



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

Item No. 13.1.1
Halifax and West Community Council
June 28, 2016

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed
Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: April 01, 2016

SUBJECT: Plan Dutch Village Road

ORIGIN

- 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 and West Community Council recommend that 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;
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; and
3. Direct staff to undertake preliminary design work to confirm the cost and feasibility of providing pedestrian and bicycle infrastructure, and potentially other streetscape elements where needed, on Dutch

Village Road and report back to Regional Council. If it is approved by Regional Council the project should be considered for future delivery through the active transportation capital program and will include a public engagement process.

BACKGROUND

On August 6, 2013, Halifax Regional Council requested that staff “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”. Council then revised the study area boundaries on July 21, 2015 to include all commercially designated property within the study area.

The lands are located immediately adjacent to the Regional Centre and are designated as an Urban District Centre with the Urban Settlement Designation in the Regional Municipal Planning Strategy. The lands have historically been a local commercial centre for the Fairview community with a few businesses in the study area serving a larger catchment area.

History

The area was settled by German settlers in 1751 and was a farming community that helped service the agricultural needs of Halifax. It remained as a stable agricultural area until the early 1900’s when it evolved into a working community centered on the nearby rail yard. Evidence of this industrial heritage remains in the industrial use, the form of development, and the lot pattern occurring on Joseph Howe Drive. These industrial lands have evolved over time to include more commercial uses, surrounded by residential streets. There was a large boom in residential development after World War II on large blocks with a gridded street network which is still maintained today. Fairview was annexed to the City of Halifax in 1969, along with the communities of Rockingham, Clayton Park, Armdale, and Spryfield. In the 1960’s, Fairview started densifying with multi-unit residential buildings which continue to be developed in the area.

Demographics

Statistics Canada data shows that the population of Fairview tends to be young, with the largest population group in the 20-24 and 25- 29 age groups. There is also a large group of adults in the 45-49, 50-54 and 55-59 age groups. These patterns have been consistent through recent history, with similar population patterns occurring at every census taken since 2001. Young adults are consistently recorded as the largest population group. This area also has a high proportion of renters—60% of residents in Fairview rent as opposed to 37% for all of HRM. Residents in Fairview are also more likely to have moved in the last 5 years, than the rest of HRM. This pattern makes sense as young people are more likely to rent than to own a home and renters are more likely to move more frequently than home owners. The consistent demographic profile in age and housing tenure indicate a strong demand for rental housing in the area.

Community Comments

Staff engaged with the public using a variety of consultation tools with comments summarized in Attachment D: Plan Dutch Village Road “What We Heard” Summary of Community Engagement. The general themes heard through the consultation process was the need for the plan to recognize existing community character, promote active transportation, provide mixed use development, ensure properties area adequately maintained, introduce green space, consider traffic flow and to respect the needs of the existing community. This plan addresses these issues through land use, built form and design regulation, recommendations for sidewalks, which would include a landscaping along the curb and the provision of bike lanes.

DISCUSSION

Current Policy

The Fairview Area Plan was adopted in 1985 and the objective of the Commercial Facilities Section was to “encourage the continued development of the Dutch Village Road area as a Minor Commercial Centre,

compatible with the surrounding neighbourhood.” Over thirty years have passed since this secondary plan was adopted and more detailed policy and regulations are required to better respond to development and the public. In analysing four recent site specific plan amendments in the area staff have determined that the current policies are no longer working and are recommending adoption of a new set of policies that will maintain the existing objective of the Commercial Facilities Section of the existing plan, and further enhance these principles, making them more relevant to today’s community and business needs.

Policy Goals

The proposed policy set seeks to enhance the commercial nature of the area while respecting the existing residential neighbourhoods. The policies are written with the following goals in mind:

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. Requiring 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. Permitting consideration of high-rise development in Area A.

These goals are reflected in an approach that uses elements of form based coding to control the massing of buildings, building placement on lots to encourage street level activity, provision of sidewalk and bicycle lanes to allow for safer and more enjoyable mobility and permitting a wide variety of commercial uses that service the larger Fairview community.

Residential Considerations

Policy

At the heart of the Dutch Village Road study area lies an established residential area. The area is largely used for low density residential purposes, in a mix of building types, with multi-unit residential buildings occurring along Andrew Street and the southern portion of Percy Street. This section of Percy Street also contains C-2 and C-3 uses including warehousing and vehicle repair. Staff are recommending continuing to use these lands for residential purposes and allow the commercial and industrial buildings to transition to residential uses by applying a designation to the properties that will allow for this transition, as shown on the designation map shown in Attachment A.

Regulations

To carry out the intent of this designation staff are proposing a Dutch Village Road Townhouse (R-2TA) Zone that permits R-1 and R-2 uses, as well as townhouse and stacked townhouse forms along Percy and Deal Streets. It is recommended that apartment style multi-unit buildings continue to be permitted along Andrew Street and the southern portion of Percy Street by applying the Dutch Village Road Multi-Unit (R-4A) Zone to these lands (Attachment C Schedule A Zoning Map). Given the commercial context that surrounds these properties, staff are also recommending that these zones relax the existing home occupation regulations for all home based business uses by allowing a larger percentage of the gross floor area of a building to be used for home occupation purposes, allowing employees and eliminating the restriction on home occupation activities occurring within accessory buildings.

Commercial Considerations

Policy

The lands located along Dutch Village Road, Alma Crescent and Joseph Howe Drive are proposed to be designated as Commercial (Attachment A, Designation Map) to reflect the commercial function that these streets provide. These streets currently include a range of commercial and multi-unit residential buildings.

Maintaining the commercial uses along these streets is recommended, with the focus of the proposed amendments concentrating on the design of new buildings. To provide greater predictability in the built¹ form of buildings, the proposed zones include controls on building placement and massing.

Regulations

The lands that front on Joseph Howe Drive and Dutch Village Road will be zoned for commercial activity with the C-2C “Dutch Village Road Mixed Use” Zone. The list of permitted uses in this zone is largely a modernized version of the existing list from the C-2 zone with updates to include health clinic, smaller coffee roasters, micro-breweries and u-vint’s²—uses that have become more prevalent in Halifax recently. The public identified the variety of small, local businesses as being one of the key elements that defined the Dutch Village Road Area. To encourage and maintain this, the C-2C zone will limit the gross floor area of retail to encourage small scale businesses.

Controls in Zoning

The plan aims to enhance the public realm by focusing the building activity at the street. To enable this, the C-2C and R-4A zones require that the buildings are developed along the majority of the street frontage, with surface parking moved to the side and rear yards. The C-2C zone also establishes a maximum front yard setback to encourage buildings to be built closer to the street to create a more active public realm.

One of the intents of the amendments is to allow for development to occur in a manner that controls the bulk and scale of new buildings. The buildings will be restricted in depth to 25 metres; anything longer will be required to stepdown to 3 stories in the rear yard to allow for a transition to a low density residential environment. Landscaping will be required on the roof top of these stepped down portions of the building. This form would improve the street experience along Percy Street, where the lots have frontage on both Percy Street and Joseph Howe Drive, by allowing the building to transition down to a lower height in a manner that better respects the surrounding built form.

The plan aims to create a comfortable pedestrian experience by reducing the mass of the buildings near the sidewalk by introducing the requirement to establish a streetwall. This means that buildings will need to be set back above a certain height to prevent them from ‘overpowering’ the pedestrian realm. In Area A, buildings that front on Joseph Howe Drive will be allowed a five storey, or 16.5 m streetwall height, which steps down to four stories on Dutch Village Road. On the remainder of the streets, the streetwall heights are reduced to three storeys (10.5 m), reflecting the change in lot configuration to smaller lots with smaller buildings and reduced heights.

Taller buildings will be focused around Joseph Howe Drive and the existing commercial area, with as-of-right heights of up to 25.5 m (8 stories) permitted here as well as in Area A. The maximum height will be reduced to 19.5 m (6 stories) along Dutch Village Road, with shallow properties only permitted a maximum height of 13.5 m (4 stories) to prevent over development of small lots and to reduce the impact on abutting residential buildings. Additionally, the ground floor height of any commercial building is required to be 4.5 m to create a more defined commercial floor space, as well as to provide enhanced retail and commercial space for tenants. The R-4A zoned properties will be allowed up to 15 m (5 stories) with the R-2TA properties allowed to build a maximum of 11 m.

Controls for Larger Development

The policy allows the consideration of high rise development of up to 37.5m only in Area A (Attachment C, ZM-27). This area is an existing commercial area that has large lots with large building footprints, and an existing 14 storey building. Due to the size of the lots, it is harder to predict how they should be developed, making this area suitable for the consideration of development agreements. The policy related to this area is divided into two sections: the first contains elements which can be quantified, while

¹ businesses that allow wine making, referred to as “ferment-on-premises” in the Provincial regulations

the second includes more subjective, qualitative elements. Staff are recommending this approach as HRM does not have the ability to use design guidelines outside of the Regional Centre. This approach allows for control over the massing of the building to reduce the visual impact of taller buildings and create a more predictable built form outcome.

To mitigate the impacts of tall buildings on other properties the proposed policy requires buildings over eight stories to use a slender tower form for any portion of the building over five stories. This tower is required to have a floorplate of no larger than 625m² with 25m separation distance between towers. Towers would not be permitted closer than 12.5m to side and rear property lines.

Active Transportation (AT)

Dutch Village Road does not have a sidewalk on the west side of the street. The need for this sidewalk has been assessed by HRM staff and found to be very high, however plans to address this deficiency have not been advanced due to a number of 'constructability issues' stemming from:

- a. The historical parking pattern for several buildings on the west side of the street where people currently park perpendicular to the street over land that is owned by HRM but would be needed to install a new sidewalk.
- b. The scale and cost of the project;
- c. The need to possibly acquire land to implement the project;

Furthermore the 2014 Active Transportation Plan identifies Dutch Village Road as a candidate street for bicycle lanes. The installation of bicycle lanes would also be complicated by the same constructability issues noted above.

A prevailing theme throughout the public consultation for these plan amendments was active transportation: staff repeatedly received requests from residents to complete the sidewalk connections in the community and build bicycle lanes.

While increasing the population in this area by allowing larger mixed use buildings may exacerbate this problem, it is one which is already present and needs to be actively prioritized through HRM's normal AT programs. Staff recommend making the completion of the Active Transportation infrastructure in this area (sidewalks and bicycle lanes) a priority and recognize the changes to parking patterns that may result.

AT projects of this nature typically include a public engagement phase to help identify and mitigate any potential impacts of changing the historical uses of the municipal right-of-way. This is followed by a further report to Council prior to acceptance of those changes and direction to proceed with the new infrastructure.

Regulation under one LUB

The lands within Plan Dutch Village Road study area are currently regulated under two LUB's: Halifax Mainland; and Halifax Peninsula. Even though they are regulated by two separate LUB's, some of the properties within the Halifax Peninsula boundary are regulated by zones that only occur in the Halifax Mainland. To simplify the development process and create a regulatory framework that better responds to the needs of the community, staff recommend moving the lands to be regulated under the Halifax Mainland Land Use By-Law. This will have the additional benefit of simplifying the process for the Centre Plan project by matching the boundary of the Halifax Peninsula LUB and the Regional Centre boundary on the Halifax side.

There are eight properties that are outside of the study area that will be moved from the Halifax Peninsula Land Use By-Law to the Halifax Mainland Land Use By-Law. Two of the properties have R-2AM Zoning (a zone from Halifax Mainland LUB), which will continue to be applied when the properties are moved under the regulation of the Halifax Mainland LUB. The other six properties have R-2 Zoning. Staff propose applying the R-2P Zone on these properties as the requirements for the R-2P zone are largely the same as the R-2 zone from the Halifax Peninsula LUB, with some minor differences around the

requirements for duplex uses (Attachment E).

Existing Development Agreements

There are four properties with existing development agreements within the study area. Staff are recommending deleting the site specific policies that enabled these agreements and to include a policy that allows the consideration of the non-substantive amendments within the approved development agreements. This would allow these properties to develop and make changes as permitted in the existing development agreement, but would not allow for more substantive changes to the proposed developments. Should larger changes be required, staff recommend that any new or revised development proposal be consistent with the proposed zoning.

Nonconforming Uses and Structures

Any changes to the regulatory structure will result in the creation of nonconforming uses and structures. The new zones recognize existing apartment buildings in the R-2TA Zone and single unit dwellings in the C-2C Zone while the industrial uses on Joseph Howe Drive will become nonconforming uses. These uses will be allowed to be maintained, but should they cease operation for 6 months, they would be required to comply with the new zone. Nonconforming structures would still be allowed to be extended, enlarged or altered as long as the extension, enlargement or alteration complies with this By-Law. This addition would not have to meet the maximum front yard setback or be required to meet the requirement to front on a street. Staff feel that this allows for reasonable alterations to existing buildings for such things as decks, balconies and minor additions to the building.

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 reputation and legal and compliance risks.

COMMUNITY ENGAGEMENT

Community engagement was achieved through an open house and workshop that took place on March 25, 2015 at the Royal Canadian Legion – Fairview Branch as well as through an online forum and website on www.shapeyourcityhalifax.ca (Attachment D). Residents were notified of these engagement opportunities through a direct mail-out to over 3,000 addresses; advertisements in three local newspapers; as well as through social media.

Community engagement sought to inform the public about the process, to seek feedback on the four sub areas within Dutch Village Road and to seek feedback on the areas as a whole.

Approximately 50 residents and interested stakeholders attended the meeting. Public input was received through a Q&A session, written comments on posters, maps and through discussion with staff. Additional meetings were held with citizens and stakeholders who could not attend the public meeting.

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: Plan Dutch Village Road "What We Heard" Summary of Community Engagement
Attachment E: Existing Zones and Zoning

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and 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 1, 902.490.3999

Original Signed

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

Attachment A
Proposed Amendments To The
Halifax Peninsula Municipal Planning Strategy

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax which was passed by a majority vote of the former City Council at a duly called meeting held on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 18th day of July, 2015, is hereby further amended as follows:

1. Replace the existing Section 2. Commercial Facilities , within Section VII, FAIRVIEW SECONDARY PLANNING STRATEGY – OBJECTIVES AND POLICIES, with the following:

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. Requiring 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. Permitting consideration of high-rise development in Area A.

Designations

1. Within the Dutch Village Road area the lands shall be designated for Commercial or Dutch Village Road Residential use as shown on the Plan Dutch Village Road Generalized Future Land Use map.

Commercial Designation

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

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 these uses on low density residential environments, retail uses will have a limited ground floor area in Area D. Parking shall be encouraged to be below ground or in a covered building and shall not be permitted in the front yard. The zone will permit low-rise (buildings up to 11 metres) to mid-rise buildings (buildings from 11.5 m to 25 m), but does not permit single unit residential buildings.

Dutch Village Road Residential Designation

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 midrise multi-unit residential form along Andrew Street to reflect the existing built form. The intent of these zones is to create live-work opportunities for residents to reflect the largely commercial nature of the uses that surround these lands. Multi- unit dwellings may be considered in the form of townhouse and stacked townhouse uses throughout the designation, with apartment houses permitted on Andrew Street and the southern end of Percy Street.

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. The zone shall permit home occupations of up to 50% of the gross floor area of the dwelling, up to a 300 square metres.

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

Building and Streetwall Heights

4. A midrise 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, and also to create a defined streetwall. This streetwall will help enhance the pedestrian experience in the area.

4.1 HRM shall regulate the height of buildings in the Dutch Village Road area as shown on the “Plan Dutch Village Road Height Map” in the Halifax Mainland Land Use By-law.

5. HRM shall regulate the height of the streetwalls in the Dutch Village Road area as shown on the “Plan Dutch Village Road Streetwall Height Map” in the Halifax Mainland land use bylaw.

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

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 to encourage the bulk of the building to be located along the street frontage.

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 Development

7. Any building in Area A on schedule ZM-27 that is 25.5 m or taller shall be considered a high-rise and may be permitted by a 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 above a height of 25.5 metres shall be designed in a podium and tower configuration where the maximum height of a 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 C-2C 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 between them with no tower being 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) above ground 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 of these frontages; and
- h) buildings shall be brought close to the street to create a defined street wall and occupy a minimum of 65% of the properties frontage. All buildings, regardless of their use, should have easily identifiable entry points for each individual uses.

7.1 When considering a development subject to Policy 7, Council shall also consider 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 durable;
- 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 the site. Priority shall be given to pedestrian movement when there is potential pedestrian and vehicle conflicts;
- j) blank-walls which face the street or are highly visible from the public realm shall be avoided;
- 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

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

8.1 Pursuant to Policy 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.

Nonconforming Uses and Structures

9. Any existing non-conforming commercial use, if destroyed, may be considered for development agreement by Council under the authority of the Halifax Charter, where such agreement would result in 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.

10. Nonconforming 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, provided that a nonconforming use is not extended into any new addition of the building.

Existing Development Agreements

11. 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.

11.1 Any development permitted pursuant to Policy 11 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.

11.2 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.

11.3 Any development permitted pursuant to Policy 11.2 shall be achieved and evaluated as per the criteria included in Policy 11.1, with the exception of subsections 'b', 'i' and 'j'. In addition to the applicable criteria in Policy 11.1, 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.

11.4 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*.

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

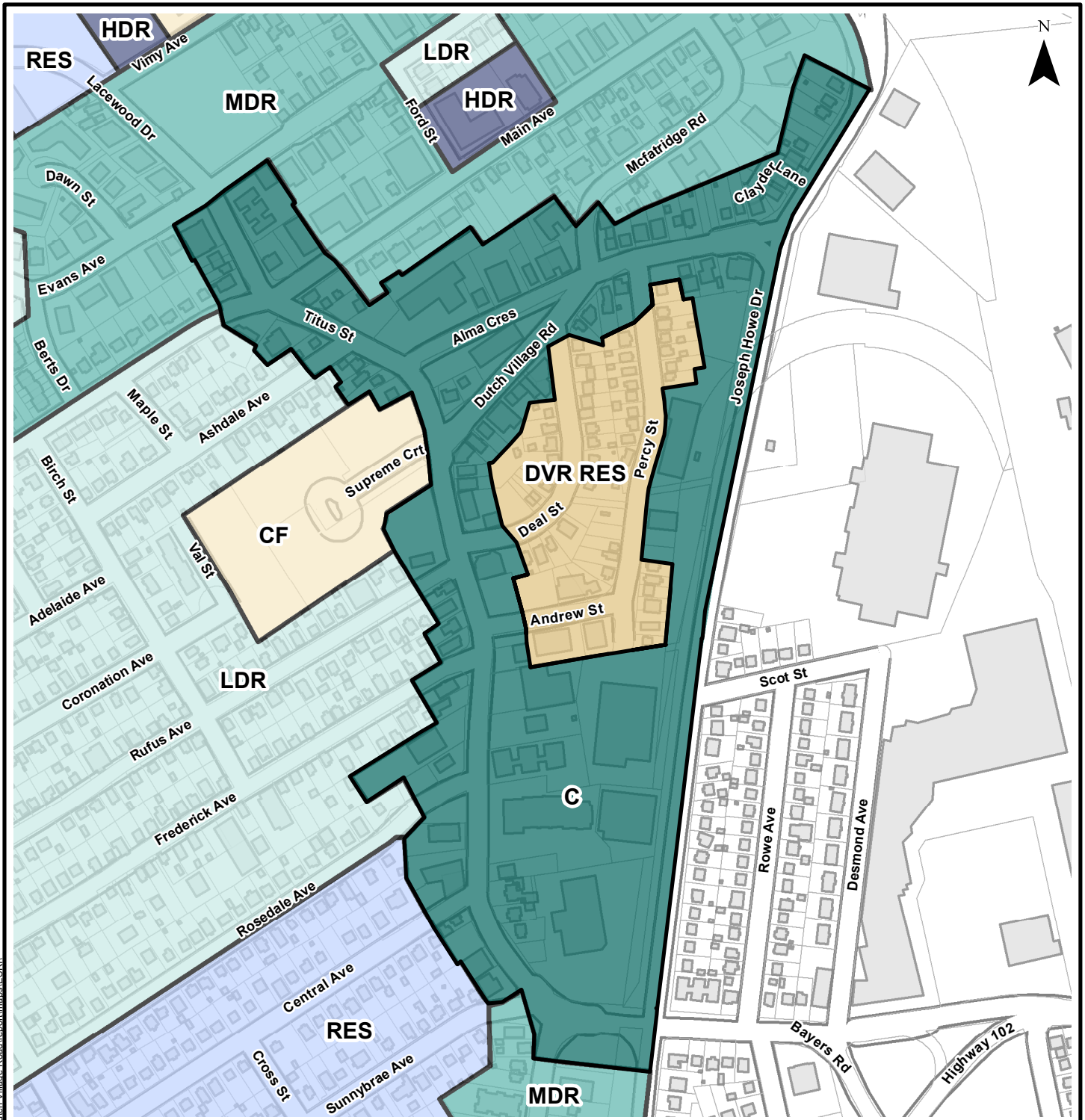
- a) the existing 24-unit apartment building at 3343 Westerwald Street, be permitted to be reconstructed, repaired, replaced, rebuilt and renovated, but not permitted additional floor area or dwelling units;
- b) a new building at 3400 Dutch Village Road has:
 - i) a maximum of 6 storeys;
 - ii) ground 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;
- c) 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.

2. Amending Map 9C, Fairview Secondary Planning Strategy, Generalized Future Land Use, as shown on Schedule A.

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



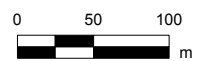
Schedule A - Plan Dutch Village Road Generalized Future Land Use Map

Generalized Future Land Use Designation

- COM - Commercial
- DVR RES - Dutch Village Road Residential
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- CF - Community Facilities
- RES - Residential

HALIFAX

PLANNING & DEVELOPMENT



Attachment B
Proposed Amendments To The
Halifax Peninsula Land Use By-Law

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-law is Peninsula which was passed by a majority vote of the former City Council at a duly called meeting held on March 30, 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 and are in effect as of the 18th day of July, 2015 hereby further amended as follows:

1. Deleting the definition of ""Fairview Area"" in Section 1, as shown below in strikeout:

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

2. Deleting Subsection 16E(1) of the General Provisions as shown below in strikeout:

~~**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.~~

3. Deleting Section 26E of the General Provisions as shown below in strikeout:

~~**FAIRVIEW AREA (HWCC-May 13/15;E-May 30/15)**~~

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

4. Deleting the section **FAIRVIEW AREA** of the C-2A Zone which includes, clauses 59E(1) through 59F(4) inclusive, as shown below in strikeout:

~~**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.~~

5. Deleting Section 96 of the Development Agreement Provisions, as shown below in strikeout:

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). ~~(RC-Aug 10/10; E-Oct 23/10)~~

North East Corner of Dutch Village Road and Andrew Street, Halifax ~~(RC-Sep 10/13; E-Nov 9/13)~~

(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

~~(RC-Jun 16/15;E-Jul 18/15)~~

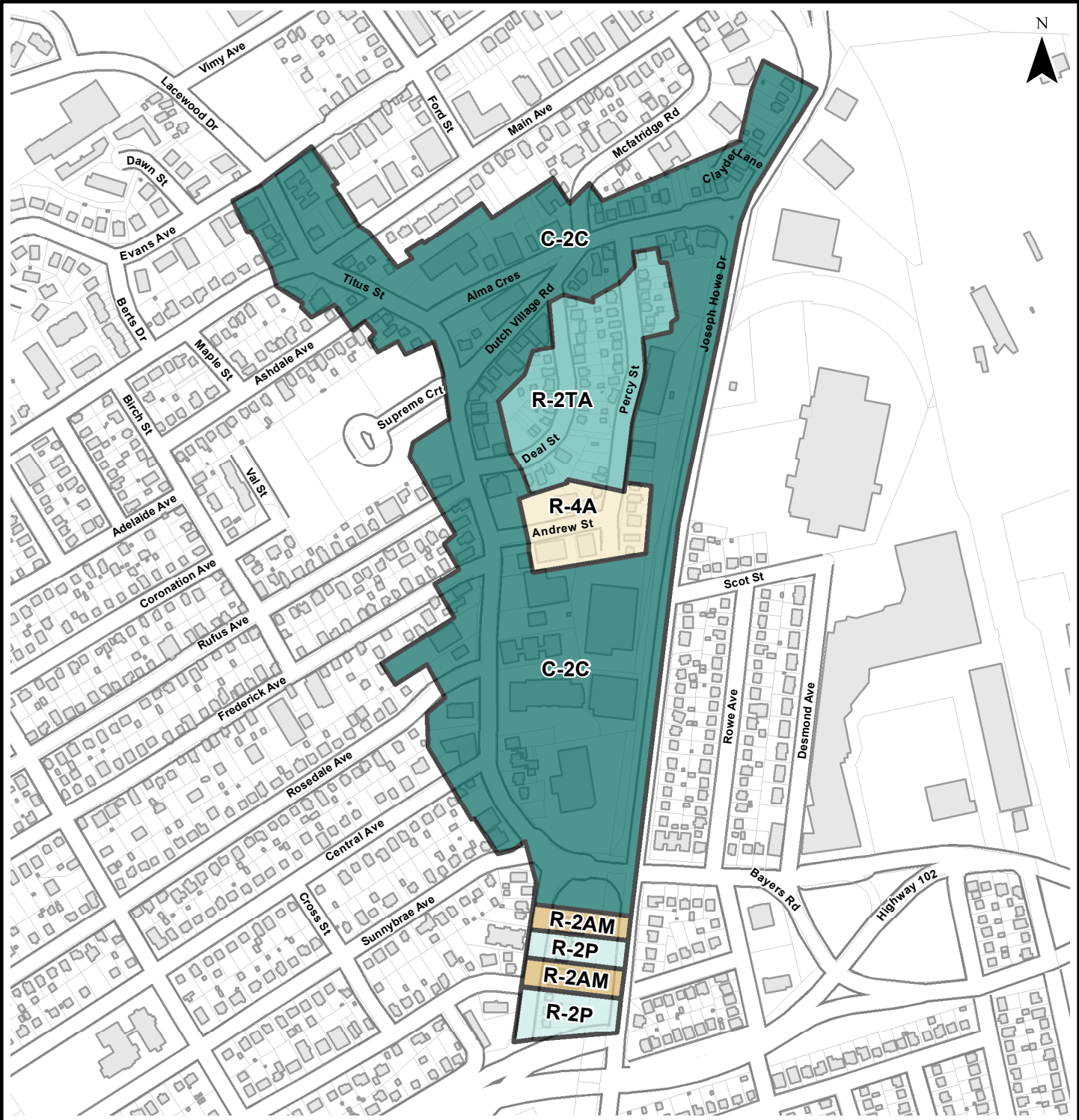
~~(f) _____ permit, in accordance with Policy 2.7 and 2.7.1 of Section VII (Fairview Area Secondary Planning Strategy, Commercial Facilities) of the Halifax Municipal Planning Strategy, a mixed-use development consisting of residential and commercial uses in association with an existing 24-unit apartment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

6. Removing the lands from the ZM-1, Zoning Map, as shown on Schedule A from the jurisdiction of the Halifax Peninsula Land Use By-law.

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



N

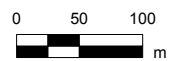


Schedule A - Plan Dutch Village Road Zoning Map

HALIFAX
PLANNING & DEVELOPMENT

Zone

- C-2C Dutch Village Road Mixed Use Zone
- R-2AM General Residential Conversion Zone
- R-2P General Residential Zone
- R-2TA Dutch Village Road Townhouse Zone
- R-4A Dutch Village Road Multiple Dwelling Zone



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 and are in effect as of 11th day of July, 2015, is hereby further amended as follows:

1. 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.

2. 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.

3. 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 monolithic concrete and asphalt and any area used for vehicle parking and manoeuvring.**

4. 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.

5. 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.

6. 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.

7. The Land Use By-law is amended by adding the following wording 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**

8. 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.

9. 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 28AO(1).

SIGNS

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

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-31, 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
- (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-31, Plan Dutch Village Road Height Map
- (d) Maximum lot coverage 40 percent
- (e) Minimum front yard 4.5 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 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.

28AR SUBDIVISION OF TOWNHOUSE BUILDING

- (a) 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.
- (b) 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**
- (a) 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.
 - (b) 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.

BUILDING FACADES FOR TOWNHOUSE AND STACKED TOWNHOUSE BUILDINGS

- 28 AT**
- (a) A minimum of 30% of front wall areas shall be windows or doors.
 - (b) Townhouses shall have one of the following:
 - (i) setback variation between units of at least 0.5 m; or
 - (ii) vertical variation within each dwelling unit through such devices as changes in colour, material, projections) and recesses of 0.5 m.
 - (c) 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 thereof, 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. No accessory buildings or 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 to a maximum of 300 gross square metres;
 - (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.

10. 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 34AAA(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 34AAA(1).

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

REQUIREMENTS

34AAB(3) 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(3) (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-30, Plan Dutch Village Road Street Wall Height Map;
- (e) The building shall be setback 5m from the side yard above the streetwall height;
- (f) The building shall be stepped back 2m on all sides of the building for all portions of the building above the streetwall height;
- (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.
- (j) The minimum rear yard setback shall be 3 m.

HEIGHT

34AAD(1) Height shall not exceed the maximum height as shown on ZM-31, Plan Dutch Village Road Height Map.

RESIDENTIAL UNIT MIX

34AAE(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

34AAF(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) No part of a sign shall be closer than 1 metre horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane;
- (b) 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;
- (c) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
- (d) 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;
- (e) 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;
- (f) 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
- (g) No signs shall be permitted on the roof of a building.

SETBACKS FROM BALCONIES

34AAG(1) Buildings erected, altered or uses for R-4A uses in an R-4A 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 ENTRANCES

34AAH(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.**

BUILDING MATERIALS

34AAI(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

34AAJ(2) Buildings erected, altered or uses for apartment house used in an R-4A Zone shall comply with the following requirements:

- (a) Any lands located within the front yard setback shall be landscaped;**
- (b) Where the lands abut any residential zone, a landscaping strip 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.**
- (c) 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 lot frontage; and**
- (d) 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.**

AMENITY SPACE

34AAK(1) Apartment house buildings shall provide amenity space at a rate of 10 m² per unit in the form of unit patios, unit balconies and 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

34AAL 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 to a maximum of 300 gross square metres;
- (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.

11. 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;
- (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 R-2 and R-2TA purposes shall comply with the requirements of their respective zones.

RETAIL

38BB(1) Any lands located in Area D, as shown on ZM-27, 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) where
 - (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-28, 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-29, 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-30, 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)** Height shall not exceed the maximum height as shown on ZM-31, Plan Dutch Village Road Height Map.
- 38BE(2)** Notwithstanding clause 38BE(1), 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) Buildings erected for C-2C 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) Parking 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) No sign that encroaches into a street shall be less than 3.1 metres above the surface of a sidewalk;
- (b) No part of a sign shall be closer than 1 metre horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane;
- (c) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
- (d) Fascia signs shall not extend beyond 15 cm on the extremity of a wall on which they are affixed;
- (e) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;
- (f) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
- (g) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and
- (h) No signs shall be permitted on the roof of a building.

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 4.5 m; and
- (c) Commercial uses shall have separate exterior access from any access to residential uses.

BUILDING MATERIALS

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 uses for C-2C uses in a C-2C Zone shall comply with the following requirements:

- (a) Any lands located within the front yard setback shall be landscaped;
- (b) Where the lands abut any residential zone, a landscaping strip 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;
- (c) 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
- (d) 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.

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 and 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 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;
- (d) notwithstanding 38BL(1) (a), 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;
- (e) 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; and
- (f) may have 2 driveway entrances;

ACCESS

38BP(1) Where lands have frontage on Dutch Village Road and another public street, vehicular access shall not be from Dutch Village Road.

38BP(2) Notwithstanding 38BP(1), where lands have frontage on Dutch Village Road and Joseph Howe Drive, access may be from either street.

THROUGH LOTS

38BQ(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.

38BQ(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).

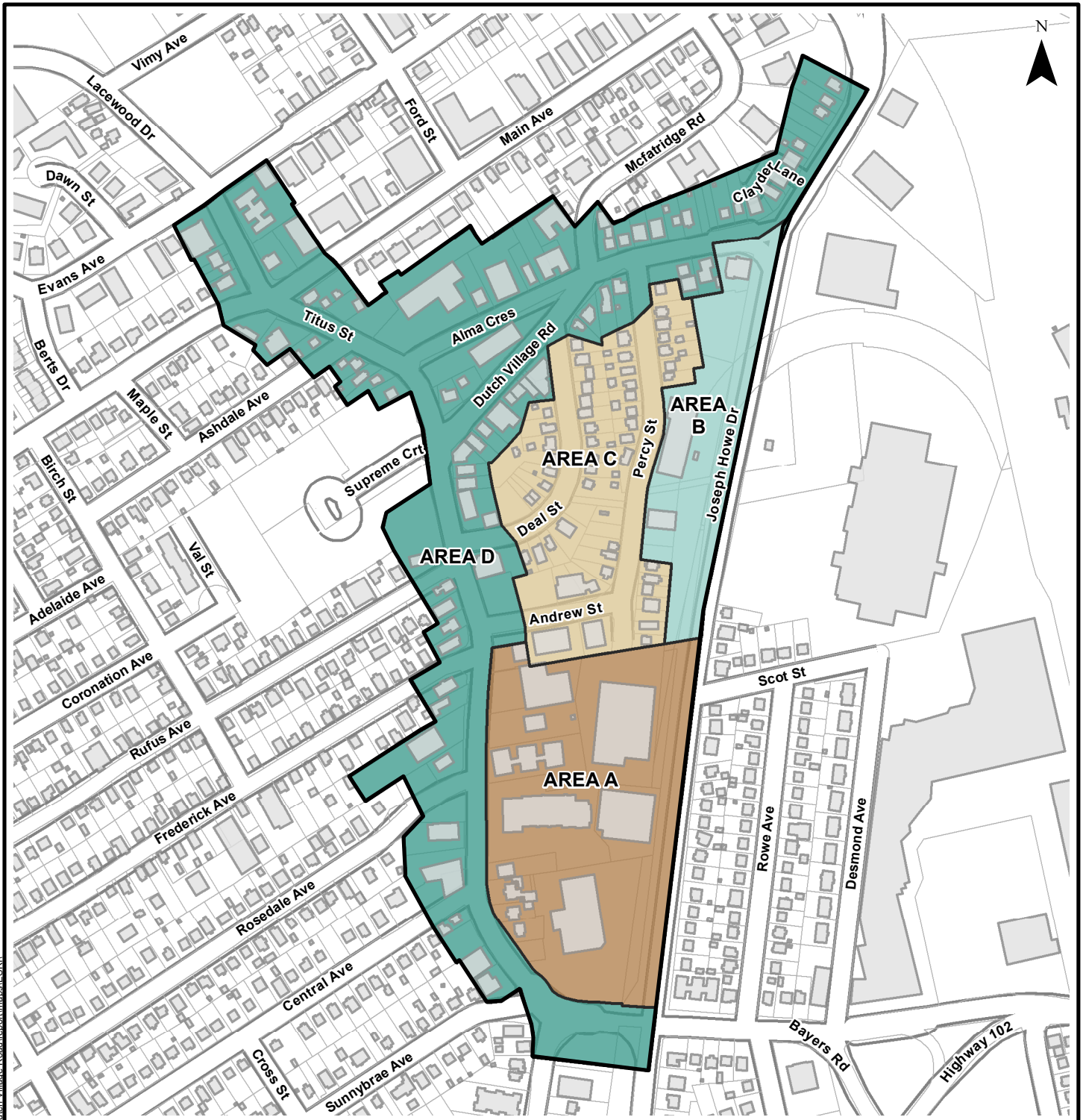
12. Amending ZM-1, Zoning Map, as shown on Schedule A, by adding the lands to the jurisdiction of the Halifax Mainland Land Use By-law and applying the zoning shown.

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

DRAFT

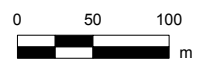


ZM-27 Plan Dutch Village Road Overview Map

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


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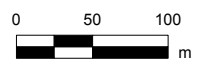


**ZM-28 Plan Dutch Village Road
Buildings May Exceed Maximum Building Depth Map**

 May Exceed Maximum Building Depth

HALIFAX

PLANNING & DEVELOPMENT






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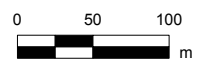


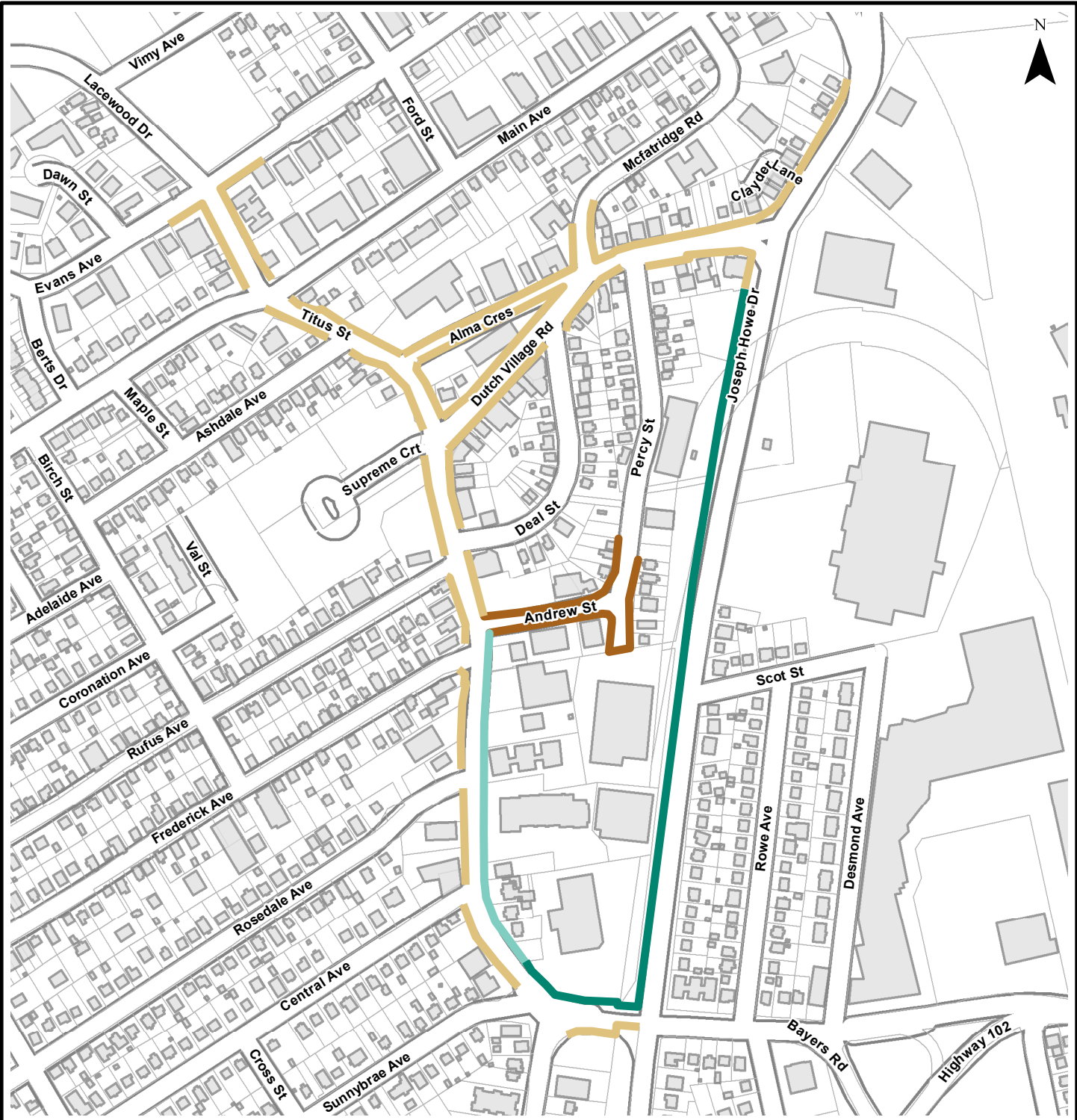
ZM-29 Plan Dutch Village Road Area Exempt from Front Yard Setback Map

 Exempt from Maximum Front Yard Setback

HALIFAX

PLANNING & DEVELOPMENT





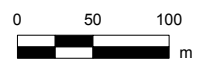
ZM-30 Plan Dutch Village Road Street Wall Height Map

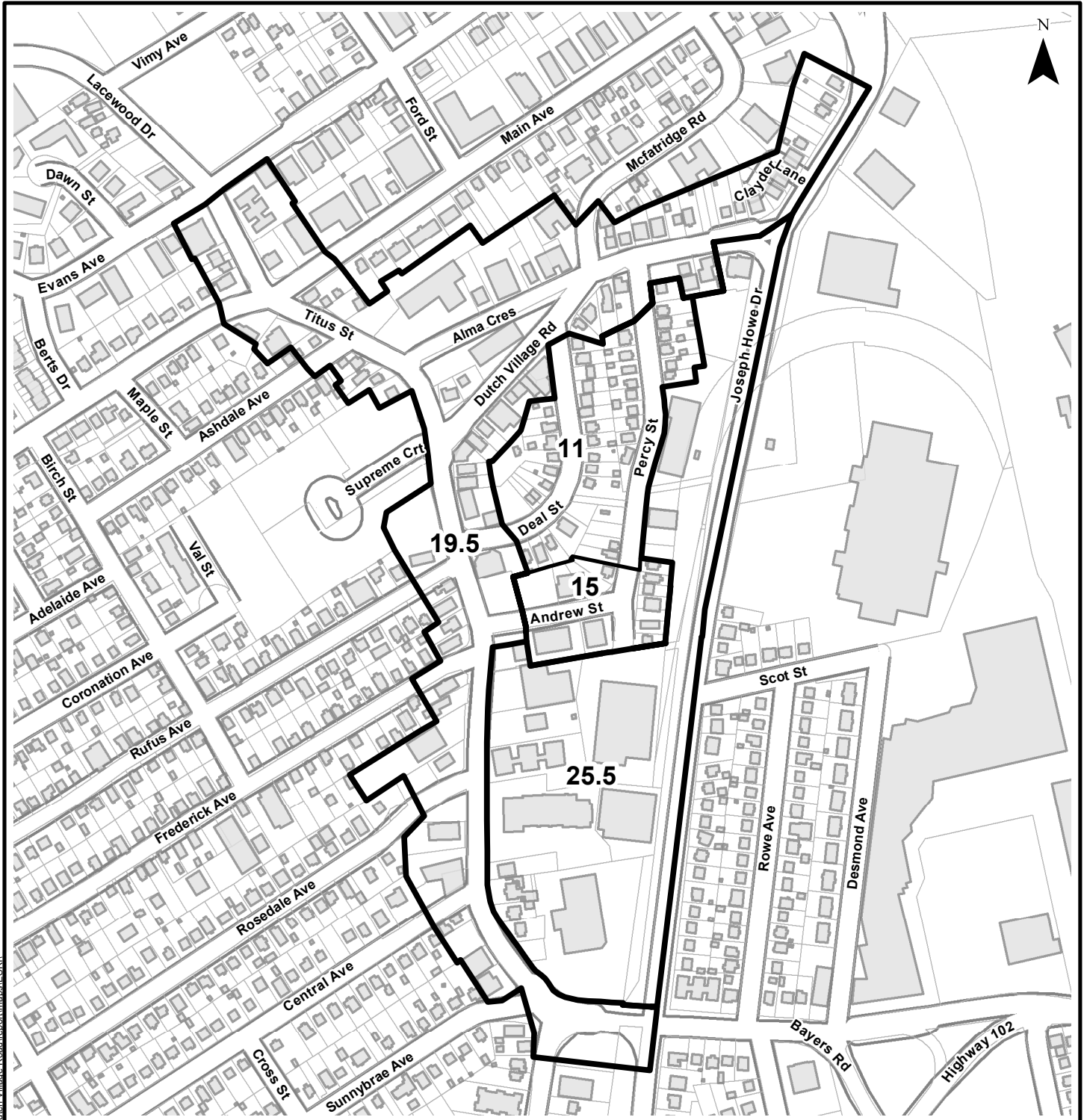
Street Wall Height:

- 9m
- 10.5m
- 13.5m
- 16.5m


HALIFAX

PLANNING & DEVELOPMENT



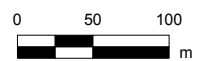


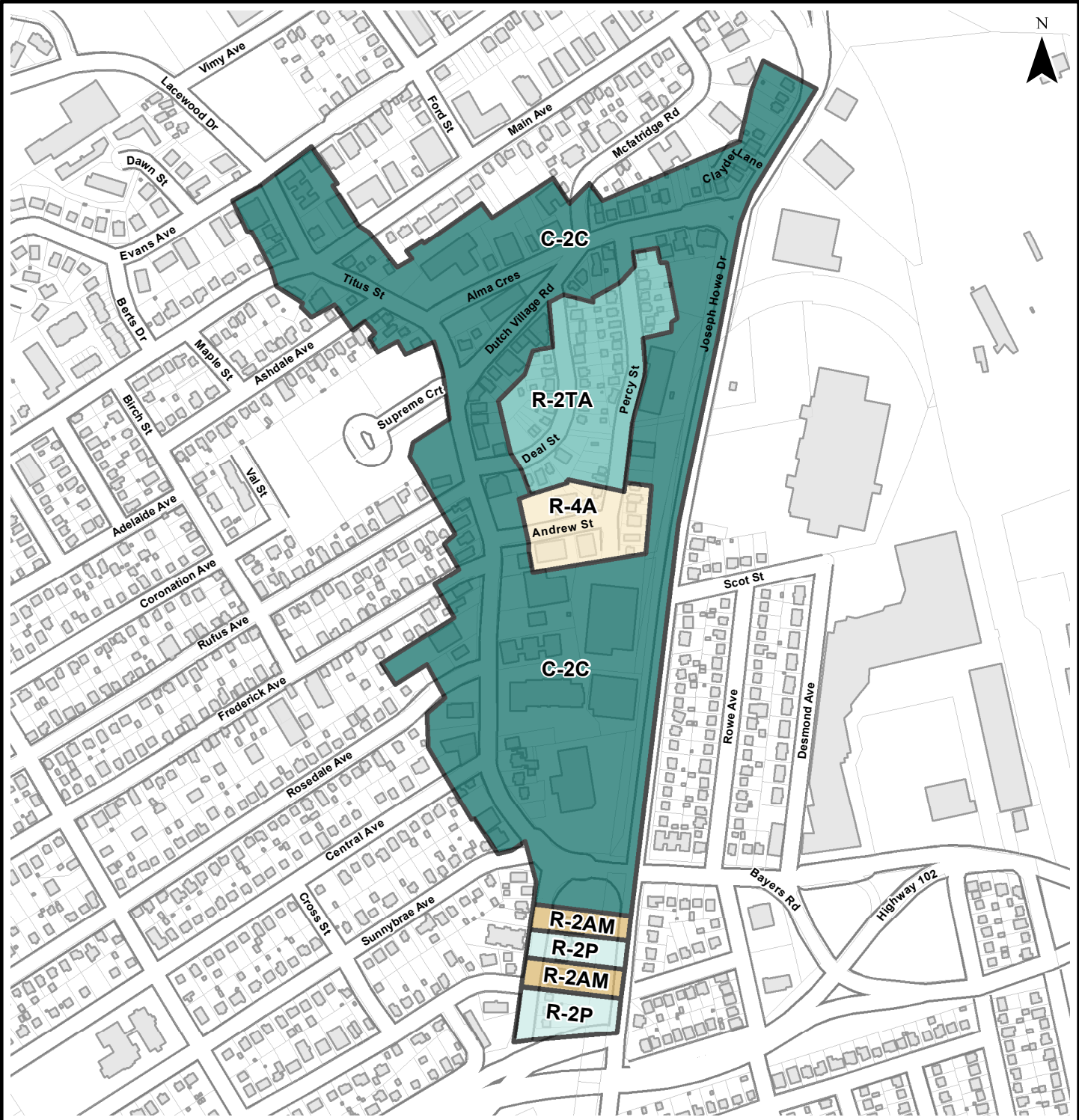
**ZM-31 Plan Dutch Village Road
Height Map**

 Height (m)

HALIFAX

PLANNING & DEVELOPMENT





N

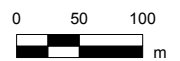


Schedule A - Plan Dutch Village Road Zoning Map

HALIFAX
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Zone

- C-2C Dutch Village Road Mixed Use Zone
- R-2AM General Residential Conversion Zone
- R-2P General Residential Zone
- R-2TA Dutch Village Road Townhouse Zone
- R-4A Dutch Village Road Multiple Dwelling Zone



Plan Dutch Village Road “What We Heard”

Summary of Community Engagement

Dec. 2014 – May. 2015

Prepared by:

Collective Wisdom Solutions Consulting
May 1, 2015



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Summary

In 2013 Regional Council initiated 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.

The steps in this planning process include:

- Regional Council direction to initiate this process (2013)
- Community Workshop (March 25, 2015)
- On-line community engagement through Shape Your City (March 6 - April 19, 2015)
- Summary of Community Engagement (May 2015)
- Opportunity to comment on draft amendments (Sept. 2015)
- Staff report containing recommended amendments to Community Council and Regional Council (anticipated in the Fall of 2015)

While this process is not specific to any development proposal, it is taking place due to growing development pressures.

Proposed Changes

Following public consultation, changes will be proposed to the Halifax Municipal Planning Strategy (MPS) and to the Halifax Peninsula and Halifax Mainland Land Use By-laws (LUB's) to enable:

- Commercial and residential development that contributes to an attractive and pedestrian-friendly environment
- Attractive buildings that are integrated with the existing community
- Site design that creates livable and walkable communities
- A vibrant and well-defined commercial node
- Regulation under a single land use by-law (i.e. move certain lands from Peninsula LUB to Mainland LUB)
- Clarity and predictability to residents, business and property owners

It is important to note that this process is limited to land use planning, and that capital projects such as new parks and facilities are outside the scope of this process. This document provides a summary of the process and public input received as part of the Plan Dutch Village Road Planning Process.

Community Engagement Process

Community engagement for the Plan Dutch Village Road Planning Process was designed in accordance with the *Halifax Charter*, the [Municipal Planning Strategy Amendment process](#), and the [Community Engagement Strategy](#). The goals of the process were to be open, transparent, and inclusive. Figure 2 below illustrates key points in the planning process.

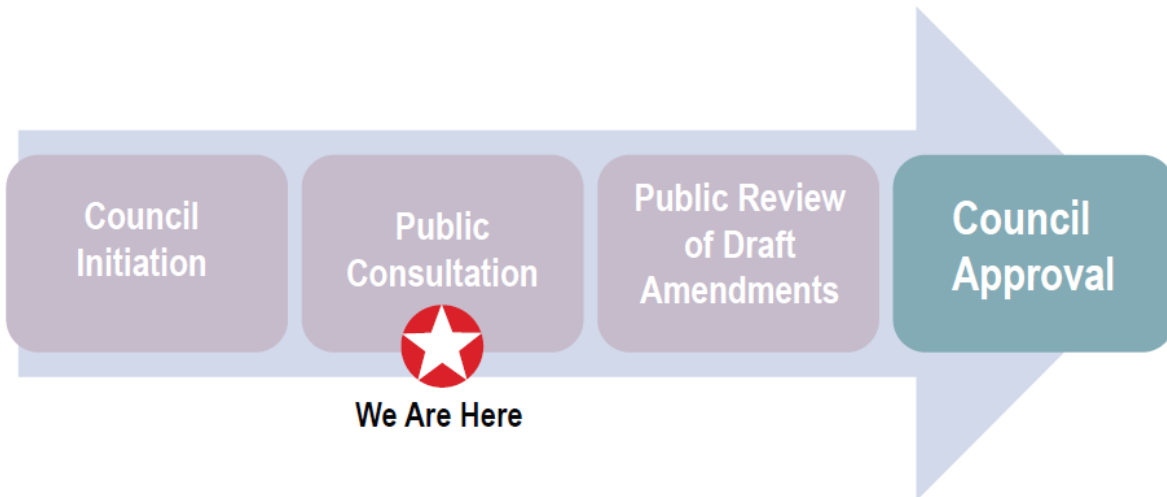


Fig. 2 Plan Dutch Village Road Planning Process

Open House and Workshop

The Plan Dutch Village Road Open House and Workshop took place on March 25, 2015 at the Royal Canadian Legion – Fairview Branch. Community outreach was conducted through Facebook, twitter, online (HRM’s website, [shapeyourcityhalifax.ca](#)), traditional newspaper advertising in three newspapers and post cards were sent to over 3,000 addresses.

Community engagement was intended to inform the public about the process, to seek feedback on the 4 proposed areas and to seek feedback on the areas as a whole.

Approximately 50 residents and interested stakeholders attended the meeting. Public input was received through a Q&A session, written comments on posters, maps and through discussion with staff.



Fig. 3 Post card sent to over 3,000 addresses advertising March 2015 Open-house and Workshop

Online Web Forum

The online web forum through Shape Your City was open online for public comment from March 6, 2015 to April 19, 2015. The on-line forum enabled the posting of comments, stories and questions which were answered by staff within 3-5 business days. An extensive [FAQ](#) was also available for this process.

Meeting with Representatives of Dutch Village Road Area Businesses

In response to feedback that local businesses did not feel engaged in the process, a meeting was arranged between HRM staff and representatives of local businesses from the Dutch Village Road Area. Four representatives of area businesses met with HRM staff and provided feedback and comments on the four proposed development areas A, B, C and D.

Representatives also provided comments on the general area. Detailed notes from this meeting can be found in Appendix 1.

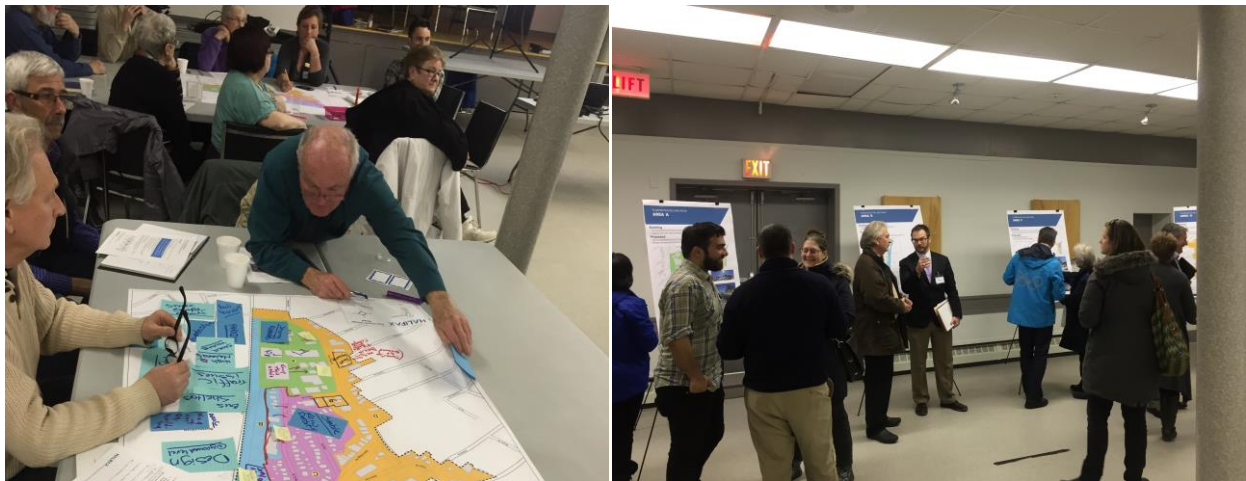


Fig.1 Participants at the March 25, 2015 Open House and Workshop, Fairview.

“I know this is a development process, but the street needs to be updated from the 1950s before all these new buildings. There are no sidewalks or curbs on both sides. Traffic drives on what should be a crosswalk on the north side of DVR. I would like to see sidewalks, decorative street lamps, hanging flower baskets, trees etc. What Sackville Dr, Herring Cove Rd. or Bedford Hwy already have; DVR has been forgotten.”

Plan Dutch Village Road Public Comment

PLAN DUTCH VILLAGE ROAD AREA A

Existing

- The commercial hub for the surrounding community
- Large lots with large scale development

Proposed

- High rise development of up to 12 storeys
- Building orientations and built form that encourages walkability and pedestrian comfort



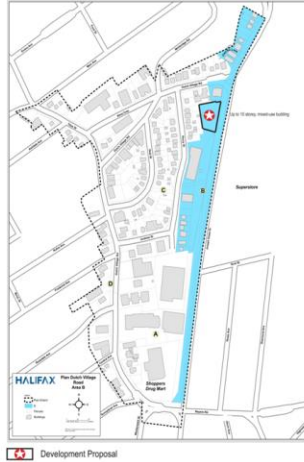
PLAN DUTCH VILLAGE ROAD AREA B

Existing

- Commercial and industrial lands along Joseph Howe Drive
- Includes small clusters of residential properties

Proposed

- Mid rise development of up to 8 storeys
- Development sensitive to existing neighbourhood character and built form



PLAN DUTCH VILLAGE ROAD AREA C

Existing

- Residential lands in the centre of a larger commercial area
- Up to 4 units permitted as-of-right, can go higher subject to a development agreement

Proposed

- Mixed density residential area
- Low rise development of up to 4 storeys



PLAN DUTCH VILLAGE ROAD AREA D

Existing

- Mixed-use area
- Small footprint commercial & multi-unit residential buildings

Proposed

- Mid rise development up to 6 storeys
- Sensitive development transitions to established neighbourhood character through built form



Fig. 4 Example of March 25, 2015 Open House posters of the four proposed areas

Results – What we heard

Public Comments

Detailed comments from the workshop, meeting, and on-line forum are available in Appendix 1. Many participants provided general comments on the Dutch Village Road Area, setting the stage for a long term vision and planning strategy for the area. The public was responding to proposals that were brought forward by HRM staff. Comments included topics such as sidewalks and walkability, greening and green space, as well as traffic and transportation.

Community character was an overriding theme throughout the public comments. Many comments included opinions on how to build a vibrant community with recognizable characteristics. Spring Garden Rd. and the Hydrostone were given as examples of areas with recognizable community character. The numerous specific suggestions included topics such as benches, walkability, bike lanes, greening and property maintenance contribute to the building of desirable community character for the Dutch Village Road Area.

Feedback was also provided on the four proposed planning areas; A, B, C and D. The proposed building heights were discussed with community members providing useful feedback. There was a lack of consensus on building heights in each area with some comments supporting proposed building heights with others proposing more height or less height. There was also a lack of consensus on building type within the areas, with both support for and opposition to large residential buildings. There was also support for and opposition to, affordable housing. There was a discussion of who will be attracted to live in each type of building, including support for town houses to encourage families to live in the area.

The proposed borders for each of the four areas A, B, C, and D, were also discussed and recommendations for changes were made by the public. Suggestions of expanding and changing borders were made as well as recommendations to consider a wider area in the planning process. The public comments on the four areas provide materials to fine tune the details of each proposed planning area.

Representatives of area businesses and community members expressed the importance of existing local businesses and residents in the current community character. Staff heard from the community that it is important to consider existing residents and businesses in planning for the future.

“It would be great if DVR became a pedestrian and cyclist friendly neighborhood with a mix of locally owned shops and affordable housing options. A protected bike lane would be a great option here because the road is quite wide. Narrowing the street and adding a separated bike lane could have a traffic calming effect, further enhancing the walkability of the area. It would also be great to see more edible trees and shrubs (apples, peaches, blueberries, haskap berries, etc) in the public realm.”

Plan Dutch Village Road Workshop Response

Public comments are summarized in Table 1 on the next page.

Table 1 Summary of Public Comments

What do you like and appreciate about the Dutch Village Road (DVR) Area?
<i>Commercial</i>
<ul style="list-style-type: none"> • Strong appreciation for the attractive stores and services in the area. Increasing the residential density would provide more potential customers to support the existing commercial properties.
<i>Community</i>
<ul style="list-style-type: none"> • Appreciation for the Fairview Family Centre now located on Dutch Village Road (DVR) which provides community space and services. A great resource for homeschoolers. • Appreciation for Fairview and DVR Area because it is a mix of different people and different backgrounds. This should be celebrated. • Strong appreciation for the Chain of Lakes Trail which brings people to the area who then stay for lunch in the area.
<i>Community Character</i>
<ul style="list-style-type: none"> • Many comments expressed appreciation for the community character of DVR Area including; the celebrated history, connectivity, permeability, village characteristics, small town flavour, mix of land uses, convenience and the established residential neighbourhoods.
<i>Specific Characteristics</i>
<ul style="list-style-type: none"> • Appreciation was shown for specific characteristics including; trees, Freemans L'il New York, thoroughfare/ traffic corridor, crosswalks, Superstore as a destination and permanent market. • Contaminated sites were also mentioned in a comment.
<i>Transport</i>
<p><i>Cycling</i></p> <ul style="list-style-type: none"> • Appreciation for bike friendliness. • Comment indicating that DVR is moderately bike friendly and encouragement to improve cycling infrastructure. <p><i>Bus Transit</i></p> <ul style="list-style-type: none"> • Appreciation for the bus services including existing bus routes especially near shopping areas. <p><i>Walkability</i></p> <ul style="list-style-type: none"> • Support and appreciation for walkability in the area. • Appreciation of existing sidewalks. • Appreciation for the walking culture in the area. Many people walk even if they have a car. Bars, restaurants and commercial areas near residential areas allow for walking rather than driving. <p><i>Parking</i></p> <ul style="list-style-type: none"> • Appreciation for easy access, plenty of parking and no parking meters.

What do you think about the boundaries of proposed planning sub-areas? What should be changed?

Area A

- Support for the proposed plan.
- Support for mixing building heights in the area 6/8/10/12 storeys.
- Comment indicating that mid-rise is too congested and changes the area.

Area B

- Comment asking for plans for the Chain of Lakes Trail section along Joseph Howe Dr. to be made more clear to the public.
- Support for including area south east of McFatridge Rd and Main Ave into Area B.
- Support for Area B to extend to Area A.

Area C

- Comments supporting connectivity and keeping the residential areas.
- Question about why this area includes extra portions on Andrews St.
- Support for including Percy St. lots from Area B as part of Area C.
- Support for including Clayder Lane area as part of Area C.

Area D

- Comments supporting no change in this area.
- Support for extending Area D to fill out area along Main Ave.
- Halifax West High School site will change the dynamic of Area D; suggestions to make an Area E which would include the Halifax West High School site and the Alma Crescent Triangle.

What kind of land use and built form should be encouraged (or discouraged) in each area (A, B, C, D)? What is important about how land use and built form transition between the sub-areas?

Area and Proposal	Built Form	Land Use	Other
A. High-Rise (up to 12 stories)	<ul style="list-style-type: none"> • Strong suggestions for stepping down in building heights to Andrews St, north edge or to any street. • Support for 12 stories or 14 storeys to match at Shoppers Drugmart site. • Comments indicating 12 stories is too much height. • Suggestions for the number of tall buildings to be capped at 3 or more. • Suggestions to reduce height in Andrew St area and restrict to 3-4 storeys in general for Area A. • Support for creating a transition from 12 stories to 8 from south to north to blend with Area B and Area C. • Support for lower density or high-rise 	<ul style="list-style-type: none"> • Support for the mix of commercial as part of the character. • Comments on land use in Area A include support for parks and greenery, high densities and maintaining vibrancy. • Support for pedestrian comfort and parking away from street. • Opposition to more box stores. 	<ul style="list-style-type: none"> • Support for traffic lights at Fredrick Ave. and Dutch Village Rd.

Area and Proposal	Built Form	Land Use	Other
	in exchange for more green space.		
B. Mid-Rise (up to 8 stories)	<ul style="list-style-type: none"> •Comments that oppose the 10 storey proposed Michael Napier Architecture project. Support for 8 storeys and lower in residential areas. •Detailed arguments supporting proposed 10 storey Michael Napier Architecture project t can be found in a letter submitted by Michael Napier Architecture in Appendix 1. •Comments discuss the need to mitigate transition between Area B and Area C. Transition to residential 8-12 storeys. •Comments show support for houses, and opposition to apartments. Support for street parking respectful of street width. 	<ul style="list-style-type: none"> • Comments on land use in Area B include support for parks and green space, mixed use, commercial if it is accessible and small scale. • Support for walkability and pedestrian oriented development. • Concern expressed about access issues as a result of Michael Napier Architecture project Site. • One comment suggesting McFatridge Rd - Dutch Village Rd area should be higher density. 	<ul style="list-style-type: none"> • Comments highlighted that Area B is hard to access from Fairview and that shops in Area B need to be accessible. • Support for an overpass for bicycles.
C. Low-Rise (up to 4 stories)/ Should Area C change or stay the same?	<ul style="list-style-type: none"> • Support for less than 4 storeys. 3 storeys considered okay. • Support for 4 storeys as a way to add interest and diversity. • Support for protecting small residential and maintaining Area C residential and current character. Support for stacked town houses, but opposition to big block buildings. 	<ul style="list-style-type: none"> • Comments on land use in Area C include support for parks, increasing pedestrian paths and comfort and connectivity. • Opposition to more gas stations. • Comments asking for consideration of existing residential buildings. Should be permissive about home based businesses (50% of the property). Daycares should be permitted here. 	<ul style="list-style-type: none"> • Comments include the need to consider rental units, pedestrians and cyclists.
D. Mid-Rise (up to 6 stories)	<ul style="list-style-type: none"> • Comments on area D included support for the proposed 6 storeys. • Comments suggested up to 6 storeys until Fredrick Ave. and less height from Fredrick Ave. North. • Comments supported 2 storeys with lower commercial and upper residential. • Other comments included; building right to the street, adding sidewalks, the need to consider strip commercial and street life. 	<ul style="list-style-type: none"> • Comments on land use in Area D include support for; parks, first floor commercial, no setbacks, on street parking, better streets and a mix of commercial at ground that serves the community. • Comments suggested a town square at Rosedale Ave. and Dutch Village Road. 	<ul style="list-style-type: none"> • Comments included support for better intersections, roads and sidewalks.

<p>What would you like to protect, add or limit in terms of land uses in the area? What would you like DVR to become in the next 5-10 years? As new residents and businesses move into the area, what about its current character should be maintained and what should change? What else should be considered in this planning process?</p>			
<p><i>Transport</i></p>			
<p><i>Walkability</i></p> <ul style="list-style-type: none"> • Very strong support to maintain and improve sidewalks and add where missing. • Strong support to improve walkability, pedestrian safety and friendliness including crosswalks. • Strong support to add benches. • Dutch Village Road is walkable from many residential areas, comments supported improving sidewalks and greening to attract foot traffic from surrounding residential areas. <p><i>Cycling</i></p> <ul style="list-style-type: none"> • Strong support for installing bike lanes and the need to improve cycling safety. Protected bike lanes may have a traffic calming effect. Street drains need to be removed from bike lanes. <p><i>Bus Transit</i></p> <ul style="list-style-type: none"> • Strong support for the installation of bus shelters. • Support for more bus stops and bus lanes. <p><i>Traffic</i></p> <ul style="list-style-type: none"> • Strong concern was expressed about traffic issues in the area including, speeding, traffic flow, rush hour traffic and increased traffic due to future developments. • Specific traffic ideas were provided including making two lanes in each direction to meet up with Titus and Joseph Howe, routing traffic around DVR Area, creating traffic signs for the gas station in Fairview and adding a driveway path direct from DVR to Joseph Howe Drive south of St. Lawrence and Fares. 			
<p><i>Area Aesthetics</i></p>			
<p><i>Greenery</i></p> <ul style="list-style-type: none"> • Very strong support for more greenery and green space. • Support for protecting existing green space and ensuring new developments keep existing trees on private lands. • Support for hanging flower baskets and greening to encourage foot traffic from surrounding areas. • Support for making the former site of Halifax West High School into a park or playground. <p><i>Community Character</i></p> <ul style="list-style-type: none"> • There were many ideas about developing community character or brand for the Dutch Village Road Area. Ideas included DVR Area as the next Hydrostone, creating a small town or village characteristics and creating an equivalent of Spring Garden Rd. One comment indicated that the built heritage is from 1950's and there is an opportunity for a retro 50's inspired community. • Many specific ideas were expressed to create recognizable characteristics for the DVR Area including; using smaller stone to keep old look, design at ground level, using a front yard setback, colourful buildings, grass strip between sidewalk and road buried electrical, static benches, streetlights like Barrington (no polls), buildings that relate to street size and reducing heights for sightlines. <p><i>Lighting</i></p> <ul style="list-style-type: none"> • Support for better lighting. <p><i>Property Maintenance</i></p> <ul style="list-style-type: none"> • Concerns about tidiness were expressed including; landlords ensuring properties are clean, lawns are 			

<ul style="list-style-type: none"> mowed and garbage is removed. Support for beautification including local business storefronts, apartment buildings and streets.
<p><i>Community</i></p>
<ul style="list-style-type: none"> Comments asked for planning to respect the fact that DVR Area neighbourhood has been dominated by immigrants the last 15 years. Concern was expressed that new development will change demographics. It is important to ensure the existing community is represented. Challenges exist for English as a second language community in the area. Support for an increased sense of community supported by planning including creating a safe place for young people and community space. As well, small businesses are important for community building.
<p><i>Built form</i></p>
<p><i>Affordable Housing</i></p> <ul style="list-style-type: none"> Strong support for affordable housing options, including continuing to allow secondary suites which provide housing affordability. One comment expressing concern about apartments and low income housing. <p><i>Residential Buildings</i></p> <ul style="list-style-type: none"> Support for townhouses, row housing and single family houses that will attract families. Opposition to the development of condo high rises and townhouses. Support for residential buildings above/ behind the businesses. <p><i>Mixed Use</i></p> <ul style="list-style-type: none"> Strong support for mixed use buildings/ apartments. Support for mixing locally owned shops with buildings/ apartments. <p><i>Built Form</i></p> <ul style="list-style-type: none"> Comments on built form included support for low-to-mid rise buildings along Dutch Village Road and higher buildings where the Halifax West High School used to be located. One comment in opposition to 4 unit sq. buildings.
<p><i>Policy Related</i></p>
<ul style="list-style-type: none"> Comment supporting density bonusing. Crime and trafficking needs to be considered in planning.
<p><i>Commercial Characteristics</i></p>
<p><i>Local Business</i></p> <ul style="list-style-type: none"> Support for the addition of more local businesses, keeping local businesses and restricting size of commercial space to encourage smaller businesses. Strong support for allowing commercial rents to be affordable, which they currently are not. Comments were made about the commercial characteristics including; no new drive-throughs, restaurants and bars should be permitted and café space and outdoor eating needs to continue to be allowed. <p><i>Signage</i></p> <ul style="list-style-type: none"> Opposition to more billboards. Comments revealed that permitting is needed to prevent signs from blocking other signs. Comments suggested that signage should allow top down lighting, but no back lit signs. Size of sign not such an issue.

Public Participation

This section provides a summary of public participation in the Plan Dutch Village Road Community Engagement process.

Open-house and Workshop March. 25th 2015	<ul style="list-style-type: none"> Approximately 50 participants
Meeting with Representatives of Dutch Village Road Area Businesses April. 22nd 2015	<ul style="list-style-type: none"> 5 representatives
Letters & E-mails Received	<ul style="list-style-type: none"> 2
Shape Your City, Web Forum (Mar. 6 – April 22)	<ul style="list-style-type: none"> 4,900 page views 1,296 aware 754 informed 24 engaged 1 question answered

- Aware* - number of people who visited the project page
- Informed* - number of people who have taken some action to learn more about the project (e.g. download a document)
- Engaged* - number of people who contributed to the project (e.g. posted a comment or question)

Evaluation

Evaluation forms were available at the March 25, 2015 Planning Open House and Workshop. While only ten (10) evaluations were completed, the process was mentioned in a written submission and in a meeting with representatives of Dutch Village Road area businesses. The comments were in relation to the following:

- Appreciation was expressed for the Shape Your City website.
- Appreciation was expressed for the HRM consultation team who showed interest in public opinions.
- Appreciation was expressed for the visuals presented at the Open House and Workshop.
- Local Businesses were not adequately informed and included in the planning process.
- Including the Halifax West High School site in the Plan Dutch Village Road scope.
- Transport and Traffic Plan is needed for the area.
- Planning timeframe should be faster.

The presentation & open house was held at the Royal Canadian Legion – Fairview Branch due to the convenient location; however parking was indicated as an issue on one evaluation form.

Conclusion & Next Steps

The community engagement process for the Plan Dutch Village Road Planning Process has garnered significant public interest. Public comments offered many insights and recommendations to make improvements and build community character for the Dutch Village Road Area. While detailed comments were provided, the key themes include:

General Themes

- **Consideration of community character** to create recognizable characteristics that can be used to brand the area and attract residents, businesses and visitors. Characteristics of a small town, a village and a 50's retro community were recommended. The Hydrostone and Spring Garden Road were recommended as examples of areas with recognizable community character. The other themes listed below are important to consider in creating the community character.
- **Walkability/Pedestrian friendliness and amenities** was a significant theme. Sidewalks need maintenance and improvements and need to be added where missing. Many residents from surrounding areas access local businesses by foot. Pedestrian safety needs to be improved. Installing benches was recommended.
- **Mixed Use** buildings and land use was recommended in multiple comments. Mixed use apartments and residential areas were recommended to support small local businesses. Permitting of home businesses such as daycares was recommended to create a vibrant community.
- **Property Maintenance** and minimum standards for properties were mentioned in multiple comments. Keeping lawns mowed and properties well maintained is important to create a desirable community character.
- **Greenery and green space** needs to be protected and expanded. Hanging flower baskets, greenery between sidewalk and the road, more trees and parks will improve the character of the area and increase foot traffic from surrounding residential areas. Protecting existing greenery and trees on private lands was recommended.
- **Traffic and transport** was of great concern expressed in the public comments. Recommendations were made to calm traffic, divert traffic, improve roadways and add extra lanes. Recommendations for adding bicycle and bus lanes were made and transport related safety concerns were raised.
- **Existing Community** was a strong theme highlighted in the public comments. Consideration for the existing demographics is important including the significant English as a second language community in the area. Existing businesses and residences need to be considered in planning for the future.

Proposed Area Themes

- **Area Boundaries** were discussed in the public comments but there was a lack of consensus. Some comments supported the proposed boundaries while other comments recommended adjusting borders and extending boundaries into neighbouring areas and incorporating the former site of the Halifax West High School and surrounding areas as a fifth area.
- **Building heights and type** were given great consideration. The proposed building heights were discussed with community members providing useful feedback. There was a lack of consensus on building heights in each area with some comments supporting proposed building heights with others supporting more height or less height. There was support for a building step-back and height transitions between areas. There was also a lack of consensus on building type within the areas, with support for and opposition to large apartment and condominium buildings. There was also support for and opposition to affordable housing. There was a discussion of who will be attracted to live in each type of building, including support for town houses which will attract families.

Planning staff will review and incorporate public input into planning policies and regulations prior to presenting them to Council.

Appendix 1. Plan Dutch Village Road Public Comments

All comments from Plan Dutch Village Road Public Consultation Process

These comments are collected from the public through email, summaries of the workshop discussion and through comments posted online from the shapeyourcity website. The comments received in writing are included verbatim with no edits, additions or deletions. They represent the opinion of the participants, and do not, necessarily, represent the opinion(s) of Halifax Regional Municipality.

1. In any planning process, we want to protect and Build on the assets of the area. What do you like and appreciate about the Dutch Village Road Area?

- Freemans
- Bus Service
- Chain of Lakes Trail
- Convenience – access to business and amenities
- Great residential neighbourhoods
- Sidewalks
- Trees
- Static benches
- Buried electrical
- Grass strip between sidewalk/road
- Streetlights like Barrington, no poles
- D (Two stories, lower commercial, upper residential)
- Small town flavour
- Good neighbourhood (past)
- Rundown
- Mish-mash of uses
- Contaminated sites
- (Good) potential
- St. Lawrence → Hydrostone feel
- A village
- More development
- Sidewalks (NEED!)
- Not appealing
- No walkability
- Thorough-fare/ traffic corridor
- Should service the community
- Visuals (trees)
- St. Lawrence → Retaining wall
- Next Hydrostone
- Bike lanes
- Sidewalks
- Walkability
- Crosswalks – Daycare/ Tim Hortons
- History! Celebrated

- Connectivity
- Permeability
- Superstore destination
- Permanent Market

2. What do you think about the boundaries of proposed planning sub areas? What should be changed?

Area A

- Mix up area heights 6/8/10/12
- Ok
- Mid-rise too congested changes the area
- No Change, Strong
- Oriented according to transit, sidewalks, single dwellings

Area B

- Transition to residential 8-12
 - Clayder Lane area part of area C
 - Remove or highlight trail- confusing, is this to be developed?
 - No Corridor, / Does not reht** / Trail system
 - Oriented according to transit, sidewalks, single dwellings
- **Hand writing un-readable

Area C

- Connectivity Residential should stay
- Ok, but why the properties on Andrews St.?
- Oriented according to transit, sidewalks, single dwellings

Area D

- Oriented according to transit, sidewalks, single dwellings
- Pedestrian Connections
- Halifax west site will change the dynamic of D. looking at triangle and Alma Cres/ This as E
- They like the variety, would like to capture some on other side
- No Change

3. What kind of land use and built form should be encourages (or discouraged) in each area (A, B, C, D)? What would you like to add or change about the proposals for each sub-area?

Area and Proposal	Built Form	Land Use	Other
A High-Rise (up	<ul style="list-style-type: none"> • Pedestrian comfort • 12 Stories ok 	<ul style="list-style-type: none"> • Parks • Mixed use 	<ul style="list-style-type: none"> • Traffic lights at Fredrick • Lower Density (Maybe

to 12 stories)	<ul style="list-style-type: none"> • Don't wall yourself off • Parking away from street • 14 to match at shoppers site • Stepping down to Andres St. • Or step down to St. (less height) • Less height on Andrew St Area • Mixture of heights, transition at North Edge 	<ul style="list-style-type: none"> • High densities • Keep the area green • Keep little commercial spots • Keep the vibrancy • The mix of commercial is part of the character 	<p>high-rise in exchange for more Green Space</p> <ul style="list-style-type: none"> • No more box stores • Number of tall buildings capped at 3 or more
B Mid-Rise (up to 8 stories)	<ul style="list-style-type: none"> • Pedestrian comfort • Don't like 10 storey proposal • Houses, not apartments • More Green Space • Walkable, pedestrian oriented • 8 stories okay, lower in residential areas • Too high, stick to the precedent, Okay with parking out front, respect street width. • As B transitions into C need to mitigate • Transition to residential 8-12 stories 	<ul style="list-style-type: none"> • Parks • Mixed use • Commercial if it is accessible 	<ul style="list-style-type: none"> • McFatridge - Dutch Village Road should be higher density. • Area B is hard to get to from Fairview • Shops on B need to be accessible • Overpass for bicycles
C Low-Rise (up to 4 stories)/ Should Area C change or stay the same?	<ul style="list-style-type: none"> • Pedestrian comfort • 3 storeys okay • 4 storeys too much • 4 stories adds interest, diversity • maintain existing character • Protect small residential • 4 storeys may be too much height • Connectivity • Pedestrian paths 	<ul style="list-style-type: none"> • Parks • Stay residential • Not gas stations • Residential stacked town • Town houses • Could be for small apartment buildings • Well designed 	<ul style="list-style-type: none"> • Rental Units • Deal St. Hard to take • Tough area to decide • Facilitate pedestrian/cyclist
D Mid-Rise (up to 6 stories)	<ul style="list-style-type: none"> • Pedestrian comfort • 6 storeys ok • Street life • On street parking • Think about strip commercial • Up to 6 up to Fredrick but less height from Fredrick North. • The street can't handle terrible intersections • Buildings right to the street. 	<ul style="list-style-type: none"> • Parks • First floor commercial • No set back • Better street • The mix of commercial at ground that serves the community. 	<ul style="list-style-type: none"> • Better intersections • Road is not big enough to facilitate development intersections • Need sidewalks • The road is not a proper standard and need sidewalks, • The road is not to a proper standard to allow development except closer to Bayers road.
4. What is Important about how land use and built form transition between the sub-			

areas?

- Area outlined on the map to be included in D or B – it contains old apartment buildings and may be developed in the future
- Not set on category but want it included in the Plan area

5. What else is should be considered in the planning process?

- Traffic – many roads already very congested and hard to access main roads from smaller roads
- Parkland + greenspace
- Planning timeframe should be faster
- 4 lanes to 2 lanes to 4 lanes
- Traffic flow
- Percy St. Connection
- Density bonusing
- Crime/trafficking
- Affordability/mixed income
- JH pedestrian safety
- Street trees
- Benches
- Better lighting
- Green space and formalize the paths on Percy and Deal Streets
- Sidewalks on, especially on West side of Dutch Village Road,
- More bus stops and shelters
- Roads and sidewalks need to be upgrades
- Bicycle lanes
- Traffic, many roads already very congested and held to access main roads from smaller roads
- Parkland – green space

HRM Meeting with DVR Area Business Association

In attendance: Jennifer Chapman (HRM), Melissa Laverdure, Folami Jones, Muhammad Aslam, Nick Zwaagstra, Kasia Tota

- Trying to generate a sense of community. Small businesses contribute a lot to this discussion
- Worried about potential demographic changes brought about from new development
- Want to ensure existing community is represented
- Discussion about how business owners were not made aware of the process
- Streetscaping is an issue. Would like to see more trees and landscaping on HRM right-of-way
- Introduction of sidewalks would provide opportunity to have green space included.
- New development should try to keep the existing trees on private land
- Need to keep housing affordable.
- Continue to allow secondary suites to allow for housing affordability.
- Restaurant and bars should be permitted
- Consider restricting the size of commercial space to encourage smaller businesses

- No new drive through's
- Fairview is great because it is a mix of different people and different backgrounds. Should celebrate this.
- Buildings should be colourful
- Area A 12 stories seems too tall
- Built heritage is from 1950's—opportunity for a retro 50's inspired community
- Café space and outdoor eating needs to continue to be allowed
- People use the Chain of Lake Trail then come for lunch in the community
- There has been two community walks—one evaluating safety for women (put on by heart and stroke foundation) and one looking at accessibility. Folami will look for the reports from these and send the information to J Chapman and K Tota
- Crosswalks are dangerous—no lighting, no striping. Not well identified
- Challenges for English as a second language community. Nepalese, Arabic and Congolese community in Fairview
- Fairview Family Centre now located on Dutch Village Road and provides community space and services community. Homeschoolers have great resource here.
- Discussion about Dutch Village Road at the triangle of Dutch Village Road and Alma Crescent. Is there plans to dead end the street there? J Chapman will look into this to see if there is any discussion about this.
- Dangerous to cross the street here
- No bus route down Southern portion of Dutch Village Road right now. Metro transit is looking at major review of routes—please look at : <http://maketransitbetter.ca/> and be involved in that process.
- Bus shelters please
- Area C needs to be considerate of existing residential buildings
 - o Should be permissive about home based businesses—maybe 50% of the property. J Chapman will look at how they are regulated and look to ensure that home based businesses are allowed
 - o Daycares should be permitted here
- Area C no big block buildings. Townhouses would be ok
- No more billboards
- Signage should allow top down lighting, but no back lit signs. Size of sign not such an issue
- Some signs block the signs behind it. Maybe we should look at how these are permitted
- Dutch Village Road should be greener and more beautiful

Comments taken from Maps presented at Workshop

Area A

- 3-4 storey
- Transition from 12 stories to 8 from South to north to blend with Area B and Area C

Area B

- Small Scale Residential/commercial
- Should include Percy St Lots in Area B in Area C.
- Michael Napier Architecture project (No! Not 10)
- Michael Napier Architecture project (Access issues)
- Michael Napier Architecture project does not relate to residential behind it
- Add area South East of McFatridge Rd and Main Ave to area B.
- Would like B to extend to A
- Up to 10 stories (On Michael Napier Development site)

Area C

<ul style="list-style-type: none"> • Stable Row Density • Keep residential • No Gas Stations
Area D
<ul style="list-style-type: none"> • Town Square at Rosedale Ave and Dutch Village Road • Corner Lot entrance, See Victoria Parking Truro example (Rosedale Ave and DVR) • Sidewalks along DVR • Extend area D to fill out Main Ave • Dual sidewalks up DVR, trees, lighting, fixtures, Blvd. feel. • Sidewalks on DVR
General Comments
<ul style="list-style-type: none"> • Small town • Smaller stone to keep old look • Reduce heights for sightlines. • 4 storeys? • Front yard setback? • Driveway path suggested direct from DVR to Joseph Howe Drive south of St. Lawrence and Fares. • Pedestrian Amenities • Bus Shelters • Buildings that relate to street size. • Community space (we have none now!) • Design @ground level • No 4 unit sq. building • Bus shelters • Traffic issues • Lighting • High Materials, Stack housing • German inspiration • Parking • Row housing • Hydrostone • Street Scape elements

Comments from Shape Your City web Forum (Number in brackets indicates the number of thumbs up! or thumbs down on web forum)

1. What do you like and appreciate about DVR?
<ul style="list-style-type: none"> • (2) It offers an ever improving number of attractive stores and services that we frequent. Easy access and plenty of parking. No parking meters. • (1) We support most of the stores from Kentucky Fried Chicken to the intersection of DVR and Bayers Road. A big improvement over what was offered. The new apartment building should prove to be popular adding more shoppers supporting the local fare. • (2) We live in the area and whenever we're able to support one of the businesses around DVR, we do so. We like being able to walk to businesses (although this winter there were times when the sidewalks were only plowed in certain spots & required us to veer out

onto the road). I like the variety of restaurants (in terms of cuisine and price), hair salons, groceries and (most recently) cafes. I also really love being able to get my gas from a spot so close by and being able to check out live music with a pint without having to cab or use transit.

- (2) I appreciate the feel of Mom and Pop stores, and the community feel.....the area should become "hip" not commercial.
- (1) Driver, bicycle and pedestrian safety on this very busy street. Perhaps wider bike lanes provide room for both manual and the new electric bikes while also offering drivers of vehicles and pedestrians a space to view an opening in traffic to enter into traffic or cross the street.
- (2) I'm a cyclist and find DVR to be moderately bike friendly. I would like to see that continue and see more and more cyclists here each year. My favorite places are the Kwacha House Cafe which has the most delicious fair trade coffee, house of halal for affordable spices and good quality meat, the al azir bakery for pita and Cafe Karachi at the corner of main and DVR has superb Mano smoothies. DVR has poor sidewalks and they are not always on both sides, there are sections of patchy dirt, so I'd say that would be a nice improvement. There is a garden up off Lacewood but I think that would be a nice edition. Most people that live in the area walk and take the bus even if they have a car. There are many bus stops on DVR and none of them have shelters so in the rain or snow it gets pretty horrible. There are a few cross walks that don't have lights too, general safety could use improving. There is also an unusual amount of pavement where it would be nice to see planters/garden/gathering space. No green area since the school left and the condo pits moved in. Just some thoughts... Feelings.
- I used to live on Dawn st. (not the best location, fyi). I was always struck by the change coming down the hill between Lacewood and Dutch Village Rd. All of a sudden, the trees disappear, and everything is pavement and cement. I like the idea of having mixed-use apartments in the area. It is well serviced by bus routes, and near shopping and groceries. The addition of population and business space in the buildings would be great for the area. It would also be nice to get rid of some cement and add some grass, flowers & trees (this alone would make a huge difference).

What would you like DVR to become in the next 5-10 years?

- (3) Make it more walkable. The roadway presently is very wide with inconsistent width and crumbling, unkempt verges. Everything seems like it's crumbling. I'd like to see the carriageway constrained and improved, ideally with bike and/or bus lanes installed, and sidewalks improved and maintained.
- (-4) Not sure if it would be possible to make 2 lanes in each direction (4 lanes total) to meet up with Titus and Joseph Howe at the other end. This might ease some congestion, create turning lanes, make more room for bicycles, etc. before we start adding any density.
- (2) Joe Howe, Dutch Village, Bayers road are a traffic mess. A Fairview equivalent of Spring Garden Rd would be great for businesses in the area. But the road layout in the area is a general nightmare for traffic, mix in delivery trucks parked partially on sidewalks... You'll need parallel alternative routes which the residential area doesn't provide.
- (5) It would be great if DVR became a pedestrian and cyclist friendly neighborhood with a mix of locally owned shops and affordable housing options. A protected bike lane would be a great option here because the road is quite wide. Narrowing the street and adding a separated bike lane could have a traffic calming effect, further enhancing the walk-ability of the area. It would also be great to see more edible trees and shrubs (apples, peaches,

blueberries, haskap berries, etc) in the public realm.

- (3) I'd like to see the area become more walkable and particularly safer to bike in. While I live nearby, I didn't bring my bike when I moved because I am too afraid to bike on the roads around DVR without some kind of protected lane due to how heavy the traffic is here. I would like to continue to see lots of small local businesses in the area catering to a variety of needs and with the same great international flavour. I like seeing mixed use buildings, but think that directly along DVR that I'd prefer low-to-mid-rise buildings; I would be fine, I think, with higher buildings where the school used to be and along Joe Howe. I am concerned though about how much worse commuter travel might become along Titus/DVR with lots of new apartments if they all have vehicles, so I think it's crucial that the transit system be prepared to handle increased ridership.
- (1) 11-years-ago I attended a community meeting about the former Halifax West site. At the meeting, people stressed that they didn't want anymore apartment buildings in Fairview. City council didn't listen. Apartments and low income apartments have ruined Fairview. The town houses on Main street that brings in families is better for the area. I would like to see landlords clean their properties, especially the end of the Dutch Village Road. They look like dumps with over flowing garbage boxes and shopping carts. This city allows people to put towels and sheets up as curtains, that should not be, curtains are cheap at Giant Tiger. I would like to see landlords and other houses mow their lawns, and the sidewalk grass. I would like to see buildings fined for leaving their garbage out for weeks as they put it out on the wrong day. So 11 years from that meeting the DVR and Fairview went really down hill, mainly because of the multi unit apartments built where there was one family house. I would like to see DVR develop a Brand like the Hydrostone.
- (1) I wider bike lane for mechanical and electric bikes with a good road surface - no street drains. This not only helps those on bicycles/electric scooter 2 wheel bikes but allows pedestrians and motorists an area to move into to view for a break in traffic allowing them to enter traffic. While I like to see greenery like trees and shrubs, they need to be a good distance from the road to avoid blocking the view of traffic (walkers, bikes, vehicles) seeking a break in traffic to allow them to enter or cross the street.
- (2) I know this is a development process, but the street needs to be updated from the 1950s before all these new buildings. There is not sidewalks or curbs on both sides. Traffic drives on what should be a crosswalk on the north side of DVR. I would like to see sidewalks, decorative street lamps, hanging flower baskets, trees etc. What Sackville Dr, Herring Cove Rd. or Bedford Hwy already have. DVR has been forgotten.
- (1) Fix the sidewalks, keep the focus on affordable housing not overpriced lofts. Respect the fact that this neighbourhood has been dominated by immigrants the last 15 years. Do not push them out. Offer garden, green space, a bench even. Bus shelters would be nice. And oh yeah, a bicycle lane! Be realistic and improve DVR that will actually be good for the current residents. Get out and talk with people that don't know about this website.
- I agree, the area should have the same kind of feel as the hydrostone, but there should also be residential buildings above/ behind the businesses.
- (1) I think that it makes sense to route traffic around DVR... since all it does is dump flow back into choke points. The area is within walking distance from many Clayton Park apartments, and a greening/ facelift with sidewalk improvement should attract a lot of foot traffic. If combined with new (mixed use) apartment buildings on or near DVR itself, the area could become a great little hotspot.

What would you like to protect, add or limit in terms of land uses in the area?

- (3) Add more green space!
- (2) Stop building apartments, whether high rise or multi units. Especially ones that do not have a super on site. There are examples of multi unit buildings in the area with no super, so the places are unkempt and the police are constantly there. Bring in townhouses that will attract families. Green space is needed, and those that do have lawns need to learn about lawn mowers. I visit a friends in other parts of Halifax and see their pretty street, I come to Fairview and someone has thrown their couch on the sidewalk, the business dumpster is out in plain view and over flowing. The street and area needs a beautification.
- I've heard that windmills are quite noisy, however, it does get quite windy in this area. We also need something to slow the cars down on Dunbrack Street. I have seen drivers mindlessly speeding on Dunbrack with no regard for any obstacle. A windmill might slow things down if it interferes with hand-held devices. We do have lots of wind and too many apartment buildings.
- (1) As a former resident of DVR area I would like to see what is happening with that land that use to be Halifax West High School. Last I saw it was turning into another sight for more apartments/condos. There are enough of them in the area. I would like to see that land turned into a park/playground for the kids in the area, since there is a daycare down the road. With that being said, better side walks for walking on so its safer for all especially the children.
- (1) What everyone! Here is saying. Basic stuff: stop with the condo high rises and get us some nice green space, fix up the sidewalks. Protect green spaces, limit high rise condo housing.
- (2) Bike lanes, better sidewalks, greenspace - as someone mentioned earlier old school proptry would be great area for park/playground, enforce clean up of yard garbage, NO more condos or townhouses. More single family owner occupied houses
- We need a park with benches, tree & flowers. We need a safe place for young people to go. Sidewalks on both sides. The business people to make their businesses more attractive. More feeling of community. bike lanes

As new residents and businesses move into the area, what about its current character should be maintained and what should change?

- The gas station in Fairview needs to have signs for traffic, people seems to think its a street and car coming of Deal need to yield to them. This is only get worse when the apartment (which people didn't want) is built on Andrew Street. Traffic is an issue in the morning and evening. Something needs to be done to make the area friendlier and divert traffic off this street. People speed through this area and its not safe. St. Margaret's Bay Road puts up flowers on its telephone polls to make it more welcoming. The street is too concrete and needs more green. Businesses and apartments on the street need to take more pride and fix up their curb appeal.
- The area seems well built up with old and new with the exception to the lot that was Halifax West High School. I don't see any vacant lots to build upon, residential or otherwise. Given the existing buildings, it would not seem possible to widen Dutch Village Road. It is busy enough as a divided street and I can't see increasing the number of lanes. While there are busy times like mornings and supper time, it is not very long relative to getting around in many towns and other cities in Canada. Patience and a little courtesy to let pedestrians cross the street and traffic to enter the flow of traffic is all it takes.
- Keep local businesses, add more local business. Allow commercial rents to be affordable

which they are currently not. For example 30\$ per sq ft= outrageous. Make it pedestrian friendly with some benches, greenery instead of the current paved paradise which is crumbling before us. Affordability should be strived for with a focus on growing local business.

Stories

- Construction Horror Story:** I live beside the new condo building at 3471 Dutch Village Road and during the construction process we went through way too much hassle in dealing with the construction companies. From buckets of cement being dumped on cars, to 4 foot high signs on the side of the building (able to be seen & read from the McKay Bridge) with personal attacks written directed at my buildings tenants. We are still dealing with trying to have the damage done to our property, keeping in mind this building has been open for almost two years now and nothing has been done. We have had nothing but trouble since this building has opened including their landscaping being pushed into our parking lot & onto vehicles & the damage caused by things blowing off balconies, which to me seems like there wasn't enough research into what this building would do to the neighborhood's wind tunnels.

Email Comments

1	<p>I was unable to attend the planning meeting you hosted at the legion in Fairview last month. I have a lot of feeling and what I think would be useful input. Several of my close acquaintances own establishments on Dutch Village road that serve ethnic cuisine. House of Halal, Café Karachi and the Kwacha House Café. I must admit that it disturbed me when I was telling them about the 'shape your city' site and the DVR process and they had heard nothing about it. They received no notification in person or even a flyer, I suppose it was up to people to be on the internet and checking the Halifax.ca site. I can't help but feel that the ethnic establishments on DVR were intentionally left out of this process, because it would have been very simple and useful to include them. As a planner and someone interested in 'growing' and existing community there has been a complete disregard for the current community in place. Please get out and talk with these people or in the very least drop off some paperwork. They were given no notification whatsoever of the meeting that already happened and the consultation is about to close. Can you please offer up a solution to remedy the disconnect?</p>
2	<p>Re: 3664 Joseph Howe Drive & Plan Dutch Village Road</p> <p>This property is presently a brown field site, the location of a former service station. It is just south of the intersection of Dutch Village Road and Joseph Howe and faces major commercial areas across the street to the east and to the south. A mix of minor commercial and residential uses abuts the property to the north and west along Dutch Village Road and</p>

Percy Street. It is located in Area B of the proposed Plan Dutch Village Road, for which 'mid rise development up to 8 stories that is sensitive to existing neighborhood character and built form' is being considered as part of a new comprehensive planning strategy in the area. As a mixed-use commercial/residential building this proposal programmatically meets the intent of the proposed development policy. At 9 stories plus penthouse the proposal is slightly higher than what is being considered. We are requesting that you incorporate into your review of the area consider the increased height of the proposal because of the following rationale:

The topography of the area surrounding the site is such that either side of Joseph Howe Drive is essentially flat with the exception of where it meets Titus/Dutch Village Road. Here it climbs sharply to Fairview. As a result, the abutting residential properties to the rear of this site (along Percy Street) are +/- 20' higher in elevation than the street frontage along Joseph Howe Drive. Effectively this condition means that the proposed project has a building height of +/- 98' (or 9 stories plus penthouse) where it addresses the existing commercial area of Joseph Howe Drive, and a building height of +/- 85' (or 7 stories plus penthouse) where it addresses the existing residential neighborhood. Halifax planners refer to a rule of thumb in HRM by Design where Street ROW = street wall/building height. The Joseph Howe Drive ROW is 100'. The proposed height of this building satisfies this rule of thumb at both the front and rear of the site. Furthermore, the project is utilizing a step back at the penthouse level that visually reduces the building height to +/-88' (street) and +/- 75' (rear) for the majority of the building's mass. Shadow studies have indicated that the major effects of the building's shadow occur later in the day and along Joseph Howe Drive. The building has little shading effect on the residential properties to the rear and this is generally in the morning hours. The positioning of the proposed building will have a positive effect on noise pollution creating a sound buffer to the busy Joseph Howe traffic and commercial are beyond.

Overall, the proposal responds to the diverse nature of the surrounding area providing additional commercial space along a busy urban thoroughfare while adding residential density. The Fairview area is ripe for residential development and clustering it along the main thoroughfare will allow for the low rise, less dense development proposed in Area C. The height and massing of the proposal , in conjunction with the character of the site given its change in elevation, provides an appropriate and sensitive transition from the taller commercial developments along Joseph Howe Drive in Area A to the lower rise, less dense development in the existing neighborhoods of Fairview.

Regards,

NSAA AANB MRAIC

Attachment E
Existing Zones and Zoning

Halifax Mainland Land Use Bylaw

R-2AM ZONE

GENERAL RESIDENTIAL CONVERSION ZONE

- 28BA(1) The following uses shall be permitted in any R-2AM Zone:
- (a) R-1, R-2, R-2P and R-2T uses;
 - (b) stacked attached housing to a maximum of 14 units;
 - (c) apartment house to a maximum of 14 units;
 - (d) additions to buildings existing on September 17, 1987 to a maximum of 14 units, provided that the area of ground covered by the addition is not greater than the area covered by the existing building and provided that the lot coverage is not greater than 40 percent; and
 - (e) uses accessory to any of the foregoing uses.
- 28BA(2) No person shall in any R-2AM 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)
- 28BA(3) No person shall in any R-2AM 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

- 28BB No persons shall in any R-2AM Zone erect, place or display any billboard or sign except those permitted in R-1 Zones or in accordance with Section 30 below.

R-1 USES IN R-2AM ZONE

- 28BC(1) Buildings erected, altered or used for R-1 uses in an R-2AM Zone shall comply with the requirements of the R-1 zone, with the following exceptions:
- (a) Minimum lot area 4,000 square feet;
 - (b) Minimum lot frontage 40 feet, except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet;
 - (c) Minimum side yard 4 feet.

R-2, R-2P AND R-2T USES IN R-2AM ZONE

- 28BC(2) Buildings erected, altered or used for R-2 , R-2P or R-2T uses in an R-2AM Zone shall comply with the requirements of their respective zones.

R-2AM USES

- 28BC(3) Buildings erected, altered or used for R-2AM uses in an R-2AM Zone shall comply with the following requirements:
- (a) Lot frontage shall be 75 feet minimum;
 - (b) Lot area shall be 7,500 sq. ft. minimum;
 - (c) Side yard shall be 12 feet minimum;
 - (d) Front yards shall be 15 feet minimum; and

(e) Rear yards shall be 20 feet minimum.

HEIGHT

28BD Height shall be 35 feet maximum and the maximum height of additions shall be 35 ft. but under no circumstances shall a permitted addition exceed the established height of the existing building.

SIDE AND FRONT ADDITIONS

28BE Additions and structural changes to existing buildings shall not be permitted on any front or side portion of a building facing a street and will be limited to the rear of the building and the rear two-thirds of the side of the building.

28BF(1) Notwithstanding the provisions of this by-law, the city may permit infill development that would not be permitted under the provisions of this by-law provided that the following special conditions are satisfied:

SPECIAL CONDITION	DEVELOPMENT PERMITTED
a) if the existing building is a full storey lower than the average number of storeys of the existing residential buildings in the immediate neighbourhood;	the number of storeys may be increased to, but not exceed, the average number of storeys of the existing residential buildings in the immediate neighbourhood provided that the height of the building shall not exceed 35 ft.
b) if the area of ground covered by an existing building is less than 60 percent of the average area of ground covered by existing residential buildings in the immediate neighbourhood;	the total area of ground covered by the existing building may be increased to twice the average area of ground covered by existing residential buildings in the immediate neighbourhood, provided that the lot coverage does not exceed 40 percent.
c) if the existing building setback is greater than half the lot depth;	additions may be constructed to the front of an existing building as outlined in Section 43AF of this by-law.
d) if an existing building on a corner lot is greater in height at the front of the building than at the rear of the building	additions to the top rear portion of the building may be constructed provided the addition does not exceed the height of the front of the building or a maximum height of 35 ft.

28BF(2) The "**immediate neighbourhood**" shall consist of:

- (a) if the building is located at mid-block, all existing residential buildings located on the four lots on each side, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the street.
- (b) if the building is located on a corner lot, all existing residential buildings located on the four lots immediately adjacent, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the abutting streets.

28BF(3) It is the responsibility of the applicant to provide all drawings, figures, calculations and any other information deemed necessary by the city to demonstrate that the building in question is anomalous and deserves consideration under this section of the by-law.

R-2AM USES IN R-3, C-2A AND C-2B ZONES

28BG R-2AM uses permitted in the R-3 Zone by Section 28CA, in the C-2A Zone by Section 38B and in the C-2B Zone by Section 38AB shall comply with the requirements of the R-2AM Zone except Section 28BE.

9 AND 11 ALMA CRESCENT

28BH Notwithstanding Section 28BA(1), the property at civic number 9 Alma Crescent may be consolidated with the property at civic number 11 Alma Crescent and the existing 21 unit apartment shall be recognized as a permitted use by this by-law; provided that the use complies with all the requirements of the R-3 Zone.

R-2P ZONE

GENERAL RESIDENTIAL ZONE

28AA(1) The following uses shall be permitted in any R-2P Zone:

- (a) all R-1 and R-2 uses;
- (b) buildings containing not more than 4 apartments;
(Also note Section 28AE)
- (c) uses accessory to any of the foregoing uses.

28AA(2) No person shall, in any R-2P 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)

28AA(3) No persons shall, in any R-2P Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in Subsection (1).

REQUIREMENTS

28AB(1) Buildings erected, altered or used for R-1, R-2 and R-2P in an R-2P Zone shall comply with the following requirements:

	Minimum Lot Frontage (ft.)	Lot Area	Minimum Side Yard (sq. ft.)	Minimum (ft.)
R-1 Use	40		4000	4
Duplex Semi-detached Dwelling	50	5000	5	
3 and 4 Unit Apt Building	60	6000	6	

- 28AB(2) Front yard shall be 15 feet minimum;
Rear yard shall be 20 feet minimum.
- 28AB(3) Lot coverage shall be 35% maximum.
- 28AB(4) Height shall be 35 feet maximum.

SEMI-DETACHED DWELLING

- 28AB(5) A lot containing a semi-detached dwelling may be subdivided so that each unit is located on a separate lot provided that the lot for each unit contains a minimum frontage of 25 ft. and a minimum area of 2,500 sq.ft. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

INTERNAL CONVERSION TO DUPLEX

- 28AC A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:
- (a) a duplex dwelling containing up to and including five habitable rooms shall require a lot containing an area of not less than 3,300 sq.ft.
 - (b) a duplex dwelling containing six to eight habitable rooms shall require a lot containing an area of not less than 4,000 sq.ft.
 - (c) Lot coverage - maximum lot coverage shall be 35 percent.

- 28AD Notwithstanding the provisions of Section 28AB, the requirements of Sections 26(f) to (h), (i)(2) and (3), 27 and 28 to 28B inclusive above shall apply.

MAINLAND SOUTH - FOUR UNITS

- 28AE Notwithstanding Section 28AA(1)(b) of this by-law, apartments containing a maximum of four units may be permitted in the "**Mainland South Area**" provided that, of the total number of dwelling units in the building, there is a minimum of one two-bedroom unit for each bachelor or one-bedroom unit.

Halifax Peninsula Zones

R-2 ZONE

GENERAL RESIDENTIAL ZONE

- 35(1) The following uses shall be permitted in any R-2 Zone:
- (a) R-1 uses as hereinbefore set out;
 - (b) semi-detached or duplex dwelling;
 - (c) buildings containing not more than four apartments;
 - (d) (Deleted)
 - (e) (Deleted)
 - (f) uses accessory to any of the foregoing uses
 - (g) **The reconstruction of an apartment building containing 12 or fewer dwelling units at the South-East corner of Creighton and Buddy Daye Streets (PID 40877292) (RC-Aug 1/06;E-Aug 12/06)**
- 35(2) No person shall in any R-2 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 (l).

35(3) No person shall in any R-2 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (l).

SIGNS

36 No person shall, in any R-2 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

REQUIREMENTS

37 Buildings erected, altered, or used for R-1 and R-2 uses in an R-2 Zone shall comply with the following requisites:

	Lot Frontage Ft.	Lot Area Sq.Ft.	Side Yard Ft.
R 1 Uses	40	4000	4
duplex	50	5000	5
3-unit and 4- unit apartment building	80	8000	6

38 Front and Rear Yards - The requirements of Sections 29 and 30 inclusive above shall apply.

39 Lot coverage - Maximum lot coverage shall be 35 percent.

40 Maximum height - Maximum height shall be 35 feet.

ACCESSORY STRUCTURES (~~deleted PCC/CCC-Nov 8/10;E-Nov 27/10~~)

40A (~~deleted PCC/CCC-Nov 8/10;E-Nov 27/10~~)

TWO UNIT CONVERSION

41 A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:

- (a) A duplex dwelling containing not more than a total of six habitable rooms be permitted on a lot containing an area of not less than 3,300 square feet.
- (b) A duplex dwelling containing not more than a total of eight habitable rooms be permitted on a lot containing an area of not less than 4,000 square feet.
- (c) There is no increase in height or volume and that the external dimensions of the building have not changed since 25 October 1985.
- (d) One separately accessible parking space at least 8 feet by 16 feet shall be provided on the lot for each of the two dwelling units.

42 (Deleted)

SEMI-DETACHED DWELLING

43 (a) For each unit of a semi-detached dwelling, there shall be at least 25 feet of lot

frontage and 2,500 square feet of lot area. A minimum side yard of 5 feet shall be required for a semi-detached dwelling provided however that where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.

- (b) Front yards and rear yards for a semi-detached dwelling - the requirements of Sections 29 and 30 shall apply.
- (c) Lot coverage for a semi-detached dwelling - maximum lot coverage shall be 35 percent.
- (d) Maximum height for a semi-detached dwelling - maximum height shall be 35 feet.

43A (Deleted)

THREE AND FOUR UNIT BUILDING

43A(1) In addition to other R-2 Zone requirements, there shall be:

- (a) Eight or fewer bedrooms within the whole of a three dwelling unit apartment house; and
- (b) Ten or fewer bedrooms within the whole of a four dwelling unit apartment house.

DAY NURSERY

43B (Deleted)

ADDITIONAL CHILDREN PROVISION

43C (Deleted)

43D (Deleted)

PENINSULA CENTRE AND SOUTH END AREA

43E Notwithstanding the provisions of Sections 37 to 43, buildings erected, altered or used for R-1 or R-2 uses in the R-2 Zone in the "**Peninsula Centre**" and "**South End Areas**" shall comply with the following requisites:

(a)	Minimum Lot Frontage (Feet)	Minimum Lot Area (Sq.Ft.)	Side Yards (Feet)
R-1	30	N/A	4
Duplex	33	3,300	5
Semi-detached dwelling	50	5,000	5
Three Unit Building	45	5,000	6
Four Unit Building	60	6,000	6

- (b) **UNIT MIX:**
 - (i) duplexes or semi-detached dwellings shall contain at least one unit of a minimum of 800 sq.ft.;
 - (ii) 3 or 4 unit apartment buildings shall contain at least two units of a minimum of 800 sq.ft.

- (c) Lot coverage: Maximum lot coverage shall be 35 percent.
- (d) Parking and Open Space: For each unit which is 800 sq.ft. or greater, one parking space at least 8 feet wide and 16 feet long and 300 sq.ft. of open space shall be required, and for dwelling units less than 800 sq.ft., one parking space at least 8 wide and 16 long shall be required for each two dwelling units, and 50 sq.ft. of open space for each unit.
- (e) Maximum Height: The maximum height shall be 35 ft.
- (f) **A rear yard shall be provided of not less than 20 ft. in depth. (PCC/CCC-Nov 8/10;E-Nov 27/10)**
- (g) **(deleted PCC/CCC-Nov 8/10;E- Nov 27/10)**
- (h) Semi-detached building: A lot containing a semi-detached dwelling may be subdivided so that each unit is located on a separate lot provided that the lot for each unit contains a minimum frontage of 25 ft. and a minimum area of 2,500 sq.ft. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

CONVERSIONS ON ROBIE STREET OR COBURG ROAD

43F Notwithstanding any other provision of this by-law, for any building which existed on the date of adoption of this by-law, located in the "**Peninsula Centre Area**", and which is located on a lot which abuts Coburg Road between Oxford Street and Robie Street, or on a lot which abuts Robie Street between Pepperell Street and South Street interior conversions shall be permitted, provided that there is no change in the height or volume of the building and that the minimum size of each dwelling unit shall be 600 square feet.

43G (Deleted)

FRONT YARD SETBACK

43G(1) For any R-1 or R-2 use constructed after 14 October 1982 in the "**Peninsula Centre**", "**South End**", or "**Peninsula North Areas**", the minimum front yard shall be the front yard of the majority of residential buildings fronting on the same side of the same block in which the building is to be constructed. For the purposes of measuring, existing front yard dimensions shall be rounded to the nearest foot.

43G(2) Where there is no majority of buildings with the same front yard on the block, the minimum front yard shall be:

- (g) that of the residential building of the adjacent lot on either side of the proposed development which is closer to the street line; and
- (b) where there is no residential building on either adjacent lot
 - (i) 10 feet in all zones except in the U-1 zone
 - (ii) 0 feet in the U-1 zone

PENINSULA NORTH AREA

43H Notwithstanding Section 37 a building erected, altered, or used as a detached one-family dwelling house, office of a professional person located in the dwelling house used by such professional person as his private residence or home occupation in an R-2 Zone in the "**Peninsula North Area**" shall comply with the following requirements:

- (1) Lot Frontage minimum 30 feet
- (2) Lot Size minimum 3,000 square feet
- (3) Side Yards 4 feet

TWO UNIT CONVERSION - PENINSULA NORTH

43I Notwithstanding Sections 37 to 40 a building, excluding accessory buildings, in existence on the date of adoption of this section in the "**Peninsula North Area**" may be converted to a maximum of two units provided that:

- (i) there is no increase in height or volume of the building,
- (ii) one unit contains two or more bedrooms; and
- (iii) there is one parking space at least 8 feet wide and 16 feet long for each dwelling unit.

FOUR UNIT CONVERSION - PENINSULA NORTH #5

43J Notwithstanding Sections 6(1), 6(2A) and 37 to 40, a building, excluding an accessory building, in existence on 14 July 1979, in "**Peninsula North Area #5**", and located south of Russell Street (**NIP III**), may be converted to a maximum of four units provided that:

- (i) there is no increase in the height or volume of the building;
- (ii) at least one of the units in the converted building contains two or more bedrooms.

FOUR UNIT CONVERSION - PENINSULA NORTH - NIP I

43K Notwithstanding Sections 6(1), 6(2A) and 37 to 40, a building, excluding an accessory building, in existence on 14 July 1979, in the area bounded by North, Gottingen, Cogswell, North Park and Agricola Street, may be converted to a maximum of four units provided that:

- (i) there is no increase in the height or volume of the building; and
- (ii) at least one of the units in the converted building contains two or more bedrooms.

MULTIPLE UNIT CONVERSION - SCHEDULE HA-1

43L Notwithstanding Sections 6(1), 6(2A) and 37 to 40 a building, excluding an accessory building or a registered heritage building, in existence on the date of adoption of this Section, located in "**Schedule HA-1**", may be converted into an apartment house provided that:

- (i) there is no increase in the height or volume of the building;
- (ii) the following features on the building facing the street(s) are not altered:
 - (a) the number, location, size and shape of the windows, bays and dormers;
 - (b) the size, shape and location of the entrance way including the door; and
 - (c) the size and location of any existing verandas, porches or stairways.
- (iii) at least one unit for every five units, or fraction thereof, in the converted building contains two or more bedrooms.

SFD REQUIREMENTS - PENINSULA NORTH AREA #6

43M Notwithstanding Sections 37 and 39, a building erected, altered or used as a one family dwelling house, in an R-2 zone in "Peninsula North Areas 6 and 8", shall comply with the following requirements:

- (1) Lot Frontage Minimum 20 feet
- (2) Lot Size Minimum 2000 sq.ft.
- (3) Side Yard Minimum 0 feet

(4) Maximum Lot Coverage 50 percent

43MA Notwithstanding Section 43M (1,2,3) of this by-law, in the case of lots existing on the date of adoption of this Section, in Peninsula North Areas 6 and 8 respectively, the lot size, lot frontage and side yard requirements shall be waived for one family dwelling houses.

APARTMENT BUILDINGS - PENINSULA WEST AREA 1

43MB Within Peninsula West Area 1, a lot which did not exist prior to the date of adoption of this section shall not be used for a three or four unit apartment building.

43N **Notwithstanding any other provision of this By-law, the apartment building that is referred to in Section 35 (g) may be reconstructed to the same or lesser size and the same location upon its lot as that which existed immediately before its demolition on March 3, 2006. (RC-Aug 1/06;E-Aug 12/06)**