

## **Attachment J**

### **Summary of Proposed Package B Revisions**

Draft Centre Plan Package B was initially published for consultation in February of 2020. Since this time, staff have received extensive stakeholder, public and CDAC feedback on the draft planning documents and carried out further research on key items raised through these consultations. The following summarizes the key adjustments to the policies and regulations that apply to Package B areas of the Regional Centre contained in the current recommended version in comparison to the February 2020 published version of draft Package B.

#### **Parks and Community Facility Designation**

The proposed Package B adjusts the policies and land use controls for public parks and community facilities to strengthen the link between land use and parkland planning and the Plan's support for municipal investments in parks and open spaces. Key adjustments include:

- clarifying the direction approved in Package A to develop Regional Centre Parks and Open Space Plan to guide future park network plans and investments;
- new policies and regulations to require larger (4-6 m) front yard setbacks surrounding the Halifax Commons to support the park setting and align with research carried out as part of the Halifax Common Park master planning process;
- simplifying built form and building design controls in the PCF and RPK zones to recognize the unique needs of institutional structures;
- including park and community facility uses in a proposed site plan variation option to allow a number of building form and design requirement to be varied if needed to support unique operational needs or innovative building designs.

#### **Downtown Dartmouth (DD) and Downtown Halifax (DH) Zones**

Develop Nova Scotia, and other key stakeholders provided feedback related to supporting the unique land use needs of the downtown core, and specifically the waterfront areas on both sides of the Halifax Harbour. In response, key changes to the Downtown Dartmouth and Downtown Halifax areas policies and regulations include:

- splitting the D (Downtown) Zone into the Downtown Dartmouth Zone (DD) and the Downtown Halifax Zone (DH) under the Downtown Designation to simplify the planning framework while allowing for the differentiation in land use and built forms in the two downtowns;
- allowing marine-related uses in both the Dartmouth Waterfront (DW) and Halifax Waterfront (HW) Special Areas, as opposed to only existing marine-related uses to support the active working aspect of these waterfront areas;
- clarifying that minimum setbacks to the Halifax Harbour do not apply to marine-related uses given the operational needs of such uses to locate directly adjacent to the water;
- clarifying the area where surface parking is prohibited to allow accessory surface parking in the Halifax Waterfront (HW) Special area; and
- increasing flexibility for the use and location of temporary kiosks in the Halifax Waterfront (HW) Special Area to support existing small business and activities on the waterfront;
- within the Dartmouth Waterfront (DW) and Halifax Waterfront (HW) Special Areas, allowing commercial and institutional uses to be constructed below coastal elevation requirements provided a report by a qualified Professional Engineer identifies alternative measures to mitigate environmental and safety risks.

#### **Established Residential Designation**

Staff received extensive feedback from residents and CDAC concerning the Established Residential Designation and zones. In response, staff conducted additional analysis and have significantly revised the Established Residential policies and zones to more closely align with existing zoning. The following summarizes the key changes to the Establish Residential Designation and zones.

### Zone Changes

- The permitted residential uses in each zone are adjusted as follows:
  - ER-1: single unit dwellings, secondary suites, backyard suites, small shared housing (same as previous draft);
  - ER-2: ER-1 permitted uses, semi-detached dwellings and two-unit dwellings (change from allowing three-unit dwellings and townhouses in previous draft);
  - ER-3: ER-1 and ER-2 permitted uses, three-unit dwellings and townhouses (change from four-unit dwellings in previous draft); and
  - Home office and home occupation uses are also permitted in all ER zones (no significant changes from previous draft).
  
- The LLC (Land Leased Community) zone is replaced by the CH (Cluster Housing) Zone to accommodate existing mobile home park communities, and allow for the clustering of up to 24 low-density dwelling units on a single lot. This proposed zone responds to Council direction to consider allowing clustered housing forms in response to the “tiny homes” clustered housing affordable housing concept proposed by Homes for Heroes. The CH Zone is applied to existing mobile home parks, and a limited number of large, irregularly shaped properties with limited frontage. The CH Zone may also be applied to additional areas through an LUB amendment process.
  
- The placement of Establish Residential Zone is updated as generally described below:
  - the ER-1 zone is applied to lots previously zoned R-1 and within proposed heritage conservation districts located within the ER designation;
  - the ER-2 zone is applied to lots previously zoned R-2, DN and areas otherwise not covered by ER-1 or ER-3; and
  - the ER-3 zone is applied to lots previously zoned for townhomes and mid-density housing forms, such as the R-2A zone, and along most existing and planned transit corridors.

### Establish Residential Special Areas

- the Halifax West-1 and Halifax West-2 are combined into one Halifax West Special Area given that the land use controls are the same;
- the ER Conversion Special Area is removed to recognize the flexibility already provided by the secondary and backyard suite provisions that support similar objectives in a more flexible manner;
- the proposed maximum footprints for single-unit dwellings in certain areas is removed due to duplication with other similar requirements;
- maximum heights are adjusted to 11 m for most areas;
- maximum lot coverage has been increased in some areas to provide more flexibility for smaller lots in some special areas;
- the Young Avenue Special Area is adjusted by removing the development agreement options, and instead allowing three-unit internal conversions of existing buildings as-of right and 4-unit dwellings on lots vacant as of September 18, 2019 provided that:
  - they are re-subdivided to reflect the larger than average lot areas, frontage, and dimensions that characterize the area; and
  - developed to resemble one large single-unit dwelling with dimensions, setbacks and building design that reflect the characteristics of the large homes that distinguish the area.

### Local Commercial Uses

- Local commercial and institutional uses are no longer permitted as-of-right in any Established Residential Zone and instead only considered by development agreement. The development agreement options require public consultations and enables Council to control the hours of operation, among other items.

### Townhouse Design Requirements in ER-3 Zone

- Simple design requirements are added for townhouse dwellings in the ER-3 Zone to support the character of local neighbourhoods. These regulations require townhouse units to be vertically distinguished from an abutting townhouse dwelling through changes in colour, material, or recesses/projections.

### Backyard Suites

Given that the Regional Centre contains many existing accessory buildings, accessory structures existing on the coming into force date of the Land Use By-law are permitted to be developed into a backyard suite regardless of its height, footprint, side setback, or rear setback, and lot coverage, as long as all other applicable built form requirements are met. This will further support the intent of the Regional Plan policies and support a greater number of accessory building conversions into housing units. Backyard suites were also removed from maximum bedroom counts in ER zones.

### Non-Conforming Residential Uses

Given historic development patterns, staff recognize that there are a number of existing multi-unit residential uses and structures that are non-conforming under current LUBs, and additional sites that may not conform with proposed regulations. To support reinvestment in existing housing stock, additional flexibility is introduced for non-conforming residential uses and structures to allow:

- existing structures containing non-conforming low density uses to expand or be rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise; and
- existing structures containing non-conforming multi-unit dwelling uses to be rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise, providing it is substantially the same as it was before the destruction or damage.

### **Institutional Employment Designation**

Staff received constructive feedback on proposed Institutional Employment policies and zones from several key stakeholders including Dalhousie University, Saint Mary's University, King's University, Nova Scotia Health Authority, Nova Scotia Public Health, Municipal Affairs and Housing, and others.

In response, Package B makes a number of adjustments to recognize the unique function of existing and new institutional buildings and provide the flexibility needed to support the expansion of institutions. The following summarizes key adjustments to Institutional Employment Designation policies and land use regulations.

### DND and H Zones

- developments in the DND (Department of National Defence) and H (Hospital) Zone are not required to meet general building design requirements given the unique needs of these facilities and that federal and provincial governments are not required to seek municipal permits when constructing new buildings on their lands;
- SMPS policies are clarified to encourage partnerships with federal and provincial governments to support building designs that support the urban design goals of this Plan and the direction set out in the Regional Centre Urban Design Manual; and
- maximum heights for the proposed QEII redevelopment site are updated to reflect recent design proposals.

### UC Zones

- the University and College (UC) Zone is revised to include two zones and three special areas to support distinct land uses and built forms of different campuses:

- UC-2 Zone is applied to part of the Dalhousie University Sexton and the Carleton Campuses to recognize and support the urban form of these areas located in proximity to major centres. This zone permits 100% lot coverage and applies built form controls that are similar to the DH (Downtown Halifax) Zone framework. Maximum building heights are 70 m.
- UC-1 Zone is applied to all other university and college campuses to recognize and maintain the open space settings. This zone establishes 60% lot coverage requirements that is calculated based on contiguous campus areas identified in the LUB. Built form requirements generally align with the HR-2 Zone, with maximum building heights limited to 38 m or lower in certain contexts.
- a Dalhousie Sexton Special Area is added to allow 18.5 m streetwalls currently permitted under the Downtown Halifax Plan;
- no minimum parking is required for university and college uses to allow institutions to determine their own parking needs and to support mobility objectives; and
- university and college uses are included in the proposed site plan variation option that enables a number of building form and design requirement to be varied if needed to support unique operational needs or innovative building designs.

#### INS Zone

- similar to other institutional zones, built form and design requirements are simplified for the INS zone while maintaining modest maximum heights, 14 m streetwalls and basic articulation requirements;
- designated landmark building properties are permitted to expand up to 10% of the building volume, a change from the initially proposed 5%;
- a number of properties previously proposed to be zoned INS are re-zoned to allow residential or mixed use development on a whole or a portion of the site. This was based on property owner requests, site context analysis and adjacency to other proposed land use designations; and
- the new implementation policies enable Council to consider re-zoning of INS zoned properties to another zone within the Institutional Employment designation or any zone within the abutting designation to enable institutional uses to expand or evolve, subject to public consultation and Council approval.

#### All Institutional Employment Zones

- To support the potential expansion of institutions, the SMPS implementation policies enables Institutional Employment zones to be applied in abutting designations through the LUB amendment process.

#### **Industrial and Employment Designation**

Package B makes a number of adjustments to Industrial Employment policies and zones to align with the recently approved Burnside zoning framework and support the mixed commercial and industrial nature of existing areas.

#### Zoning Changes

- the LI (Light Industrial) Zone setback and landscaping requirements are refined for consistency with the Burnside zoning framework; and
- the previously proposed COM (Commercial Zone) is reframed as the CLI (Commercial Light Industrial) zone to support light industrial uses and a variety of complementary commercial uses, excluding large format retail uses. The CLI zone is applied to areas that are served by transit that

already contain a mix of commercial and industrial uses, including the Kemp Road area in Halifax, and portions of Windmill Road and Pleasant Street in Dartmouth.

#### Research and Development Facilities

- A new Research and Development Facility land use is established in the LUB and permitted in all Industrial Employment zones, as well as the CEN-2 and D Zones. This new land use definition includes laboratories and custom workshops and is intended to recognize the evolving nature of industry, such as 3-D printing. Building code requirements will continue to address safety issues related to any nearby residential uses.

#### Industrial Commercial Special Area

The Halifax Seaport Special Area is renamed Mixed Industrial Commercial Special Area and applied to additional areas within the Harbour-Related Industrial (HRI) Zone to support harbour-related industrial uses, commercial uses that complement industrial businesses, and public access to Halifax Harbour. This Special Area is applied to the Halifax Seaport, and active arts and cultural district found at the south end of the Halifax waterfront and to the Centre for Ocean Ventures & Entrepreneurship (COVE) in Dartmouth, which is a hub for local and global ocean technology businesses, post-secondary institutions, researchers, and marine-based and service businesses that support the ocean sector. Within these areas, the HRI zone will continue to permit industrial uses, while also permitting a broad range of commercial and institutional uses permitted in the Downtown Dartmouth (DD) and Downtown Halifax (DH) Zones.

#### The Halifax Grain Elevator

The Halifax Grain Elevator is located in the south end area of the Halifax Peninsula on lands owned by the Halifax Port Authority. Initially constructed in 1924, the Grain Elevator is the only grain elevator on the Eastern Seaboard and is considered essential economic infrastructure. During the early period of grain elevator operations, the surrounding south end area largely consisted of industrial and commercial uses that supported port operations. As the former City of Halifax grew, the area gradually transformed into a desirable mixed-use residential neighbourhood located close to Downtown Halifax, Halifax waterfront, Point Pleasant Park, and other amenities.

With an interest in residential development expected to continue, further studies are needed to understand and manage potential public safety risks associated with the Grain Elevator and its proximity to residential uses. Therefore, as a precautionary measure, further residential development in the surrounding area will only be considered by development agreement that considers the results of future risk assessment studies. The Municipality is currently in dialogue with the Halifax Port Authority to carry out a study that assesses public safety risks.

#### **Water Access Designation**

Aside from adjustments to clarify the purpose of the WA (Water Access) Zone, no signification adjustments are proposed to these policies and regulations.

#### **Halifax Citadel Ramparts Schedule**

Centre Plan Package A updated the rampart regulations to include the ground coordinates of all viewing positions and the vertical elevation of rampart points within the Halifax Citadel. Based on experiences administering Package A, staff have identified a need to clarify the impact of permanent historic buildings within the Parade Square. As a result, staff are commissioning a detailed survey of the location and elevation points of the Cavalier Building, the North Magazine and South Magazine buildings. The applicable LUB Schedule will be updated prior to Regional Council review of Package B to reflect this new survey information.

#### **New Proposed Heritage Conservation Districts**

In response to Council direction to consider additional heritage conservation districts in Peninsula South, the following three new HCDs are proposed in the Established Residential Designation:

- Oakland Road HCD;
- Fort Massey HCD; and
- Young Avenue HCD.

The above areas were selected based on an analysis of heritage assets, including the age, integrity and character defining elements of historic neighbourhoods.