



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 10.1
Halifax Regional Council
March 7, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: March 1, 2023

SUBJECT: **Cases 22816 and 23245: Amendments to the Halifax MPS and Halifax Mainland LUB – Westerwald Street Study Area and Main Avenue and Titus Street, Halifax – Supplementary Report**

ORIGIN

September 29, 2022 Halifax Regional Council motion (Item 15.1.4):

MOVED by Councillor Morse, seconded by Councillor Mason

THAT Halifax Regional Council give First Reading and schedule a public hearing to consider the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law, as set out in Attachments A and B of the staff report dated September 21, 2022.

September 29, 2022 Halifax Regional Council motion (Item 15.1.4):

MOVED by Councillor Morse, seconded by Councillor Outhit

THAT Item 15.1.4 be deferred pending receipt of a supplemental staff report regarding zoning options/inclusionary zoning for Dutch Village Road in coordination with the interim bonus zoning project.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

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

An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, Respecting Housing, S.N.S. 2022, c. 13, s. 14, as follows:

14 (1) Notwithstanding the Halifax Regional Municipality Charter, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering any planning decision under Part VIII of the Act or a community council is considering any planning decision it is empowered to make under the policy

RECOMMENDATION ON PAGE 2

establishing the community council, the Council or community council may not refer the matter to a planning advisory committee or any other advisory committee of the Council for a recommendation prior to the Council's or the community council's decision on the matter.

- (2) Subsection (1) ceases to have effect three years from the date it comes into force

RECOMMENDATION

It is recommended that Halifax Regional Council amend the motion of September 29, 2022, item 15.1.4, to read as follows:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law, as set out in Attachment A and Attachment B (Revised) of this report.
2. Subject to Council's adoption of the amendments for Case 24063: Interim Incentive or Bonus Zoning Program outside of the Regional Centre, schedule a public hearing to consider the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law, as set out in Attachment A and Attachment B (Revised) of this report.
3. Adopt the proposed amendments to the Halifax MPS and the Halifax Mainland LUB, and as set out in Attachment A and Attachment B (Revised) of this report.
4. Direct the Municipal Clerk to delay posting the notice on the municipal website that the amendments set out in Attachment A and Attachment B (Revised) are in force until such time as the notice is posted that the amendments for Case 24063: Interim Incentive or Bonus Zoning Program outside of the Regional Centre are in force.

BACKGROUND

In September 2022, Regional Council deferred making a decision on proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) for two planning applications, [Case 22816 and 23245](#), pending information and recommendation on the interim bonus zoning project.

This report proposes revised amendments to the Halifax MPS and Halifax Mainland LUB to extend Area D of the Plan Dutch Village Road to the Westerwald Street Study Area and properties on Main Avenue and Titus Street, Halifax. The intent is to apply the Commercial Designation and the C2-C Zone to those properties along with appropriate maximum heights. The proposed amendments also include minor changes to C2-C and R4-A zone standards, as well as references to the Interim Bonus Zoning Schedule in the Halifax Mainland LUB.

Interim Bonus Zoning Project

In September 2021 and as part of the Regional Plan review, Council initiated a process to consider amendments to the Regional Municipal Planning Strategy to establish an Interim Density Bonus Program for land outside of the Regional Centre. The proposed interim bonus program is being presented to Council in a separate report (Case 24063). The proposed framework will include a Regional Plan policy, and amendments to applicable land use by-laws to provide for a consistent approach to require public benefits in plan amendment applications. Given that the two reports are connected, they are being presented to Council concurrently for consideration. However, since the amendments in this report are relying on changes made in Case 24063, the amendments for Case 24063 must be passed by Council **before** the amendments in this report can be passed, and the amendments in Case 24063 must be in force **before** these amendments are in force. Accordingly, staff recommend: (1) that the amendments in this report not

proceed to public hearing until such time as the amendments in Case 24063 have been approved by Council; and (2) the Municipal Clerk be directed to publish notice of these amendments **after** the notice is published for Case 24063.

COMMUNITY ENGAGEMENT

The community engagement processes for this project are consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997, as detailed in the [September 21, 2022 staff report](#). One of the most common concerns identified by residents in the Regional Plan [Themes and Directions - What We Heard Report](#) was the need for additional affordable housing options and to address homelessness, which can be partially supported through the interim bonus zoning program.

DISCUSSION

The MPS is a strategic policy document that sets out the goals and direction for long term growth and development for the municipality. While the MPS provides broad direction, Regional Council may consider amendments to enable proposed development that is inconsistent with MPS policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests.

Amendments should only be considered within the broader planning context and when there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Proposed Amendments

Staff considered the existing MPS policy context and several policy approaches when drafting the proposed MPS and LUB amendments. A summary of the proposed MPS and LUB amendments is detailed in [September 21, 2022 staff report](#).

Attachments A and B of this report include the same Halifax MPS and Halifax Mainland LUB amendments that were before Regional Council on September 29, 2022 and detailed in the [September 21, 2022 staff report](#). However, Attachment B is revised to include an additional amendment to include the subject lands in the new Schedule A of the Halifax Mainland Land Use By-law proposed in the Interim Bonus Zoning Report (the revised Attachment B). This inclusion will ensure that the properties included in this amendment are required to provide bonus zoning public benefits prior to development permit.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations in this report. The HRM costs associated with the processing of this planning application can be accommodated within the approved 2022-2023 operating budget. Should Council approve the revised amendments, the properties subject to the plan amendment application will be required to provide bonus zoning public benefits as outlined in a separate staff report, Case 24063.

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 environmental implications are identified.

ALTERNATIVES

The Halifax Regional Council may choose to:

- 1) Modify the proposed amendments to the Halifax MPS and the Halifax Mainland LUB by not including the subject properties in the amended documents with requirements for interim bonus zoning. This alternative will require Council to consider the original Attachments A and B of the September 21, 2022 staff report.
- 2) Modify the proposed amendments to the Halifax MPS and the Halifax Mainland LUB. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.
- 3) Refuse the proposed amendments to the Halifax MPS and the Halifax Mainland LUB. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Attachment A: Proposed Amendment to the Halifax Municipal Planning Strategy

Attachment B (Revised): Revised Proposed Amendments to the Halifax Mainland Land Use By-law

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

Report Prepared by: Dali Salih, Planner III, Planned Growth, Strategic Projects 902.220.9631
Kasia Tota, Community Policy Program Manager, Regional Planning 902.292.3934

ATTACHMENT A

Proposed Amendment to the Halifax Municipal Planning Strategy

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

1. Map 9C – Fairview Secondary Planning Strategy Generalized Future Land Use shall be amended to re-designate certain lands located along Westerwald Street, and on the corner of Main Avenue and Titus Street, Halifax, from Medium Density Residential (MDR) to Commercial (COM), as shown on Schedule A-1 attached hereto.
2. Map 9C(1) - Plan Dutch Village Road Overview Map shall be deleted in its entirety and replaced with Map 9C(1) as shown on Schedule A-2 attached hereto, to include certain lands along Westerwald Street, and on the corner of Main Avenue and Titus Street, Halifax, into Area D. .
3. Policy 2A.2. in the Commercial Designation of Section 2A. PLAN DUTCH VILLAGE ROAD, shall be amended, as shown in ~~strikeout~~ and **bold** below, by:
 - a. deleting the word “and” after the words “Titus Street, and before the words “Alma Crescent”, and replacing it with a comma; and
 - b. adding the commas and words “, Main Avenue, Westerwald Street, and Melrose Avenue” after the words “Alma Crescent” and before the words “shall be designated”.

Commercial Designation


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


I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Halifax Regional Council held on **[DATE]**, 2022.

Iain MacLean
Municipal Clerk



Schedule A-1

 Area to be Re-designated from MDR (Medium Density Residential) to COM (Commercial)

 Fairview Secondary Plan

Halifax Plan
 Fairview Secondary Plan
 Regional Centre Plan

Fairview Secondary Plan Designations

- LDR Low Density Residential
- MDR Medium Density Residential
- CF Community Facilities
- COM Commercial

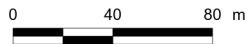
Halifax Plan Designations

- RES Residential Environments

Regional Centre Plan Designations

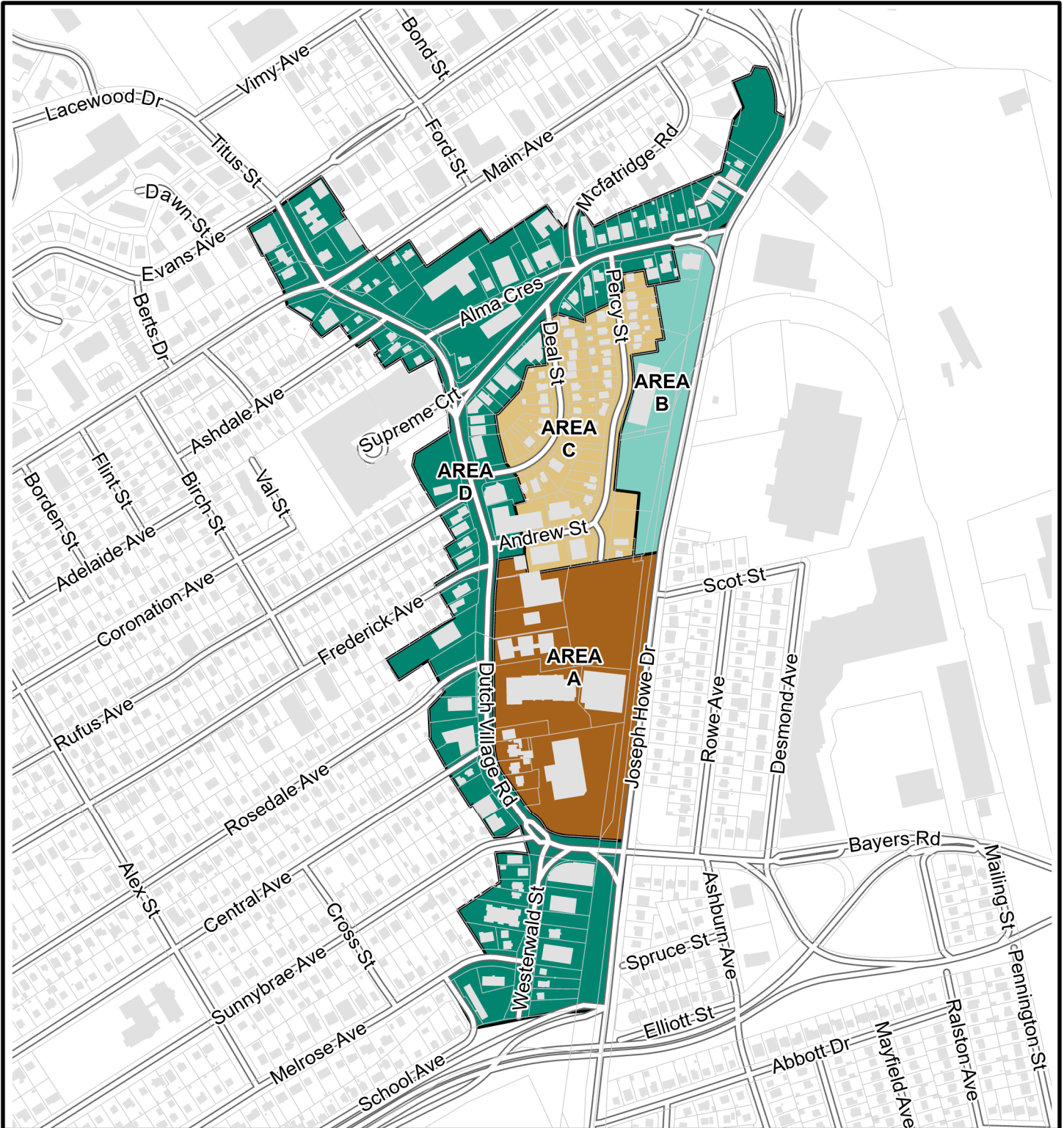
- ER Established Residential
- HR Higher-Order Residential

HALIFAX



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

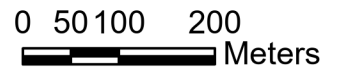
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**Map 9C(1) Plan Dutch Village Road
Overview Map**

HALIFAX

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



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

ATTACHMENT B (REVISED)

Revised Proposed Amendments to the Halifax Mainland Land Use By-law

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

1. Schedule A, Table 1 by amending the first row under the column names by adding the following words, colons, commas, dashes, and numbers # to the table indicated in **bold** as follows

Schedule A, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PID #s
1	Cases 22816 and 23245: Amendments to the Halifax MPS and Halifax Mainland LUB – Westerwald Street Study Area and Main Avenue and Titus Street, Halifax – Supplementary Report	PID #: 00198523, 00198531, 00198549, 00198564, 00198572, 00198580, 00198598, 00198606, 00198242, 00189795, 00189548, 00189761, 41260936, 00189571, 00189589, 00189597, 00189605, 00180489, 00180018, 00180026, 00180034

2. Map ZM-1: Zoning is amended to rezone certain lands in Fairview from R-2AM (General Residential Conversion) and R-2P (General Residential) to C-2C (Dutch Village Road Mixed Use) Zone, as shown on Schedule B-1 attached hereto.
3. Map ZM-28: Plan Dutch Village Road Overview Map is deleted in its entirety and replaced with Map ZM-28: Plan Dutch Village Road Overview Map as set out in Schedule B-2 attached hereto.
4. Map ZM-31: Plan Dutch Village Road Street Wall Height Map is deleted in its entirety and replaced with Map ZM-31: Plan Dutch Village Road Street Wall Height Map as set out in Schedule B-3 attached hereto.
5. Map ZM-32: Plan Dutch Village Road Height Map is deleted in its entirety and replaced with Map ZM-32: Plan Dutch Village Road Height Map as set out in Schedule B-4 attached hereto.
6. Map ZM-29: Plan Dutch Village Road Buildings May Exceed Maximum Building Depth Map is deleted in its entirety and replaced with Map ZM-29: Plan Dutch Village Road Buildings May Exceed Maximum Building Depth Map as set out in Schedule B-5 attached hereto.
7. Subsection 34AAB of the R-4A (Dutch Village Road Multi Unit) Zone is amended by adding the clause (k) and the words “The minimum front yard and flankage yard setback shall be 2.5 metres, and the maximum front yard and flankage yard setback shall be 6 metres.” after clause (j), as shown in below in **bold**:

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

- (a) The minimum lot frontage shall be 10.7 metres;
 - (b) The maximum building depth shall be 25 m;
 - (c) Notwithstanding clause 34AAB(1) (b), a building may exceed the maximum building depth, provided:
 - (i) the height of the remainder of the building does not exceed 9 m where abutting a C-2C zone or 3 m where abutting a residential zone;
 - (ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building; and
 - (iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth;
 - (d) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map;
 - (e) The portion of the building above the streetwall height, shall be setback 5m from the side lot line;
 - (f) The portion of the building above the streetwall height, shall be stepped back 2m from the exterior walls, on all sides of the building;
 - (g) The streetwall shall extend a minimum of 65 percent of the lot line. Where located on a corner lot, the streetwall shall extend 65 percent of the lot frontage for both streets;
 - (h) The maximum lot coverage shall be 75 percent;
 - (i) The minimum side yard setback shall be 3 m; and
 - (j) The minimum rear yard setback shall be 3 m.
 - (k) The minimum front yard and flankage yard setback shall be 2.5 metres, and the maximum front yard and flankage yard setback shall be 6 metres.**
8. Clause 38BC1(c), titled REQUIREMENTS, of the C-2C Zone shall be amended, as shown in ~~strikeout~~ and **bold**, by deleting the number “3” in clause 38BC(1)(c), before the word and semicolon “metres;” and after the words “setbacks shall be”, and replace it with the number “6”.

- 38BC(1) Buildings erected, altered or used for C-2C uses, in a C-2C Zone shall comply with the following requirements:
- (a) The maximum building depth shall be 25 m;
 - (b) Notwithstanding clause 38BC(1) (a), a building may exceed the maximum building depth, provided:
 - (i) the height of the remainder of the building does not exceed 10.5 m;
 - (ii) soft landscaping and amenity space is included on the rooftop of the remainder of the building;
 - (iii) the building maintains side and rear yard setbacks of 3 m for all portions of the building that exceed the maximum building depth; and
 - (iv) the land is shown on ZM-29, Plan Dutch Village Road Buildings May Exceed Maximum Building Depth.
 - (c) The minimum front yard and flanking yard setbacks shall be 1.5 metres and the maximum front yard and flanking yard setbacks shall be ~~3~~ **6** metres;
 - (d) Notwithstanding clause 38BC(3) (c), the lands shown on ZM-30, Plan Dutch Village Road Area Exempt from Front Yard Setback Map shall be exempt from the maximum front yard setback requirement;
 - (e) The maximum streetwall height shall be as shown on ZM-31, Plan Dutch Village Road Street Wall Height Map. The streetwall height shall not exceed the height shown in metres and shall not exceed the number of storeys, excluding rooftop architectural features, landscape elements and

- mechanical penthouses and equipment. (RC-Jul 07/20;E-Aug 22/20);
- (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;

9. Subsection 38BE(1), titled HEIGHT, of the C-2C Zone is amended, as shown in **bold**, by adding the words, commas, semicolons, and 3 clauses “Elevator enclosure 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.”

HEIGHT

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

10. Subsection 38BD(1), titled LOT COVERAGE, of the C-2C Zone is amended by deleting Clause (a), and replacing it with two new clauses “(aa) Subject to (b), the maximum lot coverage shall be 75 percent; and (b) Enclosed parking below grade may cover 100% of the lot area, provided that the enclosed parking structure does not exceed an average height of 1 metre above grade within a required side or rear setback” after the words and semi-colon “comply with the following requirements”, as shown in **bold** and ~~strikeout~~:

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.~~
- (aa) Subject to (b), the maximum lot coverage shall be 75 percent;**
- (b) Enclosed parking below grade may cover 100% of the lot area, provided that the enclosed parking structure does not exceed an average height of 1 metre above grade within a required side or rear setback.**

11. Section 38BL, titled LANDSCAPING AND BUFFERING, of the C-2C Zone is amended by adding Subsection 38BL(4) after the words, brackets and period “This landscaped area shall comply with 38BL(1) (b) and 38BL(1) (c).”, as shown in **bold**:

LANDSCAPING AND BUFFERING

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

- (a) Where the lands abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting residential property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line;
- (b) The landscaped area shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minimum of 45mm caliber) and three (3) shrubs per 4.6 metres of required landscaping; and
- (c) existing trees and shrubs shall be incorporated into the landscaped setback, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres requirement.

38BL(2) For the purposes of 38BL(1), the provision of landscaping is required for the alteration of an existing building where such alteration increases the ground area of the existing building by at least 20%.

38BL(3) Any building that is erected for any C-2C use in a C-2C Zone shall be required to landscape the front yard setback. A driveway may be permitted cross this landscaped area. This landscaped area shall comply with 38BL(1) (b) and 38BL(1) (c).

38BL(4) Any building that is erected for any C-2C use in the C-2C Zone that includes an exposed roof slab of an underground parking structure, which protrudes above grade, shall be treated with no less than 60% soft landscaping on any above grade portion that is exposed.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on [DATE], 2022.

Iain MacLean
Municipal Clerk



Schedule B-1

- Area to be Rezoned from R-2P (General Residential) to C-2C (Dutch Village Road Mixed Use)
- Area to be Rezoned from R-2AM (General Residential Conversion) to C-2C (Dutch Village Road Mixed Use)

Halifax Mainland By-Law
Regional Centre By-Law

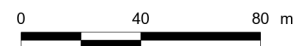
Halifax Mainland Zones

- R-2 Two Family Dwelling
- R-2P General Residential
- R-2AM General Residential Conversion
- R-4 Multiple Dwelling
- C-2C Dutch Village Road Mixed Use
- K Schedule K
- P Park and Institutional

Regional Centre Zones

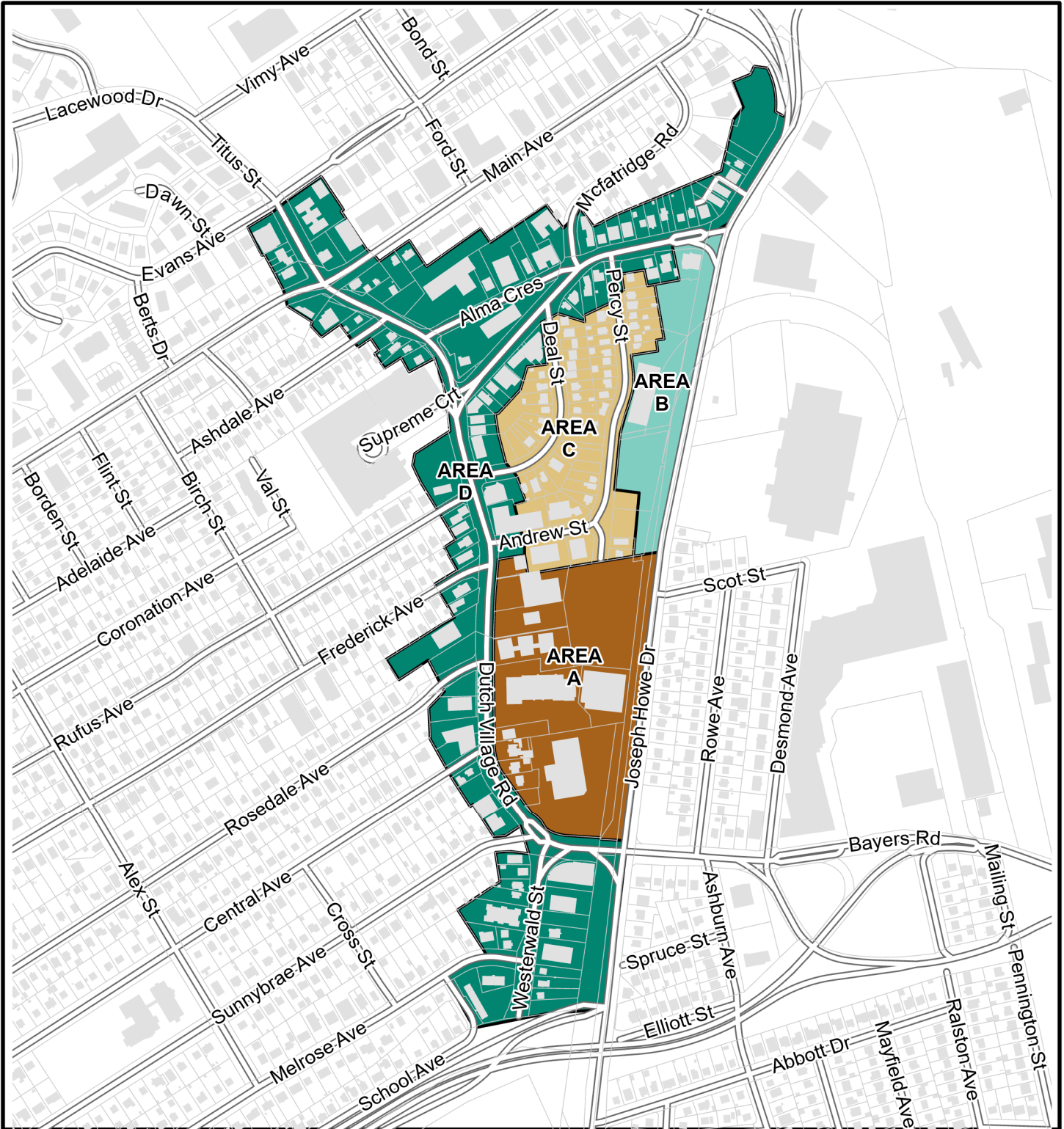
- HR-1 Higher-Order Residential 1
- ER-2 Established Residential 2
- ER-3 Established Residential 3

HALIFAX



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

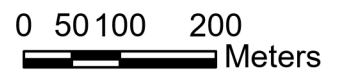
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**ZM-28 Plan Dutch Village Road
Overview Map**

HALIFAX

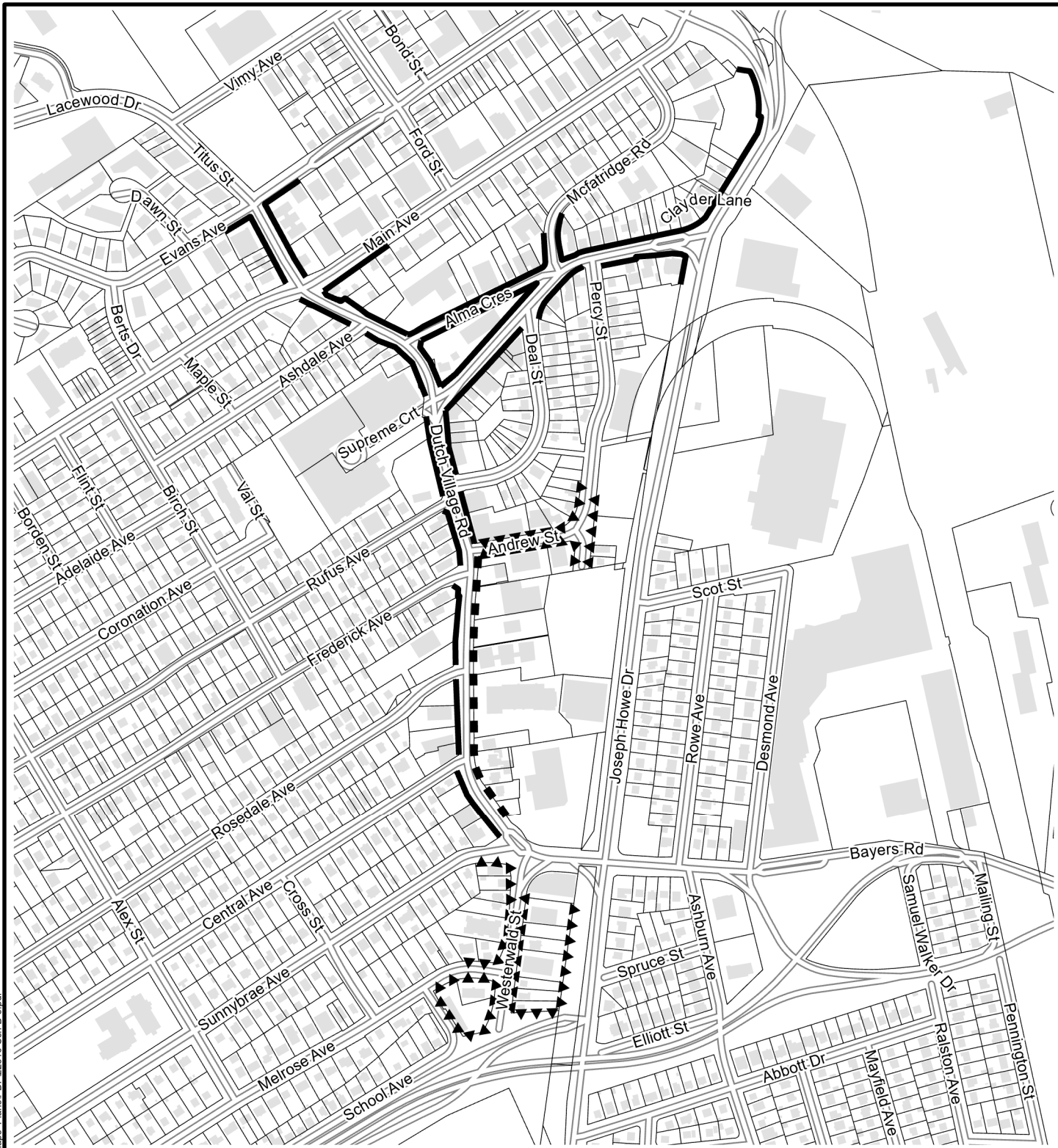
- Area A
- Area B
- Area C
- Area D



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Effective:

Plan Dutch Village Road

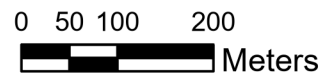


**ZM-31 Plan Dutch Village Road
Street Wall Height Map**

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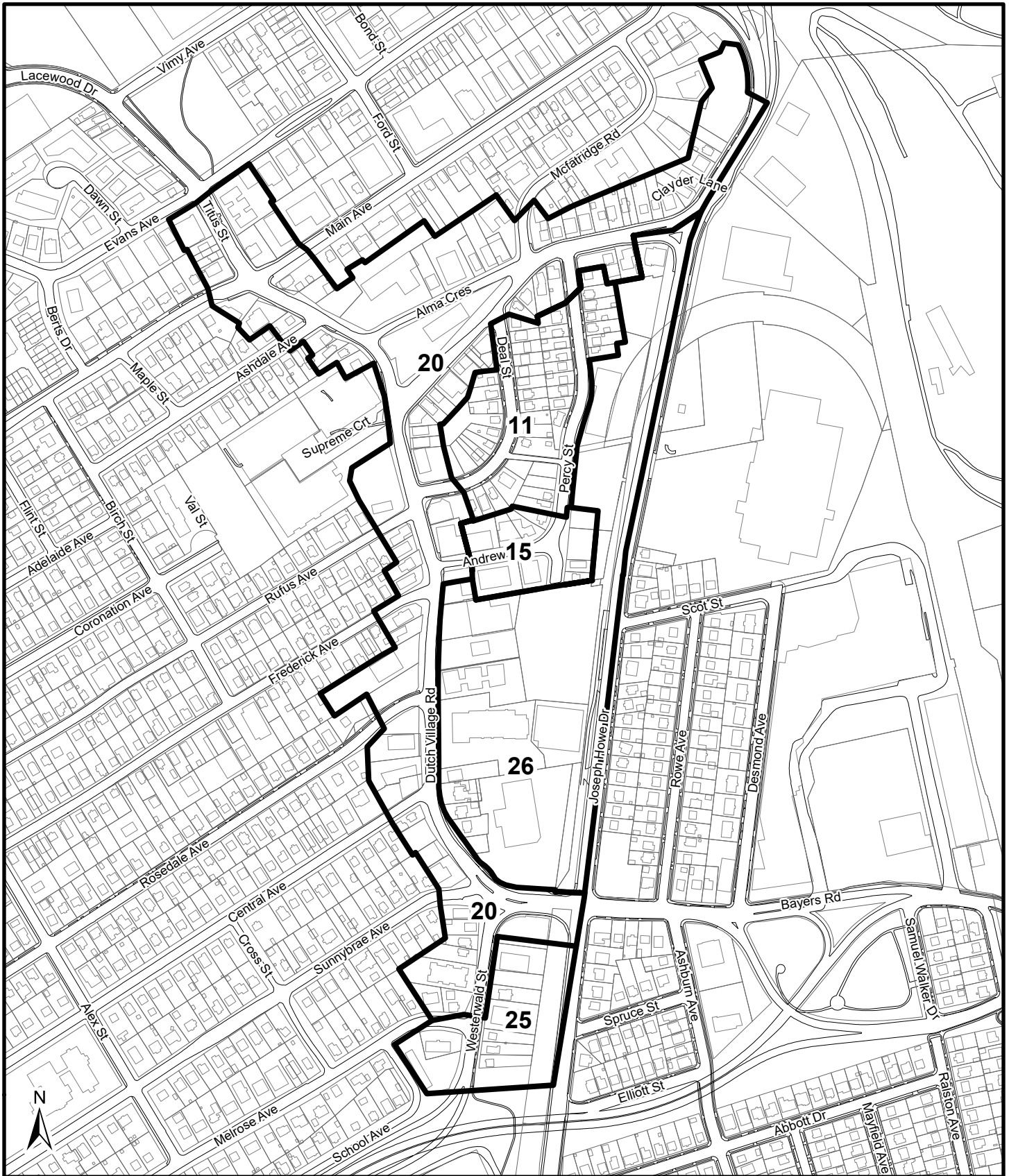
Street Wall Height:

- ▲▲▲▲ 9m
- 11m
- ■ ■ 17m (4 storeys)



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Schedule B-4

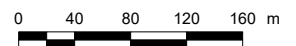


ZM-32 Plan Dutch Village Road Height Map

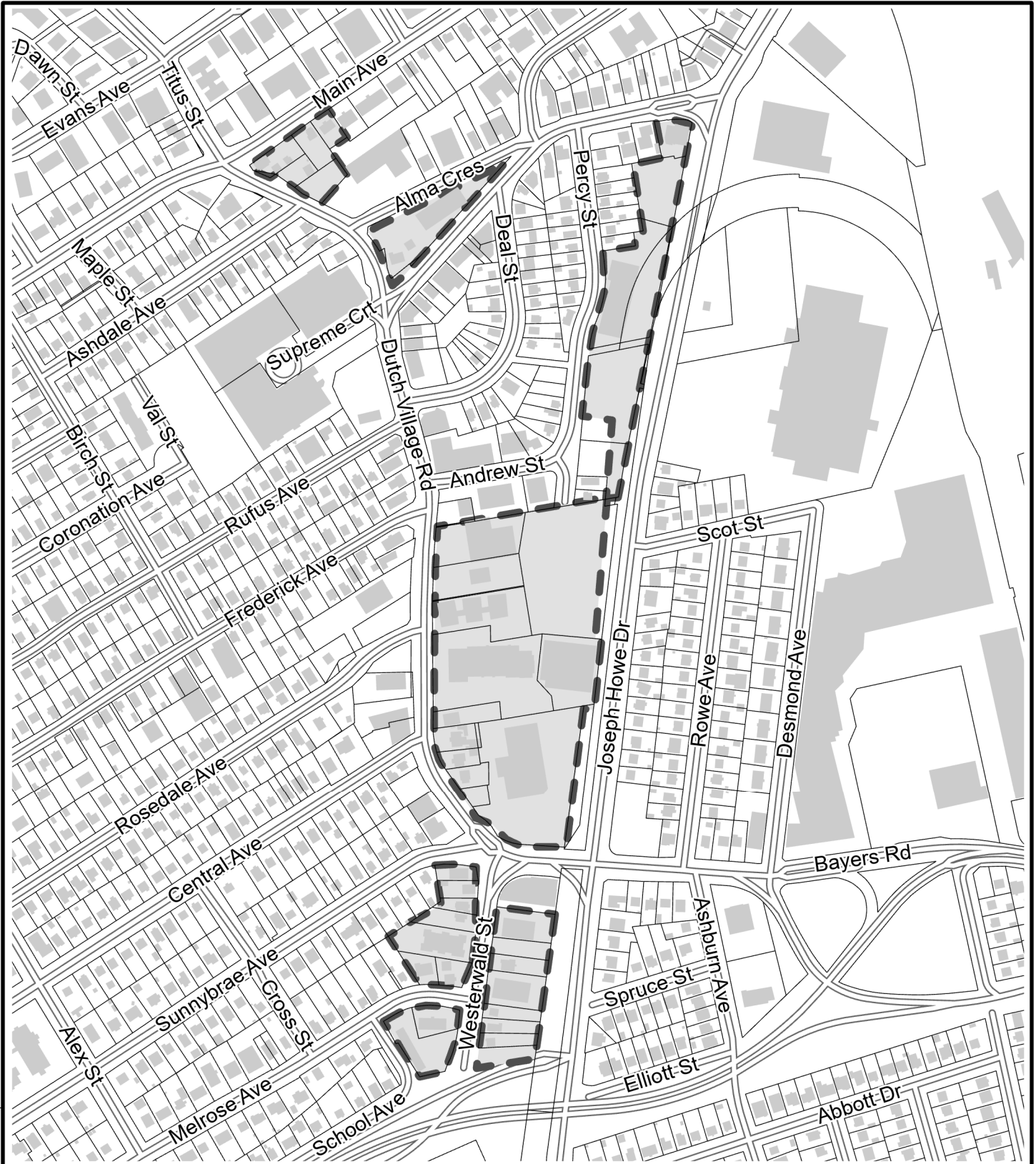
HALIFAX

 Height (m)


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Schedule B-5



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

 May Exceed Maximum Building Depth

HALIFAX

0 50 100 200
 Meters

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Effective:

Plan Dutch Village Road

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