

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
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## Item No. 10.1i)

Regional Council  
September 27, 2022  
September 29, 2022  
March 7, 2023

**TO:** Mayor Savage and Halifax Regional Council

Original Signed by 

**SUBMITTED BY:**

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** September 21, 2022

**SUBJECT:** **Cases 22816 and 23245: Amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law - Westerwald Street Study Area and Main Avenue and Titus Street, Halifax**

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### **ORIGIN**

#### Case 22816 - Westerwald Street, Halifax

Proposal by WM Fares Group for amendments to the Halifax Municipal Planning Strategy (Halifax MPS) and the Halifax Mainland Land Use By-law (Halifax Mainland LUB) to permit a six-storey multi-unit building on lands located along Westerwald Street, Halifax.

December 15, 2020 Halifax Regional Council motion (Item 11.1.6):

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Regional Council direct the Chief Administrative Officer to:

1. Initiate a review to consider amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland to permit new development on Westerwald Street, within a study area described in the staff report dated November 9, 2020. The review will consider allowing townhouses, stacked townhouses and multi-unit buildings through the existing C-2C, R-4A and the R-2TA Zones; and
2. Follow the public participation program as outlined in the Community Engagement section of the staff report dated November 9, 2020.

MOTION PUT AND PASSED UNANIMOUSLY

#### Case 23245 - Main Avenue and Titus Street, Halifax

Proposal by Upland Planning and Design Studio, on behalf of United Gulf Developments, for amendments to the Halifax MPS and the Halifax Mainland LUB to permit a six-storey, multi-unit building on lands located on the corner of Main Avenue and Titus Street, Halifax.

**RECOMMENDATION ON PAGE 3**

March 23, 2021 Halifax Regional Council motion (Item 11.1.3):

MOVED by Councillor Morse, seconded by Councillor Cleary

THAT Regional Council direct the Chief Administrative Officer to:

1. Initiate the process to consider amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland to the C-2C (Dutch Village Road Mixed Use) Zone relative to building height, rooftop structures, building depth and building setbacks, as outlined in the staff report dated March 9, 2021, and rezone 60 and 62 Main Avenue, Halifax to the C-2C Zone to permit a six-storey, multi-unit building; and
2. Adopt the public participation program as outlined in the Community Engagement section of the staff report dated March 9, 2021.
3. Request a supplemental staff report to review the C-2C Zone generally as part of this process.

MOTION AS AMENDED PUT AND PASSED.

August 17, 2021 Halifax Regional Council motion (Item 11.5.1):

MOVED by Councillor Mason, seconded by Councillor Kent

THAT Halifax Regional Council approve recommendations in items:

11.5.1 Review of the C-2C Zone – Dutch Village Road Mixed Use Zone

MOTION PUT AND PASSED UNANIMOUSLY.

February 8, 2022, Halifax Regional Council motion (Item 15.6.1):

MOVED by Councillor Kent, seconded by Councillor Stoddard

THAT Halifax Regional Council direct the Chief Administrative Officer to consider front yard setbacks in the C-2C Zone through the upcoming amendments as part of Case 23245 and Case 22816.

MOTION PUT AND PASSED UNANIMOUSLY.

## **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 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 Regional Council:

1. 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 this report.
2. Adopt the proposed amendments to the Halifax MPS and the Halifax Mainland LUB, as set out in Attachments A and B.

## **EXECUTIVE SUMMARY**

This report proposes 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.

## **BACKGROUND**

Two separate applications have been received for lands in the Dutch Village Road Plan Area requesting amendments to the Halifax MPS and Halifax Mainland LUB to apply the C-2C Zone and allow for multi-unit developments at the following locations:

- Case 22816 - study area along Westerwald Street as described in the staff report dated November 9, 2020
- Case 23245 - 60 and 62 Main Avenue, Halifax

Regional Council initiated the MPS amendment processes for Case 22816 on December 15, 2020, and Case 23245 on March 23, 2021, to consider expanding the C-2C (Dutch Village Road Mixed Use) Zone in the Dutch Village Road area to permit multi-unit developments. As both cases consider changes to the C-2C Zone, this report addresses both requests under one proposed amendments package. The following sections summarize the proposed developments and planning context for the area.

### **Proposal Details**

#### **Case 22816 - Westerwald Street, Halifax**

WM Fares Group is proposing a 6-storey multi-unit residential building with 90 units on Westerwald Street in Halifax. To enable the applicant's proposal, the request is to redesignate and rezone the subject properties from the Medium Density Residential (MDR) Designation and the R-2P (General Residential) Zone, and R-2AM (General Residential Conversion) Zones under the Halifax MPS and Halifax Mainland LUB to the Commercial Designation and the C-2C (Dutch Village Road Mixed Use) Zone.

Regional Council initiated the MPS amendment application on December 15, 2020, as detailed in the [Council report dated November 9, 2020](#), and directed staff to review all properties on Westerwald Street, as well as 2 and 4 Melrose Avenue (Map 3). Through the engagement process, the property owners submitted a conceptual proposal for a 15-storey and townhouse development at 2 and 4 Melrose Avenue after the planning process was initiated.

#### **Case 23245 - Main Avenue and Titus Street, Halifax**

Upland Planning and Design Studio, on behalf of United Gulf Developments, is proposing the development of a 6-storey, multi-unit residential building on properties located at the south-east corner of Main Avenue

and Titus Street. The subject properties on Titus Street are zoned C-2C (Dutch Village Road Mixed Use) and permit the form of development proposed, but the subject properties at 60 and 62 Main Avenue are zoned R-2P and R-2AM and do not permit a multi-unit building of this size. As such, the applicant is requesting MPS and LUB amendments to accommodate this development proposal.

Regional Council initiated this application on March 23, 2021, as detailed in the [Council report dated March 9, 2021](#). As part of this application, Regional Council also directed staff to review the C-2C Zone standards, including maximum building height, rooftop structures, building depth and building setbacks. As such, this report provides analysis and proposed changes to the built form requirements of the C-2C Zone.

### **MPS and LUB Context**

The applicants are requesting that Council amend the MPS and the LUB so that all subject properties and study areas are designated Commercial and zoned C-2C (Dutch Village Road Mixed Use). The properties currently fall under the Fairview Area Secondary Municipal Planning Strategy (Fairview Plan) of the Halifax MPS and are adjacent to the Dutch Village Plan Area. Within the Fairview Plan, the Dutch Village Road area has been identified with special residential and commercial land use policies, designations, and zones as part of the Plan Dutch Village Road Project, which was adopted in 2016.

### Fairview Plan

The subject properties are currently designated Medium-Density Residential (MDR) under the Fairview Plan (Map 1). Under Policy 1.3, the Designation's objective is to maintain the low-rise character of the area. The policy allows for up to four units per building in most Medium-Density Residential areas through the R-2P (General Residential) Zone of the Halifax Mainland LUB.

The subject properties are currently zoned R-2P and R-2AM. The R-2P Zone is applied to properties with single-unit or two-unit dwellings, and allows for single-unit dwellings, duplexes, and 3-to-4-unit residential buildings. The R-2AM Zone applies to buildings with more than 4 residential units and allows up to 14 units. Attachment F provides details relating to the provisions of each zone.

### Plan Dutch Village Road

The C-2C Zone was created in 2016 through a planning process called Plan Dutch Village Road. The intent of the C-2C Zone is to permit a mix of commercial and residential uses to serve the needs of the Fairview area. These uses are permitted as-of-right (without a discretionary planning process such as a development agreement) for buildings up to a mid-rise height (up to 25 metres or 82 feet). High-rise buildings are allowed on some sites, by development agreement. On some sites, the Commercial Designation permits mid-rise, multi-unit residential buildings on properties where low-rise buildings were previously permitted.

The Plan Dutch Village Road policies focus redevelopment and commercial uses on Dutch Village Road and on Joseph Howe Drive. These are major streets, which already have commercial and mixed-use developments. Major objectives of the Plan Dutch Village Road policies are to:

- Generate a more defined commercial node;
- Ensure new development transitions appropriately to low density residential neighbourhoods within the Dutch Village Road study area;
- Create new buildings that are better integrated with the neighbourhood; and
- Require site design that creates livable and walkable communities.

Plan Dutch Village Road created the Dutch Village Road Residential and Commercial designations for different parts of the plan area. Various housing styles and types are permitted through specific zones such as mid-rise buildings under the R-4A (Dutch Village Road Multi Unit) Zone and low-rise buildings under the R-2TA (Dutch Village Road Townhouse) Zone. This creates a transition from mid-rise buildings near Dutch Village Road to low-rise buildings on side streets.

The C-2C Zone was created specifically for the Dutch Village Road area. It permits new development and

new housing in an area that is walkable and well-served by transit.

### **C-2C Zone - Minimum Front Yard Setback**

On January 18, 2022, Halifax and West Community Council approved amendments to add front yard setback provisions in the C-2C Zone, as detailed in the [November 12, 2021 Council report](#). The amendments included adding a minimum front yard setback of 1.5 metres. Prior to this amendment, the C-2C Zone did not include a minimum front yard setback requirement and buildings were developed up to the front lot line. This has resulted in a number of issues relating to construction and implementation of LUB provisions. These issues also impacted ground-level design and building entrances and resulted in a lack of space for landscaping. Following the approval, Regional Council directed staff to further consider front yard setbacks as part of this report.

## **COMMUNITY ENGAGEMENT**

The community engagement processes 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. The level of community engagement was consultation, achieved through:

- providing information through the HRM website;
- posting signs on the subject sites; and
- mailing letters and a survey to nearby property owners.

Regional Council must hold a public hearing before they can consider approving the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing, property owners in the notification area (Map 2) will be informed of the hearing by mail. Additional information on engagement completed for the cases is included below.

### **Case 22816 - Westerwald Street Study Area**

A summary of survey results for this case are provided in Attachment C. Out of 362 survey packages mailed to residents within the notification area, the Municipality received 19 responses, which represents a response rate of 5%. Residents who responded to the survey raised concerns about the following items:

- increased traffic and illegal parking on Westerwald Street;
- the displacement of existing residents and increasing rent in the area; and
- mixed feedback about the recently developed buildings in the area, where some indicated they did not fit the neighbourhood while others thought that the newer buildings had improved the area.

### **Case 23245 - Main Avenue and Titus Street, Halifax**

A review of survey results for this case are provided in Attachment D. Out of 168 surveys mailed, only 4 were returned, which represents a response rate of 2%. Residents who responded to the survey raised concerns about the following items:

- traffic at the busy intersection; and
- the recently developed buildings did not fit the neighbourhood and were poorly designed.

The proposals will potentially impact residents, businesses, and property owners. There is no Planning Advisory Committee for this area.

## **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. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments is outlined below.

#### MPS Amendments & Rezoning

Staff have compared the proposals against the policies of the Regional Plan, the Integrated Mobility Plan, as well as the approach to urban design taken by the newly approved Centre Plan Project. There is merit to considering the proposed amendments to redesignate the subject properties from MDR to Commercial to expand the C-2C Zone, as detailed in Attachment A of this report. There is also merit in considering amendments to the C-2C Zone standards as directed by Council.

The C-2C Zone was created specifically for Dutch Village Road. It permits new development and new housing in an area that is walkable and well-served by transit. Through Plan Dutch Village Road, Council confirmed that six-storey buildings were appropriate at the corner of Main Avenue and Titus Street, and also on the properties abutting the study area of Westerwald Street. As such, the proposals to expand the area designated Commercial and zoned C-2C are reasonable and in keeping with the objectives of the Fairview Plan and the Halifax MPS for the following reasons:

- **Services:** The Dutch Village Road area includes many services, including retail, personal service shops, and restaurants, and is also within close proximity to Burton Ettinger Elementary School. A mix of local transit routes and frequent corridor routes are nearby. The Municipality has approved a functional design for a new sidewalk on the west side of Dutch Village Road, which will improve the safety and comfort of pedestrians.
- **Transit:** The Rapid Transit Strategy<sup>1</sup> proposes a bus rapid transit (BRT) station near the Bayers Road Centre, which is within 800 metres (a ten-minute walk) from the study area. Bus rapid transit is both frequent and reliable, and an improvement upon conventional bus routes and ultimately reliant on the need for additional population density to support it. The Dutch Village Road neighbourhood is also walkable, has many services and is near frequent transit and proposed rapid transit, as such this is a good location to consider more density.
- **Dutch Village Road Complete Streets Project:** In June 2020, Regional Council supported the [Dutch Village Road Complete Streets Functional Plan](#), to improve safety and address active transportation and transit gaps along Dutch Village Road.
- **Development Rate:** Policies and regulations adopted as part of the Plan Dutch Village Road project enabled a high level of redevelopment near Joseph Howe Drive and Dutch Village Road. There are several new buildings, while some buildings are either under construction or planned. Considering the mix of zones and density levels surrounding the subject properties and the study area, this would have an impact on increasing housing supply and density while balancing the development rate and scale of neighbourhood change.
- **Development Transition:** Considering both low-rise and mid-rise buildings will aid in ensuring that new development transitions to lower density housing, the Municipality has required appropriate transitions between building types through recent MPS amendments and through the Centre Plan process.
- **The Centre Plan & Westerwald Street:** The Regional Centre Land Use By-law has zoned properties on the east side of Joseph Howe Drive, between Bayers Road and Highway 102, as Higher Order Residential 1 (HR-1) Zone. This zoning allows for multi-unit buildings up to 14 metres (typically 4-storeys) in height. These properties are located across the street from the study area. Consideration for new zoning for the study area will help ensure consistency with both the Plan Dutch Village Road policy and new zones applied under the Centre Plan.

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<sup>1</sup> Halifax Regional Municipality. 2020. [Rapid Transit Strategy](#)

Given the above, staff recommend redesignating the properties on the corner of Main Avenue and Titus Street, and the study area of Westerwald Street from MDR to Commercial and rezoning them from the R-2P and R-2AM Zones to the C-2C Zone, as shown on Attachments A and B of this report.

#### LUB Amendments

The proposed amendments to the C-2C Zone standards support the goals of the Halifax MPS and are comparable to standards adopted through the Centre Plan and other recent HRM planning projects. The following sections include details relating to the proposed LUB amendments:

- C-2C Zone - Front/ Flanking Yard Setbacks: On [January 18, 2022](#), Halifax and West Community Council approved a related change to the C-2C Zone requirements that added a minimum front and flanking yard setback requirement of 1.5 metres. Regional Council subsequently directed staff to conduct a further review of front yard setbacks as part of this report. As part of the review process, staff recommend maintaining the current minimum front yard setbacks as 1.5 metres (no changes) and increasing the maximum limit to 6 metres (current requirement is 3 metres). Establishing this range provides greater flexibility in building design and building placement relative to the street. Together, the maximum and minimum setbacks support a pedestrian-friendly environment and an active ground level that help frame the street and contribute to attractive streetscapes. This range will also allow designers to respond to potential site constraints, such as site grades.
- C-2C – Lot Coverage: As part of this review process, staff recommended minor revisions to the lot coverage provision [38BD(1)] in the Halifax Mainland LUB to clarify the coverage requirement for enclosed below-grade parking structures. The intent is to maintain the 75% above-grade lot coverage requirement for buildings and allow for enclosed below-grade parking structures to cover 100% of the lot area, while adding a provision that the parking structure does not exceed an average height of 1 metre above grade within a required side or rear setback. This minor revision to the existing requirement will clarify that any underground parking structure cannot exceed an average of 1 metre above grade in a setback. To ensure that buffering and landscaping are provided to conceal the exposed portions of the parking structure, Section 38BL(1) of the Halifax Mainland LUB will be amended to include additional landscaping provisions.
- C-2C Zone - General LUB Text and Map Amendments: In response to Council's general direction to review the C-2C Zone standards, staff recommend the following mapping and text amendments:
  - Maximum Building Height: The proposed amendments are separated into two parts:
    - 1) Increasing the maximum building height for lands within the Westerwald study area that are bounded by Joseph Howe Drive, Dutch Village Road, and Westerwald Street, as well as 2 and 4 Melrose Avenue from 14 metres to 25 metres (typically 8-storeys), as shown on Schedule B-4 of Attachment B. Staff reviewed the study area comprehensively and considered current applicable provisions under the Centre Plan. Lands abutting low density residential uses within the Centre Plan are typically zoned for up to 20 metres, and lands that have a different context and do not abut residential uses, such as the lands on the east side of Westerwald Street and 2 and 4 Melrose Avenue are allowed to exceed 20 metres. A similar approach was deemed appropriate for the study area. This amendment will not require policy amendments as Policy 2A.2.1 enables mid-rise buildings between 11 metres and 25 metres. The proponent's proposal for a 15-storey tower at 2 and 4 Melrose place is not supported based on surrounding context and existing maximum building height policy for the C-2C Zone.
    - 2) A minor increase to the maximum building height limit from 19.5 metres (64 feet) to 20 metres (66 feet) in the C-2C Zone, as shown on Schedule B-4 of Attachment B. The Council report on Plan Dutch Village Road<sup>2</sup> states that the maximum building height enabled for

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<sup>2</sup> Halifax Regional Municipality. 2016. [Council report for Plan Dutch Village Road planning policy](#).

properties along Dutch Village Road to reach six storeys in height. At the time, staff recommended that 19.5 metres (64 feet) was an adequate height to allow for six storeys. Since then, Council has adopted a 20-metre (66 feet) height limit under the Centre Plan to allow for various construction methods;

- *Rooftop Structures*: Exempting certain rooftop features such as mechanical structures and elevator overruns from the maximum height limit. Council has recently exempted rooftop mechanical structures and elevator overruns (and other rooftop structures) from maximum height requirements through the Centre Plan and other site-specific planning exercises. These exemptions can be granted while maintaining high quality urban design standards;
  - *Maximum Building Depth*: Exempting the properties on Main Avenue and Titus Street, as well as the properties on Westerwald Street and Melrose Avenue from the maximum building depth requirement of 25 metres (82 feet), as shown on Schedule B-5 of Attachment B. The LUB currently exempts some properties from a maximum building depth. For the corner property on Main Avenue and Titus Street, a deeper building will enable extending the length of the streetwall around the corner. This exemption will also allow for the proposed development to meet the goals of Plan Dutch Village Road and ensure a development that utilizes good urban design principles; and
  - *Streetwall Height*: A minor change to increase the maximum streetwall height by 0.5 metres, as shown on Schedule A-3 of Attachment B, to match streetwall height standards under the Centre Plan planning documents. Also, a minor amendment is proposed to reduce the maximum streetwall height along Joseph Howe Drive from 17 metres (typically 5-storeys) to 14 metres (typically 4-storeys) to support a more human-scaled streetwall for large developments.
- *R-4A Zone - Front/ Flanking Yard Setbacks*: Similar to the C-2C Zone, the R-4A Zone was also created in 2016 through the Plan Dutch Village Road planning process. The zone currently applies to lands located off Dutch Village Road, along Andrew Street and Percy Street. Andrew Street includes a sidewalk on one side only, and Percy Street has sidewalks on both sides. Existing mid-rise buildings along Andrew Street and Percy Street are setback from the streetline in a range between 0 and 6 metres, and there are also 2 vacant properties.

To ensure that any future development in the R-4A Zone meets the urban design goals of creating a pedestrian-friendly main street environment and contributing to an attractive streetscape, the proposed LUB amendment establishes a building setback requirement. Setbacks are generally required to manage grade changes between buildings and the street. They also give designers the flexibility to propose public realm design solutions, such as extensions of sidewalks, and provide for accessible building entrances. Front yard setbacks provide space for landscaping, benches, and café space, which help to improve the public realm.

Through the review, staff considered a number of factors relating to the context of the area and existing uses, guidelines of the Integrated Mobility Plan and Active Transportation Plan, setback requirements in the Centre Plan, as well as the importance of improving the streetscape of Dutch Village Road and surrounding streets. As such, staff propose adding a new minimum front yard setback requirement of 2.5 metres, and a maximum of 6 metres in the R-4A Zone, as shown in Attachment B.

- *Westerwald Study Area*: Part of the December 15, 2020, motion by Regional Council directed staff to consider allowing townhouses, stacked townhouses, and multi-unit buildings through the existing C-2C, R-4A and the R-2TA Zones. The intent of the motion and review was focused on the Westerwald Street study area, which currently includes lands zoned R-2P and R-2AM. The application of the C-2C Zone to all properties within the study area will provide the intended flexibilities in land uses and, through the proposed LUB amendments, will also enable the improvement of the ground-level pedestrian environment for future developments.



The proposed amendments to the R-4A and C-2C Zone standards will create greater predictability of built form, improve the quality of building design and the ground-level pedestrian environment near Joseph Howe Drive, and bring the standards closer to the recently approved Centre Plan.

### **Conclusion**

Staff have reviewed the study area and the existing policy context and recommend that Regional Council approve the proposed MPS and LUB amendments to allow for new multi-unit, mid-rise developments on lands along Westerwald Street, on Melrose Street and on the corner of Main Avenue and Titus Street, Halifax. This would provide new and diverse housing options with a focus on urban design and an active pedestrian-oriented ground level.

Staff also recommend a series of amendments to the built form standards of the C-2C Zone. These changes will increase consistency with the Regional Centre Plan, provide greater flexibility for development, and improve urban design on Joseph Howe Drive. Therefore, staff recommend that Regional Council approve the proposed MPS and LUB amendments, as contained in Attachments A and B.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM costs associated with the processing of this planning application can be accommodated within the approved 2022-2023 operating budget.

### **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 and West Community Council may choose to recommend that Regional Council:

- 1) Modify the proposed amendments to the Halifax MPS and the Halifax Mainland LUB, as set out in Attachments A and B of this report. 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*.
- 2) 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**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Study Area
Attachment A:	Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment B:	Proposed Amendments to the Halifax Mainland Land Use By-law
Attachment C:	Case 22816 – Westerwald Street Survey Review
Attachment D:	Case 23245 – Main Avenue and Titus Street Survey Review
Attachment E:	Excerpts from Plan Dutch Village Road - Fairview Area Secondary Municipal Planning Strategy – Halifax Municipal Planning Strategy
Attachment F:	Excerpts from the Halifax Mainland Land Use By-law

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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: Dali Salih, Planner III, Community Policy Program, Regional Planning 902.220.9631

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**Map 1 - Generalized Future Land Use**

Westerwald St., Titus St. & Main Ave,  
Halifax

-  Case 23245
-  Case 22816
-  Fairview Secondary Plan

Halifax Plan Area/Fairview Secondary Plan Area  
Regional Centre Plan Area

**Halifax Plan Designations**

RES Residential

**Fairview Secondary Plan Designations**

MDR Medium Density Residential

COM Commercial

LDR Low Density Residential

CF Community Facilities

**Regional Centre Package A Designations**

HR Higher-Order Residential

ER Established Residential

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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.



**Map 2 - Zoning**

Westerwald St., Titus St. & Main Ave,  
Halifax

 Case 23245

 Case 22816

Halifax Mainland & Regional Centre  
By-Law Area

31 May 2022

**Halifax Mainland Zones**

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

**Regional Centre Package A**

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

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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.



**Map 3 - Proposed Study Area**

3325, 3331 & 3343 Westerwald St.,  
Halifax

■ Proposed Study Area

Halifax Plan Area/Fairview Secondary Plan Area  
Regional Centre Package A Plan Area

**Halifax Plan Designations**

RES Residential

**Fairview Secondary Plan Designations**

MDR Medium Density Residential

COM Commercial

**Regional Centre Package A Designations**

HR Higher-Order Residential

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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 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.


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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

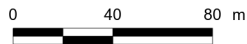
**Halifax Plan Designations**

- RES Residential Environments

**Regional Centre Plan Designations**

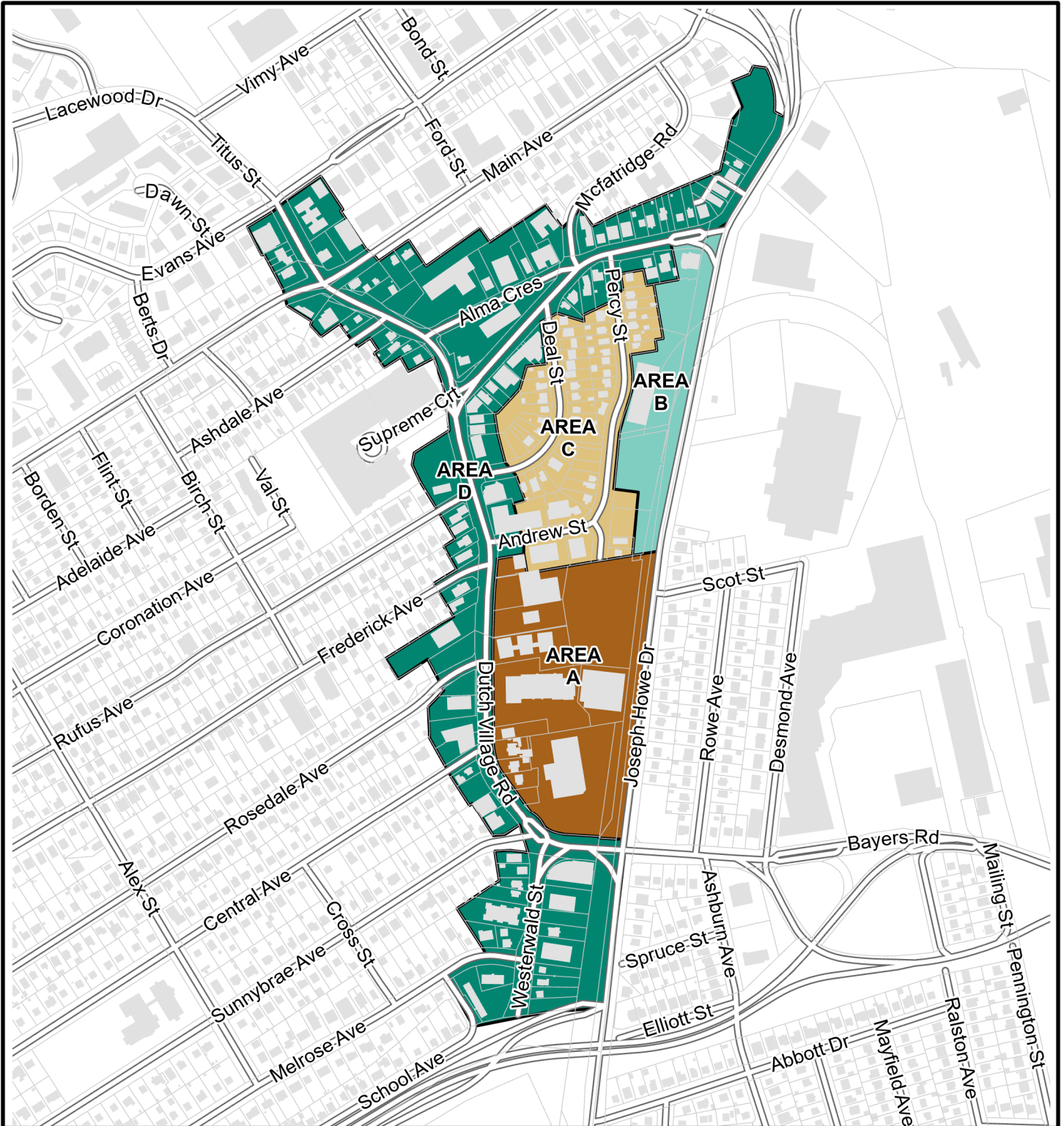
- ER Established Residential
- HR Higher-Order Residential

**HALIFAX**



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

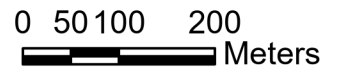
The accuracy of any representation on this plan is not guaranteed.



**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

### Proposed Amendment 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. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Subsection 34AAB of the R-4A (Dutch Village Road Multi Unit) Zone is amended by adding the sub-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 sub-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.**

7. Section 38BC1(c), titled REQUIREMENTS, of the C-2C Zone shall be amended, as shown in ~~strikeout~~ and **bold**, by deleting the number “3” in subclause 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;

8. Subsection 38BE, titled HEIGHT, of the C-2C Zone is amended, as shown in **bold**, by adding the words, commas, semicolons, and 3 subclauses “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.**

9. Subsection 38BD(1), titled LOT COVERAGE, of the C-2C Zone is amended by deleting Clause (a), and replacing it with two new clauses “(a) 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.~~
- a) **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.**

10. 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

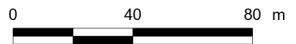
**Halifax Mainland Zones**

- 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**

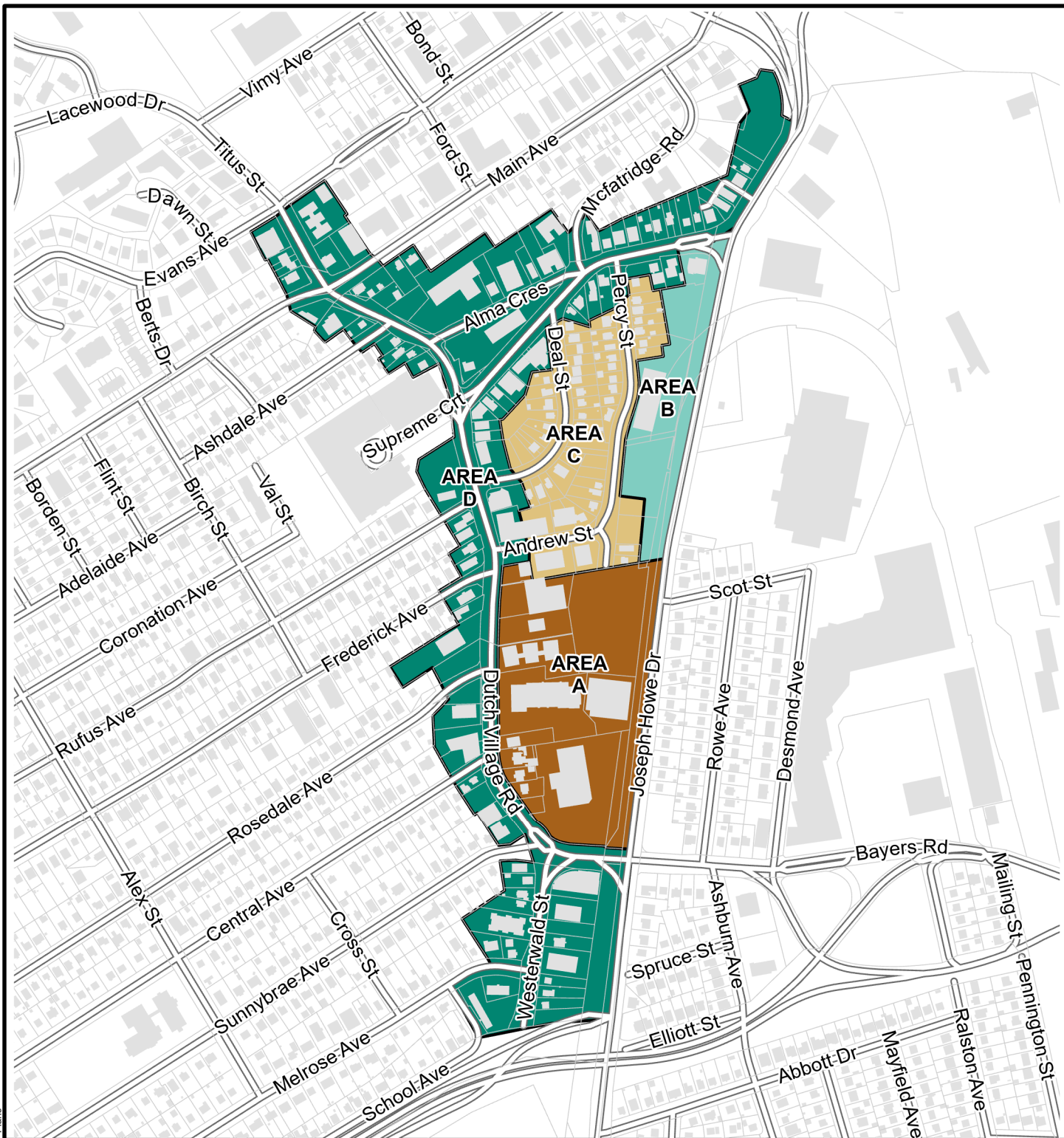
- HR-1 Higher-Order Residential 1
- ER-2 Established Residential 2
- ER-3 Established Residential 3

**HALIFAX**



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

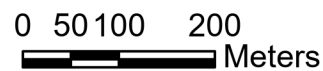
The accuracy of any representation on this plan is not guaranteed.



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

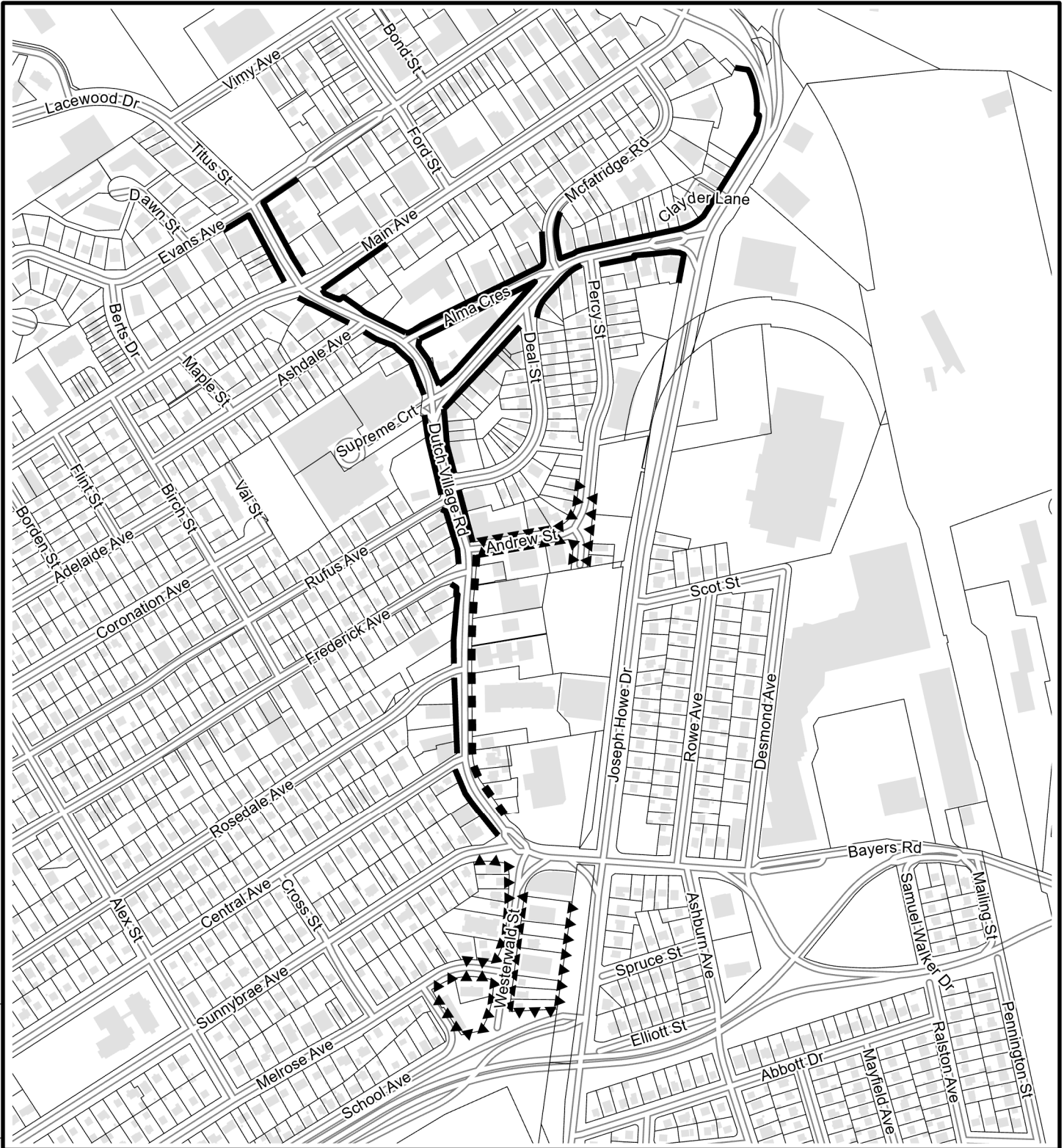
**HALIFAX**

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



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

Schedule B-3

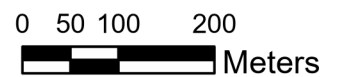


**ZM-31 Plan Dutch Village Road  
Street Wall Height Map**

**HALIFAX**

Street Wall Height:

- ▲▲▲▲ 9m
- 11m
- ■ ■ 17m (4 storeys)



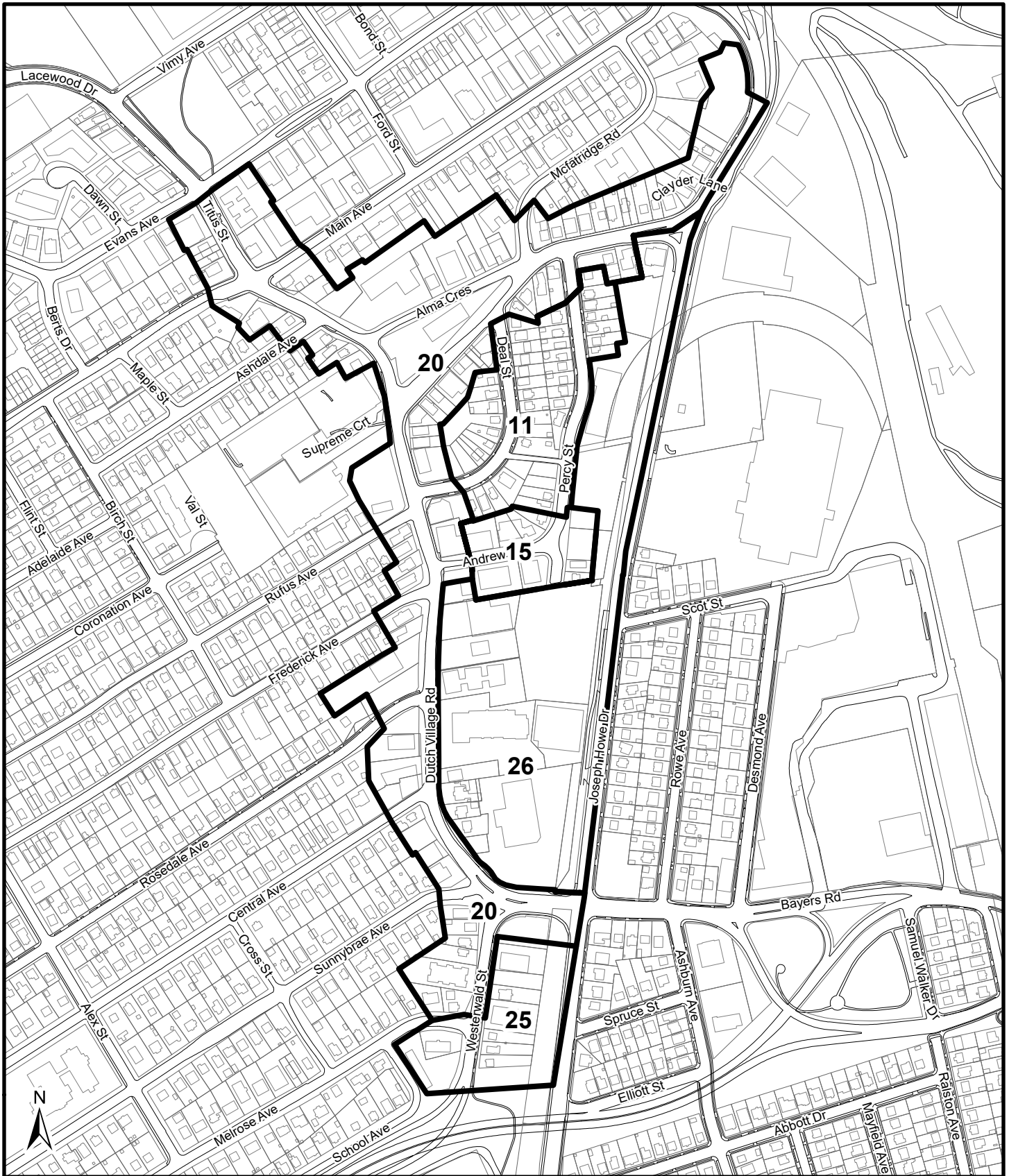
The accuracy of any representation on this plan is not guaranteed.

Effective:

Plan Dutch Village Road


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# Schedule B-4

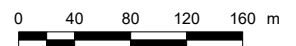


## ZM-32 Plan Dutch Village Road Height Map

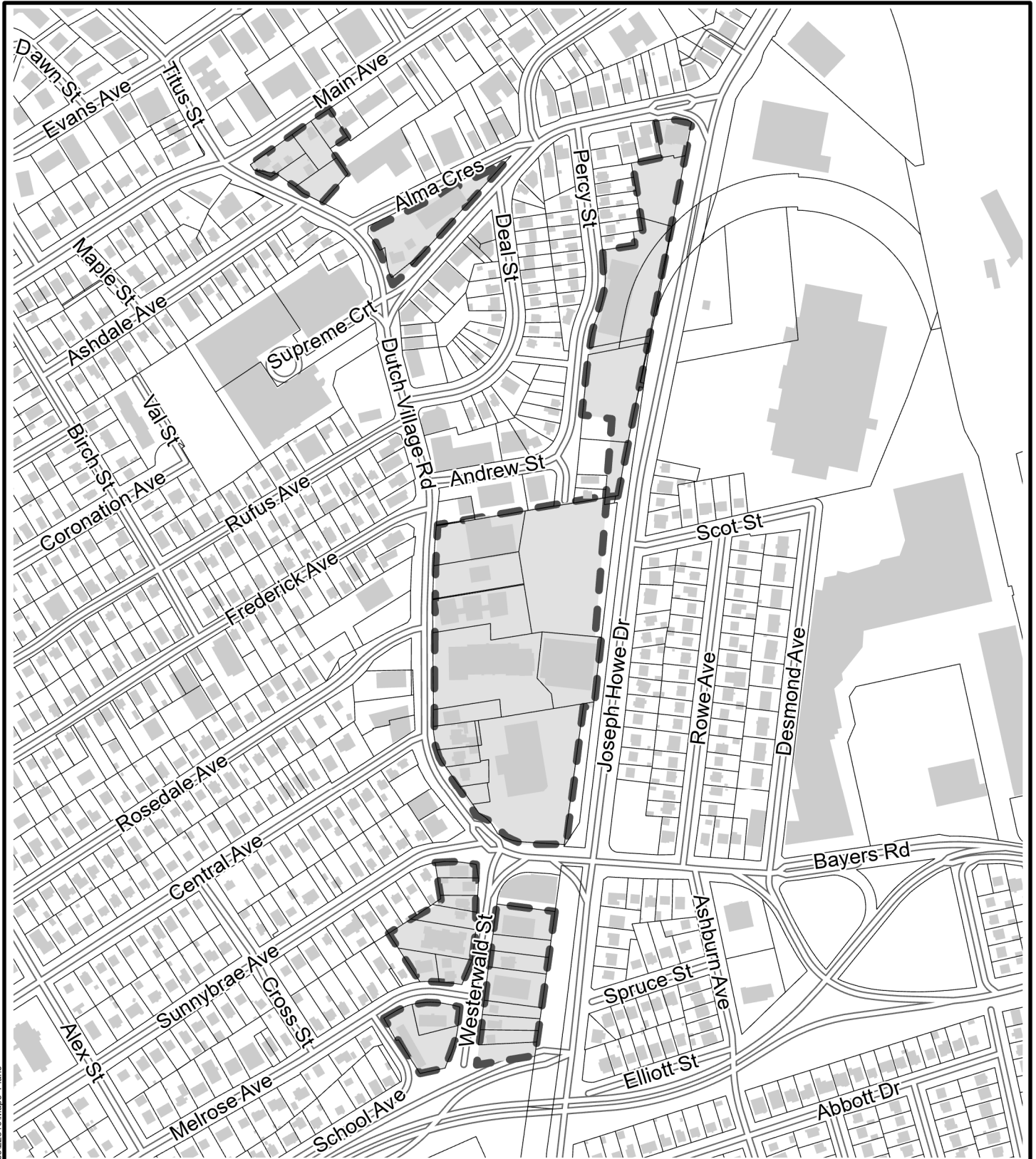
# HALIFAX

 Height (m)


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








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

 May Exceed Maximum Building Depth

**HALIFAX**

0 50 100 200  
 Meters

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

Effective:

Plan Dutch Village Road

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## Attachment C

### Case 22816 – Westerwald Street Survey Review

This survey was the major early engagement activity for this project. In late April 2021, HRM mailed 362 survey packages to residents in Fairview near Westerwald Street. The packages included a cover letter, fact sheet and the survey. The survey package is attached to this write up. Over the following months, 19 surveys were returned, a response rate of 5%.

This write-up is a high-level summary. It is an overview of common themes and attempts to capture the general tone of the surveys. It provides an overview of specific concerns and a tally of surveys by support or opposition to the project.

### Survey Questions

1. What concerns do you have about allowing townhouses and more apartment buildings near Westerwald Street? What concerns do you have about ground floor commercial?
2. What benefits do you think allowing townhouses and more apartment buildings could bring to the area? What types of ground floor commercial uses might be appropriate?
3. Please tell us what you think of the newer apartment buildings built in the area. How have these buildings changed the look and feel of the area? How do they fit with nearby residential streets?
4. Are there any small changes you would like to see near Westerwald Street?
5. Is there anything else we should know about your neighbourhood?

### Results

#### Traffic

The most common concern about new development is increased traffic, particularly at the corner of Westerwald and Dutch Village Road. Survey respondents described this as a dangerous intersection and are concerned it cannot handle extra traffic. Westerwald Street already moves traffic from Melrose Avenue and School Avenue.

*“Westerwald cannot handle more traffic entering the intersection at Dutch Village Road and Sunnybrae Avenue.”*

*“It will make the area too congested. The street cannot accommodate all that extra traffic.”*

#### Displacement of Residents

People are concerned that new buildings will evict current residents, who will not be able to afford the new buildings. People are worried that new buildings have high rents and are not affordable for people who live in Fairview.

*“We’d be priced out of our neighbourhood.”*

*“What will happen to those families living in rented spaces now who will be displaced?”*

### Rising Rents

People are worried that new buildings are causing rents to rise and pressuring landlords into selling properties for development. The concerns about displacement and rising rents are closely connected. Many respondents who were mixed about the development would be more supportive of affordable housing or mixed-income housing.

*"If not already, affordable housing should be considered when planning these new developments."*

### Parking

People are concerned that new development mean more people parking on Westerwald Street. Several surveys stated more cars are parking on street since a new, six-storey building was developed at the corner of Dutch Village and Westerwald Street.

*"The newer building on the corner of Westerwald however, has led to a very large increase in the number street-parked cars."*

### Community Feel/ Aesthetics

There are a variety of concerns about larger buildings in the neighbourhood, including shade, wind and the overall look and feel of the buildings. Reactions to newer multi-unit buildings in the area were mixed – some people felt they 'cleaned-up' the area, while others felt they were too large and bulky.

*"[Newer buildings] do not fit the residential look"*

*"The new builds are certainly gentrifying the area, but I am not concerned by this. The densification it brings is necessary."*

*"The apartment buildings at the bottom of Rosedale are too close to Dutch Village road and is a safety hazard."*

*"I dislike the newer apartment buildings in the area as they have created a 'wind tunnel' effect when walking down Westerwald."*

*"I believe the newer apartment buildings on Dutch Village rd and Joseph Howe have been a net benefit so far and fit into Fairview well. We needed some new construction as many residences along Dutch Village looked quite dated."*

### Support/ Opposition

The survey did not explicitly ask if people supported townhouse or multi-unit buildings. But some people clearly stated their support or opposition. Other responses were mixed. Some of the mixed and opposed responses could be described as *"might support with conditions"*. For example, some residents might support multi-unit housing if the units were affordable.

Support: 1 (5%)

Opposition: 9 (47%)

Mixed Response: 9 (47%)

Total Surveys: 19

*"The proposal as presented does not concern me."*

*"Townhouses and apartments could bring value to the neighborhood as long as the company was responsible with the types of tenancies they allow."*

*"I have no real problem with a new apartment building or townhouses being built as long as they are AFFORDABLE."*

*"I am against the proposed addition of adding townhouses and mid rise apartment as it will displace the current residents who will not have the income to continue living in this area."*

*"Very much against this. There are so many apartment buildings already."*

## ATTACHMENT D

### Case 23245 – Main Avenue and Titus Street – Survey Review

This survey was the major early engagement activity for this project. In early September 2021, HRM mailed 168 survey packages to residents in Fairview near the corner of Main Avenue and Titus Street. The packages included a cover letter, fact sheet and the survey. The survey package is attached to this write up. Over the following months, 4 surveys were returned, a response rate of just over 2%.

#### Survey Questions

1. What concerns or questions do you have about expanding the C-2C zone at the corner of Main Avenue and Titus, to allow a six-storey building?
2. What benefits do you think expanding the C-2C zone at the corner of Main Avenue and Titus could bring?
3. Please tell us what you think of the newer apartment buildings in the area. How have these buildings changed the look and feel of the area? How do they fit with nearby residential streets?
4. What do you think of potential changes to the requirements of the C-2C Zone?

#### Results

Although the number of surveys was small, respondents saw few benefits to a rezoning. In addition, there was concern about more traffic at a busy intersection. There were many comments about the size of the proposed building and comments about poor design of recent buildings in the area.

Below are some quotes from the surveys.

#### Traffic

*“Where is the traffic going to go?”*

*“It is already a very busy intersection”*

#### Building Form and Design

*“This C-2C zoning has ruined our area. Not only are these buildings aesthetically unbalanced and unappealing, they have now become a danger.”*

*“[New buildings] are unsightly and obstruct traffic, especially at Rosedale Ave. and the Ville at Andrew Street”*

*“The height and foot print of the proposed building is out of scale with the surrounding area.”*

*“This development, from my understanding, will be taking down a good number of trees as well, which I am opposed to.”*

**ATTACHMENT E**  
**Excerpts from the Plan Dutch Village Road –**  
**Fairview Area Secondary Municipal Planning Strategy – Halifax Municipal Planning Strategy**

**2A. PLAN DUTCH VILLAGE ROAD (RC-Oct 4/16;E-Nov 26/16)**

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

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

**Designations**

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

**Commercial Designation**

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

2A.2.1. The Halifax Mainland Land Use Bylaw shall be amended to create a commercial zone (Dutch Village Road Mixed Use Zone) that permits multiunit residential, retail, office uses, restaurants, personal service uses, institutional uses, community facilities and related commercial uses that service the local community. To encourage the retention of small scale, local businesses, and to reduce the impact of new commercial uses on low density residential environments, retail uses will have a limited ground floor area in Area D. Parking shall not be permitted in the front yard, but instead is encouraged below ground, or otherwise internal to a building. Lowered parking standards provide flexibility for development and reduce parking demand in support of active transportation and transit. (RC-Feb 12/19; EApr 13/19) The Dutch Village Road Mixed Use Zone will permit low-rise (buildings up to 11 metres) to mid-rise buildings (buildings taller than 11 m to 25 m), but will not permit single unit residential buildings.

## **Dutch Village Road Residential Designation**

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

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

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

## **Building and Streetwall Heights**

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

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

2A.5. HRM shall regulate the height of the streetwalls in the Dutch Village Road area in the Halifax Mainland Land Use By-law. Low-rise and Mid-rise Commercial and Multi-Unit Buildings.

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

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

## **Highrise Buildings**

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

- a) Buildings shall not exceed a height of 42 metres and a height of 12 storeys above the average grade of the finished ground adjoining the building. This maximum height excludes any rooftop architectural features, landscape elements, and non-habitable penthouses (including residential amenity space). Rooftop architectural features, landscape elements and non-habitable

penthouses shall not exceed 50 percent of the area of the roof on which they are located (RC-Jul 07/20;E-Aug 22/20);

- b) buildings exceeding a height of 25 metres shall be designed in a podium and tower configuration. The height of the streetwall/podium, excluding any rooftop architectural features and landscape or mechanical elements, shall not exceed:
  - (i) 20 metres and 5 storeys, for lands located along Joseph Howe Drive; and
  - (ii) 17 metres and 4 storeys, for lands located on Dutch Village Road (RC-Jul 07/20;E-Aug 22/20);
- c) the building shall meet the requirements of the Dutch Village Road Mixed Use Zone in the Halifax Mainland Land Use By-law with respect to side yard setbacks, residential unit mix and ground floor height;
- d) towers shall have a minimum of 25 m separation distance with other towers and no tower shall be closer than 12.5 metres from a side or rear lot line;
- e) the tower portion of the building, excluding any podium, shall have a maximum floor plate of 625 m<sup>2</sup> per floor;
- f) surface parking shall not be located between a building and adjacent street, with the exception of the southernmost end of Percy Street abutting 3514 Joseph Howe Drive (RC-Jul 07/20;E-Aug 22/20);
- g) the building shall have a maximum front yard setback of 3 metres. Where a property fronts two streets, this maximum will apply to both street frontages, with the exception of the southernmost end of Percy Street abutting 3514 Joseph Howe Drive (RC-Jul 07/20;E-Aug 22/20); and
- h) buildings shall be located close to the street to create a defined street wall and occupy a minimum of 65% of a given property's frontage. All Halifax Municipal Planning Strategy Page 57 buildings, regardless of their use, should have easily identifiable entry points for each individual uses.

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

- a) towers shall be placed away from streets, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base of the building to be the primary defining element for the site and adjacent public realm;
- b) site design that incorporates landscaping, conspicuous building entrances, and considers the impact of retaining walls, lighting and signage to enhance the design of the building and limit the impacts on adjacent properties;
- c) buildings shall be vertically articulated into 3 distinct sections; a base, middle and top, via such devices as: changes in colors, materials, protrusions and recesses;
- d) streetwalls should be vertically articulated into distinct sections, via such devices as: changes in colors, materials, protrusions and recesses. These sections should be narrower than the streetwall is tall;
- e) streetwalls should be animated with frequent entrances and large windows. All streetwalls directly adjacent to a sidewalk should contain at least 1 prominent entrance;
- f) materials used in the streetwall and at the base of the building should be of the highest quality and durability;
- g) areas visible to the public realm or adjacent residential uses and not used for parking or driveways, should be landscaped with vegetation or hard landscaping using quality materials, such as stone, wood, or concrete paths/ patios;



- h) surface parking, utilities and services should be buffered and visually screened from the public realm and adjacent low density residential properties. Landscaping shall be included in surface parking lots and integrated with the storm water management for the site;
- i) adequacy of safe vehicular, bicycle and pedestrian access and egress to and from the site. Priority shall be given to pedestrian movement when there is potential pedestrian and vehicular conflicts;
- j) blank-walls shall be avoided on parts of buildings which are highly visible from the public realm;
- k) the adequacy of servicing for the site; and
- l) high quality landscaping and indoor and outdoor amenity space areas for building residents are provided.

### **Commercial Development in Residential Areas**

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

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

### **Non-conforming Uses and Structures**

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

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

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

### **Existing Development Agreements**

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

**ATTACHMENT F**  
**Excerpts from the Mainland Halifax Land Use By-law**

**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 (HWCC-Dec 14/16;E-Dec 31/16)**

- 28AB(5) (1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.
- (2) Notwithstanding section 28AB(2), every semi-detached dwelling shall be at least 8 ft. from the rear lot lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling. (HWCC-Sep 12/17;E-Sep 30/17)
- (3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot. (HWCC-Sep 12/17;E-Sep 30/17)
- (4) Notwithstanding subsection (2) 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.

#### **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) and (g), 27 and 28 above shall apply. (HWCC-Dec 14/16;E-Dec 31/16)

#### **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.

**R-2T ZONE: TOWNHOUSE ZONE**

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

- (a) R-1 and R-2 uses;
- (b) townhouse building;
- (c) uses accessory to any of the foregoing uses.

28AJ(2) No person shall in any R-2T 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).

28AJ(3) No person shall in any R-2T 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**

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

**REQUIREMENTS**

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

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

- (a) Minimum lot frontage 18 feet per townhouse, plus 20 feet
- (b) Minimum lot area 1,800 sq.ft. per townhouse plus 2,000 sq.ft.
- (c) Maximum height 35 feet
- (d) Maximum lot coverage 40 percent, provided that this regulation shall be applied as if the lot was subdivided into as many lots as townhouses
- (e) Minimum front yard 15 feet
- (f) Mean rear yard 20 feet
- (g) Minimum side yard 10 feet

28AM **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 28AL(2) are met. Furthermore, no side yard shall be required along the common lot boundary dividing the townhouse building.
- (b) Notwithstanding Section 28AL(2)(a) 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 10 feet of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.

**ACCESSORY BUILDINGS**

28AN

- (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 10 feet from the flanking street line abutting such lot.

**R-2TA ZONE: DUTCH VILLAGE ROAD TOWNHOUSE ZONE (RC-Oct 4/16;E-Nov 26/16)**

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

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

**28AO(2) No person shall in any R-2TA zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).**

**28AO(3) No person shall in any R-2TA zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).**

**SIGNS**

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

**REQUIREMENTS**

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

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

- (a) Minimum lot frontage 6 m per unit
- (b) Minimum lot area 150 m<sup>2</sup> per unit
- (c) Maximum height As shown on ZM-32, Plan Dutch Village Road Height Map
- (d) Maximum lot coverage 40 percent
- (e) Minimum front yard 6 m where parking is provided in the front yard. This may be reduced to 3 m if parking is located in the rear yard.
- (f) Minimum rear yard 7.5 m. Where parking is

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

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

- (a) Minimum lot frontage 4.5 m per unit
- (b) Minimum lot area 100 m<sup>2</sup> per unit
- (c) Maximum height As shown on ZM-32, Plan Dutch Village Road Height Map
- (d) Maximum lot coverage 40 percent
- (e) Minimum front yard 6m where parking is provided in the front yard. This may be reduced to 3 m if parking is located in the rear yard.
- (f) Minimum rear yard 7.5 m. Where parking is located in the rear yard, the minimum rear yard setback shall be 9m
- (g) Minimum side yard 4.5 m for end units
- (h) Minimum number of units 6
- (i) Maximum number of units 16 units
- (j) All units shall have a front door that faces the street or driveway.

#### **SUBDIVISION OF TOWNHOUSE BUILDING**

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

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

#### **ACCESSORY BUILDINGS**

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

- 28AS(2) Where an accessory building is situated on a corner lot, it shall be at least 3 metres from the flanking street line abutting such lot.
- 28AS(3) No accessory building shall be located within the front yard.

#### **BUILDING FACADES FOR TOWNHOUSE AND STACKED TOWNHOUSE BUILDINGS**

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

#### **LANDSCAPED OPEN SPACE AND AMENITY SPACE**

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

#### **UTILITIES, SERVICING AND ACCESSORY BUILDINGS**

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

#### **HOME OCCUPATIONS**

- 28 AW Notwithstanding clause 14B, where home occupations are permitted in the R-2TA Zone, such home occupation shall comply with the following:
- (a) No person who is not a resident of the dwelling unit shall be the proprietor of a home occupation;
  - (b) Only one home occupation shall be permitted per dwelling unit;
  - (c) Such home occupations shall not occupy more than 50 percent of the floor area of the dwelling unit;
  - (d) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;



- (e) Except for goods manufactured on the premises, no goods shall be displayed or sold on the premises;
- (f) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
- (g) There shall be no display of goods visible from the outside, or outside storage of equipment or material;
- (h) Only one commercial vehicle, not exceeding 2,722 kilograms gross vehicle weight, shall be parked on the premises in connection with the home occupation;
- (i) The commercial vehicle permitted under clause (h) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
- (j) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
- (k) Notwithstanding subclause 28AO(1)(e)(i), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.
- (l)
  - (i) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.
  - (ii) Such accommodation shall consist of one separately accessible parking space at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.
  - (iii) Such accommodation shall consist of two parking spaces at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.

#### **EXISTING APARTMENT HOUSE BUILDING**

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

## **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-4A ZONE: DUTCH VILLAGE ROAD MULTI UNIT ZONE (RC-Oct 4/16;E-Nov 26/16)**

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

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

**34AAA(2) No person shall in any R-4A zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 38AAA(1).**

**34AAA(3) No person shall in any R-4A Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 38AAA(1).**

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

**REQUIREMENTS**

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

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

- (h) The maximum lot coverage shall be 75 percent;
- (i) The minimum side yard setback shall be 3 m; and
- (j) The minimum rear yard setback shall be 3 m.

#### **HEIGHT**

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

#### **RESIDENTIAL UNIT MIX**

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

#### **SIGNS**

- 34AAE(1) Any persons carrying on a use permitted by Subsection 34AAA(1) may place upon and parallel to the front of the building signage that comply with the following:**
- (a) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
  - (b) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
  - (c) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;
  - (d) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
  - (e) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and
  - (f) No signs shall be permitted on the roof of a building.

#### **SETBACKS FROM BALCONIES**

- 34AAF(1) Buildings erected, altered or uses for R-4A uses in an R-4A Zone shall comply with the following requirement:**
- (a) No balcony shall be built closer than 2 m to a side or rear property line. This does not include patios for dwelling units at grade.

#### **MAIN FLOOR ENTRANCES**

- 34AAG(1) Buildings erected, altered or used for apartment house uses in an R-4A Zone shall comply with the following requirements:**
- (a) Main building entranceways shall be oriented to the street; and

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

#### **EXTERNAL BUILDING APPEARANCE**

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

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

#### **LANDSCAPING AND BUFFERING**

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

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

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

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

#### **AMENITY SPACE**

**34AAJ(1)** Apartment house buildings shall provide amenity space at a rate of 10 m<sup>2</sup> per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space, shall include one of the following common elements:

- (a) fitness room of a minimum size of 40m<sup>2</sup>; or
- (b) community room of a minimum size of 40m<sup>2</sup>.

### **HOME OCCUPATIONS**

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

- (a) No person who is not a resident of the dwelling unit shall be the proprietor of a home occupation;
- (b) Only one home occupation shall be permitted per lot;
- (c) Such home occupations shall not occupy more than 50 percent of the floor area;
- (d) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;
- (e) Except for goods manufactured on the premises, no goods shall be displayed or sold on the premises;
- (f) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
- (g) There shall be no display of goods visible from the outside, or outside storage of equipment or material;
- (h) Only one commercial vehicle, not exceeding 2,722 kilograms gross vehicle weight, shall be parked on the premises in connection with the home occupation;
- (i) The commercial vehicle permitted under clause (h) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
- (j) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
- (k) Notwithstanding subclause 34AAA(1)(c)(iv), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only.
  - (l) (i) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast.
  - (ii) Such accommodation shall consist of one separately accessible parking space at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.
  - (iii) Such accommodation shall consist of two parking spaces at least 2.4 metres wide by 4.9 metres long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard and entrance or driveway leading to such parking space.



**C-2C ZONE: DUTCH VILLAGE ROAD MIXED USE ZONE (RC-Oct 4/16;E-Nov 26/16)**

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

- (a) all R-2 and R-2TA uses;
- (b) retail and rental stores excluding:
  - (i) motor vehicle dealers;
  - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
  - (iii) adult entertainment uses
- (c) health clinic;
- (d) appliance and small scale repair shops;
- (e) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;
- (f) bowling alley;
- (g) a theatre;
- (h) a service station;
- (i) offices;
- (j) a bank and other financial institutions, excluding drive-throughs;
- (k) a restaurant, excluding drive-throughs;
- (l) community facilities;
- (m) commercial recreation uses;
- (n) day care facility;
- (o) apartment house;
- (p) micro breweries;
- (q) coffee roasteries;
- (r) ferment-on-premises facility, as defined by the Province of Nova Scotia Liquor Control Act;
- (s) brew pub;
- (t) lounges; (HWCC-Jul 30/18;E-Aug 25/18)
- (u) institutional uses;
- (v) government or public buildings;
- (w) existing R-1 uses; and
- (x) any use accessory to any of the foregoing uses.

**38BA(2) No person shall, in any C-2C Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection 38BA(1).**

**38BA(3) No person shall, in any C-2C Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection 38BA(1).**

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

**RETAIL**

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

#### **REQUIREMENTS**

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

#### **LOT COVERAGE**

- 38BD(1)** Buildings erected, altered or used for C-2C uses in a C-2C Zone shall comply with the following requirements:
- (a) The maximum lot coverage shall be 75 percent, except that enclosed parking below grade or extending no more than an average of 1 metre above grade along side and rear lot lines may cover 100 percent of the lot area.

#### **HEIGHT**

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

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

**38BE(3)** Notwithstanding the definition of height in Section 2 of this by-law, for lands that have frontage on both Percy Street and Joseph Howe Drive *or that have frontage on Percy Street and abut the Chain of Lakes Trail (RC-Aug 11/20;E-Aug 29/20)*, height shall mean the vertical distance between the average grade adjoining the building *or the Streetline Grade along Joseph Howe Drive (whichever provides the greater height) (RC-Aug 11/20;E-Aug 29/20)*, and the highest part of the roof. *For the purpose of determining height, the highest part of the roof excludes any rooftop architectural features, landscape elements and non-habitable penthouses (including residential amenity space). Rooftop architectural features, landscape elements and non-habitable penthouses shall not exceed 30 percent of the area of the roof on which they are located. On properties which abut the Chain of Lakes Trail, the Joseph Howe Drive Street Line may be substituted with the Chain of Lakes Trail property line for the purpose of determining the Streetline Grade along Joseph Howe Drive (RC-Aug 11/20;E-Aug 29/20).*

#### **RESIDENTIAL UNIT MIX**

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

#### **PARKING**

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

- (a) Vehicular parking shall be enclosed in a building, or located to the rear or side yard of the building; and
- (b) Notwithstanding subsection 9(d), parking for the following uses shall be provided at the following ratios:
  - (i) 2 spaces per 100 m<sup>2</sup> of gross floor area of office space;
  - (ii) 3 spaces per 100 m<sup>2</sup> of gross floor area of retail/service store space; and
  - (iii) 3 spaces per 100 m<sup>2</sup> of gross floor area of restaurant space.
- (c) Notwithstanding subsection 9(a), parking for the following uses shall be provided at the following ratios (RC-Feb 12/19; E-Apr 13/19):
  - (i) 0.5 spaces per bachelor or one-bedroom dwelling unit;
  - (ii) 0.8 spaces per dwelling unit containing two or more bedrooms; and
  - (iii) 0.2 spaces per unit in a special care home.
- (d) Where parking requirements result in a fraction, the requirement shall be rounded down to the nearest whole number.

#### **SIGNS**

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

- (a) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
- (b) Fascia signs shall not extend beyond 15 cm on the extremity of a wall on which they are affixed;
- (c) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;
- (d) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
- (e) Signs on awnings shall not cover more than 25 percent of the area of the awning and the length of the text shall not exceed 80 percent of the length of the front valance; and
- (f) No signs shall be permitted on the roof of a building.

#### **SETBACKS FROM BALCONIES**

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

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

#### **MAIN FLOOR AND ENTRANCES**

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

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

#### **EXTERNAL BUILDING APPEARANCE**

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

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

#### **LANDSCAPING AND BUFFERING**

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

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

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

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

#### **AMENITY SPACE**

**38BM(1)** Apartment house buildings shall provide amenity space at a rate of 10 m<sup>2</sup> per unit in the form of unit patios, unit balconies or terraces, and interior amenity space. Interior amenity space shall include one of the following common elements:

- (a) fitness room of a minimum size of 40m<sup>2</sup>; or
- (b) community room of a minimum size of 40m<sup>2</sup>.

#### **EXISTING STRUCTURES**

**38BN** Notwithstanding clauses 38BC(1) (c) and 38BC(1) (h), where an existing commercial building is deemed to be nonconforming under this Bylaw, it shall be allowed to be extended, enlarged or altered as long as the extension, enlargement or alteration complies with this Bylaw or a variance is granted by the Development Officer.

#### **SERVICE STATIONS**

**38BO(1)** Any service station shall comply with the following requirements:

- (a) lighting shall be directed away from any abutting residential zones;
- (b) enclose any commercial refuse container in a structure which screens them from the street and abutting residential zones;
- (c) outdoor storage shall not be permitted; and

(d) a 1.9 m fence with a landscaping strip of a minimum depth of 1 metre, shall be provided where the lands abut a residential zone.

**38BO(2)** Notwithstanding 38BL(1) (a), any service station shall require a minimum of a 2 metre wide strip of landscaped area, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance;

**THROUGH LOTS**

**38BP(1)** Notwithstanding subclause 38BC(1) (h), through lots located on Joseph Howe Drive shall have a streetwall that extends a minimum of 65 percent of the lot frontage on Joseph Howe Drive and 50 percent of the lot frontage on Percy Street.

**38BP(2)** Where a surface parking area is permitted for through lots located along Percy Street, a landscaped area, measuring 6 metres in depth, measured from the Percy Street street line, shall be provided in accordance with 38BL(1) (c) and 38BL(1) (d).