

June 6, 2024

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**RE: Substantive DA Amendment Opal Ridge (Penhorn) Special Planning Area**

Dear Maggie,

Clayton Developments Limited on behalf of Opal Ridge Developments Limited (ORDL) and Opal Ridge Suites GP Limited is pleased to submit a substantive amendment request to the Opal Ridge (Penhorn) development agreement.

The purpose of this request is to fully implement the recent Housing Accelerator Fund changes to Penhorn, and to amend the existing development agreement to measure building height in storeys, as now enacted in the Land Use By-law that the development agreement references.

**Background:**

This request originates from variance request VAR 2023-01858 which included a request to vary height under the current development agreement. It was identified through the process that the Municipality did not believe that a variance to height was enabled in the agreement due to a lack of specific MPS policy. This result has led to this request to amend the development agreement to enable a small increase to the height of the mid-rise buildings on Blocks C and G of Opal Ridge.

Further recent Housing Accelerator Fund changes (approved but not yet vetted by the Province) have adjusted the definition of mid-rise housing and specifically related to the HR-2 Zone standards used for Block C, D, F and G within Opal Ridge. This change includes measuring mid-rise buildings in storeys instead of metres. Without amendment to the development agreement, the existing agreement would not benefit from the changes. The existing agreement has schedules that measure height in metres rather than the new storeys format for low-rise to tall mid-rise buildings. To benefit from the HAF changes, the agreement schedules needs to identify building height in storeys.

In addition, there is language on the Concept Plan (Schedule B) which may appear contrary to the maximum heights enabled (Schedule E) under the existing agreement. Although the heights schedule should be the superseding plan for the maximum height permitted (20 m or 17m depending on the block), Schedule B identifies the proposed storeys differently (6, 5 or 4 storeys). Further the maximum permitted heights enable more storeys than identified on the concept. We are seeking to clarify this with the same heights on Schedules B and Schedule E.

We have recently applied for a variance for Block G relating to the side yard setback adjacent a PCF-zoned property. We have been notified that this variance will be granted by the Municipality and are currently awaiting the approval paperwork. This will enable units on Block G facing the linear park to have a grade-related unit relationship with the linear park, a significantly improved built form relationship to the park compared to the original design. This same relationship is proposed for Block C. However, given the unknowns related to variances we are seeking certainty by requesting that the needed setback be established under the agreement, and eliminating the need for a future variance application for Block C.

Please note that Opal Ridge Developments Limited has applied for a development and building permit for the building located on Block G. The building under the requested permits is only six storeys in height and the permit will be amended to increase the height by one storey once the development agreement amendments have been finalized.

**Detail of Request:**

Based on the above Opal Ridge Developments Limited is requesting that:

1. Schedule E (Maximum Building Height Precincts) be replaced by Schedule E-1 (Attachment A) with heights measured in storeys for Blocks C, D, F and G. The proposed heights enable the equivalent number of storeys (6 or 7) enabled under the heights in the existing Schedule E (17 or 20 metres).
2. Schedule B (Concept Plan) be replaced by Schedule B-1 with building heights that coordinate with Schedule E-1 or the removal of all building heights from the concept plan.
3. A reduction in the side-yard setback from a PCF Zone to 3.0 metres to address a ground floor unit type proposed adjacent the parkway and an improved building/parkway interface. This will require the insertion of a new clause enabling the reduced setback.

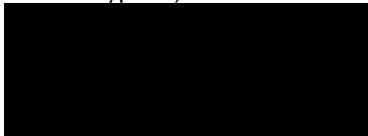
Further to the above, we may need clarification in the agreement that the concept plan is only a general concept and that details of the final building design can vary from the concept provided any design meets the other terms in the development agreement. This will be subject to further discussion with the Planner and Development Officer. This concern is as a result of our current permit application and other interpretations being made elsewhere by the Municipality.

**Further Detail:**

A detailed analysis of items 1 through 3 is identified in Attachments A through G.

Thank you for your consideration and attention on this request. Should you have any questions with regards to the enclosed materials, please do not hesitate to contact the undersigned.

Kind regards,



**Andrew Bone**, MCIP, LPP  
Director of Planning & Development  
Clayton Developments Limited

**Attachments:**

Attachment A	Project /Design Rationale – Building Heights
Attachment B	Project / Design Rationale - reduction of side yard setbacks adjacent PCF Zone.
Attachment C	Heat Pump Information
Attachment D	Schedule B – Concept Plan
Attachment E	Schedule E - Maximum Building Height Precincts
Attachment F	Site Plan
Attachment G	Building Elevations
Attachment H	Relevant Regional SMPS Regional Centre Plan Area Policies

**Attachment A**  
**Project /Design Rationale – Building Heights**

General Background

The current development agreement enables building heights of 17m and 20 metres for Blocks C, D, F and G via Schedule E (See below highlighted in Red).

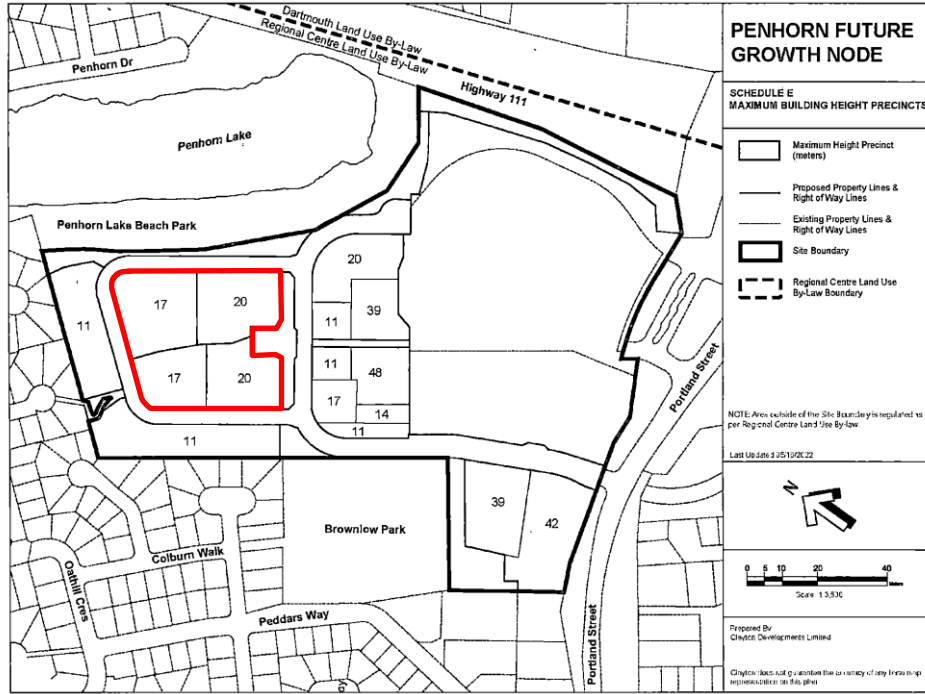


Figure 1 Existing Schedule E of existing development agreement.

Within these heights, a building with either 6 storeys at 17 m or 7 storeys at 20m is possible with nine foot floor-to-floor heights, or larger floor to floor heights with a sunken building grading. Unfortunately, the Concept Plan - Schedule B has some inconsistent language which identifies building height in storeys which does not necessarily achieve the full building heights enabled on Schedule E. While the Concept Plan is conceptual and subject to the terms of the agreement including Schedule E, this mismatch is confusing. We would like this amendment to clarify this.

Block	Original Agreement		
	Maximum Height (Schedule E)	Storeys Identified on Concept Plan (Schedule B)	Storeys Enabled through Maximum Height Precinct Schedule (9' FTF) (Schedule E)
C	20m	6	7
D	17m	5	6
F	17m	4	6
G	20m	6	7

HAF Amendments

The Housing Accelerator Fund amendments made changes to the Regional Centre Plan MPS and LUB. The changes enabled height to be measured in metres or in storeys and specifically changed the measurement of the HR-2 zone to storeys. Further to the LUB amendments in the HR-2 Zone, amendments defined a mid-rise building as up to 7 storeys.

We are seeking to achieve the benefits of these changes through amendment to the development agreement which references the HR-2 Zone. Although we are seeking the benefits of the HAF amendments, our intent is to keep the transitions in building height identified in Schedule E specifically over Blocks D and F which are proposed to be limited to 6 storeys, which is similar to the existing 17 m height limit but is slightly more flexible being measured in storeys.

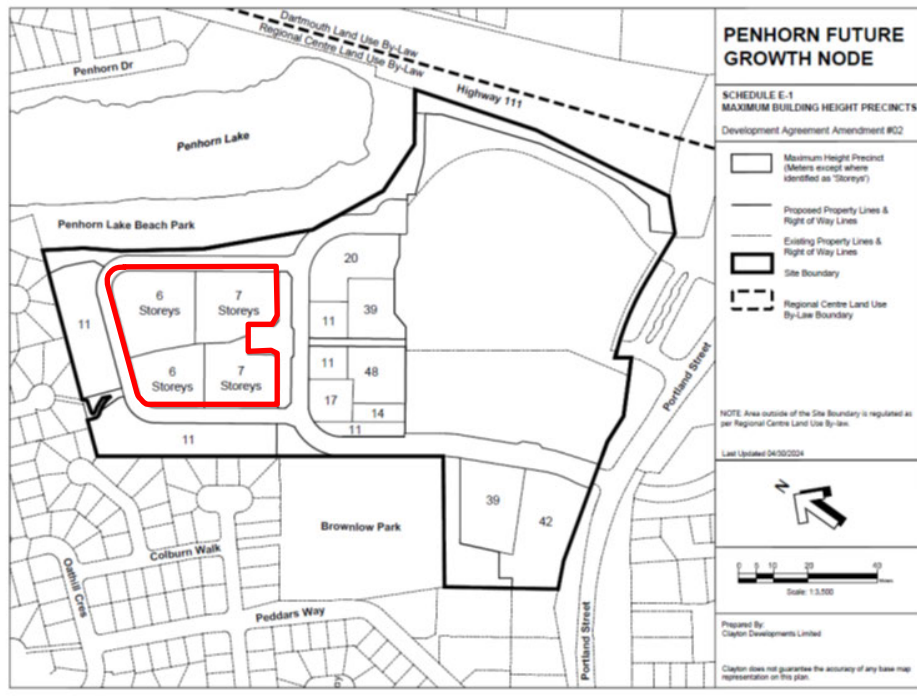


Figure 2 Proposed Schedule E-1 Building Height Precincts with revised height in storeys for Blocks C, D, F and G.

Proposed Changes related to Building Height

1. Achieve revised building height measurements enabled for mid-rise buildings through the HAF amendments with context sensitive amendments relating to the original intent of the Penhorn FGN development agreement. These changes would revise Block C and Block G to 7 storeys and Blocks D and F to 6 storeys via an amendment to Schedule E Maximum Building Height Precincts.
2. Revisions to the Schedule B - Concept Plan to identify heights which are consistent with Schedule E. Alternatively the removal of building heights from Schedule B would also be appropriate.

Proposed Amendment		
Block	Storeys Identified on Concept Plan (Schedule B-1)	Storeys Identified proposed Maximum Height (Schedule E-1)
C	7	7
D	6	6
F	6	6
G	7	7

Design Requirements

While designing the building, it was determined that additional floor to floor height was needed to accommodate a specific type of heating and cooling infrastructure. This infrastructure is recommended for its energy efficiency but require additional floor to floor height so they can be fully enclosed in unit ceilings without the need for expensive and visibly unappealing bulkheads. Further information outlining the benefits of the proposed heat pumps can be found in Attachment C.

It was determined that approximately 8 inches (0.2m) was floor to floor height was needed per floor. In total, an additional 1.94 m (6.36 feet) in building height is required.

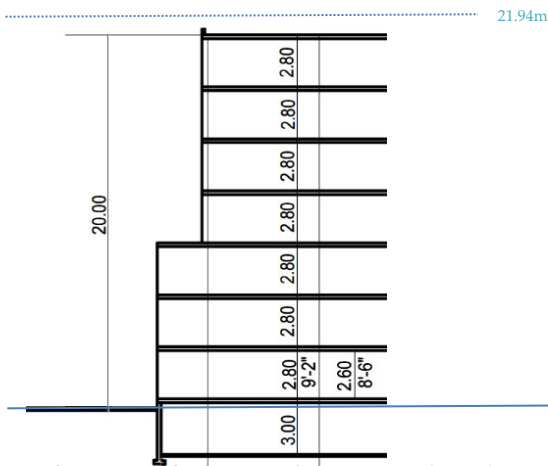


Figure 3 Original Proposal at 20 metres (N.T.S.) (N.T.S.)

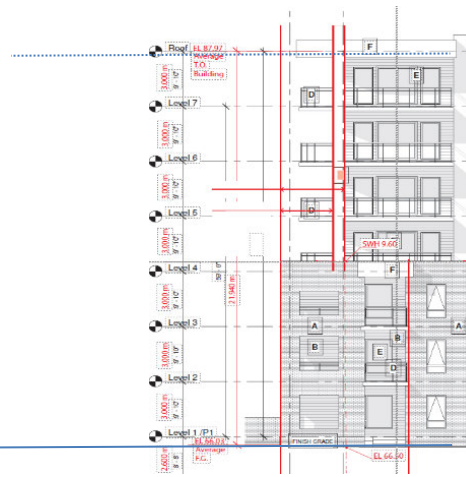


Figure 2 – Proposed building at 7 stores (approx.. 21.94m)

Achieving the HAF benefits would resolve our issue under the existing development agreement which has a finite measured heights. The flexibility to measure height using floors rather than metres resolves our issue and enables the installation of energy efficient heating and cooling infrastructure.

Alternatively, we would sink the building to accommodate the need for increased height but this has not been possible due to the water table location and the need to access underground parking with ramps within engineering specs. Lowering the building would make driveway ramps too steep.

Solar and Wind Impacts

Based on our review, the adjacent park and trail are generally oriented in an east west direction. This provides the trail and the adjacent park with excellent solar access for the majority of the day with limited impacts on small portion of the park after 4 pm. Because of the close relationship between the proposed buildings and the park, it is not anticipated that the limited increase in building height would have any significant additional impact.

Wind impacts are not anticipated to change based on the additional height.

Transitions to Adjacent Low Density Residential Neighbourhood Due to the limited increase in height

The distance to the closest low density dwelling to the buildings with increased height is approximately 60 m. Located in between are townhouses which because of their location and height will likely block much of the view of the multiple unit dwellings. Regardless of what portion of the building may be seen, the increase in height is minor compared to the existing agreement, and no significant impacts are anticipated.

### Policy Review

The Penhorn Future Growth Node policies do not refer to building heights measured in metres but refers to building typologies. In the case of Blocks C, D, F and G, the policy references Area 2 on the Map 11. This map identifies the permitted uses of residential low density to mid-rise. The HAF amendments have further clarified the definition of mid-rise to a maximum of 7 storeys. The proposed amendment is consistent Policy F-9. No conflicts with MPS policy were identified, and the changes are therefore consistent with policy.

### Summary:

The increase in building height is limited and only 8 inches or 0.2 m per floor only differs in a minor way from the original heights. The Penhorn Future Growth Node policy now refers to the HAF midrise height of 7 storeys as the benchmark for maximum height within the subject blocks of the site. Transitions to adjacent neighbourhoods are maintained and increased heights and have limited to no impact on surrounding low density residential areas. Further the conversion of building heights to floors is consistent with the HAF changes approved by Regional Council and no detrimental affects were identified.



**Attachment B**

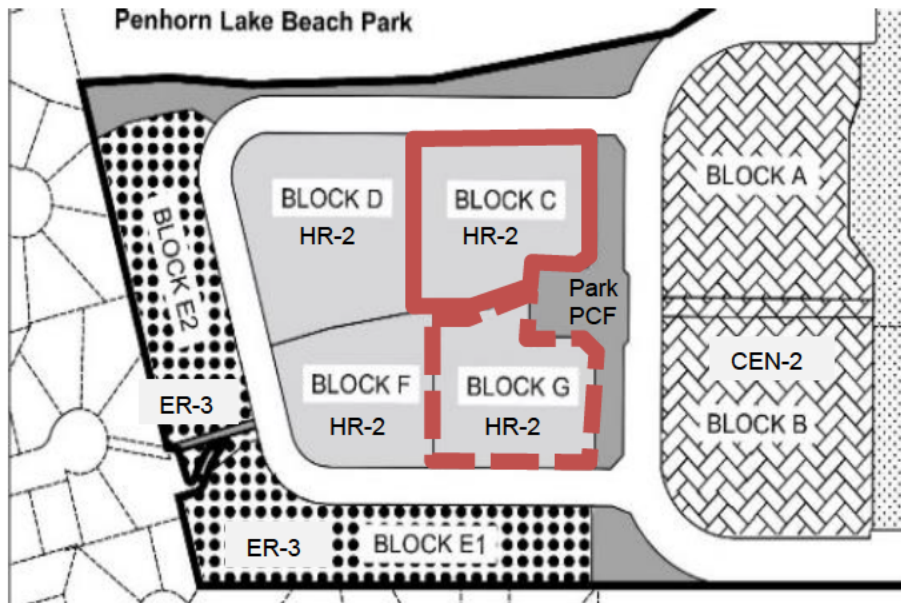
**Project / Design Rationale - reduction of side yard setbacks adjacent PCF Zone.**

**General Background**

The property is zoned Higher-Order Residential 2 (HR-2) Zone through the existing development agreement and is abutting a Park and Community Facility (PCF) Zone property, which is developed as a landscape area adjacent a multi use pathway and will be further be partially developed a hardscaped public plaza (centralized between Block C and G). The linear park which is adjacent the multi use pathway is approximately 6.0 m wide adjacent the proposed buildings on Block C and G. The requirements of the LUB and the requested change to the development agreement are as follows:

LUB Regulation	Requirement	Requested Change
Minimum Side Yard Setback Section 198(1)(a)(ii)	6.0 metres from the side lot line abutting a PCF zone for any mid-rise, tall mid-rise, or high-rise building.	3 metres (reduction of 3 metres)

The area impacted in the concept plan is shown in a solid red line below (Block C) but confined to the area adjacent the park. Please note that via a variance process we have received a reduction in the setback from PCF Zone from 6 m to 3 m for the adjacent Block G. For greater certainty we have applied to amend the development agreement rather than going through a future variance for the subject lands (Block C):





Site Specifics

The request deals with a reduction in side-yard setbacks adjacent the linear parkway but not the adjacent hardscape plaza. The diagram below identifies the specific area where the setback would normally be required (orange line 6m setback) and the proposed setback (yellow line 3m). As noted, a variance has previously been granted for Block G enabling the proposed reduction.



The need for an amendment originates from two factors:

1. An unintended error by our architect in understanding the original setback rules.
2. A design choice to add additional grade related like units facing the linear parkway which dramatically improves the park and Opal Ridge Drive facing building face. Ultimately this results in an upgraded grade-related building.

In this case, an unintended error and a design choice has led to an improved building. We intend to identify why the unintended error, combined with the design choice is actually an improvement to the original building and the streetscape.

Context of Linear Park

The original agreement required a 6.0 m side yard setback from the PCF zoned parkland.

In context, most parkland is a typically a minimum of 30m wide and deep and the setback from the shared property line from an HR-2 zoned parcel is 6.0 m. This setback provides an increased separation distance that is 20 percent of the width of the parkland parcel. The setback ensures that the building does not overshadow the park or hinder its use.

In this instance the parkland is approximately 6 m wide and the setback is required to be 6.0 m. The setback is onerous being 100% the width of the parkland.

The situation caused by the relationship between the parkland and the adjacent parcels is unique and only applies to Block C and G. A survey of other parkland in HRM could not identify any other situation which is similar to the situation found in this area of Opal Ridge. It is not anticipated that this situation is broadly applicable elsewhere.

Because of its uniqueness, it is worthy of being considered for an adaption via site-specific text in the development agreement, rather than the generic regulation found in the Regional Centre Land Use By-law. Because of the wording in the Regional Centre MPS, provided a setback is provided, and the context of that setback is considered through the development agreement, there should be no planning policy related issues.

Improved Building Face/Grade Related Units

Our design solution is to encourage active building frontages on these facades, similar to what would be required for a streetwall. The request for a reduced setback is based on the addition of approximately six entrances along the face of the building facing the linear park. This enhances the streetwall along this face of the building. The entrances, along with adjacent raised balconies, steps and planters provide an aesthetically pleasing building face and ground level which activates a path along the building face which connects to the adjacent street and central plaza.

In this form, the design activates this building face and provides for surveillance of the adjacent linear park and multi-use pathway. This is contrary to the design that would exist without a reduced setback, which would not have grade related like entrances.



The interaction between buildings and the street is an important factor when considering the viability and amenity of sites. Well-designed frontages facilitate interactions between pedestrians and places, which in turn provides for a vibrant pedestrian environment.

Objectives of Active Street Frontages are (a) to facilitate transactions between buildings and the street; (b) to encourage passive surveillance at street level; and (c) to ensure that buildings contribute positively to the public domain.

While the adjacent linear park does not officially form part of the street, because of the limited width of the parcel, it acts more like a widened right-of-way adjacent the street and is not intended to be a barrier to the street. By placing grade related entrances along the side of the building, it furthers the intent of the development which is to create pedestrian-friendly public spaces. Further it furthers the intent of the Penhorn Mall lands MPS policy to create a “compact, mixed-use neighbourhood” on the Penhorn Mall Future Growth Node site.

The reduction in the side yard enables an improved relationship between an active street front, the linear park and the multiple use trail.

#### Impacts on the Linear Park

A review of the linear park and its context with the building and surrounding area found no significant factors which caused concern. The proposed building design includes a setback above the third floor and includes a pedestrian friendly setback appropriate for the proposed setback.

Additionally, we reviewed the impacts of the reduced setback on solar access over the park and adjacent multiple use trail. Based on our review, the park and trail are generally oriented in an east west direction. This provides the trail and the park with excellent solar access for the majority of the day with limited impacts on small portion of the trail after 4 pm. This would take place regardless of if the setback was reduced. The reduction of the setback has no appreciable impact on solar access.

#### Policy Analysis

RCSPS Policy 3.2.2 notes that building envelope controls should include ‘transitioning between large-scale buildings and more intense land uses when located next to parks and low-rise residential areas through the use of side and rear setbacks and setbacks.’

Policy F-9 of the Penhorn FGN also notes that Council should consider ‘providing pedestrian-oriented building facades and designs’ when considering the development agreement (or amendments to it) for Penhorn.

Our proposed changes will enable units to have a grade-related dwelling unit style facing the linear park. In our opinion, this style of park benefits from an active building relationship accompanied by a more intimate setback and represents an improvement on the original building design.

Further the core concepts of SPS such as complete communities, pedestrian first design, human scale design goals; and urban design goals such as contextual design, civic design and human scale design all support a unique design solution for this specific situation.

#### Summary:

The implementation of good design and CPTED principles provide a proposed relationship which activates the relationship between the multiple unit building and the park, multi-use path and public street and provides superior surveillance. Reverting to a design that meets the existing requirements of the development agreement clearly leads to a lesser building, one with no active frontages adjacent the park and one that does not implement better CPTED design. Ultimately the proposed building provides for a better design and aesthetic without compromises.

This closer proximity between building, park and multi purpose trail meets the intent of the MPS policy to create pedestrian-friendly public spaces. Further it furthers the intent of the Penhorn Mall lands policy to create a “compact, mixed-use neighbourhood” on the Penhorn Mall Future Growth Node area.

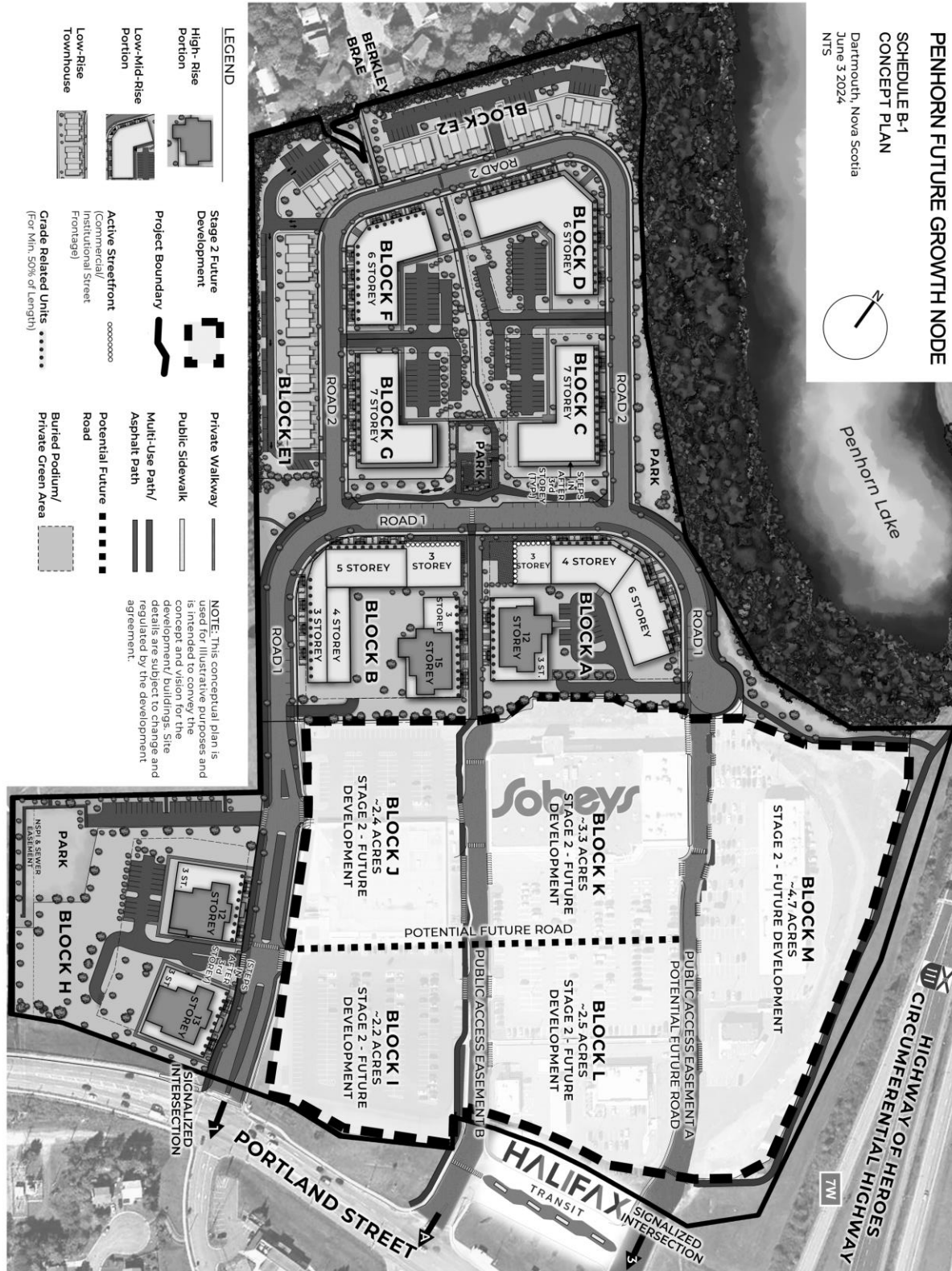
### Attachment C - Heat Pump Information

- The desire to meet environmental goals and maximize energy efficiency has led to a need to install ducted heat pumps, this requires extra floor-to-floor height to run utilities between the ceiling and the floor of the level above.
- We have chosen this system for the following reasons:
  - Cleaner utility, eliminating the need for natural gas fired boiler for hot water baseboard heating, resulting in greenhouse gas reduction;
  - Creates proper and clean airflow for individual tenants, optimized for use in compact spaces and multi residential buildings;
  - Smaller penetrations in building envelope for operating efficiency;
  - An added 40%-50% efficiency over standard heating solutions, reducing utility bills;
  - Reduce waste on construction, use spec size steel framing and drywall board with less cutting; and
  - Create single ceiling height for efficient construction to run all mechanical, plumbing etc in the same cavities, reducing penetrations.
  - This type of system enables submetering for both electricity and water which:
    - Allows developer to identify key savings and energy reduction opportunities;
    - Reduces Carbon footprint; and
    - Enables Tenant managed heating and cooling, tenants become aware of their consumption, which makes for better budgeting for tenants and maintaining of conservation mentality every day; and
  - This systems meets Federal and Provincial environmental targets and helps achieve HalifACT climate goals.

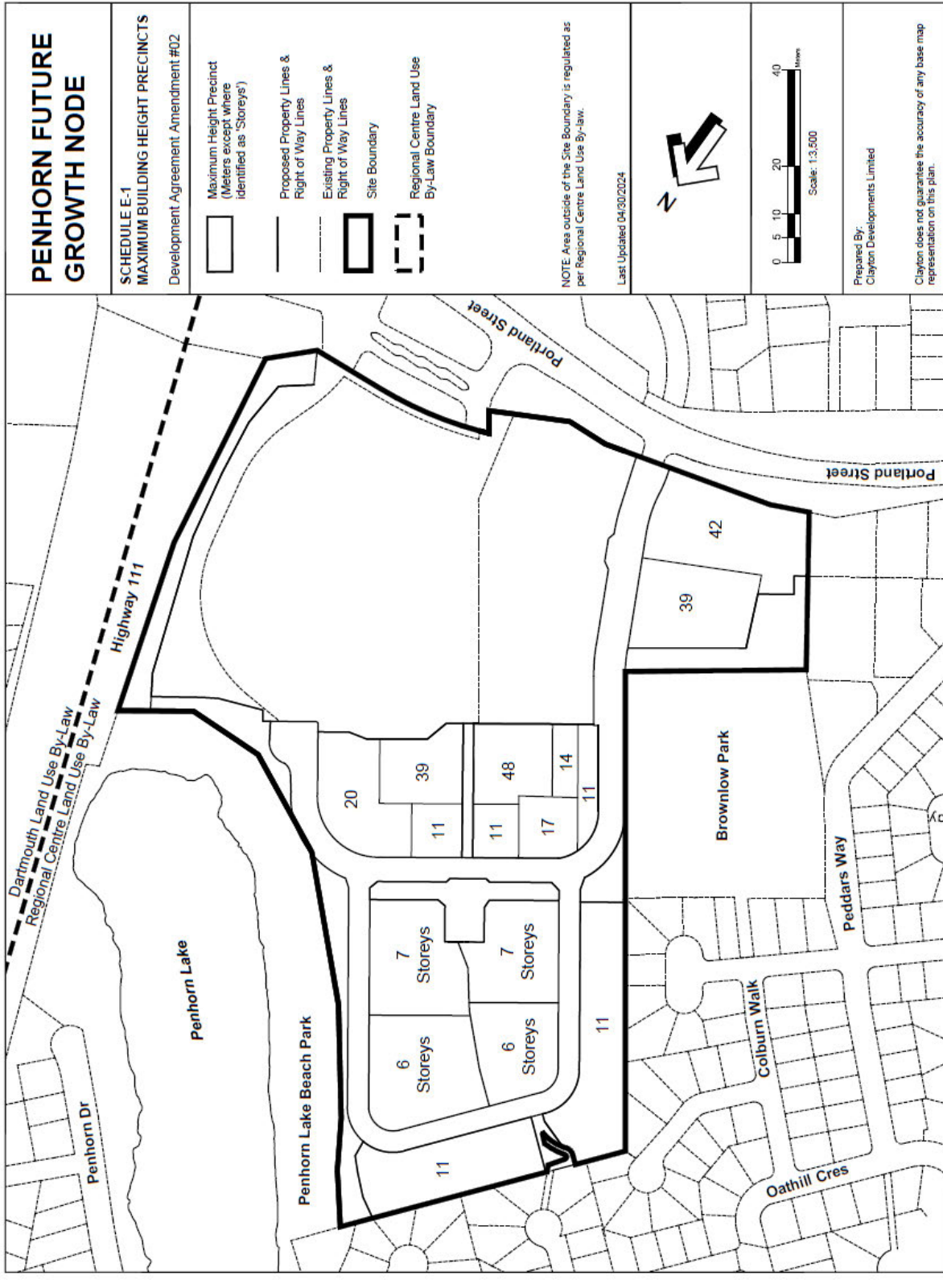


**Attachment D  
Schedule B-1 – Concept Plan**

**PENHORN FUTURE GROWTH NODE**  
**SCHEDULE B-1**  
**CONCEPT PLAN**  
 Dartmouth, Nova Scotia  
 June 3 2024  
 NTS



**Attachment E**  
**Schedule E1 - Maximum Building Height Precincts)**







Attachment G – Rendering of Proposed Building Elevation Adjacent PCF Zone



Note: This image demonstrates the intent for the grade related like units on the ground floor adjacent to the park on Block G. The building proposed for Block C is a mirror image of this rendering. Further since this image was created there have been minor updates to the building to meet the requirements of the development agreement.

Attachment H – Relevant Regional SMPS Regional Centre Plan Area Policies

2.9.1.2 PENHORN MALL LANDS

A Community Vision for the Penhorn Mall Lands was approved in principle by Council in October of 2009, which envisioned the area as a mixed-use area clustered around the transit terminal on Portland Street. The redevelopment concept includes pedestrian and transit-oriented spaces and corridors, and a range of low, medium, and high-density housing choices containing approximately 1,500-1,750 dwelling units.

Public amenity spaces including Penhorn Lake and Brownlow Park will support the development of this community, and additional open spaces and connections will be provided. Protection of the water quality of Penhorn Lake is a key objective, and will be considered during the development and construction phases of the site. Four areas are identified in this Future Growth Node:

- Area 1: this area abuts the Manor Park neighbourhood, and Penhorn Lake Park and Brownlow Park. Future development will maintain and enhance the existing vegetative buffer. Low-rise residential buildings are supported in this area due to its proximity to an existing low-rise residential neighbourhood.
- Area 2: this area abuts Area 1 and the Penhorn Lake Park. Future development will maintain and enhance the existing vegetative buffer through landscaping. **Predominantly residential low-rise buildings and mid-rise buildings will be supported** in this area to provide transition between the lowrise residential of Area 1, and the more dense and mixed-use Area 3. Part of this area also abuts the Circumferential Highway where a multi-use trail is planned to connect the transit facility to Area 3 and Penhorn Lake Park.
- Area 3: this area is intended to be the mixed-use centre of the Penhorn Future Growth Node. Midrise buildings, tall-mid-rise buildings and high-rise buildings clustered around a transit facility is supported in this area. A mainstreet pedestrian-oriented development is envisioned for this area, providing a focal point for commercial activity and supporting public amenities for this dense community. A multi-modal active transportation greenway connects and provides a transition between this area and Area 2, and connects the two key parks that exist on the site.
- Area 4: this area is nestled between the Manor Park low-rise residential area, Brownlow Park, lowrise Area 1, and the mixed- use centre of Area 3. This area is facing Portland Street and is in close proximity to the transit facility. This area may develop into low- to high-rise mixed-use development, and additional park space adjacent to Brownlow Park may also be considered for this area.



Policy F-9 When considering a development agreement for the Penhorn Lands Future Growth Node, Council shall consider Policy F-6 and the following:

- a) That the general location of proposed land uses, road network connections, parks, and multi-use trails is reasonably consistent with Map 11;
- b) That site and building design supports a compact, mixed-use neighbourhood by:
  - i) planning for a mix of low to high-rise buildings as illustrated on Map 11,
  - ii) transitioning the height of new development down to existing low-rise residential buildings and public parks,
  - iii) locating commercial and institutional uses within mixed-use buildings up to the third floor, and primarily along the ground floor of pedestrian-oriented commercial streets,
  - iv) providing pedestrian-oriented building facades and designs,
  - v) prohibiting new drive-through facilities,
  - vi) providing substantial landscaping around the perimeter of the site, and adjacent to all buildings, and
  - vii) providing a mix of units, including grade-related dwelling units and ground-oriented premises;
- c) That environmental protection, water quality and Urban Forest Master Plan objectives are supported by:
  - i) designing on-site stormwater management that emphasizes low impact development measures to maintain water quality in Penhorn Lake, with consideration given to the Analysis of Regional



- Lakes Water Quality Data (2006 - 2011) prepared by Stantec in 2012, and Surface Water Quality Monitoring – 2017 Final Report prepared by AECOM,
- ii) considering a water quality monitoring program during and following development to ensure that the water quality objectives of the Regional Plan are satisfied, and
  - iii) preparing a landscaping and vegetation plan as part of site development to support the canopy target for the Manor Park Neighbourhood as referenced in the Urban Forest Master Plan;
- d) Parks and open spaces provide the full range of recreation and open spaces needed to serve the dense community by:
- i) locating public amenity spaces near the transit terminal on Portland Street,
  - ii) retaining, and where feasible, enhancing vegetative buffers around Penhorn Lake,
  - iii) establishing setbacks from municipally-owned lands around Penhorn Lake,
  - iv) only permitting pervious landscaping materials within the setbacks from municipally-owned lands around Penhorn Lake, and
  - v) **planning for public park spaces to be aligned with, and to be visible from existing parks and the multi-modal pathway linking the Penhorn Lake area and Brownlow Park;** and
- e) That the transportation network prioritizes walking, the easy use of mobility devices, cycling, and transit use by:
- i) providing a minimum of two street access points to Portland Street, as illustrated on Map 11,
  - ii) planning for a multi-modal greenway that links the Penhorn Lake area and Brownlow Park, and accommodates public spaces, trees, and an off-road active transportation route,
  - iii) **designing wide pathways to access the back half of the site and intersect with the greenway to give priority to pedestrians and active transportation, and**
  - iv) designing pedestrian pathways to connect the transit facility, existing neighbourhoods, Brownlow Park, Penhorn Park, and the proposed Penhorn Lake trails.

### 3.2.2 BUILDING ENVELOPE

The building envelope describes where new development is permitted on a lot, including its location, size, and massing relative to lot boundaries, surrounding buildings, and the public realm. Additional building envelope controls include maximum building dimension requirements for different portions of buildings. This Plan supports building envelope controls that:

- reinforce the fine-grained and regular lot pattern that supports pedestrian traffic;
- reinforce ‘human-scaled’ streetscapes, weather protection, and shorter routes to main entrances;
- provide transitions in scale to low-density residential areas and neighbourhoods, heritage resources and conservation districts, and the Halifax Harbour;
- ensure adequate street-level conditions to minimize wind and maximize sun penetration and sky exposure; and
- balance height and massing relationships.

The building envelopes are organized in the following categories, as defined in this Plan and the Land Use By-law, to reflect the different set of standards that are applicable to different building heights:

- a) Low-Rise Building;
- b) Mid-Rise Building;
- c) Tall Mid-Rise Building; and
- d) High-Rise Building.

Buildings of different heights and scale have varying impacts on their surroundings and the public realm as their heights increase, which may require different standards, depending on the local context. Specific building envelope controls include:

- establishing minimum streetline setbacks of between 0.5 metres and 4 metres, with possible variations based on the local context;
- establishing mid-block connections and variety in design through maximum building dimensions and side yard requirements at the street level;
- implementing interior setbacks, streetwall stepbacks for mid-rise buildings, tall mid-rise buildings and high-rise buildings, to mitigate impacts from wind and shadow at the street level; and
- transitioning between large-scale buildings and more intense land uses when located next to parks and low-rise residential areas through the use of side and rear setbacks and stepbacks.

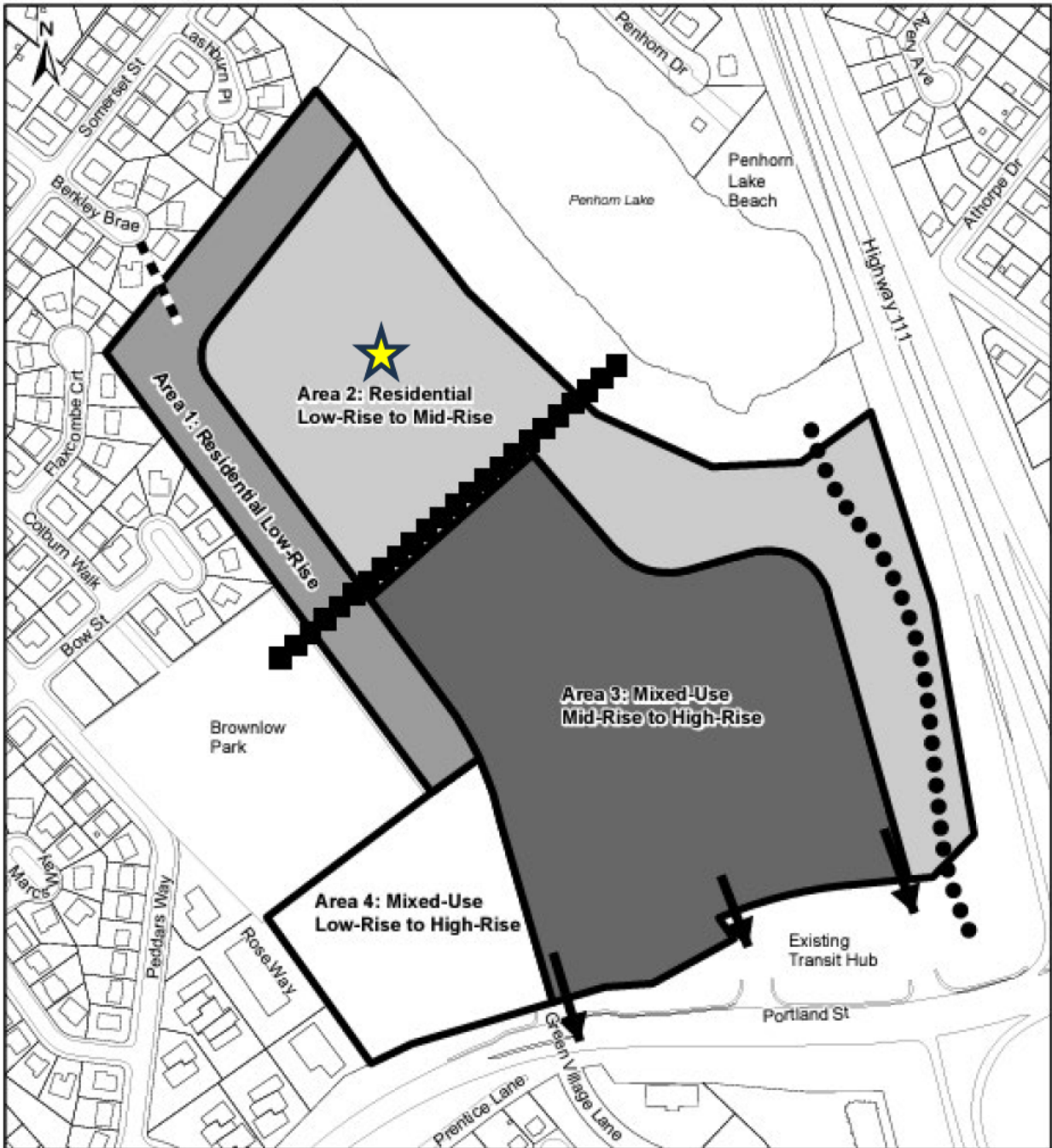
The Institutional Employment Designation, Park and Community Facility Designation, and the Industrial Commercial Employment Designation support land uses that may require unique and larger building designs. Building envelope requirements established for these designations will accommodate flexible building designs, while ensuring buildings transition to surrounding land uses, and in some contexts, also support pedestrian activity.

Within the Established Residential Designation, building envelope regulations are intended to preserve the built form character of existing neighbourhoods. These building envelope requirements are intended to promote human-scale and pedestrian-oriented design in low-rise residential neighbourhoods, and may be tailored for the precincts and special areas identified in Part 2.

#### Policy UD-9

The Land Use By-law shall establish building envelope regulations that support context-specific, human-scaled and pedestrian-oriented environments by:

- a) establishing minimum separation distances for buildings located on the same lot;
- b) establishing maximum building dimensions for the COR, HR-1, HR-2, CEN-1, CEN-2 and DD Zones to encourage variation in building design;
- c) within the DD, CEN-2, CEN-1, HR-2, HR-1, INS, and UC-1 Zones, establishing maximum floor area and maximum dimensions for the tower portion of high-rise buildings above the streetwall that do not exceed a building depth or building width of 35 metres, or a floor area of 750 square metres per storey;
- d) within the UC-2 Zone, establishing maximum floor area and maximum dimensions for the tower portion of high-rise buildings above the streetwall that do not exceed a building depth or building width of 38 metres;
- e) within the DH Zone, establishing maximum building dimension requirements for any portion of a main building above 33.5 metres high as follows: (i) 38.0 metres in building width and 27.5 metres in building depth, inside the Downtown Halifax Central Blocks (DHCB) Special Area, and (ii) 38.0 metres in building width and 38.0 metres in building depth, outside the Downtown Halifax Central Blocks (DHCB) Special Area;
- f) establishing minimum front yard setback that support the public realm, pedestrian traffic, access and landscaping;
- g) establishing minimum side and rear yard setback requirements that transition from higher density zones to lower-density zones, as well as from mixed-use commercial, institutional, and industrial uses to abutting residential and park zones;
- h) within Established Residential zones, establishing minimum setback, maximum lot coverage, minimum lot area, and minimum lot frontage requirements that preserve the built form character of existing neighbourhoods;
- i) tailoring building envelope requirements for the precincts, special areas and other areas identified in Part 2 of this Plan;
- j) prohibiting pedways that connect main buildings over a street as a built form in all zones;
- k) prohibiting drive-throughs as a built form in all zones, except for the CLI and LI Zones; and
- l) establishing setback and massing requirements for accessory structures, backyard suites, and shipping containers.



**Map 11: Future Growth Node  
Land Use Concept - Penhorn Lands**

- Multi-Use Trail
- ➔ Potential Street Connection
- - - - Walkway
- ■ ■ ■ Greenway

HRM does not guarantee the accuracy of any base map representation on this plan.



**HALIFAX**  
Regional Centre  
Secondary Municipal  
Planning Strategy

Effective: 27 November 2021

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