
Regional Plan Designation	US (Urban Settlement)
Community Plan Designation (Map 1)	COR and ER-1 (Corridor and Established Residential 1) under the Regional Centre Secondary Municipal Planning Strategy)
Zoning (Map 2)	COR and ER-1 (Corridor and Established Residential 1) under the Regional Centre Land Use By-law
Size of Site	1,115 m ² (12,003 sq. ft.)
Street Frontage	72.5 metres (237.86 ft.)
Current Land Use(s)	Commercial (hotel) use
Surrounding Use(s)	Various commercial, mixed-use, and residential buildings

Proposal Details

The applicant proposes to discharge the original development agreement (Attachment B) that permits a hotel on the lands. The existing development agreement was approved by former City of Halifax Council on April 20th, 1994. There was an amending development agreement approved by the former City of Halifax Council in May of 1995 which provided for additional time to complete the development.

The landowner has indicated they would like to discharge the development agreement to allow redevelopment of 5785 Sarah Street as a residential development and to achieve more flexible use of 5780 West Street and 2400 Agricola Street. To do this, the existing development agreement would first need to be discharged.

Policy Context

The *Halifax Regional Municipality Charter* provides Council with a mechanism to discharge development agreements. Part VIII, Clause 244 identifies Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner. The *Charter* does not require a public hearing for the discharge of a development agreement or a portion thereof. A Community Council may discharge a development agreement by resolution.

The 1994 development agreement allowed uses not otherwise permitted in the existing building under the site's previous zoning of C-2 and R-2 under the Halifax Peninsula Land Use By-law. The applicant wishes to utilize the site under the current COR (Corridor) and ER-1 (Established Residential 1) zoning, and if the agreement is discharged future development on the site would be controlled by the COR and ER-1 zone standards in the Land Use By-law for the Regional Centre.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website and signage posted on the subject site. Staff have received questions of clarification from the public relating to this application. There is no requirement for a public hearing for this application.

DISCUSSION

The subject site is zoned COR and ER-1 under the Land Use By-law for the Regional Centre. The COR Zone permits a wide range of residential, commercial, open space, institutional, and industrial uses. The ER-1 zone permits a range of low-density residential uses. A full list of the uses permitted in the COR and ER-1 zone can be found in Attachment C. Any of the COR or ER-1 uses could be permitted by-right if the existing development agreement is discharged. The maximum height of a building in the COR zone is limited to 14 metres and 8 metres in the ER-1 zone, in addition to a variety of other built form requirements, as per the new Regional Centre Land Use By-law.

Non-Conforming Structure and Use

If successfully discharged, the existing structure on 5780 West Street and 2400 Agricola Street would be considered non-conforming under the standards of the COR Zone and section 253 of *Halifax Regional Municipality Charter*. The existing structure could remain as it is, but any additions or expansions would have to meet the requirements of the Land Use By-law for the Regional Centre.

Section 23 of the Land Use By-law for the Regional Centre also provides additional flexibility for non-conforming structures, which states:

23 (1) In any zone, the restrictions in the Charter respecting non-conforming structures that are not primarily used for residential purposes are relaxed by allowing them to be extended, enlarged, or altered if the extension, enlargement, or alteration does not further increase a non-conformity with a requirement of this By-law.

Additionally, the parking lot use on 5785 Sarah Street would be considered non-conforming under the standards of the ER-1 Zone and section 253 of *Halifax Regional Municipality Charter*. The parking lot can be maintained and repaired, but not expanded or replaced.

Timelines for Execution of the Discharging Agreement

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances presents, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise the request to discharge the existing development agreement is reasonably consistent with the intent of the Regional Centre Secondary Municipal Planning Strategy. The proposed discharge is also explicitly provided for in both the HRM Charter and the existing development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed discharge agreement. The administration of the proposed discharge agreement can be carried out within the approved 2021-2022 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

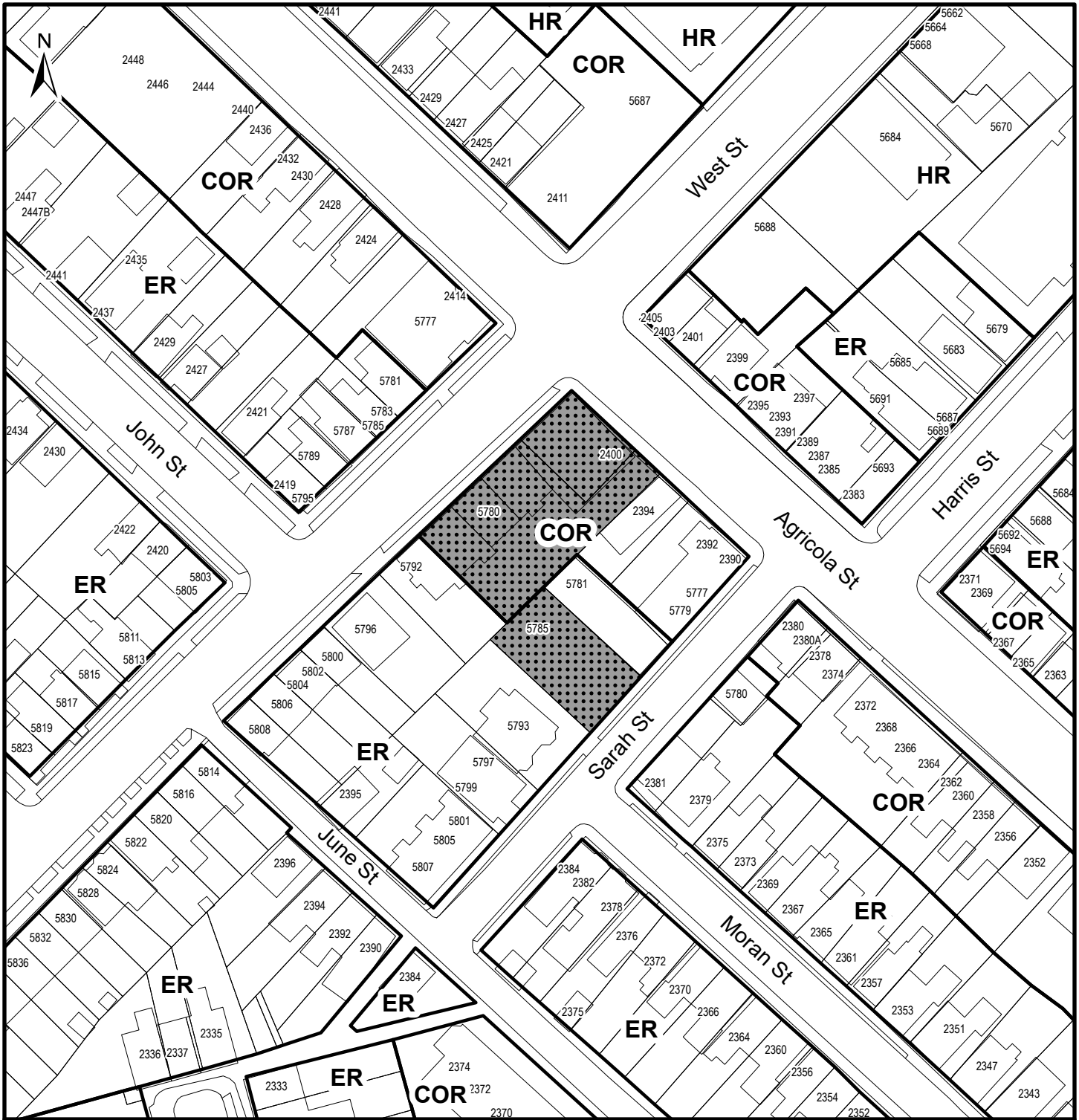
1. Halifax and West Community Council may choose to refuse to discharge the existing development agreement, and therefore, development on the property would remain subject to the conditions of the agreement.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Attachment A:	Proposed Discharging Agreement
Attachment B:	Existing Development Agreement
Attachment C:	Regional Centre LUB - Permitted Uses in the COR and ER-1 Zones


A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Dean MacDougall, Planner II, 902.240.7085

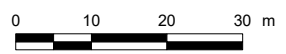


Map 1 - Generalized Future Land Use
 5785 Sarah St, 5780 West St., & 2400 Agricola St
 Halifax

HALIFAX

 Subject Properties

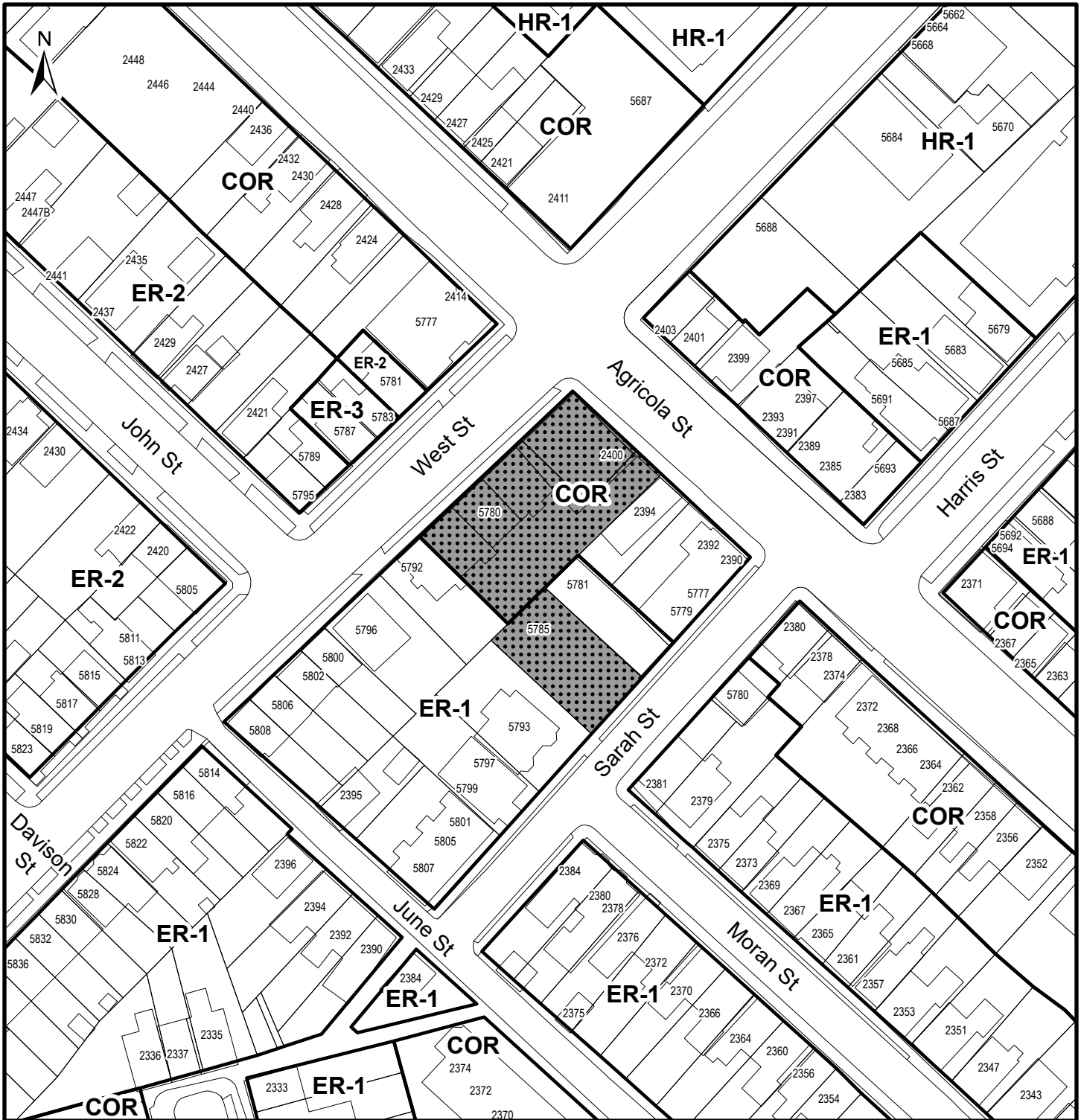
Designation
 COR Corridor
 HR High-Order Residential
 ER Established Residential



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Regional Centre Plan Area



Map 2 - Zoning

5785 Sarah St, 5780 West St., & 2400 Agricola St
Halifax

HALIFAX

 Subject Properties

Zone - Regional Centre

COR Corridor
 HR-1 Higher-Order Residential 1
 ER-1 Established Residential 1
 ER-2 Established Residential 2
 ER-3 Established Residential 3



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Regional Centre Land Use By-Law

Attachment A: Proposed Discharging Agreement

THIS DISCHARGING AGREEMENT made this _____ day of _____, 20____,

BETWEEN:

[INSERT INDIVIDUAL'S NAME]

an individual, in the Halifax Regional Municipality, in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia (hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 5785 Sarah Street, 2400 Agricola Street, and 5780 West Street, Halifax (PIDs 00151217, 00151092, and 00151100) and which said lands are more particularly described in the Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on April 20, 1994 the former Council of the City of Halifax approved an application to enter into a development agreement to allow the operation of a hotel on the Lands pursuant to Section 83 (c) of the Halifax Peninsula Land Use By-law and referenced as case number 6839, and which said development agreement was registered on September 19, 1994 at the Registry of Deeds in Halifax in Book 5631 at Pages 56-60 (hereinafter called the "Original Agreement");

AND WHEREAS on May 11, 1995 the former Council of the City of Halifax approved an application to amend the existing development agreement to allow for additional time for the developer to complete the development, pursuant to section 83 (c) of the Halifax Peninsula Land Use By-law, and which said amending development agreement was registered on September 19, 1995 at the Registry of Deeds in Halifax in Book 5738 at Pages 890-892 (hereinafter called the "First Amending Agreement");

AND WHEREAS the Developer has requested that the Original Agreement and First Amending Agreement be discharged from the Lands;

AND WHEREAS Section 244(2) of the *Halifax Regional Municipality Charter* states that Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owners;

AND WHEREAS the Halifax and West Community Council approved this request by resolution at a meeting held on **[Insert – date]**, referenced as case number 23872;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the parties agree as follows:

1. The Original Agreement and First Amending Agreement are hereby discharged as they apply to the Lands and shall no longer have any force or effect.
2. Any future development of the Lands shall conform with all applicable provisions and requirements of the Regional Centre Land Use By-law, as amended from time to time.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

40327

See amending agree

B. 5738

P. 890
1994

THIS AGREEMENT made this 19th day of September

BETWEEN:

See amending agree

B-5816 P-472

See amending agree

B-5982 P-1194

STANDARD TRUST COMPANY,
IN LIQUIDATION,

a body corporate, in the County of
Halifax, Province of Nova Scotia,
(hereinafter called the "Developer")

APPROVED
AS TO FORM
Original Signed

Province of Nova Scotia
County of Halifax

I hereby certify that the within instrument
was recorded in the Registry of Deeds Office
at Halifax in the County of Halifax, N. S.,
at 2:30 o'clock P.M., on the 23rd - and -
day of Sept A.D. 1994 in
Book No. 5631 at Pages 56-60
as Document Number 40327

OF THE FIRST PART

Original Signed

CITY OF HALIFAX,

a municipal body corporate,
(hereinafter called the "City")

Registrar of Deeds for the Registration
District of Halifax County

OF THE SECOND PART

WHEREAS the Developer wishes to obtain permission
to develop a hotel at 2400 Agricola Street, 5780-88 West
Street and 5785-87 Sarah Street, in the City, pursuant to
Section 83(c) of the Peninsula part of the Land Use Bylaw;

AND WHEREAS a condition of the granting of approval
of Council is that the Developer enter into an agreement with
the City;

AND WHEREAS the Council of the City, at its meeting
on the 20th day of April 1994, approved the said development
agreement to permit operation of a hotel subject to the
registered owner of the lands described herein entering into
this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in
consideration of the granting by the City of the development
agreement requested by the Developer, the Developer agrees as
follows:

1. REGISTERED OWNER

The Developer is the registered owner of the lands known as
2400 Agricola Street, 5780-88 West Street and 5785-87 Sarah
Street, in the City of Halifax, described in Schedule "A"
hereto (hereinafter called the "lands").

2. USE OF PROPERTY

The Developer shall develop on the lands a building and
landscaping, which in the opinion of the Development Officer,
is substantially in conformance with Plans No. P200/19949-56

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*See BK 6046
Pg 1246*

ALB 6174

P 110

filed in the City of Halifax Development and Planning Department as Case No. 6839, and shall not develop or use the lands for any other purpose other than a hotel as defined in the Peninsula land use bylaw.

3. COMPLETION OF DEVELOPMENT

The "development" shall be completed (completion is defined as fulfilling the terms of the entire agreement) within one (1) year from the date of final approval by Halifax City Council or any other bodies as necessary, whichever approval is later, including any applicable appeal periods. If the "development" has not been completed by the applicable time, this agreement will terminate unless specifically extended, upon request of the applicant, by resolution of City Council and all rights and obligations arising hereunder shall be at an end.

4. OBSERVANCE OF THE LAW

Notwithstanding any other provision of this agreement, the Developer shall not undertake or carry out any development on the lands which does not comply with all City of Halifax laws, including, without restricting the generality of the foregoing, the Building Code Ordinance and the Fire Prevention Ordinance and no permit shall be issued for any such development.

5. ISSUANCE OF PERMITS

The City shall issue the necessary permits for the development upon the expiration of the twenty-one (21) day appeal period under Section 78 of the Planning Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken; provided, however, that the City shall not issue any occupancy permit for the development unless and until the development specified in the plans referred to in No. 2 hereof has been completed substantially in accordance with the said plans and the requirements of this have been met.

Time shall be of the essence of this agreement.

This agreement shall be binding upon the parties hereto and their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seal as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

Original Signed

) STANDARD TRUST COMPANY
) by its liquidator Ernst & Young Inc.

Original Signed

Per

RICHARD C. BRADEN
VICE PRESIDENT

Per

) CITY OF HALIFAX

Original Signed

Per

Mayor

Original Signed

Original Signed

Per

City Clerk

LEGAL DESCRIPTION
FOR CONTRACT DEVELOPMENT

3000
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PAGE TWO

All that certain lot piece or parcel of land situate, lying and being on the northern side of Sarah Street, the southern side of West Street and the western side of Agricola Street, in the City of Halifax, County of Halifax, Province of Nova Scotia, shown on a plan showing Lot 2A, Consolidation of Lands Conveyed to Manoj C. Benjamin, dated the 20th day of December 1990, prepared by Thompson Conn and Associates, signed by Kenneth M. Whalen, N.S.L.S. and being more particularly described as follows:

Beginning at the intersection of the northern street line of Sarah Street with the eastern boundary of lands conveyed to James S. Veniot and John B. Keating;

Thence along the eastern boundary of lands conveyed to James S. Veniot and John B. Keating on a bearing of north 48 degrees, 35 minutes, 05 seconds west for a distance of 80.75 feet to the southern boundary of lands conveyed to Colin P. and Mina M. LeBlanc;

Thence along the southern boundary of lands conveyed to Colin P. and Mina M. LeBlanc on a bearing of north 46 degrees 13 minutes 54 seconds east for a distance of 17.27 feet to the southeast corner thereof;

Thence along the eastern boundary of lands conveyed to Colin P. and Mina M. LeBlanc on a bearing of north 44 degrees, 15 minutes, 45 seconds west for a distance of 38.60 feet to an angle therein;

Thence continuing along the eastern boundary of lands conveyed to Colin P. and Mina M. LeBlanc on a bearing of north 45 degrees, 13 minutes, 30 seconds west through the centreline of the common party wall of civic 5788 and 5792 West Street for a distance of 30.80 feet to the southern street line of West Street;

Thence along the southern street line of West Street on a bearing of north 46 degrees, 15 minutes, 30 seconds east for a distance of 119.80 feet to the western boundary of Agricola Street;

Thence along the western boundary of Agricola Street on a bearing of south 47 degrees, 44 minutes, 30 seconds east for a distance of 69.50 feet to the northern boundary of Lands conveyed to G.W. Jennex Enterprises Limited;

Thence along the northern boundary of Lands conveyed to G.W. Jennex Enterprises Limited on a bearing of south 46 degrees, 13 minutes, 54 seconds west for a distance of 69.63 feet;

Thence on a bearing of south 46 degrees, 13 minutes, 56 seconds west for a distance of 22.74 feet;

Thence in a southeasterly direction to a point on the northern boundary of Sarah Street, said point being distant 22.69 feet from the southwest corner of lands conveyed to Susan L. and David W. Law;

Thence along the northern boundary of Sarah Street on a bearing of south 42 degrees, 12 minutes, 14 seconds west for a distance of 47.00 feet to the point of beginning;

Containing an area of approximately 12,193 square feet;

Bearings refer to grid north based on a 3 degree M.T.M. projection, central meridian at 64 degrees 30 minutes west longitude, 1979 adjustment.

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PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

ON THIS 31st day of AUGUST, A.D., 1994,
before me, the subscriber personally came and appeared
JA'EL MITTEN a subscribing witness to the within
and foregoing Indenture, who, having been by me duly sworn,
made oath and said that STANDARD TRUST COMPANY, IN
LIQUIDATION, one of the parties thereto, caused the same to
be executed and its Corporate Seal to be thereunto affixed by
the hands of its duly authorized officers in her presence.

Original Signed

~~A Barrister of the Supreme Court
of Nova Scotia~~

Solicitor and Notary in and
for the Province of Ontario

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

ON THIS 29th day of SEPTEMBER, A.D., 1994,
before me, the subscriber personally came and appeared
M. J. HULL a subscribing witness to the
within and the foregoing Indenture, who, having been by me
duly sworn, made oath and said that the City of Halifax, one
of the parties thereto, caused the same to be executed and
its Corporate Seal to be thereunto affixed by the hands of
Moira Ducharme, its Mayor, and ~~E. A. Fort~~ ^{MOIRA DUCHARME}, its City Clerk,
its duly authorized officers in her presence.

Original Signed

~~A Barrister of the Supreme Court
of Nova Scotia~~

GERALD J. GONEAU

A Barrister of the Supreme Court
of Nova Scotia

Attachment C: Regional Centre LUB - Permitted Uses in the COR and ER-1 Zones

Table 1A: Permitted uses by zone (DD, DH, CEN-2, CEN-1, COR, HR-2, and HR-1)

RESIDENTIAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Single-unit dwelling use	●	●	●	●	●	②	①⑤
Semi-detached dwelling use	●	●	●	●	●		①⑤
Townhouse dwelling use	●	●	●	●	●	①⑤	①⑤
Two-unit dwelling use	●	●	●	●	●	②	①⑤
Three-unit dwelling use	●	●	●	●	●	①⑤	①⑤
Multi-unit dwelling use	●	●	●	●	●	①⑤	①⑤
Secondary suite use	●	●	●	●	●	①⑤	①⑤
Backyard suite use	●	●	●	●	●	①⑤	①⑤
Small shared housing use	●	●	●	●	●	①⑤	①⑤
Large shared housing use	●	●	●	●	●	①⑤	①⑤
Mobile home use							
Bed and breakfast use	●	●	●	●	●	①⑤	①⑤
Home occupation use	●	●	●	●	●	①⑤	①⑤
Home office use	●	●	●	●	●	①⑤	①⑤
Work-live unit use	●	●	●	●	●	①⑤	①⑤
Grade-related dwelling unit use	●	●	●	●	●	①⑤	①⑤
Model suite use	●	●	●	●	●	①⑤	①⑤
Cluster housing use					②	②	②
COMMERCIAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Broadcast and production studio use	●	●	●	①	●		
Cannabis lounge use	●	●	●				
Cannabis retail sales use	●	●	●				
Casino use		●					
Catering use	●	●	●	●	●	③	③
Commercial recreation use							
Cruise ship terminal use	●	●					
Daycare use	●	●	●	●	●	③	③
Dealership use							
Drinking establishment use	●	●	●				
Financial institution use	●	●	●		●	③	
Fitness centre use	●	●	●	①	●	③	
Garden centre use	●	●	●	●	●		
Grocery store use	●	●	●		●	③	
Hotel use	●	●	●		●		
Kennel use							
Local commercial use	●	●	●	●	●	③	② ③
Local drinking establishment use	●	●	●		●	③	
Makerspace use	●	●	●	●	●	③	③
Micro-brewery use	●	●	●		●	③	
Micro-distillery use	●	●	●		●	③	
Office use	●	●	●	①	●	③	
Pawn shop use			●		●		
Personal service use	●	●	●	●	●	③	③
Pet daycare use	●	●	●	●	●	③	③
Quick charging station use	●	●	●		●		
Restaurant use	●	●	●	●	●	③	② ③
Retail use	●	●	●	①	●	③	
Self-storage facility use			●		●	③	
Service station use			●				
Service use	●	●					
Studio use	●	●	●	●	●	③	③
Veterinary facility use	●	●	●		●	② ③	② ③
Any other commercial use (if not prohibited above)	●	●	●				

URBAN AGRICULTURE	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Educational farm use							
Farmers' market use	●	●	●	●	●	●	●
Urban farm use	●	●	●	●	●	●	●
INSTITUTIONAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Convention centre use	●	●	●				
Cultural use	●	●	●	●	●	●	●
Emergency services use	●	●	●	●	●	●	●
Hospital use							
Library use	●	●	●	●	●	●	●
Minor spectator venue use	●	●	●		●	●	
Major spectator venue use	●	●					
Medical clinic use	●	●	●	●	●	●	②
Public building use	●	●	●	●	●		
Religious institution use	●	●	●	●	●	●	●
School use	●	●	●	●	●	●	●
Shelter use	●	●	●	●	●	●	●
University or college use	●	●	●		●	●	
INDUSTRIAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Auto repair use							
Cannabis production facility use							
Car wash use							
Crematorium use							
Data storage centre use	●	●					
Industrial training facility use							
Light manufacturing use							
Marine-related use	⑬	⑬					
Marine-related use existing on the coming into force date of this By-law	●	●					
Recycling depot use			●		●		
Research and development facility use	●	●	●				
Storage yard use							
Warehousing use							
Wholesale food production use	●	●	●		●		
Wholesale use							
PARK AND COMMUNITY FACILITIES	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Boating club use	●	●					
Cemetery use							
Club recreation use	●	●	●	●	●	●	●
Community recreation use	●	●	●	●	●	●	●
Conservation use	●	●	●	●	●	●	●
Park use	●	●	●	●	●	●	●
WATER ACCESS	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Water access structure use	●	●	●	●	●	●	●
MILITARY	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Military use							
OTHER	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Accessory structure or use	●	●	●	●	●	●	●
Historic site or monument use	●	●	●	●	●	●	●
Parking structure use	●	●	●	●	●	●	●
Temporary construction use	●	●	●	●	●	●	●
Transportation facility use	●	●	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use				●			
Utility use	●	●	●	●	●	●	●
PROHIBITED IN ALL ZONES	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Adult entertainment use							
C&D transfer, processing, and disposal use							

Heavy industrial use							
Obnoxious use							
Salvage use							

- ① Use is permitted to occupy no more than 200 square metres of floor area per lot.
- ② Use is permitted on a corner lot only.
- ③ Use is permitted within a mixed-use building that has no less than 75% of its floor area occupied by residential uses.
- ⑬ Use is permitted within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B.
- ⑮ Use is permitted, except within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F. New or expanded residential uses within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F, shall only be permitted by development agreement, in accordance with Section 497.
- ⑳ Use is not permitted, except for access and servicing functions to a lot or portion of a lot that permits the use.

Table 1B: Permitted uses by zone (ER-3, ER-2, ER-1, CH-2, and CH-1)

RESIDENTIAL	ER-3	ER-2	ER-1	CH-2	CH-1
Single-unit dwelling use	●	15	15	●	●
Semi-detached dwelling use	●	15			
Townhouse dwelling use	●				
Two-unit dwelling use	●	15	6 14		
Three-unit dwelling use	●		6 14		
Multi-unit dwelling use	22		14		
Secondary suite use	●	15	15		
Backyard suite use	●	15	15		
Small shared housing use	●	15	23 15	●	●
Large shared housing use					
Mobile home use				●	
Bed and breakfast use	●	15	15		
Home occupation use	●	15	15	●	●
Home office use	●	15	15	●	●
Work-live unit use					
Grade-related dwelling unit use					
Model suite use					
Cluster housing use				●	●
COMMERCIAL	ER-3	ER-2	ER-1	CH-2	CH-1
Broadcast and production studio use					
Cannabis lounge use					
Cannabis retail sales use					
Casino use					
Catering use					
Commercial recreation use					
Cruise ship terminal use					
Daycare use	10	10	10	10	10
Dealership use					
Drinking establishment use					
Financial institution use					
Fitness centre use					
Garden centre use					
Grocery store use					
Hotel use					
Kennel use					
Local commercial use					
Local drinking establishment use					
Makerspace use					
Micro-brewery use					
Micro-distillery use					
Office use					
Pawn shop use					
Personal service use					
Pet daycare use					
Quick charging station use					
Restaurant use					
Retail use					
Self-storage facility use					
Service station use					
Service use					
Studio use					
Veterinary facility use					
Any other commercial use (if not prohibited above)					

URBAN AGRICULTURE	ER-3	ER-2	ER-1	CH-2	CH-1
Educational farm use					
Farmers' market use					
Urban farm use	●	●	●	●	●
INSTITUTIONAL	ER-3	ER-2	ER-1	CH-2	CH-1
Convention centre use					
Cultural use					
Emergency services use					
Hospital use					
Library use					
Minor spectator venue use					
Major spectator venue use					
Medical clinic use					
Public building use					
Religious institution use					
School use					
Shelter use					
University or college use					
INDUSTRIAL	ER-3	ER-2	ER-1	CH-2	CH-1
Auto repair use					
Cannabis production facility use					
Car wash use					
Crematorium use					
Data storage centre use					
Industrial training facility use					
Light manufacturing use					
Marine-related use					
Marine-related use existing on the coming into force date of this By-law					
Recycling depot use					
Research and development facility use					
Storage yard use					
Warehousing use					
Wholesale food production use					
Wholesale use					
PARK AND COMMUNITY FACILITIES	ER-3	ER-2	ER-1	CH-2	CH-1
Boating club use					
Cemetery use					
Club recreation use					
Community recreation use	●	●	●	●	●
Conservation use	●	●	●	●	●
Park use	●	●	●	●	●
WATER ACCESS	ER-3	ER-2	ER-1	CH-2	CH-1
Water access structure use	●	●	●	●	●
MILITARY	ER-3	ER-2	ER-1	CH-2	CH-1
Military use					
OTHER	ER-3	ER-2	ER-1	CH-2	CH-1
Accessory structure or use	●	●	●	●	●
Historic site or monument use	●	●	●	●	●
Parking structure use					
Temporary construction use	●	●	●	●	●
Transportation facility use	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use					
Utility use	●	●	●	●	●
PROHIBITED IN ALL ZONES	ER-3	ER-2	ER-1	CH-2	CH-1
Adult entertainment use					
C&D transfer, processing, and disposal use					
Heavy industrial use					

Obnoxious use					
Salvage use					

⑥ Excluding heritage conservation districts, an existing building in the Young Avenue (YA) Special Area, as shown on Schedule 3C, may undergo an internal conversion for no more than a three-unit dwelling use in compliance with the requirements of Section 62.

⑩ Use is permitted in accordance with the requirements of Section 54.

⑭ A two-unit dwelling use, three-unit dwelling use, or multi-unit dwelling use that contains up to 5 units is permitted in the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C.

⑮ Use is permitted, except within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F. New or expanded residential uses within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F, shall only be permitted by development agreement, in accordance with Section 497.

⑰ A multi-unit dwelling use that contains up to 6 dwelling units is permitted in the ER-3 zone, in accordance with Section 63.

⑲ Within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, a small shared housing use cannot be located in combination with a two-unit dwelling use, three-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units.