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**Item No. 8.2**  
**Halifax Regional Council**  
**January 26, 2021**  
**February 23, 2021**

**TO:** Mayor Savage and Members of Regional Council

**SUBMITTED BY:** Original Signed by   
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** January 15, 2021

**SUBJECT:** **Case 22332: Amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland near Dunbrack Street, Halifax**

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## SUPPLEMENTARY REPORT

### ORIGIN

- Application by Zwicker Zareski Architecture and Planning (ZZap) on behalf of Hazelview Investments (formerly Timbercreek Asset Management)
- On November 12, 2019, Regional Council initiated the MPS amendment process, to consider modifications to the zoning requirements for R-4 (Multiple Dwelling) zoned properties near Dunbrack Street and Willett Street, Halifax
- On December 16, 2020, Halifax and West Community Council considered a staff report and a set of amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Mainland. Community Council recommended that Regional Council give first reading and approve:
  - a revised set of amendments that permit only the redevelopment of 210-214 Willett Street, Fairview, Halifax;
  - the rezoning of select R-4 Zoned properties to reflect current uses; and
  - require all future MPS and LUB amendments in and adjacent the Dunbrack Study area to be considered through a comprehensive review process, such as the Regional Plan or Plan and By-law Simplification Program (Suburban Plan).
- On January 12, 2021, Halifax Regional Council deferred this matter to January 26, 2021.

### LEGISLATIVE AUTHORITY

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

## **RECOMMENDATION**

That Halifax Regional Council amend the recommendation from Halifax and West Community Council from the report dated December 24, 2020 to read as follows:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland as set out in Attachments A and B of the staff report dated January 15, 2021, to create a new designation and zone to permit high density redevelopment at 210 & 214 Willett Street, Halifax, to amend the zoning for certain low-density residential properties to better match existing development, and to rezone parkland to the Park and Institutional Zone, and schedule a public hearing;
2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland, as set out in Attachments A and B of the staff report dated January 15, 2021; and
3. Direct the CAO to continue to consider amendments to the Dunbrack Street study area and commercially zoned properties south of Radcliff Street and adjacent to Dunbrack Street through a comprehensive review process, such as the Regional Plan or Plan and By-law Simplification Program (Suburban Plan), that provides greater detail and consideration of the following:
  - a. appropriate building heights, building forms, site design and the impact of traffic, including from full build-out of potential development, including wind and shadow analysis;
  - b. improving transition to lower density properties, including appropriate setbacks, side yards;
  - c. revising parking standards;
  - d. a greater portion of dwelling units to have two or more bedrooms;
  - e. proposing better active transportation routes and new public green space;
  - f. creating a density bonus regime like that used in the Centre Plan to fund local area improvements and affordable housing;
  - g. options for inclusionary zoning; and
  - h. commercial space including the quantity, form and use.

## **BACKGROUND**

On November 12, 2019, Regional Council initiated a review of the R-4 (Multiple Dwelling) Zone and associated policy for the area surrounding Dunbrack Street, Halifax, defined as the Dunbrack Study area (Map 1). Staff completed their review and provided a staff report (dated October 15, 2020)<sup>1</sup> to Halifax and West Community Council on December 16, 2020 for consideration and recommendation to Regional Council. The staff report included a set of amendments to the Halifax Municipal Planning Strategy (MPS) and the Land Use By-law (LUB) for Halifax Mainland to permit high-density redevelopment on select properties within the Dunbrack Study area.

Community Council reviewed and debated the proposed amendments but did not support staff's recommendations. Instead, Community Council approved a revised set of recommendations to address their concerns with the project and the recommendations are summarized as follows:

- 1) Apply the proposed new MPS and LUB amendments only to 210 & 214 Willett Street, Halifax;
- 2) Rezone select R-4 zoned properties within the Dunbrack Study Area to reflect current uses on the properties; and

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<sup>1</sup> Staff report to Halifax and West Community Council dated [October 15, 2020](#).

- 3) Consider any future MPS and LUB amendments within and adjacent to the Dunbrack Study area only through a comprehensive review process such as Regional Plan review and By-law Simplification.

## **DISCUSSION**

Attachments A and B of this report contain the required MPS and LUB amendments to implement Community Council's recommendations. The required recommendations and the associated amendments are summarized below:

### **1. Apply Revised MPS and LUB Amendments Only to 210 and 214 Willett Street.**

To achieve this goal, the proposed MPS amendments from the October 15, 2020 staff report were revised to apply the new designation (Dunbrack Multi Unit Designation) only to 210 & 214 Willett Street, Halifax under the Generalized Future Land Use for the Halifax MPS. These revised amendments do not enable future extensions of the Dunbrack Multi Unit Designation and the R-4B Zone. In addition, policy has been revised to reflect that additional amendments should only be considered through a comprehensive review process (see recommendation 3). Attachment A of this report contains the required MPS amendments to implement Community Council's recommendations.

H&WCC also proposed revisions to the proposed LUB amendments - specifically revisions to the R-4B Zone. Of the revisions recommended, some were already addressed but those that required amendments are as follows:

- Limiting an apartment house to a maximum density of 325 units per hectare (adding clause 34B5);
- Increasing the minimum side or rear yard setback next to R-1 and R-2 properties from 8 metres to 10 metres (sub-clause 34B17 d);
- Increasing the minimum setback for a main building next to R-2T properties from 18 metres to 30 metres, within 100 metres of Willett Street (sub-clause 34B17 e);
- Increasing the minimum parking requirements from 0.5 spaces per unit to 0.7 spaces per unit (sub-clause 24B37 b); and
- Reducing the height precinct adjacent to the properties on Chelsea Way from 26 metres (8 storeys) to 20 metres (6 storeys), while moving the edge of the height precinct closer to the properties on Chelsea Lane (Map ZM-34 Maximum Height in the Dunbrack Multi Unit Zone).

Attachment B of this report contains all the required LUB amendments to implement the revised MPS policy.

### **Administrative Amendment**

The proposed LUB amendments contain a provision that addresses ground floor requirements for any new building within the proposed R-4B Zone. Currently, the proposed R-4B Zone requires that the ground floor of buildings may not be more than 0.6 metres (2 feet) above or below grade. The intent of this rule is to require active ground floors next to the sidewalk, which helps create pedestrian friendly places. However, recent work on the Regional Centre Land Use By-law (Centre Plan) has shown this requirement does not provide enough flexibility for some properties on slopes. Therefore, staff recommends revising this requirement to allow grade-related residential units to be up to 1.5 metres (5 feet) above or below grade. This requirement matches the current approach in the Centre Plan project. Should Council agree, staff has provided a revised Land Use By-law amendment package, numbered Attachment C and a corresponding motion under Alternative 2.

### **2. Rezoning of select R-4 Zoned properties to reflect Current Use**

The existing R-4 zoning does not match some of the current land uses on select properties within the Study area. Staff proposed and H&WCC agreed that:

- existing townhouse properties be rezoned to R-2T (Townhouse) Zone;
- single unit home properties be rezoned to R-1 (Single Family Dwelling) Zone; and
- the parkland at the corner of Lacewood Drive and Dunbrack Street be rezoned to P (Park and Institutional) Zone.

The rationale for the proposed changes is described in the staff report dated October 15, 2020. Attachment B of this report contains all the required LUB amendments.

### **3. Future MPS and LUB Amendments within and adjacent to the Study Area**

H&WCC expressed concern regarding future MPS and LUB amendments in the study area and how they should proceed. Community Council recommended that Regional Council direct the CAO to consider amendments to the Dunbrack Study area and commercially zoned properties south of Radcliffe Drive and adjacent to Dunbrack Street (see Map 1) through a comprehensive review process, such as the Regional Plan or Plan and By-law Simplification Program (Suburban Plan). This recommendation would expand the original Study Area initiated by Regional Council to include commercial properties adjacent to Dunbrack Street and Lacewood Drive. H&WCC recommended that the review process consider the following:

- a) considering appropriate building heights, building forms, site design and the impact of traffic, including from full build-out of potential development;
- b) wind and shadow analysis;
- c) improving transition to lower density properties, including appropriate setbacks, side yards;
- d) revising parking standards;
- e) requiring a greater portion of dwelling units to have two or more bedrooms;
- f) proposing better active transportation routes and new public green space;
- g) creating a density bonus regime like that used in the Centre Plan to fund local area improvements and affordable housing;
- h) considering options for inclusionary zoning; and
- i) considering commercial space including the quantity, form and use.

Staff advise that the above noted topics fall within the scope of the upcoming Suburban Plan process, which is part of the By-law Simplification Program. Staff will not begin work on the Suburban Plan until Package B of the Centre Plan is completed. The public hearing for Centre Plan Package B is anticipated for later this year. In the meantime, the ongoing Regional Plan review will provide high level guidance on an approach to development within the study area.

Under this approach, Regional Council would not consider any site-specific amendment requests. Rather, such requests will form part of either the Regional Plan Review and/or the Suburban Plan process. Attachment A contains wording that requires future MPS and LUB amendments in and adjacent to the Dunbrack Study area to be considered only under a comprehensive planning review approach.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the Municipal Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation. Engagement for this application involved providing information and seeking comments through: the HRM website; posting a sign on the subject properties; mailing letters to residents and property owners in the notification area; and receiving phone calls and emails from residents.

HRM hosted a public open house on February 27, 2020. Over 3,500 notices were mailed out and 35 people attended. After the meeting, staff heard from several residents who did not attend the open house because

of weather conditions that evening. The open house comments are available in Attachment F of the October 15, 2020 staff report.

In general, residents were quite concerned about the scale and height of development being considered. But the most intense concern was traffic and parking as most residents were adamant that lower parking standards, as proposed, were unacceptable and would lead to congestion and parking shortages on local streets.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2020-2021 operating budget for C320 Regional Planning Program.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No further environmental implications are identified at this time.

### **ALTERNATIVES**

Regional Council may choose to:

1. Give First Reading to consider proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland, as set out in Attachments A and B of the staff report to Halifax and West Community Council, dated October 15, 2020, to create a new designation and zone to permit high density redevelopment near Dunbrack and Willett Streets, to amend the zoning for low-density residential properties to better match existing development, and to rezone parkland to the Park and Institutional Zone, and schedule a public hearing. A decision of Council to approve MPS amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland, as set out in Attachments A and C of this report, to:
  - a. create a new designation and zone to permit high density redevelopment only on 210-214 Willett Street, Halifax;
  - b. rezone select R-4 Zoned properties within the Dunbrack Study area to reflect current uses, as shown on Attachment C-1; and
  - c. require all future MPS and LUB amendments in and adjacent to the Study area to be considered through a comprehensive review process, such as the Regional Plan or Plan and By-law Simplification Program (Suburban Plan) and schedule a public hearing.
3. Direct the CAO to prepare a different set of amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland. If this alternative is chosen, specific direction regarding the requested modifications is required and a supplementary report may be needed. A decision of

Council to approve MPS amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

4. Refuse the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Mainland. A decision of Regional Council to refuse the proposed amendments cannot be appealed to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

### Map 1 Study Area and Commercial Properties

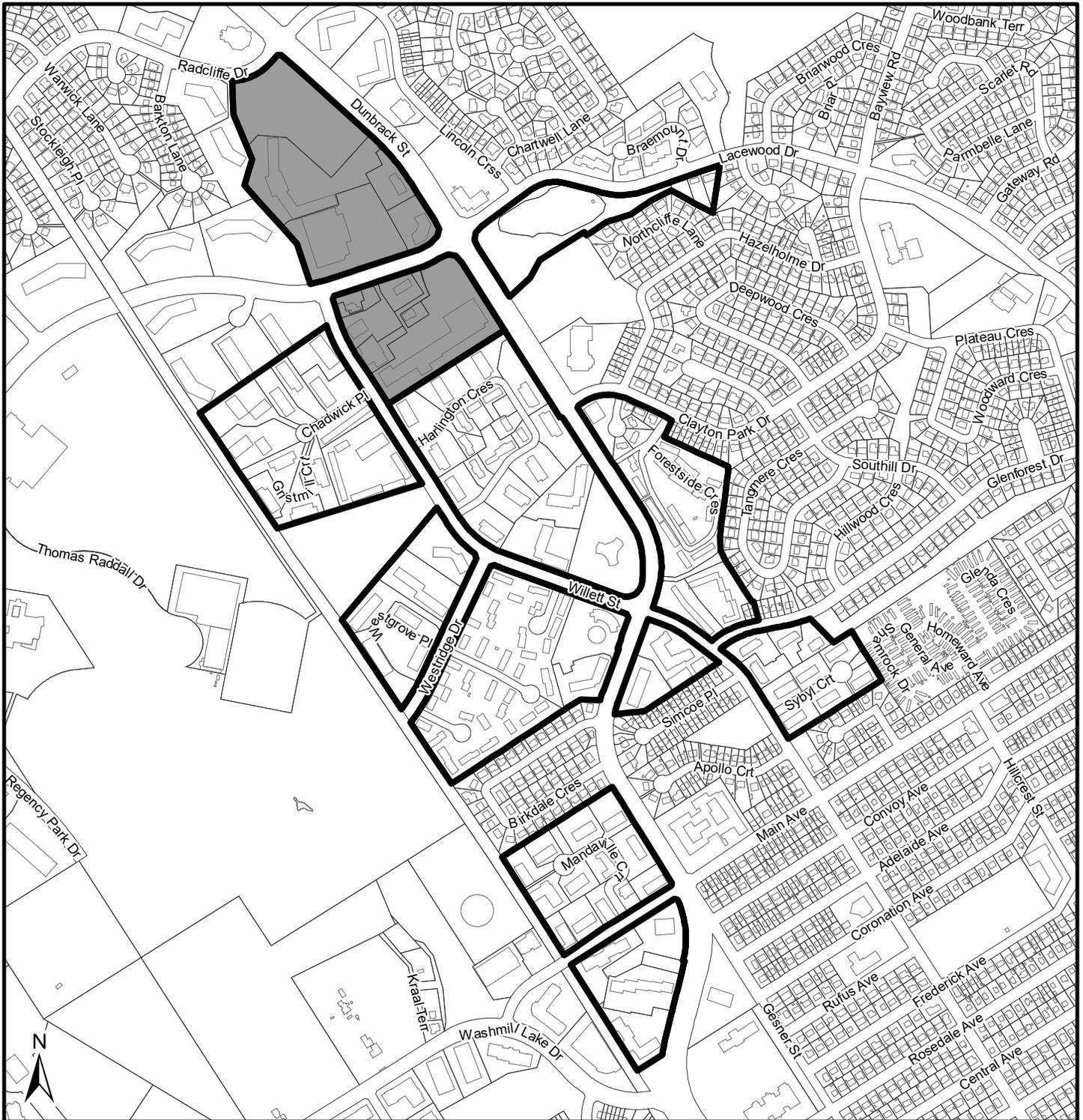
Attachment A	Revised Municipal Planning Strategy Amendment – HWCC Recommendation
Attachment B	Revised Land Use By-law Amendment – HWCC Recommendation
Attachment C	Revised Land Use By-law Amendment (Alternative 2)

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Sean Gillis, Planner II, 902.297.3424.

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**Map 1 – Dunbrack Study Area and Adjacent Commercial Properties**



Dunbrack Corridor

-  Study Area
-  Commercial Properties



Halifax  
Plan Area

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

## Attachment A

### Amendments to the Municipal Planning Strategy for Halifax

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

1. By amending Map 9 of the Halifax Municipal Planning Strategy to re-designate certain land from Residential Environments to Dunbrack Multi Unit Designation, as shown on Attachment A-1.
2. By adding the following text and policies to Section II, City-wide Objectives and Policies, immediately below policy 2.18.2:

**2.19.1 Dunbrack Multi Unit Designation: The area adjacent Dunbrack Street and Willett Street has a mix of multi-unit residential buildings, including some towers. Many buildings were built in the 1960s and 1970s. Major shopping centres are nearby; parks, libraries, schools and recreation centres are all within an approximately 10-minute walk. The area is served by frequent transit.**

For several reasons, more growth and higher density are desirable in this area. First, the Regional Plan identifies this area as part of the Clayton Park West Growth Centre, where development is encouraged. Second, there are a number of services in the immediate area. Third, HRM's Rapid Transit Strategy endorses Dunbrack Street and Lacewood Drive as potential bus rapid transit corridors. Finally, new development is an opportunity to create pedestrian oriented buildings.

The Dunbrack Multi Unit (DMU) Designation is designed to permit transit oriented, walkable, mixed-use development at 210 & 214 Willett Street. This large site can provide adequate buffering between any new development and the existing neighbouring low-rise housing. In addition, the site is at a prominent intersection with wide streets, where high-rise buildings are appropriate.

- 2.19.2 Council shall establish the Dunbrack Multi Unit (DMU) Designation, which is shown on Map 9: Generalized Future Land Use. The goal of the designation is to enable new, larger buildings that contain a mix of uses, subject to design standards, to create more walkable neighbourhoods. The Designation will only be applied to the properties at 210 & 214 Willett Street.**
- 2.19.3 Regulating Development Through the R-4B Zone: To regulate development in the Dunbrack Multi Unit Designation, Council shall establish the R-4B (Dunbrack Multi Unit) Zone, which is shown on Map ZM-1: Zoning, in the Land Use By-law for Halifax Mainland.**
- 2.19.4 Heights in the R-4B Zone are regulated on Map ZM-34, Maximum Height in the Dunbrack Multi Unit Zone, in the Land Use By-law for Halifax Mainland.**
- 2.19.5 The R-4B Zone shall regulate:**
  - a) building setbacks;

- b) building dimensions, including streetwall size, step-backs and tower dimensions;
- c) streetwall design and appropriate ground floor uses;
- d) location and design of pedestrian spaces;
- e) landscaping;
- f) setbacks and buffers between different uses; and
- g) parking and vehicle access.

2.19.6 The R-4B Zone shall permit the following uses:

- a) apartment houses;
- b) townhouses;
- c) work-live units and home occupations;
- d) retail, office and other commercial uses;
- e) cultural and institutional uses; and
- f) parks and open spaces.

2.19.7 Site Design and Site Layout: The area's spacious, treed character is important to residents. The R-4B Zone requires front yards that complement this character. Site design shall also create pedestrian oriented places, with buildings near the street.

2.19.8 The R-4B Zone shall regulate site and building design as follows:

- a) building setbacks: buildings' streetwalls shall be located in close proximity to the street to provide a balance between creating enclosure for pedestrians and allowing for a front yard with lawns and trees;
- b) parking: parking lots or structures shall be located either beside or behind the buildings;
- c) pedestrian paths: paths shall connect building entrances to the public sidewalk.
- d) establishing maximum building heights between 6 storeys (20 metres) and 17 storeys (50 metres); and
- e) requiring buildings adjacent to single unit dwellings, two-unit dwellings or townhomes to transition to these uses through appropriate setbacks.

2.19.9 Council intends to consider new planning policy for areas near Willett Street, Lacewood Drive, Dunbrack Street, and commercially zoned properties south of Radcliff Street and adjacent to Dunbrack Street **only through a comprehensive planning process. This will happen through the ongoing Regional Plan review and the Plan and By-law Simplification Program. Comprehensive planning will enable Council to consider appropriate building forms and building sizes throughout this area, as opposed to on a site by site basis. Comprehensive planning will also enable Council to carefully consider how best to create and support a walkable, mixed-use neighbourhood, including consideration of:**

- a) appropriate building heights, building forms, and site design;
- b) wind and shadow analysis;
- c) the impact on traffic, including from full build-out of potential development;
- d) improving transition to lower density properties, including appropriate setbacks and side yards;
- e) revising parking standards;
- f) requiring a greater portion of dwelling units to have two or more bedrooms;
- g) proposing better active transportation routes and new public green space;

- h) creating a density bonus regime like that used in the Centre Plan to fund local area improvements and affordable housing;**
- i) options for inclusionary zoning; and**
- j) commercial space, including the quantity, form and use.**

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Halifax, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day \_\_\_ of \_\_\_\_\_, 2021.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day \_\_\_ of \_\_\_\_\_, 2021.

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Municipal Clerk



## Attachment A-1: MPS Amendments

Dunbrack – Willett Corridor, Halifax

 Area proposed to be redesignated from Residential Environments to Dunbrack Multi Unit

### Designation

COM Commercial  
RES Residential Environments



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

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

**Attachment B**  
**Amendments to the Land Use By-law for Halifax Mainland**

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

1. By amending Map ZM-1, Halifax Mainland Land Use By-law, Zoning (North Section), as shown on Attachment B-1.
2. By adding a new map, Map ZM-34, Maximum Height in the Dunbrack Multi Unit Zone, as shown on Attachment B-2.
3. By amending the “TABLE OF CONTENTS” by adding the words “**R-4B Zone: DUNBRACK MULTI UNIT ZONE**” after the words “R-C1 ZONE” and renumber accordingly.
4. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Front Yard”:  
**“Full Cut-Off Light Fixture” means a lighting fixture that projects all of its light in a downward direction;**  
**“Grade-Related Unit” means dwelling unit within a multi-unit dwelling or apartment house use that is accessible by pedestrians from a private entrance that fronts and faces a streetline;**
5. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Gross Lot Area”:  
**“Ground Floor” means the first-floor level of the building;**
6. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Massage Parlour”:  
**“Medical Clinic” means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinics, dentistry, optometry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.**  
**“Mid-Rise Portion” means the portion of a building that exceeds the height of the streetwall but is less than a height of 26 metres from average grade.**
7. By amending Section 2 “DEFINITIONS” by adding the following new definition after the definition for “Stacked Townhouse”:  
**“Stepback” means a horizontal recess, prescribed by this By-law, that breaks the vertical plane of an exterior wall on a main building.**
8. By Amending Section 2 “DEFINITIONS” by adding the following new definition after the defition for “Streetwall Height”:  
**“Streetwall Portion” means a section of a streetwall that is no greater than eight metres in width.**
9. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Structure”:

**“Studio Use” means the commercial use of space for artistic purposes with or without instruction, such as artists’ studios and musical conservatories, excluding any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.**

**“Tower Portion” means the portion of a building that exceeds a height of 26 metres from average grade.**

10. By amending Section 2 “DEFINITIONS” by adding the following new definition after the definition for “Wetland Areas”:

**“Work-Live Unit” means a grade-related unit where a commercial use is permitted in the same dwelling unit but does not include a home occupation use.**

By amending Subsection 16(1) by adding the words “R-4B Dunbrack Multi Unit Zone” immediately below the words “RC-1 Neighbourhood Commercial Zone” as shown below in bold:

16(1) The following classes of use zones are established:

R-1 Single Family Dwelling Zone

R-2 Two Family Dwelling Zone

R-2P General Residential Zone

R-2T Townhouse Zone R-2AM General Residential Conversion Zone

R-3 Low-Rise Apartment Zone R-4 Multiple Dwelling Zone

RC-1 Neighbourhood Commercial Zone

**R-4B Dunbrack Multi Unit Zone**

11. By amending Section 16(2) by adding the word and comma “**R-4B,**” following the word and comma “R-C1,” and before the word “C-1” as shown in **bold** below:

16(2) 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, **R-4B,** C-1, C-2A, C-2B, C-2C, C-2D, 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.

12. By adding the following new zone after the RC-1 (Neighbourhood Commercial) Zone, as shown below in **bold**:

### **R-4B Zone: Dunbrack Multi Unit Zone**

**34B1 The following uses shall be permitted in the R-4B Zone:**

- a) **apartment houses**
- b) **townhouses;**
- c) **home occupation uses;**
- d) **daycares;**
- e) **work-live units;**
- f) **public parks and community facilities;**
- g) **uses permitted in the C-2C Zone, except;**
  - (i) **lounges, and,**
  - (ii) **gas stations or service stations; and**
- h) **any use accessory to any of the foregoing uses.**

- 34B2 No person shall in any R-4B 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 Section 34B1.
- 34B3 Townhouses shall comply with the requirements of the R-2T zone.
- 34B4 C-2C Zone uses shall be limited to a maximum floor area of 4000 square metres per lot.
- 34B5 Apartment houses shall not exceed a density of 325 units per hectare.

## **REQUIREMENTS**

### **HEIGHT**

- 34B6 Building height shall not exceed the maximum height as shown on Map ZM-34, Maximum Height in the Dunbrack Multi Unit Zone. Elevator enclosures and mechanical penthouse may exceed the maximum height of the building, provided they:
- a) are setback from the roof edge a minimum of 5 metres;
  - b) do not exceed 5.5 metres above the maximum building height; and
  - c) are limited to a maximum area of 30 percent of the total area of the roof on which they are located.

### **LOT COVERAGE**

- 34B7 The maximum lot coverage shall be 75 percent.

### **TOWER SIZE, SEPARATION DISTANCE AND STEPBACKS**

- 34B8 The tower portion of a building shall not exceed:
- a) a building depth or building width of 35.0 metres; and
  - b) a floor area of 750 square metres per floor.
- 34B9 Any tower portion of a building shall be separated by a minimum distance of 25 metres from any other tower portion of a building on the same lot.
- 34B10 Any tower portion of a building shall have a setback of at least 12.5 metres from any rear lot line or from any side lot line.

### **STREETWALL HEIGHT AND STEPBACKS**

- 34B11 For buildings with a streetwall width of no greater than 8 metres, a building's maximum streetwall height shall be 11 metres.
- 34B12 For buildings with a streetwall width of more than 8 metres, the height of the streetwall shall be measured in streetwall portions no wider than 8 metres, and separate heights shall be determined at the centre point of each streetwall portion. The maximum height of each streetwall portion shall be 11 metres.

- 34B13** Subject to Section 34B15:
- a) any mid-rise portion of a building shall have a streetwall stepback above its maximum streetwall height of at least 3 metres; and
  - b) any tower portion of a building shall have a streetwall stepback above its maximum streetwall height of at least 4.5 metres.
- 34B14** Subject to Section 34B15, a building shall have a stepback above its maximum streetwall height of at least 3 metres for building walls that face a property zoned R-1 or R-2 Zones.
- 34B15** No streetwall stepback is required for up to 20% of the building width along either a front or flanking lot line.

**SITE LAYOUT: PARKING: PATHS: AND BUILDING ENTRANCES**

- 34B16** Development shall meet the following requirements:
- a) parking: surface parking lots or above ground parking structures shall only be placed in rear yards or side yards. Subject to Section 34B38, parking lots or structures placed in a side yard shall be at least 9 metres from the public street and shall have a maximum width of 12 metres;
  - b) pedestrian paths: walkways shall connect all building entrances to a public sidewalk or to a public street; and
  - c) building entrances: where buildings are abutting a public street, the main building entrance shall face the street and be visible from the street.

**BUILDING SETBACKS AND STREETWALL DIMENSIONS**

- 34B17** Buildings shall have:
- a) a minimum front or flanking setback of 5 metres;
  - b) a maximum front or flaking setback of 9 metres;
  - c) minimum side and rear setbacks of 5 metres; and
  - d) subject to 34B17 e, a minimum rear or side setback of at least 10 metres for apartment houses on lots which abut any R-1 or R-2 zones;
  - e) a setback of at least 18 metres from properties zoned R-2T; and
  - f) a setback of at least 30 metres from properties zoned R-2T for any portion of a main building within 100 metres of Willett Street.
- 34B18** Subject to Section 34B17, below the height of the streetwall, for any portions of a main building at least 0.6 metres above the average finished grade, no streetwall may be more than 64 metres wide along any streetline.
- 34B19** Below the height of the streetwall, for any portions of a main building at least 0.6 metres above the average finished grade, the streetwall may exceed 64 metres in width, up to 88 metres in width along one streetline, where:
- a) all setbacks, separation distances, and stepbacks are met;
  - b) no more than two towers are placed on the same podium;
  - c) above the streetwall, no dimension of a tower exceeds a width of 21.5 metres facing one streetline; and
  - d) a section of the streetwall at least 16 metres in length and extending the full height of the streetwall, shall be recessed at least 6 metres.

### **LANDSCAPING AND BUFFERING**

- 34B20** Buildings erected, altered, or used for apartment house uses in an R-4B Zone shall comply with the following requirements:
- a) where a rear or side yard abuts any R-1 or R-2 Zone, the required yard shall be landscaped and a 1.9 metre high wooden or stone fence or opaque hedge shall be provided along the abutting property line;
  - b) the landscaped area shall be grassed, or alternatively, water features or natural ground covers such as stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliper) and three (3) shrubs per 4.5 metres of property line next to the yard; and
  - c) any existing tree in a required landscaped buffer may be counted as 2 trees toward the requirements of Clause 34B20 (b).
- 34B21** For the purposes of Section 34B20, the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground floor area of the existing building by at least 20%.

### **RESIDENTIAL UNIT MIX**

- 34B22** At least 25% of all dwelling units in a new apartment house use, rounded up to the nearest whole number, shall contain at least two bedrooms.

### **SIGNS**

- 34B23** Any person(s) carrying on a commercial use permitted in the R-4B Zone may place, upon the front of the building, signage that complies with the following:
- a) where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
  - b) fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
  - c) maximum combined size of fascia signs shall be no greater than 10 percent of the total area of the wall to which they are affixed;
  - d) aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
  - e) signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and
  - f) no signs shall be permitted on the roof of a building.

### **BALCONIES**

- 34B24** Apartment house uses shall comply with the following requirement:
- a) no balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units located at grade.

- 34B25** Balconies, unenclosed porches, verandas, canopies, and awnings may project into any required yard, setback, stepback, or separation distance by up to:
- a) 1.5 metres from any exterior wall at the ground floor; or
  - b) 2.0 metres from any exterior wall at the second storey or above, provided that the total horizontal width of the balconies on any one storey is not more than 40 percent of the width of the building wall.

#### **EXTERNAL BUILDING MATERIALS**

- 34B26** The following external cladding materials shall be prohibited for new buildings:
- 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.

#### **GROUND FLOOR USES AND DESIGN**

- 34B27** Grade-related units, work-live units or a combination of the two shall be required on the ground floor of building walls that face a public street when:
- a) ground floor walls are within 9 metres of the public street; and
  - b) residential uses make up more than 50% of the width of the ground floor wall that faces the street.
- 34B28** At least 70% of the ground floor of a building facing a streetline shall:
- a) commence no lower than 0.6 metres below the streetline grade, and
  - b) not commence any higher than 0.6 metres above the streetline grade.
- 34B29** For grade-related unit uses in the streetwall, between 25% and 80% of each unit's ground floor façade shall consist of clear glass glazing.
- 34B30** For at-grade commercial uses in the streetwall, between 50% and 80% of the building's ground floor façade dedicated to commercial uses shall consist of clear glass glazing.

#### **WORK-LIVE UNITS**

- 34B31** Work-live units shall:
- a) only permit the following commercial uses:
    - (i) studio uses,
    - (ii) office uses,
    - (iii) medical clinic uses,
    - (iv) personal service uses, and

(v) the retail of products produced on the premises or associated with a service provided on the premises;

b) only use a maximum of 50% of the total floor area for commercial use purposes, up to a maximum of 140 square metres; and

c) locate the commercial use on a ground floor.

**34B32** The principal operator of a business within a work-live unit shall reside in the unit and may have up to three non-resident employees.

### **AMENITY SPACE**

**34B33** Apartment house uses shall provide amenity space at a rate of 5 square metres per unit in the form of unit patios, unit balconies or terraces, outdoor amenity space and interior amenity space, as follows:

a) interior amenity space shall include one of the following common elements: a fitness room of a minimum size of 40 square metres, or a community room of a minimum size of 40 square metres; and

b) outdoor amenity space shall include at least one of the following common elements: a rooftop patio or deck of a minimum size of 40 square metres or an at grade, private open space of a minimum size of 40 square metres.

**34B34** At-grade private open spaces with a contiguous area of 15 square metres or greater shall provide barrier-free access and permanent seating.

**34B35** At-grade private open spaces with a contiguous area of 15 square metres or greater shall provide one or more of the following materials for groundcover:

a) vegetation;

b) brick pavers, stone pavers, or concrete pavers; or

c) wood or wood-like materials.

**34B36** At-grade private open spaces that abut public sidewalks shall provide pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide, from the at-grade private open space to the public sidewalk.

### **PARKING**

**34B37** Buildings erected, altered or used for R-4B uses in an R-4B Zone shall comply with the following requirements:

a) notwithstanding subsection 9(d), no minimum parking requirements shall apply to retail, service, office and restaurant uses;

b) notwithstanding subsection 9(a), parking for residential uses shall be provided at the ratio of 0.7 spaces per dwelling unit.

c) where parking requirements result in a fraction, the requirement shall be rounded down to the nearest whole number.

**34B38** Parking lots or parking structures that are in a side yard shall be screened from view by a 1 metre to 1.5 metre high wooden or stone fence, or row of shrubs that is parallel to the street. Gaps in the fence or row of shrubs are permitted for driveways or walkways.

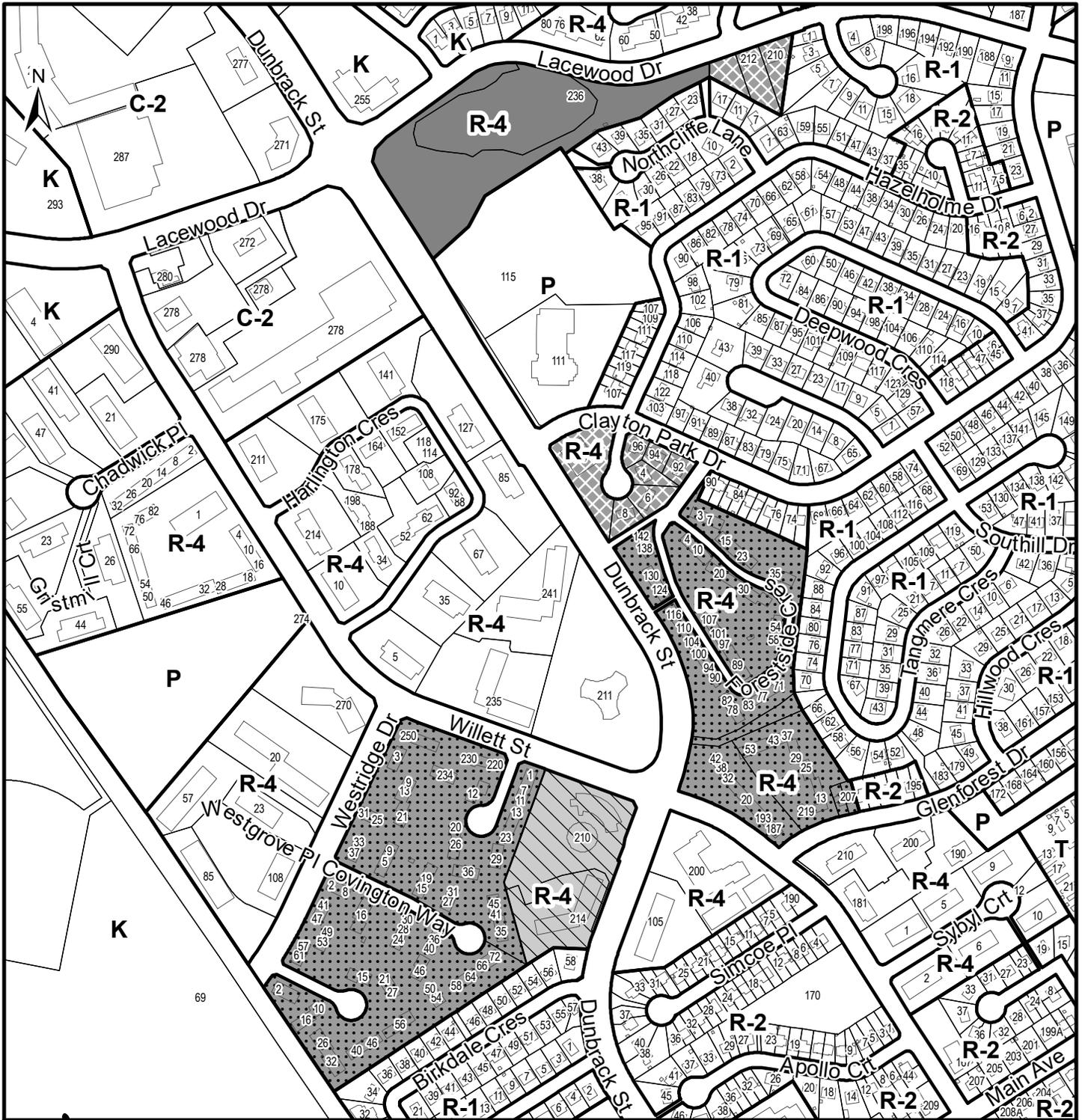
**OUTDOOR LIGHTING**

**34B39** All outdoor lighting shall be oriented in such a manner that it is directed away from adjacent properties and public right of ways.

**34B40** All outdoor lighting, other than ground level lighting for pathways, shall be equipped with full cut-off light fixtures.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland as set out above, was passed by a majority vote of the maximum number of members that may be elected to Halifax Regional Council, at a meeting held on the [DATE] day of [MONTH], [YEAR].

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_ day of \_\_\_\_\_, 2021.



### Attachment B-1: LUB Amendments

Dunbrack – Willett Corridor, Halifax

- |  |  |  |  |
|--|--|--|--|
|  | Area proposed to be rezoned from R-4 (Multiple Dwelling) to R-2T (Townhouse)                         |  | Area proposed to be rezoned from R-4 (Multiple Dwelling) to R-1 (Single Family Dwelling) |
|  | Area proposed to be rezoned from R-4 (Multiple Dwelling) to Proposed Zone R-4B (Dunbrack Multi-Unit) |  | Area proposed to be rezoned from R-4 (Multiple Dwelling) to P (Park and Institutional)   |

- Zone**
- C-1 Local Business
  - C-2 General Business
  - K Schedule K
  - P Park and Institutional
  - R-1 Single Family Dwelling
  - R-2 Two Family Dwelling
  - R-4 Multiple Dwelling
  - T Mobile Home Park

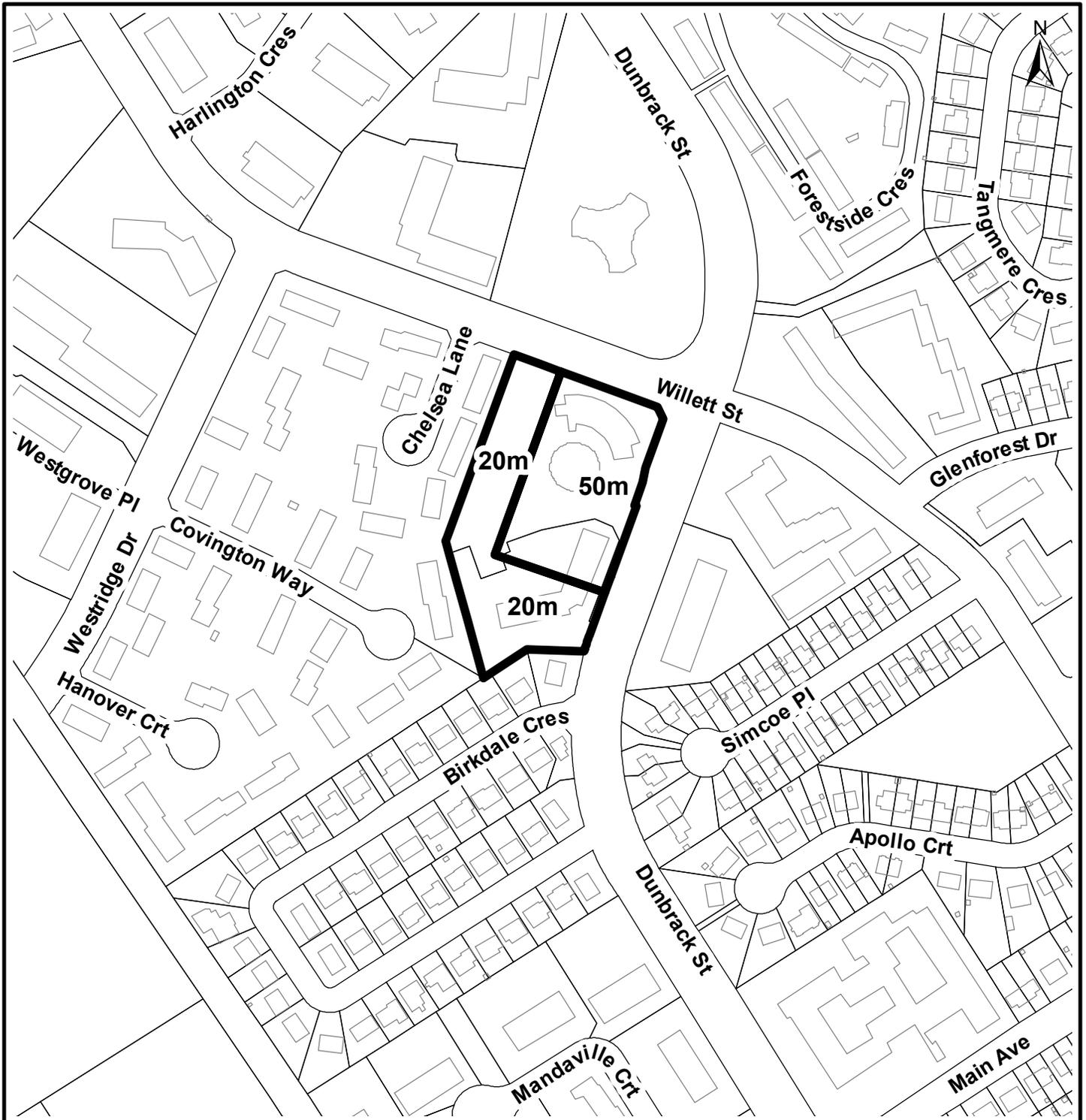
# HALIFAX



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

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

Halifax Mainland Land Use By-law Area



**Attachment B-2: ZM-34 Maximum Height in the Dunbrack Multi Unit Zone**

**HALIFAX**

 Maximum Heights Precinct (metres)



**Attachment C**  
**Amendments to the Land Use By-law for Halifax Mainland**

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

1. By amending Map ZM-1, Halifax Mainland Land Use By-law, Zoning (North Section), as shown on Attachment C-1.
2. By adding a new map, Map ZM-34, Maximum Height in the Dunbrack Multi Unit Zone, as shown on Attachment C-2 .
3. By amending the “TABLE OF CONTENTS” by adding the words “**R-4B Zone: DUNBRACK MULTI UNIT ZONE**” after the words “R-C1 ZONE” and renumber accordingly.
4. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Front Yard”:  
**“Full Cut-Off Light Fixture” means a lighting fixture that projects all of its light in a downward direction;**  
**“Grade-Related Unit” means dwelling unit within a multi-unit dwelling or apartment house use that is accessible by pedestrians from a private entrance that fronts and faces a streetline;**
5. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Gross Lot Area”:  
**“Ground Floor” means the first-floor level of the building;**
6. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Massage Parlour”:  
**“Medical Clinic” means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinics, dentistry, optometry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.**  
**“Mid-Rise Portion” means the portion of a building that exceeds the height of the streetwall but is less than a height of 26 metres from average grade.**
7. By amending Section 2 “DEFINITIONS” by adding the following new definition after the definition for “Stacked Townhouse”:  
**“Stepback” means a horizontal recess, prescribed by this By-law, that breaks the vertical plane of an exterior wall on a main building.**
8. By Amending Section 2 “DEFINITIONS” by adding the following new definition after the defition for “Streetwall Height”:  
**“Streetwall Portion” means a section of a streetwall that is no greater than eight metres in width.**
9. By amending Section 2 “DEFINITIONS” by adding the following new definitions after the definition for “Structure”:

**“Studio Use” means the commercial use of space for artistic purposes with or without instruction, such as artists’ studios and musical conservatories, excluding any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.**

**“Tower Portion” means the portion of a building that exceeds a height of 26 metres from average grade.**

10. By amending Section 2 “DEFINITIONS” by adding the following new definition after the definition for “Wetland Areas”:

**“Work-Live Unit” means a grade-related unit where a commercial use is permitted in the same dwelling unit but does not include a home occupation use.**

By amending Subsection 16(1) by adding the words “R-4B Dunbrack Multi Unit Zone” immediately below the words “RC-1 Neighbourhood Commercial Zone” as shown below in bold:

16(1) The following classes of use zones are established:

R-1 Single Family Dwelling Zone

R-2 Two Family Dwelling Zone

R-2P General Residential Zone

R-2T Townhouse Zone R-2AM General Residential Conversion Zone

R-3 Low-Rise Apartment Zone R-4 Multiple Dwelling Zone

RC-1 Neighbourhood Commercial Zone

**R-4B Dunbrack Multi Unit Zone**

11. By amending Section 16(2) by adding the word and comma “**R-4B,**” following the word and comma “R-C1,” and before the word “C-1” as shown in **bold** below:

16(2) 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, **R-4B,** C-1, C-2A, C-2B, C-2C, C-2D, 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.

12. By adding the following new zone after the RC-1 (Neighbourhood Commercial) Zone, as shown below in **bold**:

### **R-4B Zone: Dunbrack Multi Unit Zone**

**34B1 The following uses shall be permitted in the R-4B Zone:**

- a) **apartment houses**
- b) **townhouses;**
- c) **home occupation uses;**
- d) **daycares;**
- e) **work-live units;**
- f) **public parks and community facilities;**
- g) **uses permitted in the C-2C Zone, except;**
  - (i) **lounges, and,**
  - (ii) **gas stations or service stations; and**
- h) **any use accessory to any of the foregoing uses.**

- 34B2 No person shall in any R-4B 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 Section 34B1.
- 34B3 Townhouses shall comply with the requirements of the R-2T zone.
- 34B4 C-2C Zone uses shall be limited to a maximum floor area of 4000 square metres per lot.
- 34B5 Apartment houses shall not exceed a density of 325 units per hectare.

## **REQUIREMENTS**

### **HEIGHT**

- 34B6 Building height shall not exceed the maximum height as shown on Map ZM-34, Maximum Height in the Dunbrack Multi Unit Zone. Elevator enclosures and mechanical penthouse may exceed the maximum height of the building, provided they:
- a) are setback from the roof edge a minimum of 5 metres;
  - b) do not exceed 5.5 metres above the maximum building height; and
  - c) are limited to a maximum area of 30 percent of the total area of the roof on which they are located.

### **LOT COVERAGE**

- 34B7 The maximum lot coverage shall be 75 percent.

### **TOWER SIZE, SEPARATION DISTANCE AND STEPBACKS**

- 34B8 The tower portion of a building shall not exceed:
- a) a building depth or building width of 35.0 metres; and
  - b) a floor area of 750 square metres per floor.
- 34B9 Any tower portion of a building shall be separated by a minimum distance of 25 metres from any other tower portion of a building on the same lot.
- 34B10 Any tower portion of a building shall have a setback of at least 12.5 metres from any rear lot line or from any side lot line.

### **STREETWALL HEIGHT AND STEPBACKS**

- 34B11 For buildings with a streetwall width of no greater than 8 metres, a building's maximum streetwall height shall be 11 metres.
- 34B12 For buildings with a streetwall width of more than 8 metres, the height of the streetwall shall be measured in streetwall portions no wider than 8 metres, and separate heights shall be determined at the centre point of each streetwall portion. The maximum height of each streetwall portion shall be 11 metres.

- 34B13** Subject to Section 34B15:
- a) any mid-rise portion of a building shall have a streetwall stepback above its maximum streetwall height of at least 3 metres; and
  - b) any tower portion of a building shall have a streetwall stepback above its maximum streetwall height of at least 4.5 metres.
- 34B14** Subject to Section 34B15, a building shall have a stepback above its maximum streetwall height of at least 3 metres for building walls that face a property zoned R-1 or R-2 Zones.
- 34B15** No streetwall stepback is required for up to 20% of the building width along either a front or flanking lot line.

**SITE LAYOUT: PARKING: PATHS: AND BUILDING ENTRANCES**

- 34B16** Development shall meet the following requirements:
- a) parking: surface parking lots or above ground parking structures shall only be placed in rear yards or side yards. Subject to Section 34B38, parking lots or structures placed in a side yard shall be at least 9 metres from the public street and shall have a maximum width of 12 metres;
  - b) pedestrian paths: walkways shall connect all building entrances to a public sidewalk or to a public street; and
  - c) building entrances: where buildings are abutting a public street, the main building entrance shall face the street and be visible from the street.

**BUILDING SETBACKS AND STREETWALL DIMENSIONS**

- 34B17** Buildings shall have:
- a) a minimum front or flanking setback of 5 metres;
  - b) a maximum front or flaking setback of 9 metres;
  - c) minimum side and rear setbacks of 5 metres; and
  - d) subject to 34B17 e, a minimum rear or side setback of at least 10 metres for apartment houses on lots which abut any R-1 or R-2 zones;
  - e) a setback of at least 18 metres from properties zoned R-2T; and
  - f) a setback of at least 30 metres from properties zoned R-2T for any portion of a main building within 100 metres of Willett Street.
- 34B18** Subject to Section 34B17, below the height of the streetwall, for any portions of a main building at least 0.6 metres above the average finished grade, no streetwall may be more than 64 metres wide along any streetline.
- 34B19** Below the height of the streetwall, for any portions of a main building at least 0.6 metres above the average finished grade, the streetwall may exceed 64 metres in width, up to 88 metres in width along one streetline, where:
- a) all setbacks, separation distances, and stepbacks are met;
  - b) no more than two towers are placed on the same podium;
  - c) above the streetwall, no dimension of a tower exceeds a width of 21.5 metres facing one streetline; and
  - d) a section of the streetwall at least 16 metres in length and extending the full height of the streetwall, shall be recessed at least 6 metres.

**LANDSCAPING AND BUFFERING**

- 34B20** Buildings erected, altered, or used for apartment house uses in an R-4B Zone shall comply with the following requirements:
- a) where a rear or side yard abuts any R-1 or R-2 Zone, the required yard shall be landscaped and a 1.9 metre high wooden or stone fence or opaque hedge shall be provided along the abutting property line;
  - b) the landscaped area shall be grassed, or alternatively, water features or natural ground covers such as stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliper) and three (3) shrubs per 4.5 metres of property line next to the yard; and
  - c) any existing tree in a required landscaped buffer may be counted as 2 trees toward the requirements of Clause 34B20 (b).
- 34B21** For the purposes of Section 34B20, the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground floor area of the existing building by at least 20%.

**RESIDENTIAL UNIT MIX**

- 34B22** At least 25% of all dwelling units in a new apartment house use, rounded up to the nearest whole number, shall contain at least two bedrooms.

**SIGNS**

- 34B23** Any person(s) carrying on a commercial use permitted in the R-4B Zone may place, upon the front of the building, signage that complies with the following:
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- a) vinyl;
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a) interior amenity space shall include one of the following common elements: a fitness room of a minimum size of 40 square metres, or a community room of a minimum size of 40 square metres; and

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a) vegetation;

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c) wood or wood-like materials.

**34B36** At-grade private open spaces that abut public sidewalks shall provide pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide, from the at-grade private open space to the public sidewalk.

### **PARKING**

**34B37** Buildings erected, altered or used for R-4B uses in an R-4B Zone shall comply with the following requirements:

a) notwithstanding subsection 9(d), no minimum parking requirements shall apply to retail, service, office and restaurant uses;

b) notwithstanding subsection 9(a), parking for residential uses shall be provided at the ratio of 0.7 spaces per dwelling unit.

c) where parking requirements result in a fraction, the requirement shall be rounded down to the nearest whole number.

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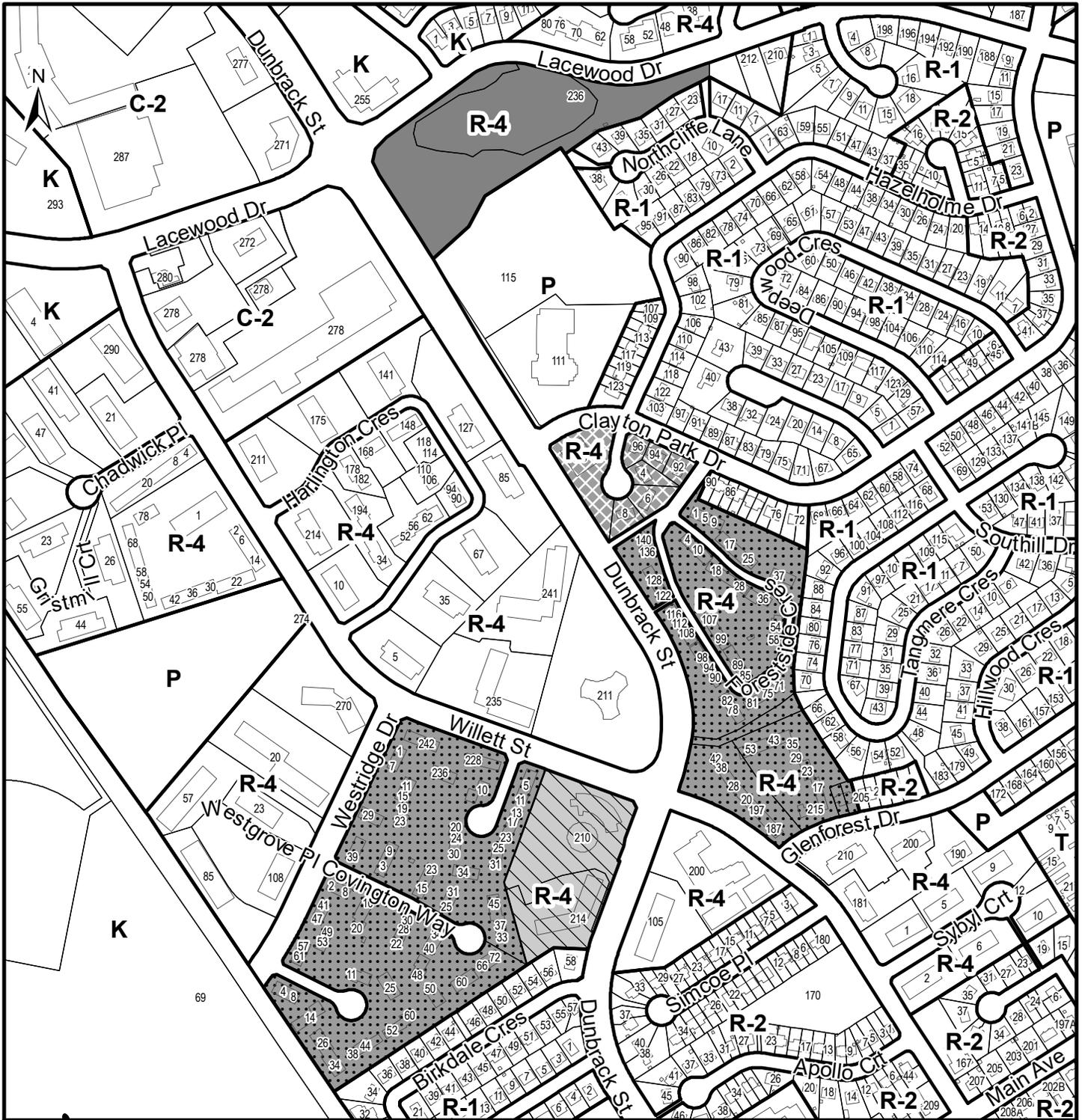
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I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland as set out above, was passed by a majority vote of the maximum number of members that may be elected to Halifax Regional Council, at a meeting held on the [DATE] day of [MONTH], [YEAR].

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_ day of \_\_\_\_\_, 2021.



**Attachment C-1: LUB Amendments**

Dunbrack – Willett Corridor, Halifax

- |  |  |
|--|--|
|  Area proposed to be rezoned from R-4 (Multiple Dwelling) to R-2T (Townhouse)                         |  Area proposed to be rezoned from R-4 (Multiple Dwelling) to R-1 (Single Family Dwelling) |
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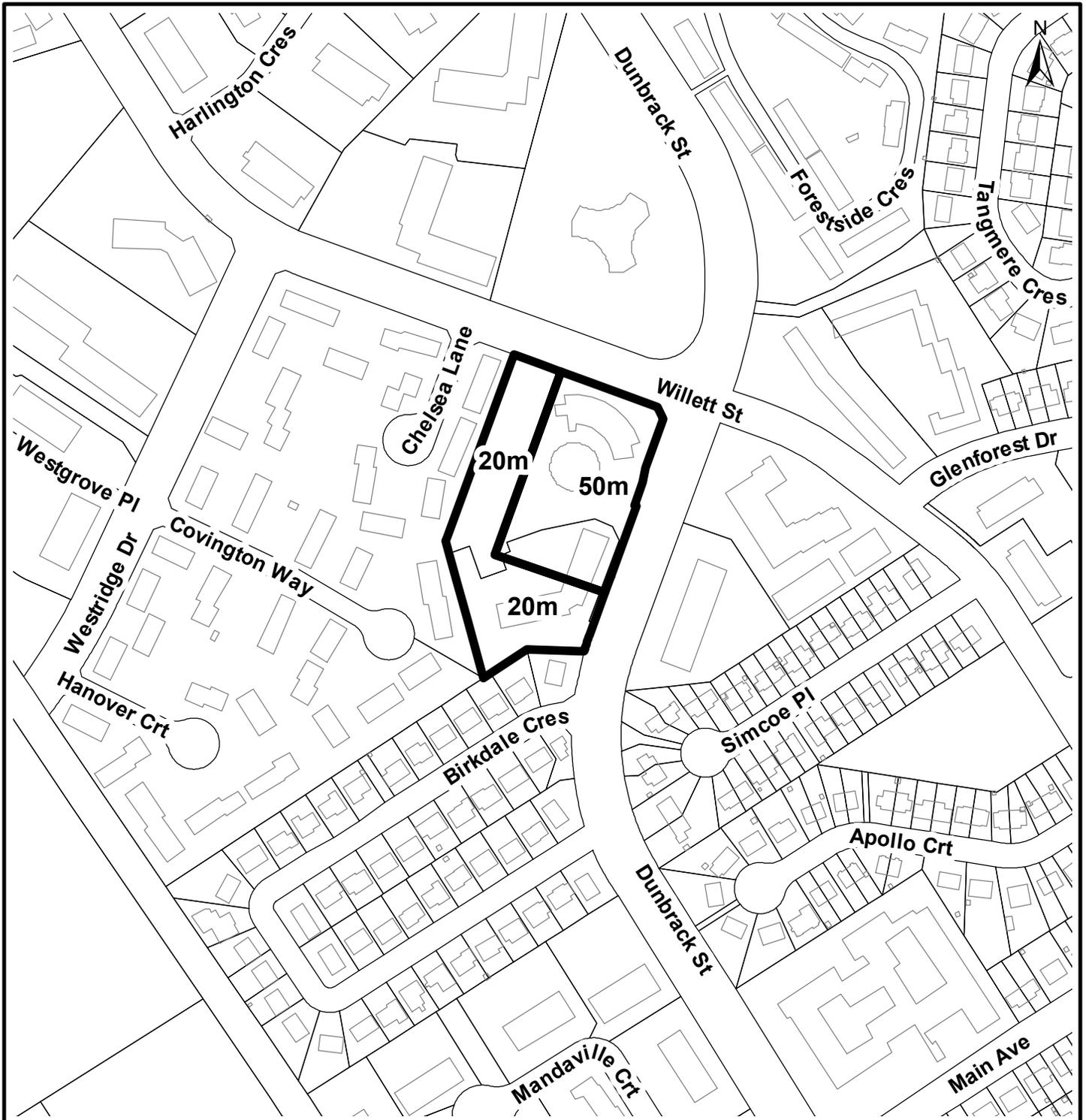
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  - R-4 Multiple Dwelling
  - T Mobile Home Park

**HALIFAX**



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**Attachment C-2: ZM-34 Maximum Height in the Dunbrack Multi Unit Zone**

**HALIFAX**

 Maximum Heights Precinct (metres)

