

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 11.1

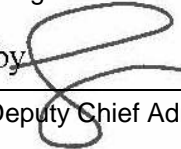
Halifax Regional Council
September 6, 2016
October 4, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 17, 2016

SUBJECT: Plan Dutch Village Road

SUPPLEMENTARY REPORT

ORIGIN

- August 9, 2016—Halifax Regional Council deleted the public hearing from the agenda with the intention of bringing the item forward at a future meeting of Regional Council
- August 6, 2013— Halifax Regional Council made motion to request staff to initiate a planning process to establish comprehensive planning policies that enable additional commercial and residential developments on the lands located within Dutch Village Road and neighbouring areas.
- July 21, 2015—Halifax Regional Council made motion to extend the boundaries of the Plan Dutch Village Road study area to include all commercially designated properties in the Fairview Secondary Planning Process as shown on Map 2 Proposed Dutch Village Road Study Area.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS), the Halifax Peninsula Land Use By-law (LUB) and Halifax Mainland Land Use By-law as set out in Attachments A, B and C of this report and schedule a public hearing; and
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-law and Halifax Mainland Land Use By-law as contained in Attachments A, B and C of this report.

BACKGROUND

The Plan Dutch Village Road report was before Regional Council on August 9th, 2016 for a public hearing. Administrative issues with the proposed amendments that would have limited the ability of municipal staff to implement the proposed changes were identified. Prior to the public hearing the item was removed from the agenda to allow staff to fix the amendments and bring a new package back for Council's review.

DISCUSSION

Edits were made to the amending package including adding language to ensure that the mapping will be added to the land use by-law, numbering changes, adding a new map to the MPS package and changes to the wording of various clauses to clarify their intent. The most significant change was to delete the policies dealing with amendments to existing development agreements and replacing them with policy that would enable non-substantive amendments identified in existing development agreements to be considered pursuant to the policies in existence at the time the development agreement was entered into. Substantive amendments would require consideration under the proposed new policies and regulations.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. The HRM costs to amend the Plan and by-laws can be accommodated within the approved 2016/17 operating budget for C002 Urban Design.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered rate low. To reach this conclusion, consideration was given to legal and compliance risks.

COMMUNITY ENGAGEMENT

With the exception of deleting the policies dealing with amendments to existing development agreements, the changes to the documents are largely administrative; therefore it was determined that further community engagement was not required for this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Halifax Regional Council may choose to approve the proposed amendments to the Plan Dutch Village Road report with modifications. This may necessitate further analysis and a supplementary report.
2. Halifax Regional Council may choose to refuse the proposed amendments to the Plan Dutch Village Road report. This is not recommended for the reasons outlined in the report.

ATTACHMENTS

Attachment A: Amendments to the Halifax Municipal Planning Strategy
Attachment B: Amendments to the Halifax Peninsula Land Use By-Law
Attachment C: Amendments to the Halifax Mainland Land Use By-Law
Attachment D: Summary of Edits to Amending Packages

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jennifer Chapman, Planner II, 902.490.3999

Report Approved by: _____
Jacob Ritchie, Urban Design Program Manager, 902.490.6510

Report Approved by: _____
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627

Attachment A
Proposed Amendments to the
Halifax Municipal Planning Strategy

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby further amended as follows:

1. Deleting the number, period and words "2. Commercial Facilities" within the "TABLE OF CONTENTS" (SECTION VII FAIRVIEW SECONDARY PLANNING STRATEGY – OBJECTIVES AND POLICIES) and replacing them with the number, period and words "2A. Plan Dutch Village Road".
2. Adding the number and words "9C(1) Plan Dutch Village Road Overview Map" within the "TABLE OF CONTENTS" after the number and words "9C Generalized Future Land Use – Fairview".
3. Section VII, FAIRVIEW SECONDARY PLANNING STRATEGY – OBJECTIVES AND POLICIES, as shown below in bold and strike-out, is amended by:
 - (a) repealing Section 2 (COMMERCIAL FACILITIES); and
 - (b) adding a new Section 2A (PLAN DUTCH VILLAGE ROAD).

~~2. COMMERCIAL FACILITIES~~

~~Objective: Encourage the continued development of the Dutch Village Road area as a Minor Commercial centre, compatible with the surrounding neighbourhood.~~

~~2.1 Within areas designated "Residential" on the Generalized Future Land Use Map (Map 9c) the City shall permit individual neighbourhood convenience stores.~~

~~2.1.1 Pursuant to Policy 2.1, the Land Use By-law shall provide a "Neighbourhood Commercial" zone to allow small convenience grocery and drug stores to cater to walk-in trade in residential areas;~~

~~2.1.2 Existing convenience stores in residential areas shall be zoned "Neighbourhood Commercial."~~

~~2.2 The Dutch Village Road Commercial area is recognized as a "Minor Commercial centre" within the meaning of Part II, Section II, Policy 3.1.2 of the Municipal Planning Strategy. The City shall encourage its development within the limits set out in this Plan.~~

~~2.2.1 Minor commercial uses should front on Dutch Village Road, Alma Crescent or Titus Street and should be concentrated between Bayers Road and Evans Avenue, and shall be permitted only in areas designated "Minor Commercial" on the Future Land Use Map (Map 9c) of this Plan. The area designated "Minor Commercial" along Dutch Village Road and Titus Street is intended to provide limited expansion capability of the minor commercial uses.~~

~~2.2.2 Residential properties within the "Minor Commercial" designation, and not fronting on Dutch Village Road, Alma Crescent or Titus Street, shall be zoned to reflect their present use. The City may consider applications for rezoning of such properties to commercial use provided that the land to be rezoned is adjacent to a property zoned commercial.~~

~~2.2.3 Further to Policies 2.2.1 and 2.2.2, the Land Use By-law shall include provisions in the Minor Commercial Zone to protect the adjacent residential area from the impact of commercial uses by limiting the location of pedestrian and vehicular access to stores and parking areas, and by requiring adequate on-site parking and buffering of visual and noise intrusions.~~

~~2.3 Any existing non-conforming commercial use, if destroyed, may be considered for development agreement by Council under the authority of the Planning Act, where such agreement would result in the reconstruction of the building not to exceed its dimensions at the time of destruction, provided that:~~

- ~~a) the capacity of the existing municipal services is not adversely affected;~~
- ~~b) all provisions of the Minor Commercial Zone, other than use, are met;~~
- ~~c) the proposed use is more compatible with the land use designation than the existing use with respect to traffic generation, safety, noise and air pollution.~~

~~2.4 Notwithstanding the Minor Commercial designation on the property located at 3763-71 Dutch Village Road, the residential zoning shall be retained, and commercial development, or residential development exceeding the uses permitted in the residential zone, shall only be considered by development agreement. The following matters shall be considered:~~

- ~~a) No commercial uses shall be permitted except offices.~~
- ~~b) All commercial uses shall be located at ground level fronting on Joseph Howe Drive.~~
- ~~c) A maximum of six residential units shall be permitted subject to all other requirements of the residential zone for the residential portion of the development.~~
- ~~d) Architectural design, lot coverage, landscaping, external signs, and fencing shall be controlled to ensure that any development is compatible with residential uses abutting the property or directly opposite the property across Dutch Village Road.~~
- ~~e) The Minor Commercial Zone provisions shall be adhered to with respect to: maximum height; required parking spaces; and setbacks from abutting uses in residential zones.~~
- ~~f) Vehicular access shall be from Dutch Village Road only, and shall be subject to such further conditions as may be necessary to ensure traffic safety and acceptable sight distances.~~
- ~~g) Any driveway and parking areas shall be located at least five (5) feet from any abutting residential uses.~~

~~2.5 Notwithstanding the preceding policies within the Commercial Facilities Section, for properties bounded by Joseph Howe Drive, Dutch Village Road and Andrew Street, zoned C-2A (Minor Commercial Zone) and designated Minor Commercial on the Generalized Future Land Use Map (Map 9c) of this Plan, the Municipality may permit the development of a mix of residential and commercial uses by Development Agreement.~~

~~2.5.1 Any development permitted pursuant to Policy 2.5 shall be achieved by attention to a variety of factors for which conditions may be set out in the Development Agreement, such as but not limited to:-~~

- ~~(a) the appropriate scale and massing of the building(s) for the lot area and configuration;~~
- ~~(b) the height of the building(s) which shall not exceed the low to mid-rise range;~~
- ~~(c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;~~
- ~~(d) the creation of high quality design detail at street level through attention to such matters as site landscaping, minimal surface parking on the street frontage, conspicuous building entrances, appropriate lighting and co-ordinated signage;~~

- ~~—— (e) — the relationship of new development to the street, adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;~~
- ~~—— (f) — provision and improvement of safe vehicular and pedestrian access and egress;~~
- ~~—— (g) — the adequacy and appropriate location of vehicular and bicycle parking facilities;~~
- ~~—— (h) — the provision of useable on-site open space and recreational amenities of a size and type adequate for the resident population;—~~
- ~~—— (i) — appropriate separation of residential and commercial uses;~~
- ~~—— (j) — connectivity and interaction with the Regional Trail where abutting; and~~
- ~~—— (k) — the adequacy of the servicing capacity of the site.~~

~~2.6 — Notwithstanding the preceding policies within the Commercial Facilities Section, for a property located on the north eastern corner of Dutch Village Road and Andrew Street, and extends from 3559 Dutch Village Road to 7179 Andrew Street, zoned C 2A (Minor Commercial Zone) and designated Minor Commercial on the Generalized Future Land Use Map (Map 9c) of this Plan, the Municipality shall permit the development of a residential building or a mixed use building consisting of residential and commercial uses by Development Agreement.~~

~~2.6.1 — Any development permitted pursuant to Policy 2.6 shall be achieved and evaluated as per the criteria included in Policy 2.5.1, with the exception of subsections ‘b’, ‘i’ and ‘j’. In addition to the applicable criteria in Policy 2.5.1, any Development Agreement shall ensure that:~~

- ~~(a) — the height of the building shall not exceed 21 metres (70 feet) and a total of 6 storeys. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building, but shall not include the placement of mechanical equipment;~~
- ~~(b) — any commercial use shall be limited to one use with a maximum floor area of 371.6 metres (4,000 square feet). Which shall be located on the ground level with frontage on Dutch Village Road. The ground level shall be designed to have a high level of transparency; and~~
- ~~(c) — the development provides connectivity with the street through minimal setbacks from property lines.~~

~~2.7 — The property at 3400 Dutch Village Road (PID# 00198515) is the site of a former service station at the entrance to the Dutch Village Road Commercial Area and is a suitable location for a commercial-residential development. However, given its limited size and configuration, there are benefits in allowing shared access, parking, and landscaped open space with the adjoining property at 3343 Westerwald Street (PID# 00198523). Further to this, notwithstanding the Minor Commercial and Medium Density Residential objectives and policies of this Section, a six storey commercial and residential building at 3400 Dutch Village Road in conjunction with the property at 3343 Westerwald Street, may be permitted by development agreement in accordance with the *Halifax Regional Municipality Charter*.~~

~~2.7.1 — In considering a development agreement pursuant to Policy 2.7, Council shall consider the following:~~

- ~~a) — the existing 24 unit apartment building at 3343 Westerwald Street, be permitted to be reconstructed, repaired, replaced, rebuilt and renovated, but not permitted additional floor area or dwelling units;~~
- ~~b) — a new building at 3400 Dutch Village Road has:

 - ~~i) — a maximum of 6 storeys;~~
 - ~~ii) — ground floor commercial uses that are compatible with the surrounding area and include individual accesses facing Dutch Village Road;~~
 - ~~iii) — high quality exterior building materials and variations in the façade and mass of the building to provide visual interest; and~~~~

- iv) ~~underground parking;~~
- e) ~~signs are compatible with the surrounding area;~~
- d) ~~landscaping and useable open space areas for building residents are provided;~~
- e) ~~safe vehicular and pedestrian access and egress is achieved;~~
- f) ~~sufficient vehicular and bicycle parking shall be provided for the development;~~
- g) ~~there are suitable solid waste facilities; and~~
- h) ~~the adequacy of the servicing capacity of the site.~~

2A. PLAN DUTCH VILLAGE ROAD

Objective: The lands around Dutch Village Road are a commercial area that services the larger Fairview community. Maintaining the vibrancy of the area by planning for redevelopment and rehabilitation will ensure success for the community. To create a commercial node that better balances development pressures with the needs of the community requires policies that address land use, external appearance of structures (built form), and urban design in a comprehensive manner. The goals for Plan Dutch Village Road are to:

1. Maintain and encourage the retention of local businesses through zoning regulations;
2. Create greater predictability of built form through an as-of-right process;
3. Create development that is respectful of the community;
4. Allow commercial development along all parts of Dutch Village Road;
5. Ensure new development transitions appropriately to low density residential neighbourhoods within the Dutch Village Road study area;
6. Create new buildings that are better integrated with neighbourhood;
7. Require site design that creates livable and walkable communities;
8. Generate a more defined commercial node;
9. Regulate the lands under one By-Law (Mainland Land Use By-Law); and
10. Permit consideration of high-rise development in Area A.

Designations

2A.1. Within the Dutch Village Road area the lands shall be designated either Commercial or Dutch Village Road Residential, as shown on the Generalized Future Land Use map.

Commercial Designation

2A.2. Lands located on Joseph Howe Drive, Dutch Village Road, Titus Street and Alma Crescent shall be designated as Commercial. This designation is intended to provide for a variety of commercial and residential uses that service the needs of the broader Fairview community. The designation will introduce controls on the external appearance of structures. The designation will permit development of a height and scale up to a mid-rise form through an as of right process. However, high-rise buildings may be considered subject to a development agreement process within Area A (Plan Dutch Village Road Overview Map).

2A.2.1. The Halifax Mainland Land Use Bylaw shall be amended to create a commercial zone (Dutch Village Road Mixed Use Zone) that permits multi-unit residential, retail, office uses, restaurants, personal service uses, institutional uses, community facilities and related commercial uses that service the local community. To encourage the retention of small scale, local businesses, and to reduce the impact of new commercial uses on low density residential environments, retail uses will have a limited ground floor area in Area D. Parking shall not be permitted in the front yard, but instead is encouraged below ground, or otherwise internal to a building. The Dutch Village Road Mixed Use Zone will permit low-rise (buildings up to 11 metres) to mid-rise buildings (buildings taller than 11 m to 25 m), but will not permit single unit residential buildings.

Dutch Village Road Residential Designation

2A.3. Lands located on Percy Street, Deal Street and Andrew Street will be designated as Dutch Village Road Residential. These lands will be permitted to develop with a low-rise form along Percy Street and Deal Street and change to a mid-rise multi-unit residential form along Andrew Street to reflect the existing built form. The intent of this designation is to create live-work opportunities for residents to reflect the largely commercial nature of the uses that surround these lands. The designation will introduce controls on the external appearance of structures. Townhouse and stacked townhouse uses may be considered throughout the designation. Apartment houses shall be permitted on Andrew Street and the southern end of Percy Street.

2A.3.1. The Halifax Mainland Land Use Bylaw shall be amended to create a residential zone (Dutch Village Road Townhouse Zone) that permits single unit residential, two unit residential, townhouse and stacked townhouse forms, as well as home occupation uses.

2A.3.2. The Halifax Mainland Land Use By-law shall be amended to create a residential zone (Dutch Village Road Multi-Unit Zone) that permits mid-rise multi-unit buildings in addition to the uses permitted under the Dutch Village Road Townhouse Zone.

Building and Streetwall Heights

2A.4. A mid-rise form shall be encouraged along Dutch Village Road and Joseph Howe Drive. The buildings shall be developed with the goal to improve public safety by removing the parking from the front yard, and also to create a defined streetwall. This streetwall will help enhance the pedestrian experience in the area.

2A.4.1. HRM shall regulate the height of buildings in the Dutch Village Road area in the Halifax Mainland Land Use By-law.

2A.5. HRM shall regulate the height of the streetwalls in the Dutch Village Road area in the Halifax Mainland Land Use By-law.

Low-rise and Mid-rise Commercial and Multi-Unit Buildings

2A.6. Low-rise and mid-rise buildings shall be permitted in the Dutch Village Road Commercial and Dutch Village Road Residential Designations and shall be situated on the lot in such a way that the bulk of the building is located along the street frontage.

2A.6.1. Low-rise and mid-rise buildings may step down in the rear yard to an internal landscaped area. This landscaped area may include a one storey portion of the building where abutting low density residential or up to three stories where the building abuts commercial or multi-unit residential properties. Landscaping shall be required on the roof of these portions of the building.

Highrise Buildings

2A.7. Any building in Area A on Plan Dutch Village Road Overview Map that exceeds 25 m in height shall be considered a high-rise and shall only be considered by Council through the development agreement process. Any development proposal contemplated pursuant to this policy cannot be considered unless the following criteria are satisfied:

- a) the maximum height of a building shall be 37.5 m ;
- b) buildings exceeding a height of 25 metres shall be designed in a podium and tower configuration where the maximum height of the podium shall be 16.5 metres for lands located along Joseph Howe Drive and 13.5 metres for lands located on Dutch Village Road;
- c) the building shall meet the requirements of the Dutch Village Road Mixed Use Zone in the Halifax Mainland Land Use By-law with respect to side yard setbacks, residential unit mix and ground floor height;
- d) towers shall have a minimum of 25 m separation distance with other towers and no tower shall be closer than 12.5 metres from a side or rear lot line;
- e) the tower portion of the building, excluding any podium, shall have a maximum floor plate of 625 m² per floor;
- f) surface parking shall not be located between a building and adjacent street;
- g) the building shall have a maximum front yard setback of 3 metres. Where a property fronts two streets, this maximum will apply to both street frontages; and
- h) buildings shall be located close to the street to create a defined street wall and occupy a minimum of 65% of a given property's frontage. All buildings, regardless of their use, should have easily identifiable entry points for each individual uses.

2A.7.1. In considering a development agreement pursuant to policy 2A.7, Council shall have regard for the following:

- a) towers shall be placed away from streets, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the

base of the building to be the primary defining element for the site and adjacent public realm;

- b) site design that incorporates landscaping, conspicuous building entrances, and considers the impact of retaining walls, lighting and signage to enhance the design of the building and limit the impacts on adjacent properties;
- c) buildings shall be vertically articulated into 3 distinct sections; a base, middle and top, via such devices as: changes in colors, materials, protrusions and recesses;
- d) streetwalls should be vertically articulated into distinct sections, via such devices as: changes in colors, materials, protrusions and recesses. These sections should be narrower than the streetwall is tall;
- e) streetwalls should be animated with frequent entrances and large windows. All streetwalls directly adjacent to a sidewalk should contain at least 1 prominent entrance;
- f) materials used in the streetwall and at the base of the building should be of the highest quality and durability;
- g) areas visible to the public realm or adjacent residential uses and not used for parking or driveways, should be landscaped with vegetation or hard landscaping using quality materials, such as stone, wood, or concrete paths/ patios;
- h) surface parking, utilities and services should be buffered and visually screened from the public realm and adjacent low density residential properties. Landscaping shall be included in surface parking lots and integrated with the storm water management for the site;
- i) adequacy of safe vehicular, bicycle and pedestrian access and egress to and from the site. Priority shall be given to pedestrian movement when there is potential pedestrian and vehicular conflicts;
- j) blank-walls shall be avoided on parts of buildings which are highly visible from the public realm;
- k) the adequacy of servicing for the site; and
- l) high quality landscaping and indoor and outdoor amenity space areas for building residents are provided.

Commercial Development in Residential Areas

2A.8. Within areas designated "Residential" on the Generalized Future Land Use Map (Map 9c), the Municipality shall permit individual neighbourhood convenience stores.

2A.8.1. Pursuant to Policy 2A.8, the Land Use By-law shall provide a "Neighbourhood Commercial" zone to allow small convenience grocery and drug stores to cater to walk-in trade in residential areas.

Non-conforming Uses and Structures

2A.9. Any existing building containing a non-conforming commercial use, if destroyed, may be considered for development agreement by Council under the authority of the *Halifax Regional Municipality Charter*, where such agreement would allow for the reconstruction of the building not to exceed its dimensions at the time of destruction, provided that all of the following conditions are met:

- a) the capacity of the existing municipal services is not adversely affected;**
- b) all provisions of the Minor Commercial Zone, other than use, are met;**
- c) where the property is zoned Dutch Village Road Mixed Use Zone, the proposal shall meet all the provisions of the Dutch Village Road Mixed Use Zone, other than use; and**
- d) the proposed use is more compatible with the land use designation than the existing use with respect to traffic generation, safety, noise and air pollution.**

2A.10. Non-conforming structures that are used for commercial purposes will be allowed to be extended, enlarged, or altered as long as the extension, enlargement or alteration complies with the Halifax Mainland Land Use By-law, or a variance is granted by the Development Officer, and provided that a non-conforming use is not extended into any new addition of the building.

Existing Development Agreements

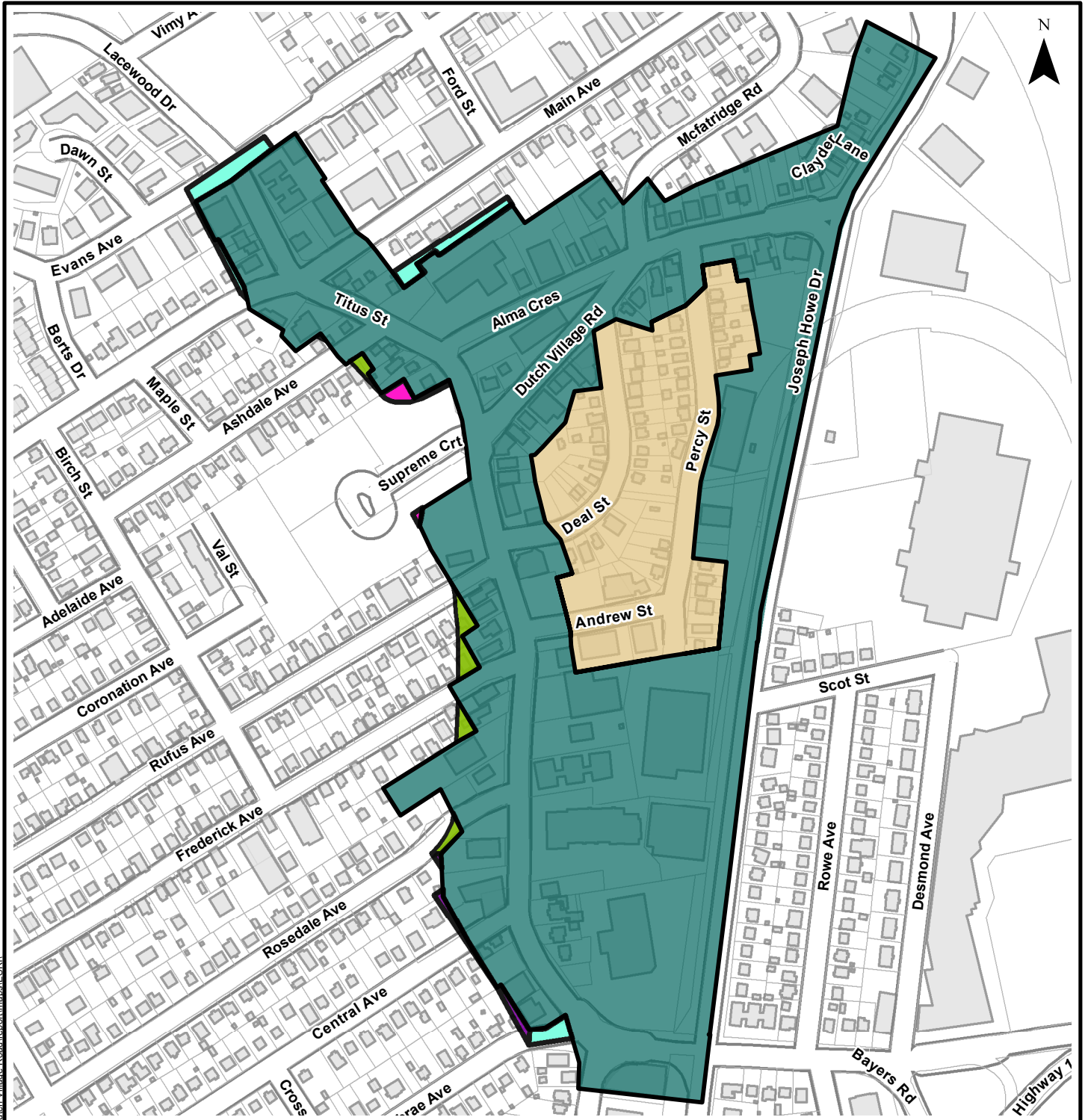
2A.11. Applications for non-substantive amendments to approved development agreements shall be considered under the policies in effect at the time the agreement was approved provided that the proposed amendments were identified in the agreement as non-substantive.

4. Amending Map 9C, Fairview Secondary Planning Strategy, Generalized Future Land Use, as shown on Schedule A-1.
5. Adding Map 9C(1), Plan Dutch Village Road Overview Map, as shown on Schedule A-2, after Map 9c.

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on this ____ day of _____, 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



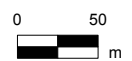
Schedule A-1: Map 9C
Fairview Secondary Planning Strategy, Generalized Future Land Use

HALIFAX

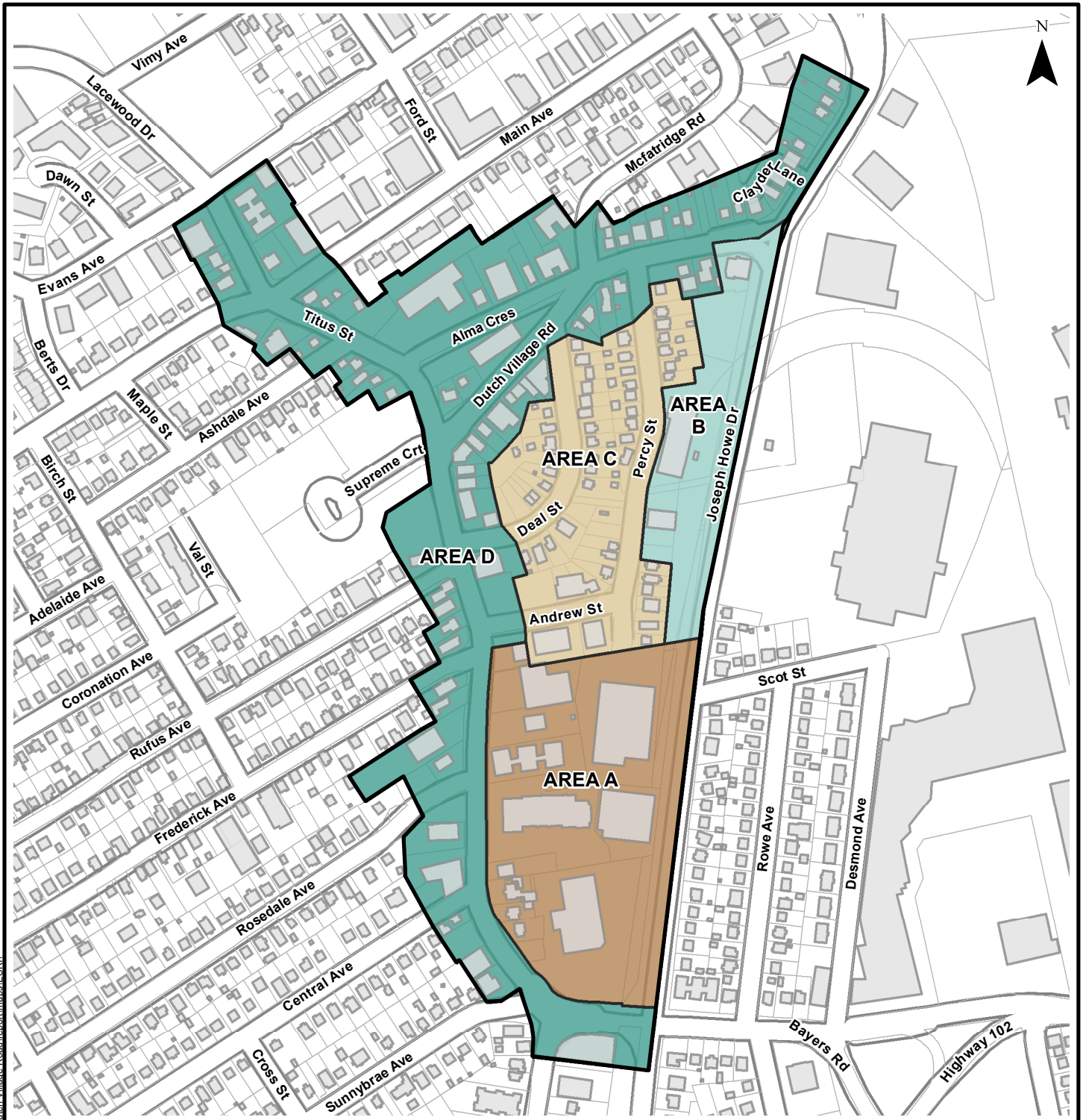
PLANNING & DEVELOPMENT

Generalized Future Land Use Designation

- Lands to be redesignated to COM (Commercial)
- Lands to be redesignated to DVR RES (Dutch Village Road Residential)
- Lands to be redesignated to CF (Community Facilities)
- Lands to be redesignated LDR (Low Density Residential)
- Lands to be redesignated MDR (Medium Density Residential)
- Lands to be redesignated RES (Residential)



R.I.P. & IR/Regional Planning/Urban Design Team/02 - PROJECTS/2014 - Dutch Village Road/Reports/Plans/ESRI

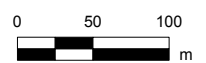


**Schedule A-2: Map 9C(1)
Plan Dutch Village Road Overview Map**

- Area A
- Area B
- Area C
- Area D

HALIFAX

PLANNING & DEVELOPMENT



Attachment B
Proposed Amendments to the
Halifax Peninsula Land Use By-Law

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

1. Deleting the words "Non-Conforming Residential Uses – Fairview Area" from the "TABLE OF CONTENTS".
2. Section 1, as shown below in strike-out, is amended by repealing the definition of "Fairview Area":

~~"Fairview Area" means the area designated as the Fairview Secondary Planning Strategy on zoning map ZM-2.~~

3. General Provisions, as shown below in strike-out, is amended by repealing Section 16E(1):

~~**NON-CONFORMING RESIDENTIAL USES – FAIRVIEW AREA**~~

~~16E(1) Notwithstanding any other provision of this by-law, any building containing a non-conforming residential use of more than four units in existence on the date of adoption of this section, located in the "Fairview Area" and designated "Low" or "Medium-Density Residential" may be reconstructed for the same use and to the same dimensions, in the event the building is destroyed by fire or otherwise to an extent of 75% or more of the market value of the structure, provided that the angle control, parking, and open space requirements of the R-4 Zone are met.~~

4. General Provisions, as shown below in strike-out, is amended by repealing Section 26E:

~~**FAIRVIEW AREA**~~

~~26 E On lands identified as R-2AM on the Zoning Map, the provisions of the Halifax Mainland Land Use Bylaw shall apply.~~

5. The C-2A Zone, as shown below in strike-out, is amended by repealing Sections 59E(1) through 59F(4), inclusive:

~~**FAIRVIEW AREA**~~

~~59E(1) In the "Fairview Area", R-2AM and R-3 (Mainland Area) uses shall be permitted in any C-2A Zone.~~

~~59E(2) In the "Fairview Area", buildings erected, altered or used for R-2AM and R-3 (Mainland Area) uses in a C-2A Zone shall comply with the requirements of the R-2AM Zone as detailed in Section 43AG, and the R-3 (Mainland Area) Zone respectively.~~

~~59F In the "Fairview Area", the following additional requirements shall apply in the Minor Commercial Zone:~~

~~**ACCESS** (Fairview Area)~~

~~59F(1) Stores shall front on Dutch Village Road, Titus Street or Alma Crescent only. There shall be no commercial display of goods for sale on the side or rear of any buildings.~~

~~59F(2) Vehicular access to commercial uses and parking areas shall be from Dutch Village Road, Titus Street or Alma Crescent. Access from side streets is also permitted, provided that the minimum distance from an abutting residential zone to the point of access shall be 5 feet.~~

SETBACKS FROM RESIDENTIAL ZONES (Fairview Area)

~~59F(3) Any building used for C-1 or C-2A purposes in a C-2A Zone shall be set back a minimum of 20 feet from a rear lot line and 12 feet from a side lot line where such lot line abuts a residential zone.~~

DRIVEWAYS (Fairview Area)

~~59F(4) Driveways and parking areas for C-1 or C-2A uses in a C-2A Zone shall be set back a minimum distance of 5 ft. from a rear lot line adjacent to a residential zone and a side lot line adjacent to a residential zone and be screened by a fence having a minimum height of 5 ft. The 5 ft. setback area is to be landscaped and where a transparent fence is to be used, the landscaped setback area must provide solid visual screening on a year-round basis to a minimum height of 5 ft. at maturity.~~

6. The Development Agreement Provisions, as shown below in ~~strikeout~~, is amended by repealing Section 96:

96 **FAIRVIEW - DEVELOPMENT AGREEMENTS**

In the Fairview Area, Council may, by development agreement pursuant to Section VII of the Municipal Planning Strategy:

Medium Density Residential

~~(a) permit medium density residential development, on properties larger than one acre, in accordance with Policy 1.6~~

Reconstruction - Non-conforming Commercial Use

~~(b) permit any building containing a non-conforming commercial use in existence on 31 January 1985 to be reconstructed in the event that such building is destroyed, in accordance with Policy 2.3~~

3763-71 Dutch Village Road

~~(c) permit a residential and/or commercial development at 3763-71 Dutch Village Road in accordance with Policy 2.4~~

~~(d) permit, in accordance with Policy 2.5 and 2.5.1 of Section VII (Fairview Area Secondary Planning Strategy, Commercial Facilities) of the Halifax Municipal Planning Strategy, a mix of residential and commercial uses on lands designated Minor Commercial and zoned C-2A (Minor Commercial Zone).~~

North East Corner of Dutch Village Road and Andrew Street, Halifax

~~(e) permit, in accordance with Policy 2.6 and 2.6.1 of Section VII (Fairview Area Secondary Planning Strategy, Commercial Facilities) of the Halifax Municipal Planning Strategy, a mixed use building consisting of residential and commercial uses or a residential building only.~~

3400 DUTCH VILLAGE ROAD/ 3343 WESTERWALD STREET

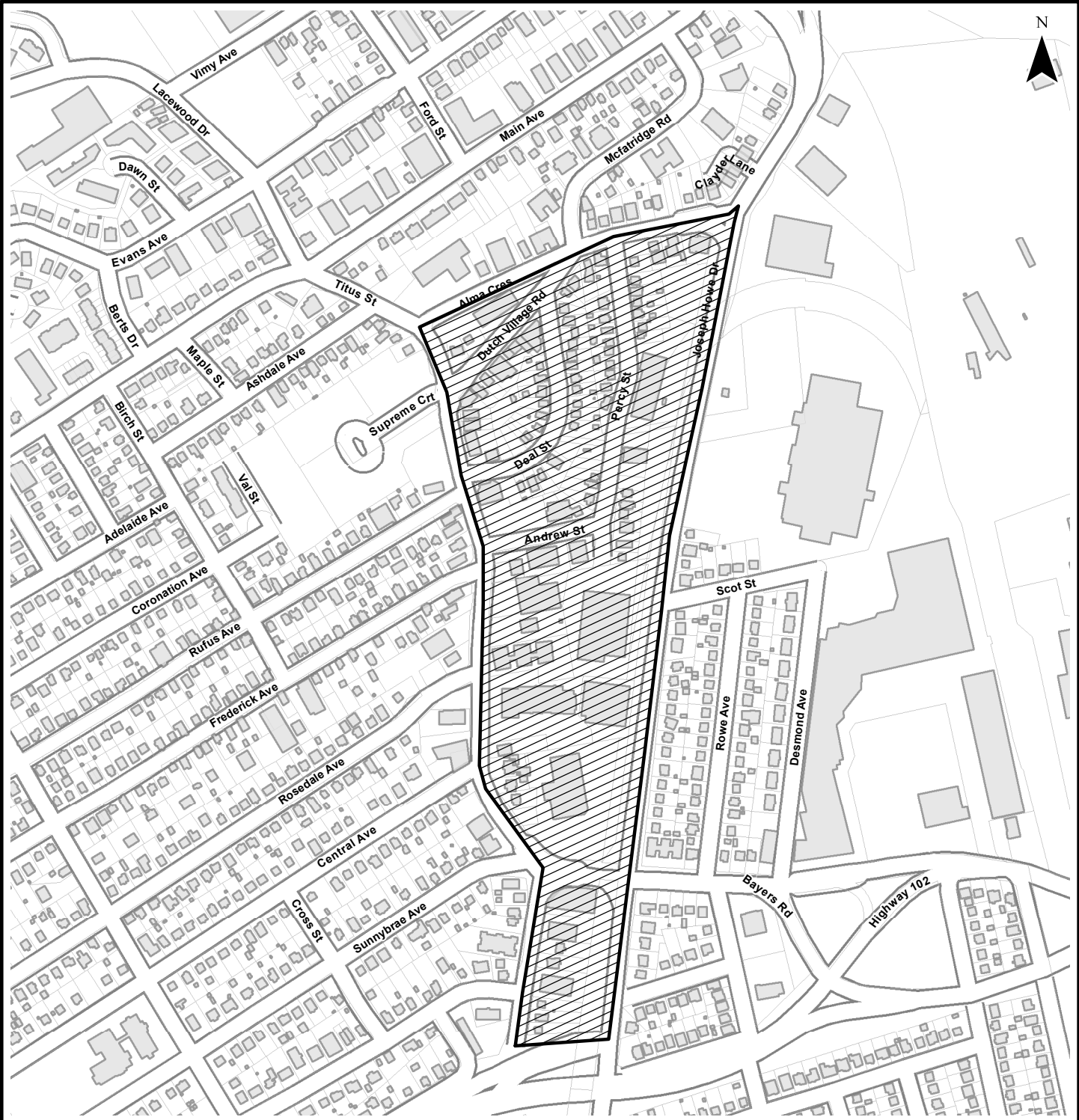
~~(f) — permit, in accordance with Policy 2.7 and 2.7.1 of Section VII (Fairview Area Secondary Planning Strategy, Commercial Facilities) of the Halifax Municipal Planning Strategy, a mixed-use development consisting of residential and commercial uses in association with an existing 24-unit apartment building.~~

7. Map ZM-1 is amended by removing the Plan Dutch Village Road Lands, as illustrated on Schedule 1 attached hereto, from the Halifax Peninsula Land Use By-law Boundary.


THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council 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

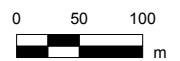


**Schedule 1 - Plan Dutch Village Road
Lands To Be Removed**

 Lands to be removed from Halifax Peninsula Boundary

HALIFAX

PLANNING & DEVELOPMENT



Attachment C
Proposed Amendments To The
Halifax Mainland Land Use By-Law

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Halifax Mainland Land Use By-law which was passed by a majority vote of the former City Council at duly called meetings held on March 30, 1978 and May 11, 1978, and approved by the Minister of Municipal Affairs on August 11, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality, is hereby further amended as follows:

1. The Table of Contents is amended by adding the words “R-2TA Zone” after the R-2T Zone and renumber accordingly.
2. The Table of Contents is amended by adding the words “R-4A Zone” after the R-4 Zone and renumber accordingly.
3. The Table of Contents is amended by adding the words “C-2C Zone” after the C-2B Zone and renumber accordingly.
4. The Table of Contents is amended by adding the following wording, in numerical order, to the end of the Schedules and Maps list:

ZM-28 Plan Dutch Village Road Overview Map

ZM-29 Plan Dutch Village Road Buildings May Exceed Maximum Building Depth Map

ZM-30 Plan Dutch Village Road Area Exempt from Front Yard Setback Map

ZM-31 Plan Dutch Village Road Street Wall Height Map

ZM-32 Plan Dutch Village Road Height Map

5. The Land Use By-law is amended by adding the definition shown below in bold, to Section 2, after the definition for “Building”:

“Building Depth” means the distance between the front yard setback required on a lot and the portion of the principal building's rear main wall furthest from the required front yard setback, measured along a line that is perpendicular to the front yard setback line.

6. The Land Use By-law is amended by adding the definition shown below in bold, to Section 2, after the definition for “Habitable Room”:

“Health Clinic” means a building or part thereof that provides one or a combination of the following: rehabilitation; counselling; diagnosis and treatment for a variety of health and wellness issues.

7. The Land Use By-law is amended, as shown below in bold, by replacing the definition for “Landscaping” in Section 2, with the definition shown below in bold:

“Landscaping” means that part of a lot located outdoors that is used for the placement of any or a combination of the following elements:

- a) **soft landscaping consisting of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover;**

- b) **hard landscaping consisting of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, and excluding asphalt and any area used for vehicle parking and manoeuvring.**

8. The Land Use By-law is amended by adding the definition shown below in bold, to Section 2, after the definition for “Lot”:

“Lot Depth” means the distance between the front and rear lot lines, measured along a line midway between the side lot lines.

9. The Land Use By-law is amended by adding the definition shown below in bold, to Section 2, after the definition for “Stacked Attached Housing”:

“Stacked Townhouse” means a building containing three or more dwelling units attached side by side, two units high, where each unit has an independent entrance to the unit from the outside.

10. The Land Use By-law is amended by adding the definitions shown below in bold, to Section 2, after the definition for “Street line”:

“Streetline Grade” means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 8 metres in width or part thereof.

“Streetwall” means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

“Streetwall Height” means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall.

11. The Land Use By-law is amended by adding the following wording to the classes of use zones, as shown below in bold, to Section 16(1):

**R-2TA Dutch Village Road Townhouse Zone
R-4A Dutch Village Road Multi Unit Zone
C-2C Dutch Village Road Mixed Use Zone**

12. The Land Use By-law is amended by replacing Section 16(2) as shown below in bold, with the following wording:

The uses of buildings and land permitted by this by-law in such zones may be referred to as R-1, R-2, R-2P, R-2T, R-2TA, R-2AM, R-3, R-4, R-4A, RC-1, C-1, C-2A, C-2B, C-2C, C-2, C-6, I-1, I-2, I-3, P, U-2, T, H, US, UR, PWS, RDD, WC, WCDD, BWCCD, WCCDD, CD-1 CD-2, CD-3, ICH, RPK, PA and WA uses, respectively.

13. The Land Use By-law is amended by adding the following new zone after the R-2T (Townhouse) Zone, as shown below in bold:

R-2TA ZONE

DUTCH VILLAGE ROAD TOWNHOUSE ZONE

28AO(1) The following uses shall be permitted in any R-2TA zone:

- (a) R-1 and R-2 uses;**
- (b) townhouse building;**
- (c) stacked townhouse building;**
- (d) existing apartment house buildings;**
- (e) home occupation uses, except:
 - (i) the preparation and sale of food,**
 - (ii) the keeping of animals,**
 - (iii) adult entertainment uses, and**
 - (iv) taxi dispatch;****
- (f) daycare facilities; and**
- (g) uses accessory to any of the foregoing uses.**

28AO(2) No person shall in any R-2TA 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).

28AO(3) No person shall in any R-2TA 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).

SIGNS

28AP No person shall in any R-2TA zone erect, place or display any billboard or sign except those permitted in the R-1 zone.

REQUIREMENTS

28AQ(1) Buildings erected, altered or used for R-1 or R-2 uses in an R-2TA zone shall comply with the requirements of the R-1 and R-2 zones respectively.

28AQ(2) Buildings erected, altered, or used as a townhouse building shall comply with the following requirements:

- (a) Minimum lot frontage 6 m per unit**
- (b) Minimum lot area 150 m² per unit**
- (c) Maximum height As shown on ZM-32, Plan Dutch Village Road Height Map**
- (d) Maximum lot coverage 40 percent**
- (e) Minimum front yard 6 m where parking is provided in the front yard. This may be reduced to 3 m if parking is located in the rear yard.**

- (f) Minimum rear yard 7.5 m. Where parking is located in the rear yard, the minimum rear yard setback shall be 9m
- (g) Minimum side yard 3 m for end units
- (h) Minimum number of units 3 units
- (i) Maximum number of units 8 units
- (j) Minimum Unit Width 5.5 m
- (k) All units shall have a front door that faces the street or driveway.

28AQ(3) Buildings erected, altered, or used as a stacked townhouse building shall comply with the following requirements:

- (a) Minimum lot frontage 4.5 m per unit
- (b) Minimum lot area 100 m² per unit
- (c) Maximum height As shown on ZM-32, Plan Dutch Village Road Height Map
- (d) Maximum lot coverage 40 percent
- (e) Minimum front yard 6m where parking is provided in the front yard. This may be reduced to 3 m if parking is located in the rear yard.
- (f) Minimum rear yard 7.5 m. Where parking is located in the rear yard, the minimum rear yard setback shall be 9m
- (g) Minimum side yard 4.5 m for end units
- (h) Minimum number of units 6
- (i) Maximum number of units 16 units
- (j) All units shall have a front door that faces the street or driveway.

SUBDIVISION OF TOWNHOUSE BUILDING

28AR (1) A townhouse building may be subdivided so that each townhouse is on its own lot, provided that the minimum requirements of Section 28AQ(2) are met. Furthermore, no side yard shall be required along the common lot boundary dividing the townhouse building.

28AR(2) Notwithstanding Section 28AQ(2)(a) and 28AQ(2)(e) for townhouse buildings existing on the date of adoption of this provision, the townhouse building may be subdivided so that each townhouse is on its own lot, provided that each lot has at least 3 m of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.

ACCESSORY BUILDINGS

28AS(1) Any accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located.

28AS(2) Where an accessory building is situated on a corner lot, it shall be at least 3 metres from the flanking street line abutting such lot.

28AS(3) No accessory building shall be located within the front yard.

BUILDING FACADES FOR TOWNHOUSE AND STACKED TOWNHOUSE BUILDINGS

- 28 AT(1) A minimum of 30% of front wall areas shall be windows or doors.
- 28 AT(2) Townhouses shall have one of the following:
- (a) horizontal variation between dwelling units through such devices as changes in colour, material, projections and recesses of 0.5 m.; or
 - (b) vertical variation between dwelling units through such devices as changes in colour, material, projections and recesses of 0.5 m.
- 28 AT(3) Variations that project less than 0.75 m will not affect set back requirements. The addition beyond 0.75 m requires an equal addition to setback requirements.

LANDSCAPED OPEN SPACE AND AMENITY SPACE

- 28 AU(1) Townhouse and stacked townhouse buildings shall provide a minimum of 35% landscaped open space per site, with a minimum of 14m² of outdoor amenity space per unit.
- 28 AU(2) Outdoor amenity space may be in the form of or any combination of, any front yard, rear yard, side yard, deck, balcony, terrace or patio.

UTILITIES, SERVICING AND ACCESSORY BUILDINGS

- 28 AV Any utility connections, fill pipes, exhaust vents, central air conditioning units and water meters located in the front yard shall be screened from the street by landscaping, solid board fencing, a decorative wall or an architectural feature. Fuel tanks shall be located within the front yard.

HOME OCCUPATIONS

- 28 AW Notwithstanding clause 14B, where home occupations are permitted in the R-2TA Zone, such home occupation shall comply with the following:
- (a) No person who is not a resident of the dwelling unit shall be the proprietor of a home occupation;
 - (b) Only one home occupation shall be permitted per dwelling unit;
 - (c) Such home occupations shall not occupy more than 50 percent of the floor area of the dwelling unit;
 - (d) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;
 - (e) Except for goods manufactured on the premises, no goods shall be displayed or sold on the premises;
 - (f) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
 - (g) There shall be no display of goods visible from the outside, or outside storage of equipment or material;

- (h) Only one commercial vehicle, not exceeding 2,722 kilograms gross vehicle weight, shall be parked on the premises in connection with the home occupation;
- (i) The commercial vehicle permitted under clause (h) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
- (j) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
- (k) Notwithstanding subclause 28AO(1)(e)(i), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.
- (l)
 - (i) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.
 - (ii) Such accommodation shall consist of one separately accessible parking space at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.
 - (iii) Such accommodation shall consist of two parking spaces at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.

EXISTING APARTMENT HOUSE BUILDING

28 AX Existing apartment house buildings are permitted subject to the provisions of the R-2AM Zone.

14. The Land Use By-law is amended by adding the following new zone after the R-4 (Multiple Dwelling) Zone, as shown below in bold:

R-4A ZONE

DUTCH VILLAGE ROAD MULTI UNIT ZONE

34AAA(1) The following uses shall be permitted in the R-4A Zone:

- (a) R-1, R-2, and R-2TA uses;
- (b) apartment house;
- (c) home occupation uses, except:
 - (i) the preparation and sale of food,
 - (ii) the keeping of animals,
 - (iii) adult entertainment uses, and
 - (iv) taxi dispatch;
- (d) daycares; and
- (e) any use accessory to any of the foregoing uses.

34AAA(2) No person shall in any R-4A 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 38AAA(1).

34AAA(3) No person shall in any R-4A 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 38AAA(1).

34AAA(4) Buildings use for R-1, R-2 and R-2TA uses shall comply with the requirements of their respective zones.

REQUIREMENTS

34AAB(1) Buildings erected, altered or used for R-4A uses in an R-4A Zone shall comply with the following requirements:

- (a) The minimum lot frontage shall be 10.7 metres;
- (b) The maximum building depth shall be 25 m;
- (c) Notwithstanding clause 34AAB(1) (b), a building may exceed the maximum building depth, provided:
 - (i) the height of the remainder of the building does not exceed 9 m where abutting a C-2C zone or 3 m where abutting a residential zone;
 - (ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building; and
 - (iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth;
- (d) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map;
- (e) The portion of the building above the streetwall height, shall be setback 5m from the side lot line;
- (f) The portion of the building above the streetwall height, shall be stepped back 2m from the exterior walls, on all sides of the building;
- (g) The streetwall shall extend a minimum of 65 percent of the lot line. Where located on a corner lot, the streetwall shall extend 65 percent of the lot frontage for both streets;
- (h) The maximum lot coverage shall be 75 percent;
- (i) The minimum side yard setback shall be 3 m; and
- (j) The minimum rear yard setback shall be 3 m.

HEIGHT

34AAC(1) Building height shall not exceed the maximum height as shown on ZM-32, Plan Dutch Village Road Height Map.

RESIDENTIAL UNIT MIX

34AAD(1) Buildings erected, altered or used for R-4A uses in an R-4A Zone shall include a mixture of dwelling unit types. A minimum of 30 percent of the dwelling units within a building shall contain two or more bedrooms.

SIGNS

34AAE(1) Any persons carrying on a use permitted by Subsection 34AAA(1) may place upon and parallel to the front of the building signage that comply with the following:

- (a) 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;
- (b) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
- (c) 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;
- (d) 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;
- (e) 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
- (f) No signs shall be permitted on the roof of a building.

SETBACKS FROM BALCONIES

34AAF(1) Buildings erected, altered or uses for R-4A uses in an R-4A Zone shall comply with the following requirement:

- (a) No balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units at grade.

MAIN FLOOR ENTRANCES

34AAG(1) Buildings erected, altered or used for apartment house uses in an R-4A Zone shall comply with the following requirements:

- (a) Main building entranceways shall be oriented to the street; and
- (b) The main entrances to a building shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, or overhangs.

EXTERNAL BUILDING APPEARANCE

34AAH(1) The following external cladding materials shall be prohibited for apartment house uses:

- (a) Vinyl;
- (b) Plywood;
- (c) Concrete block;
- (d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and
- (e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.

LANDSCAPING AND BUFFERING

34AAI(1) Buildings erected, altered or used for apartment house uses in an R-4A Zone shall comply with the following requirements:

- (a) Where the rear yard abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting rear residential

property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line.

- (b) The landscaped area shall be grassed, or alternatively, water features or natural ground covers such as stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliber) and three (3) shrubs per 4.6 metres of lot frontage; and
- (c) Existing trees and shrubs may be incorporated into the landscaped setback, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres requirement.

34AAI(2) For the purposes of 34AAI(1), the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground area of the existing building by at least 20%.

34AAI(3) Any building that is erected for an apartment house use in an R-4A Zone shall landscape the front yard setback. A driveway may cross this landscaped area. This landscaped area shall comply 34AAI(1) (b) and 34AAI(1) (c).

AMENITY SPACE

34AAJ(1) Apartment house buildings shall provide amenity space at a rate of 10 m² per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space, shall include one of the following common elements:

- (a) fitness room of a minimum size of 40m²; or
- (b) community room of a minimum size of 40m².

HOME OCCUPATIONS

34AAK Notwithstanding clause 14B, where home occupations are permitted in the R-4A Zone, such home occupation shall comply with the following:

- (a) No person who is not a resident of the dwelling unit shall be the proprietor of a home occupation;
- (b) Only one home occupation shall be permitted per lot;
- (c) Such home occupations shall not occupy more than 50 percent of the floor area;
- (d) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;
- (e) Except for goods manufactured on the premises, no goods shall be displayed or sold on the premises;
- (f) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
- (g) There shall be no display of goods visible from the outside, or outside storage of equipment or material;

- (h) Only one commercial vehicle, not exceeding 2,722 kilograms gross vehicle weight, shall be parked on the premises in connection with the home occupation;
- (i) The commercial vehicle permitted under clause (h) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
- (j) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
- (k) Notwithstanding subclause 34AAA(1)(c)(iv), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.
- (l)
 - (i) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.
 - (ii) Such accommodation shall consist of one separately accessible parking space at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.
 - (iii) Such accommodation shall consist of two parking spaces at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.

15. The Land Use By-law is amended by adding the following new zone after the C-2B (Highway Commercial) Zone, as shown below in bold:

C-2C ZONE

DUTCH VILLAGE ROAD MIXED USE ZONE

38BA(1) The following uses shall be permitted in the C-2C Zone:

- (a) all R-2 and R-2TA uses;
- (b) retail and rental stores excluding:
 - (i) motor vehicle dealers;
 - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
 - (iii) adult entertainment uses
- (c) health clinic;
- (d) appliance and small scale repair shops;
- (e) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;
- (f) bowling alley;

- (g) a theatre;
- (h) a service station;
- (i) offices;
- (j) a bank and other financial institutions, excluding drive-throughs;
- (k) a restaurant, excluding drive-throughs;
- (l) community facilities;
- (m) commercial recreation uses;
- (n) day care facility;
- (o) apartment house;
- (p) micro breweries;
- (q) coffee roasteries;
- (r) ferment-on-premises facility, as defined by the Province of Nova Scotia Liquor Control Act;
- (s) brew pub;
- (t) institutional uses;
- (u) government or public buildings;
- (v) existing R-1 uses; and
- (w) any use accessory to any of the foregoing uses.

38BA(2) No person shall, in any C-2C 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 38BA(1).

38BA(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 38BA(1).

38BA(4) Buildings used for existing R-1, R-2 and R-2TA uses shall comply with the requirements of their respective zones.

RETAIL

38BB(1) Any lands located in Area D, as shown on ZM-28, Plan Dutch Village Road Overview Map, shall limit retail use permitted under 38BA(1) to a maximum ground floor gross floor area of 650 square metres.

REQUIREMENTS

38BC(1) Buildings erected, altered or used for C-2C uses, in a C-2C Zone shall comply with the following requirements:

- (a) The maximum building depth shall be 25 m;
- (b) Notwithstanding clause 38BC(1) (a), a building may exceed the maximum building depth, provided:
 - (i) the height of the remainder of the building does not exceed 10.5 m;
 - (ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building;
 - (iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth; and

(iv) the land is shown on ZM-29, Plan Dutch Village Road Buildings May Exceed Maximum Building Depth.

- (c) The maximum front yard setback shall be 3 metres;
- (d) Notwithstanding clause 38BC(3) (c), the lands shown on ZM-30, Plan Dutch Village Road Area Exempt from Front Yard Setback Map shall be exempt from the maximum front yard setback requirement;
- (e) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map;
- (f) The building shall be stepped back 3 m on all sides of the building for all portions of the building above the streetwall height;
- (g) The building shall be setback 5m from the side yards above the streetwall height; and
- (h) The streetwall shall extend a minimum of 65 percent of the lot frontage. Where located on a corner lot, the streetwall shall extend 65% of the lot frontage for both streets;

LOT COVERAGE

38BD(1) Buildings erected, altered or used for C-2C uses in a C-2C 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 above grade along side and rear lot lines may cover 100 percent of the lot area.

HEIGHT

38BE(1) Building height shall not exceed the maximum height as shown on ZM-32, Plan Dutch Village Road Height Map.

38BE(2) Notwithstanding clause 38BE(1), on lots with a lot depth of less than 30 m, the maximum height shall be 13.5 m.

38BE(3) Notwithstanding the definition of height in Section 2 of this by-law, for lands that have frontage on both Percy Street and Joseph Howe Drive, height shall mean the vertical distance between the average grade adjoining the building, and the highest part of the roof.

RESIDENTIAL UNIT MIX

38BF(1) Apartment house uses in a C-2C Zone shall include a mixture of dwelling unit types. A minimum of 30 percent of the dwelling units within a building shall contain two or more bedrooms.

PARKING

38BG(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:

- (a) Vehicular parking shall be enclosed in a building, or located to the rear or side yard of the building; and

- (b) Notwithstanding subsection 9(d), parking for the following uses shall be provided at the following ratios:
- (i) 2 spaces per 100 m² of gross floor area of office space;
 - (ii) 3 spaces per 100 m² of gross floor area of retail/service store space; and
 - (iii) 3 spaces per 100 m² of gross floor area of restaurant space.

SIGNS

38BH(1) Any persons carrying on a use permitted by Subsection 38BA(1) may place upon and parallel to the front of the building signage that comply with the following:

- (a) 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;
- (b) Fascia signs shall not extend beyond 15 cm on the extremity of a wall on which they are affixed;
- (c) 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;
- (d) 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;
- (e) 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
- (f) No signs shall be permitted on the roof of a building.

SETBACKS FROM BALCONIES

38BI(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:

- (a) No balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units at grade.

MAIN FLOOR AND ENTRANCES

38BJ(1) Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:

- (a) The ground floor of the streetwall shall be comprised of 60 percent glazing;
- (b) The ground floor height of a commercial building shall be at least 4.5 m; and
- (c) Commercial uses shall have separate exterior access from any access to residential uses.

EXTERNAL BUILDING APPEARANCE

38BK(1) The following external cladding materials shall be prohibited for all uses except existing R-1 uses:

- (a) Vinyl;
- (b) Plywood;
- (c) Concrete block;
- (d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and
- (e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.

LANDSCAPING AND BUFFERING

- 38BL(1)** Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:
- (a) Where the lands abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting residential property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line;
 - (b) The landscaped area shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliber) and three (3) shrubs per 4.6 metres of required landscaping; and
 - (c) existing trees and shrubs shall be incorporated into the landscaped setback, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres requirement.
- 38BL(2)** For the purposes of 38BL(1), the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground area of the existing building by at least 20%.
- 38BL(3)** Any building that is erected for any C-2C use in a C-2C Zone shall be required to landscape the front yard setback. A driveway may be permitted cross this landscaped area. This landscaped area shall comply with 38BL(1) (b) and 38BL(1) (c).

AMENITY SPACE

- 38BM(1)** Apartment house buildings shall provide amenity space at a rate of 10 m² per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space shall include one of the following common elements:
- (a) fitness room of a minimum size of 40m²; or
 - (b) community room of a minimum size of 40m².

EXISTING STRUCTURES

- 38BN** Notwithstanding clauses 38BC(1) (c) and 38BC(1) (h), where an existing commercial building is deemed to be nonconforming under this Bylaw, it

shall be allowed to be extended, enlarged or altered as long as the extension, enlargement or alteration complies with this Bylaw or a variance is granted by the Development Officer.

SERVICE STATIONS

- 38BO(1)** Any service station shall comply with the following requirements:
- (a) lighting shall be directed away from any abutting residential zones;
 - (b) enclose any commercial refuse container in a structure which screens them from the street and abutting residential zones;
 - (c) outdoor storage shall not be permitted; and
 - (d) a 1.9 m fence with a landscaping strip of a minimum depth of 1 metre, shall be provided where the lands abut a residential zone.
- 38BO(2)** Notwithstanding 38BL(1) (a), any service station shall require a minimum of a 2 metre wide strip of landscaped area, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance;

THROUGH LOTS

- 38BP(1)** Notwithstanding subclause 38BC(1) (h), through lots located on Joseph Howe Drive shall have a streetwall that extends a minimum of 65 percent of the lot frontage on Joseph Howe Drive and 50 percent of the lot frontage on Percy Street.
- 38BP(2)** Where a surface parking area is permitted for through lots located along Percy Street, a landscaped area, measuring 6 metres in depth, measured from the Percy Street street line, shall be provided in accordance with 38BL(1) (c) and 38BL(1) (d).

16. Amending ZM-1, Zoning Map, as shown on Schedule A, by adding the lands to the jurisdiction of the Halifax Mainland Land Use By-law and applying the zoning shown.

17. The Land Use By-law is amended by adding the following maps after ZM-27 as shown in Schedule B:

**ZM-28 Plan Dutch Village Road Overview Map,
ZM-29 Plan Dutch Village Road Buildings May Exceed Maximum Building Depth Map,
ZM-30 Plan Dutch Village Road Area Exempt from Front Yard Setback Map,
ZM-31 Plan Dutch Village Road Street Wall Height Map and
ZM-32 Plan Dutch Village Road Height Map.**

18. The Land Use By-law is amended by deleting the number “2.3” and replacing it with “2A.9” from the following clause (b), of Section Fairview Area- Development Agreements, Reconstruction – Non-conforming Commercial Use.

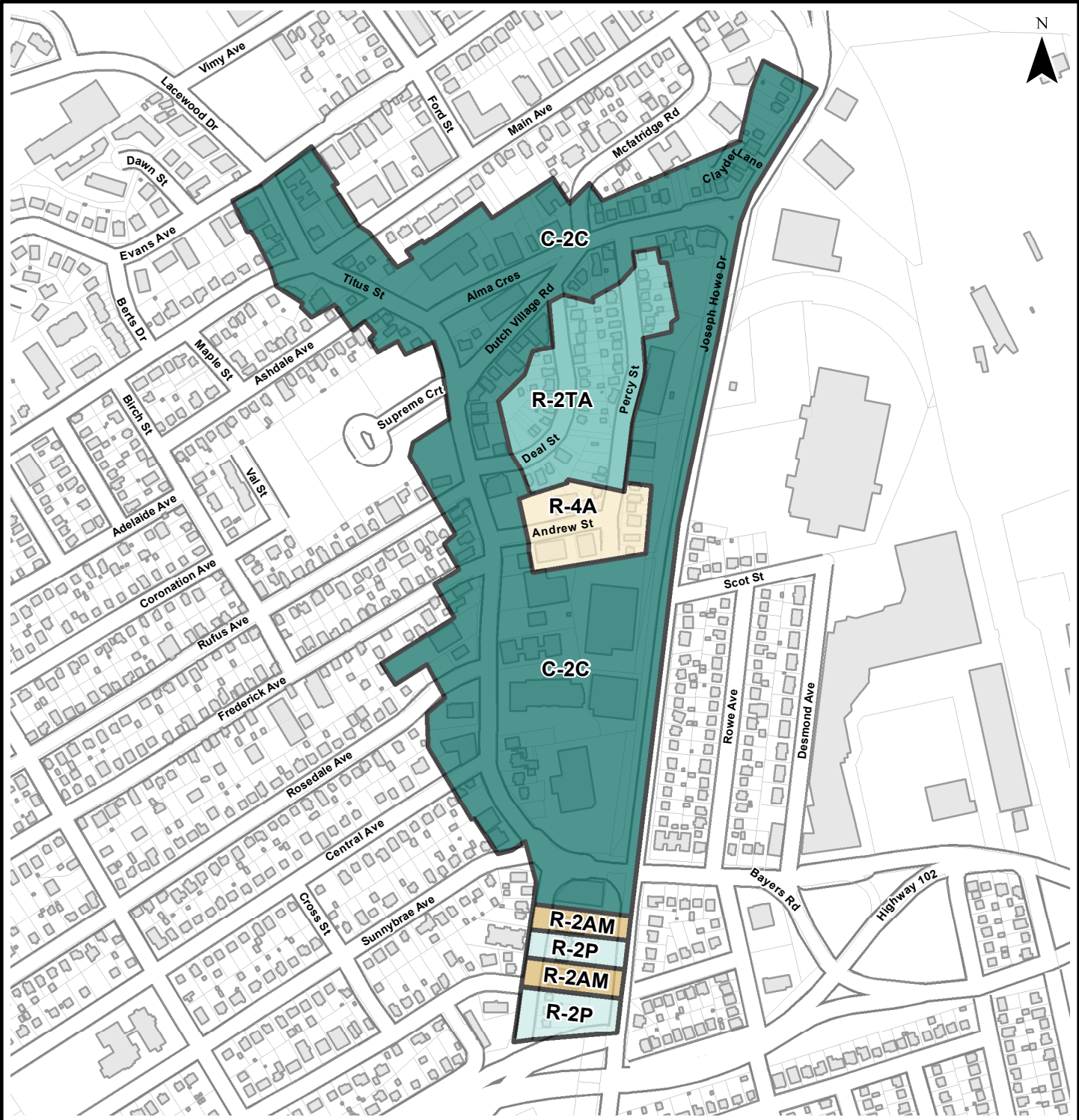
19. The Land Use By-law is amended by adding the following to Section 70, Fairview Area- Development Agreements, as shown below in bold:

(f) Any building in Area A on ZM-28 that has a height of more than 25 m shall be considered a high-rise and may be permitted by a development agreement process, in accordance with Policies 7 and 7.1.

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 Regional Council of Halifax 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






N

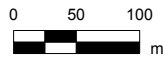


Schedule A - Plan Dutch Village Road Zoning Map

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Zone

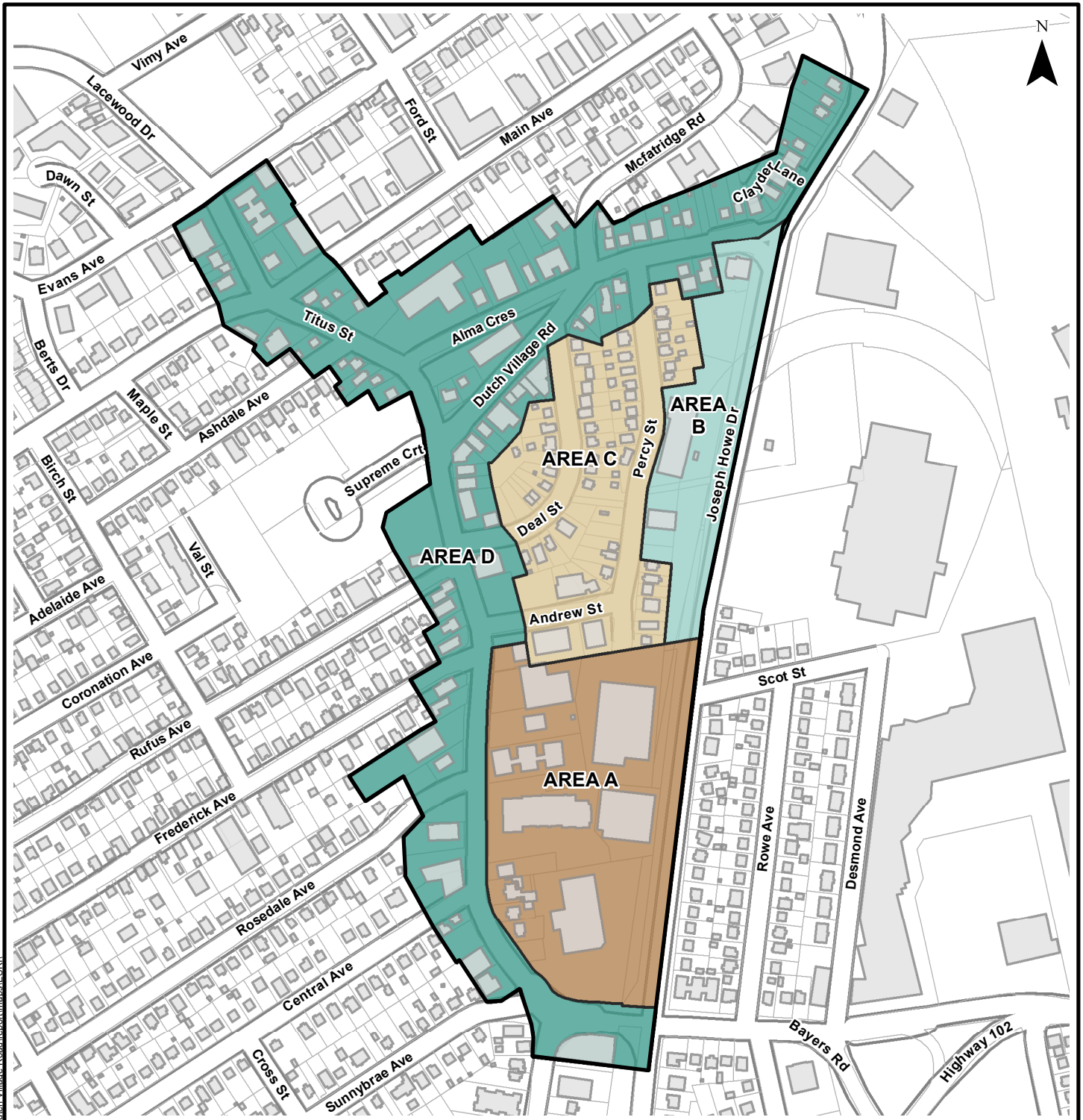
-  Lands to be rezoned to C-2C (Dutch Village Road Mixed Use Zone)
-  Lands to be rezoned to R-2AM (General Residential Conversion Zone)
-  Lands to be rezoned to R-2P (General Residential Zone)
-  Lands to be rezoned to R-2TA (Dutch Village Road Townhouse Zone)
-  Lands to be rezoned to R-4A (Dutch Village Road Multi Unit Zone)



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Schedule B

**Plan Dutch Village Road Maps
ZM-28, ZM-29, ZM-30, ZM-31, ZM-32**

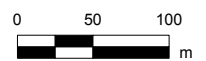


ZM-28 Plan Dutch Village Road Overview Map

- Area A
- Area B
- Area C
- Area D

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N

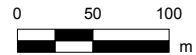


**ZM-29 Plan Dutch Village Road
Buildings May Exceed Maximum Building Depth Map**

 May Exceed Maximum Building Depth

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R.P. & J. Regional Planning/Urban Design Team/02 - PROJECTS/2014 - Dutch Village Road/transportans/ESRI

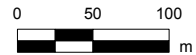


**ZM-30 Plan Dutch Village Road
Area Exempt from Front Yard Setback Map**

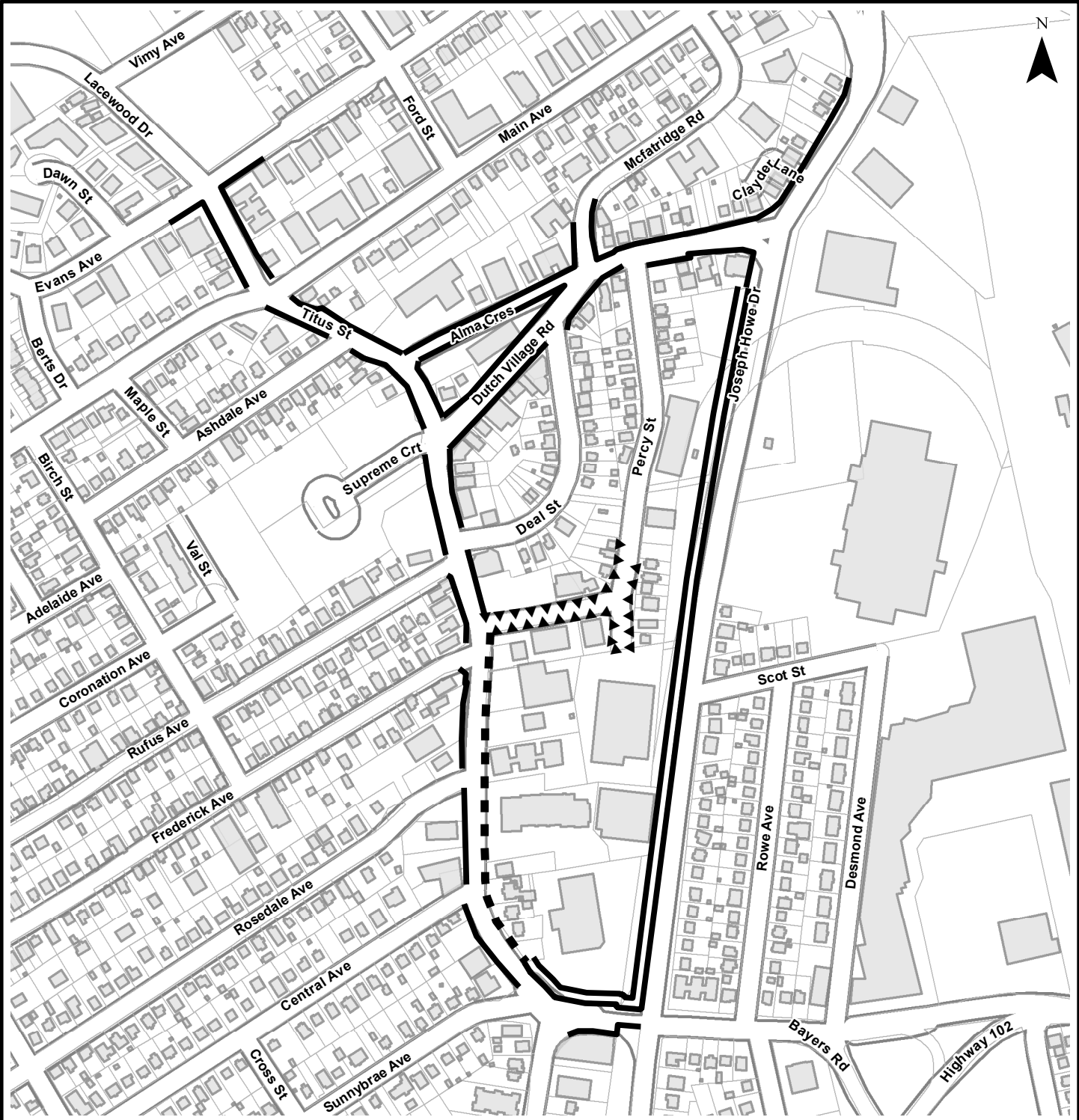
 Exempt from Maximum Front Yard Setback

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R.P. & J.R. Regional Planning/Urban Design Team/02 - PROJECTS/2014 - Dutch Village Road/transportans/ESRI



N



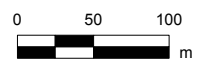
ZM-31 Plan Dutch Village Road Street Wall Height Map

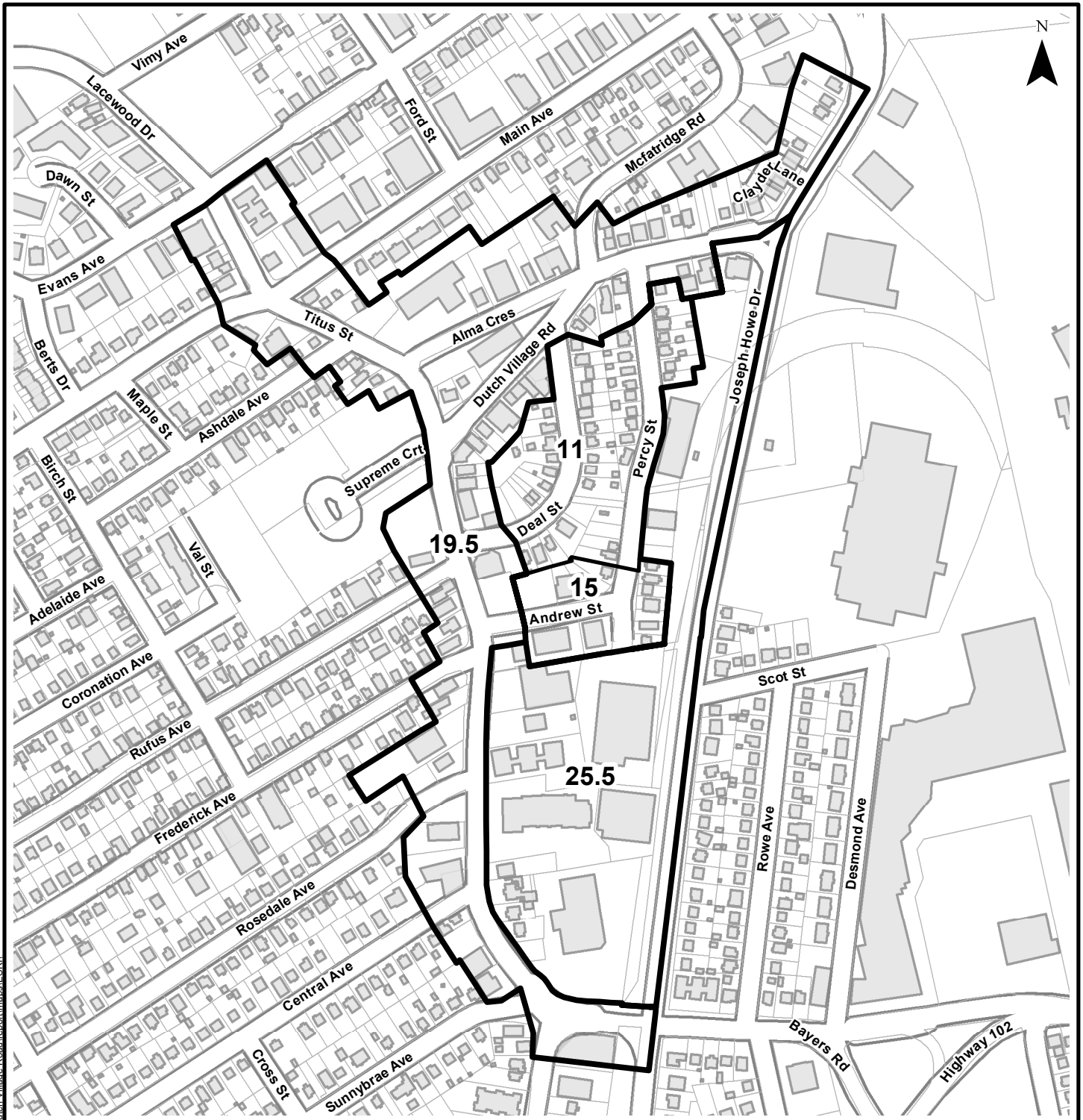
Street Wall Height:

- ▲▲▲▲ 9m
- 10.5m
- 13.5m
- ===== 16.5m


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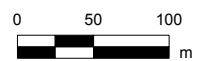


**ZM-32 Plan Dutch Village Road
Height Map**

 Height (m)

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Attachment D

Summary of Edits to Amending Packages

Edits were made to the amending package including adding language to ensure that the mapping will be added to the land use by-law, numbering changes, adding a new map to the MPS package and changes to the wording of various clauses to clarify their intent.

The following summary table shows the significant changes to the amending documents.

No.	Attachment	Item	Change Comment
1	"A"	3.1	Removal of size limit on home occupations
2	"A"	11	Removal of policies dealing with amendments to existing development agreements and replacing them with policy that would enable non-substantive amendments identified in existing development agreements to be considered pursuant to the policies in existence at the time the development agreement was entered into.
3	"A"	Schedule A	Additional boundary information added to map, designation identifier for "COM" designation added.
4	"B"	Schedules	Changed schedule labeling for improved clarity
5	"C"	Home Occupations	Removal of size limit on home occupations
6	"C"	13	Addition of specific direction to add ZM maps to the Halifax Mainland Land Use By-Law
7	"C"	Schedules	Changed schedule labeling for improved clarity