

VOM's Land Use By-Law Amendment Suggestions (as of March 2022)

BACKGROUND:

Dartmouth Municipal Planning Strategy (MPS):

https://cdn.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/Dartmouth-MPS-Eff-21Nov27-RegCentre-PkgB-TOCLinked_0.pdf

Main Street Vision Statement (pg 91 in Dartmouth MPS): *“The Main Street area between Highway 111 and Caledonia Road will focus on a well-defined, dense, mixed use town centre with great pedestrian spaces and landscaping, goods and services, and buildings that invite residents to walk or bicycle to obtain daily needs and, in doing so, informally interact with their neighbours.”*

The Dartmouth MPS intends to implement the above vision through development regulations, by fostering a town centre as a focal point for residential and commercial investment in pedestrian oriented buildings and spaces close to public transit, while recognizing the need for automobile access. The aim is to attract re-investment, minimize uncertainties and financial risk, and address land use compatibility and design issues. Three key objectives are identified for the Main Street Designation:

- *Foster incremental development of a mixed-use town centre;*
- *Focus housing close to shops, services, employment and transit; and*
- *Encourage walkable streetscapes.*

These objectives are mainly implemented through the Land Use By-Law that sets out conditions to be met by development, by regulating the siting, orientation, height, configuration, and external appearance of structures.

Important considerations include human scale, pedestrian access, aesthetics, and the potential for buildings to shape public spaces such as streets, plazas, and parks. Automobile access and parking is accommodated in a way that minimizes risk and inconveniences to pedestrians, cyclists, and transit users, while ensuring that the buildings and their inter-relationships are the dominant elements of the streetscape.

Potential Land Use By-Law Amendments for the Main Street (Village On Main) area

Despite the clear vision for “Main Street area designation” outlined in the Dartmouth MPS the current land use by-laws (<https://cdn.halifax.ca/sites/default/files/documents/business/planning-development/applications/Dartmouth-LUB-Eff-22Jan08-Case2227-TOCLinked.pdf>) challenge the ability to achieve this vision. Twenty four potential by-law amendment suggestions are outlined below to eliminate barriers and obstacles for development, with the aim of transitioning from a large parking lot/strip mall community to a walkable urban village.

The suggestions are organized into four sections including:

1. making redevelopment more viable,
2. improving pedestrian and internal links,

- 3. minimizing land use conflicts,
- 4. and clarifying the zoning rules.

When suggestions are applicable to what was done in the Centre Plan's Land Use By-law (https://cdn.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/RegionalCentreLUB-Eff-21Nov27_0.pdf), this is outlined to serve as further emphasis and guidance for the suggestion. For additional guidance regarding some of the suggestions, examples from other jurisdictions' land use bylaws are acknowledged.

Notes:

- A. An important purpose of these amendments is to move away from the option of using development agreements so that developers can have certainty with things instead.
 - o Development agreements take a year
 - o Inevitably, the DA will shift the vision of the development from the developer to the planning dept.
 - o Also note that site plan approvals include an appeal mechanism which can create further delays, as projects can be appealed despite meeting the site plan requirements
- B. In addition to the following suggestions regarding land use controls, height, and setbacks, achieving higher density would ideally be supported by better transit service and active transportation connections.
- C. Further notes below seen in red.

	By-law Amendment Suggestions	What the Centre Plan did / What other jurisdictions have done (as seen in blue)
	TO MAKE REDEVELOPMENT MORE VIABLE:	
1	<p>Dartmouth LUB: 39(3)(ba) - Residential uses are not permitted on the ground floor of a building in a C-2 Zone.</p> <p>Suggestion: C-2 zone could require “retail-ready” ground floor rather than require ground floor commercial uses.</p> <p>Rationale: Financiers require excessive parking for commercial uses, and commercial space is harder to fill than residential. Creates more housing options. Can switch to commercial use when the market shifts.</p>	<p>69 - Grade-related dwelling units are permitted ground floor uses for buildings containing a multi-unit dwelling use on non pedestrian-oriented commercial streets.</p> <p>(99) Grade-Related Dwelling Unit Use means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.</p> <p>(98) Grade-Oriented Premises means premises on a ground floor of a building that are accessible by pedestrians from an independent entrance that fronts and</p>

		<p>faces a streetline. For further clarity, a grade-oriented premises includes a grade-related dwelling use.</p> <p>392(2)(d) - Variation: Grade Oriented Premises An alternative method is used within the streetwall to give the appearance that multiple storefronts are present, such as enhanced articulation and display windows.</p> <p>“Grade-related dwelling units” are a good alternative to “retail-ready”</p>
<p>2</p>	<p>Dartmouth LUB: 34(3A) - R-3 uses will have a minimum front or flankage yard of 6.1 metres (20 ft.)</p> <p>Suggestion: The R-3 zone 20-foot setback could be greatly reduced, for the eastern end of Lakecrest.</p> <p>Rationale: Lots at the eastern end of Lakecrest on the south side are very shallow and on the north side are very narrow, so the 20-foot R-3 setback erodes the viability of redevelopment.</p>	<p>Setbacks are specified on Schedule 18 – Minimum Front and Flanking Setbacks Map</p> <p>Setbacks should not be rigid for each zone, but should be context based, which is what was done for the centre plan (setbacks are on a map, Schedule 18)</p> <ul style="list-style-type: none"> • In addition, when determining the setback line it is important to consider if there is a sidewalk there or not • In the zoning we can require pathways on the person’s private property that extend from one end to the other, in effect a sidewalk. Then can subtract that from the minimum required setback.
<p>3</p>	<p>Suggestion: When public open space is created, the abutting property becomes a corner lot, and should be treated as a corner lot, according to Center Plan by-law 361.</p> <p>Rationale: The corner lots would become highly visible and easily accessed from Main Street.</p>	<p>361 - Design Requirement: Corner Treatment Any main building at the corner of two streets or on an open space shall be detailed in a manner that provides visual prominence to that corner of the building by:</p> <ol style="list-style-type: none"> (a) Providing a consistent architectural treatment to both streetwalls; and (b) Using a minimum of one of the following methods: <ol style="list-style-type: none"> (i) A change in the building massing at the corner, (ii) The use of a distinctive architectural treatment at the corner, such as a spire, a turret, a belvedere, a portico, an arcade, or

		<p>an archway,</p> <p>(iii) The provision of a corner pedestrian entrance,</p> <p>(iv) Public art, or</p> <p>(v) An eroded building corner</p>
4	<p>Suggestion: Exempt the requirement that R-3 uses in the C-2 Zone shall comply with the side yard and rear yard requirements of the R-3 Zone.</p> <p>Rationale: Allows more housing options. Increases density.</p>	<p>Dartmouth LUB: 39(2) - Buildings used for R-3 uses in a C-2 Zone shall comply with the requirements of an R-3 Zone.</p> <p>R-3 side and rear yard requirements: 34(3)(c) - A minimum side and rear yard clearance of 15 feet shall be maintained. 34(3A) - Within the Main Street Designation, where the yard abuts any R-1, R-1A or R-2 Zone a minimum 12.2 metre (40 ft) side and rear yard is required.</p> <p>C-2 side and rear yard requirements: 39(3) - (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings. (da) Within the Main Street Designation, where the yard abuts any R-1, R-1A or R-2 Zone a minimum 6.1 metre (20ft.) side and rear yard is required.</p>
5	<p>Suggestion: Increase building height requirements.</p> <p>Rationale: To encourage and improve the viability of profitable developments.</p> <p>However, it is important to acknowledge:</p> <ul style="list-style-type: none"> • The limits for wood buildings (up to 6 floors) 	

	<ul style="list-style-type: none"> ● A lower height facing single dwelling homes and a higher height facing apartment buildings ● lots with varying grades could be affected by increasing heights ● Minimize having commercial building tall walls facing the back yard of residential properties with a step back or some other way to avoid invading the view of the residential backyard. 	
6	<p>Suggestion: Allow a structure taller than 120 feet on Caledonia and Main (the entrance lot to the district).</p> <p>Rationale: The first lot entering the district being higher can signify that one is entering a different world; it can serve as a statement saying “this is the entrance to a mixed use, more dense district”.</p> <p>Consideration: Be cognizant of the surrounding buildings so that shadows and such are accounted for. (in this case, the church, park and college on the 3 other corner lots minimize this concern)</p>	
7	<p>Suggestion: Further reduce parking requirements. Require no parking for Local Commercial Uses, as in Centre Plan. Also allow reductions for parking that’s shared between different land uses.</p> <p>Rationale: Removes barriers to development. Reduces parking requirements and the associated cost, making development more affordable. Allows greater variety of land use.</p> <p>Consideration: availability to alternate transportation (improved public transit and active transportation access)</p>	<p>433 - Table 15: Required minimum or maximum number of parking spaces per lot, by zone and use - Local commercial uses don’t require any parking</p> <p>(138) Local Commercial Use means commercial premises that:</p> <ul style="list-style-type: none"> (a) Offers goods or products for sale or rent, including food prepared on or off site, but excludes a restaurant use and a grocery use; or (b) Offers personal service uses

8	<p>Suggestion: Consider parking concessions for carshare contracts.</p> <p>Rationale: Reduces parking requirements and the associated cost, making development more affordable. Allows greater variety of land use.</p>	<p>Calgary:</p> <ul style="list-style-type: none"> • Calgary is served by the carshare operator (CSO), Car2go. • One-way carshare vehicles may end their trip in any on-street parking space, including metered space, open to the general public except locations with posted time restrictions of less than two hours. CSOs are assessed a \$450 annual fee per one-way carshare vehicle with an all-zone Residential Parking Permit. • CSOs may request designated carshare spaces. Full-sized vehicles are assessed an annual fee of \$1000 while small vehicles are assessed an annual fee of \$500. • Calgary has policies to manage clustering of one-way vehicles. In business areas, carshare vehicles are not allowed to occupy more than 25% of any parking zone, averaged monthly. In residential areas, vehicles cannot occupy more than 20% of any block, averaged monthly. <p>https://sustain.ubc.ca/sites/default/files/2018-56b%20Supporting%20Carshare%20North%20American%20Parking%20Policies_Lempert.pdf</p>
9	<p>Dartmouth LUB: 32H.7(a) - Within the C-2 and R-3 Zone, every Building shall have a 1.8 metre (6 ft) Stepback above the maximum Streetwall Height, except: (i) where the distance between the Streetline and the Streetwall equals or exceeds the total minimum Front Yard plus the minimum Stepback, no Stepback shall be required.</p> <p>Suggestion: Decrease the stepback above Townhouse Style Apartments.</p>	<p>202(2) - Within the HR-2 and HR-1 Zones, no streetwall stepback is required for any main building between 11 and 14 metres in height.</p> <p>Should also refer to and use the grade-oriented dwelling unit definition for townhouse style apartments. The idea is that ground floor apartments should look like townhouses (should have a doorway opening into a garden, a walkway going to an imaginary sidewalk).</p> <p>(99) Grade-Related Dwelling Unit Use means a dwelling</p>

	<p>Rationale: To allow for more (affordable) housing density. Strict street articulation requirements as dictated by stepped back buildings create unnecessary complications that impact financing, unit size, and lead to less than half of units being fully accessible.</p> <p>An option could be to decrease the setback but increase the setback (or vice versa). But be careful that allowing that doesn't encourage creating a bunch of boxes, be aware of attractiveness.</p>	<p>unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.</p> <p>(98) Grade-Oriented Premises means premises on a ground floor of a building that are accessible by pedestrians from an independent entrance that fronts and faces a streetline. For further clarity, a grade-oriented premises includes a grade-related dwelling use.</p>
10	Suggestion: Allow public access to commercial uses on Main St from R-3 zones.	
	TO IMPROVE PEDESTRIAN & INTERNAL LINKS:	
11	<p>Suggestion: Implement the transportation reserve tool where there is a large block (2 or more properties) with no public open space. Or, require developer to offer pedestrian throughway</p> <p>Rationale: To break up large blocks and facilitate pedestrian circulation.</p>	<p>MPS 7.4 - Transportation Reserves are a planning tool enabled to identify lands that are needed to widen or alter streets or pathways, or to develop new streets or pathways.</p>
12	Suggestion: Establish a Setback and Stepback requirement for lots fronting or flanking on the Hartlen Street Transportation Reserve	102 - Development Abutting a Transportation Reserve New development on a lot abutting a transportation reserve, including any portions of any main building located underground, shall have a required setback from the transportation reserve boundary as shown on Schedules 4, 5, and 6.
13	<p>a) Suggestion: Require higher levels of lighting in rear parking lots, with well lit entrances where available.</p>	

	<p>b) Suggestion: Restrict appearance of walls (trees, shrubs, etc) or enclosures in rear parking lots</p> <p>Rationale: For pedestrian safety (CPTED light standards for rear parking)</p>	
	TO MINIMIZE LAND USE CONFLICTS	
14	<p>Suggestion: Prohibit <i>evening commercial entertainment uses with alcohol/cannabis serving</i> abutting R-1 zones. Properties that share a common boundary are abutting.</p> <p>Rationale: To minimize land use conflicts.</p>	
15	<p>Suggestion: Limit gas stations and oil change facilities to 2 per km radius.</p> <p>Rationale: There are currently 3 gas stations within 2 blocks. Also to avoid the health hazards of residential balconies overlooking gas stations.</p>	
16	<p>Dartmouth LUB: 28(3A) - Within the Main Street Designation unenclosed balconies may project into the required front yard setback.</p> <p>Suggestion: Require that all private balconies facing Main St be recessed into the facade and not project beyond the streetwall.</p> <p>Rationale: Balconies being recessed in makes it so people aren't stuck out into the exhaust and noise of busy Main St. This would take away a bit of floor space but would make</p>	<p>Town of Sylvan Lake, Alberta Land Use Bylaw: 9.5 Building design regulations for the Neighbourhood Redevelopment Overlay District (NRO): 8. "To maintain the privacy of neighbouring yards, balconies and decks provided above the ground floor shall be inset or recessed into the building facade and be designed as an integral part of the building. For rear decks above the ground floor, screening shall be utilized if the deck is not recessed."</p> <p>https://www.kpu.ca/sites/default/files/Land-Use-Bylaw-169-5-2015.pdf</p>

	balconies much nicer.	
	TO CLARIFY THE ZONING RULES	
17	<p>Suggestion: Use the same zoning names in the Suburban Plan as the Centre Plan (the “Live-Work Zone” could change to the “Corridor Zone”).</p> <p>Rationale: Easier to just use the same wording from the Centre Plan, only with less strict requirements than the downtown has.</p>	Corridor Zone allows a combo of living and working.
18	<p>Suggestion: Where a lot has more than one zone, the uses, configuration of uses, or proportion of uses permitted in the least intensive zone on that lot shall also be permitted within any other zone on that same lot, without changing any other requirements in this Land Use By-Law.</p> <p>Rationale: A clearer definition is needed in the Dartmouth MPS for how to interpret lots that share two abutting zones.</p> <p>Encouraging residential development</p> <p>(R-3 would be the least intensive zone over C-2 (residential is seen as less intense than commercial). This would mean that the abutting commercial side would also allow residential on the ground floor which would open up more flexibility. It basically enables you to take the best parts of the C-2 zone.)</p>	Abutting means they share lot, adjacent means across from lot
19	<p>Suggestion: As with suggestion #17 above, lots fronting on two parallel streets should not be subject to setbacks on both sides when each is in a different zone.</p> <p>Rationale: For narrow lots such as those between Main Street and Lakecrest Drive, development is extremely restricted if setbacks according to the zoning from both streets</p>	

	are required.	
20	<p>Suggestion: Use Centre plan definition for “Flankage Yards” and use maps for visualizing how their setbacks should compare with Front Yards on corner lots.</p> <p>Rationale: In terms of front yards on corner lots, the setbacks should actually be shown on a map and not tied to a definition of a yard. This model leaves no doubt as to what the setback would be whether it’s a flanking or front yard.</p>	<p>(87) Flanking Lot Line means a streetline that is not the front lot line.</p> <p>(88) Flanking Yard means a yard between any exterior wall of the main building and a flanking lot line, but excludes any area of the lot that is a front yard.</p> <p>(94) Front Lot Line means:</p> <ul style="list-style-type: none"> (a) For an interior lot, the streeline; (b) For a corner lot where the streetlines are not of equal length, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines; (c) Where a corner lot has streetlines of equal length, any streetline may be deemed to be the front lot line, and the remaining streetlines shall be deemed flanking lot lines <p>(95) Front Yard means the yard extending across the full lot width, between the front lot line and the nearest exterior wall of any main building on the lot.</p>
21	<p>Dartmouth LUB: 15(fa) - Within the Main Street Designation no parking shall be located in the front or side yard except for one parallel parking lane on each side of a driveway.</p> <p>Suggestion: Restrict front and side yard parking against side walks.</p> <p>Rationale: It is not clear that all parking against a sidewalk is restricted. Parking space is limited to encourage pedestrian activity and public or active transportation.</p>	

	<p>Consideration: If side yards expand against sidewalks, require public space with limited parking. so that parking does not abut against sidewalk grass boundaries..</p>	
<p>22</p>	<p>Dartmouth LUB: 27B - No accessory building shall be located closer to the front lot line than the dwelling on the property in any Residential Zone. 27BA - Within the Main Street Designation no accessory building shall have a flat roof. 27.C - (1) Shipping containers: (a) Shall not be used as accessory buildings to a residential use. (b) May be used as accessory buildings in an industrial or commercial zone. (2) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street. 27D - Secondary suites and backyard suites shall be permitted accessory to a single-family dwelling, a mobile home dwelling or a two-family dwelling, a duplex dwelling, a semi-detached dwelling or a townhouse dwelling. 34(7)(e) - Accessory buildings must have pitched roofs.</p> <p>Suggestion: Shipping Containers for commercial or residential purposes are not required to have a pitched roof but must have facades that compliment the commercial or residential use.</p> <p>Rationale: new structures are required to have a peek roof but since shipping containers are existing structures, the</p>	<p>89(3) - A maximum of one main building is permitted on a lot, except in any CH-2, CH-1, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, or RPK zone.</p> <p>Table 1: Permitted uses by zone Accessory structures or uses are permitted in all zones except WA.</p> <p>Part V, Chapter 19 - Accessory Structures, Backyard Suite Uses, and Shipping Containers</p>

	improvement of their facade supercedes the requirement for a peaked roof.	
23	<p>Dartmouth LUB: 37A(1) - Townhouse style residential developments refers to each unit having access to an internal private driveway which services the development.</p> <p>Suggestion: Define “Townhouse Style Apartments” and their design requirements as defined and required by the Centre Plan.</p> <p>Rationale: Further clarification. Should include that the doors to each unit should face the street</p>	<p>Should use the Grade-Related Dwelling Unit Use definition instead:</p> <p>(99) Grade-Related Dwelling Unit Use means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.</p> <p>370 - Design Requirement: Townhouse Facade Articulation</p> <p>(1) Where a townhouse block contains four or more townhouse dwelling units, that portion of the facade that faces the streetwall shall be differentiated from the abutting unit by using a minimum of one of the following methods:</p> <ul style="list-style-type: none"> (a) Different colours; (b) Different materials; (c) Different textures; (d) Projections; or (e) Recesses
24	<p>Dartmouth LUB: 39(3)(c) - Maximum Lot coverage for C-2 uses in a C-2 Zone - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met.</p> <p>Suggestion: Delete “100% lot coverage” from the zone regulations, as it’s impossible because of the setback requirements that prevent 100% lot coverage.</p> <p>Rationale: Further clarification.</p>	<p>168 - In the CEN-2 and CEN-1 Zones, no maximum required lot coverage applies.</p>

25	<p>Dartmouth LUB: 32H.5 - (b) All windows in all facades shall be vertical or square in general orientation, except for glass walls and retail display windows. (c) All windows shall be accentuated by design details such as frames, arches, hoods, decorative moldings, lintels, pediments or sills, except for glass walls and retail display windows.</p> <p>Suggestion: Replace the reference to window “frames” with window “casings”.</p> <p>Rationale: To provide more visual emphasis on windows. All windows technically have “frames” which makes a potential loophole around this requirement possible.</p>	<p>Leduc County, Alberta Land Use Bylaw 7.2 Trim Materials: “Window trim shall be required on all enhanced view elevations, and should match the profile of the front elevation but as a minimum should be 12.7 cm (5 in) wide on all four sides of the window.”</p> <p>https://www.leduc-county.com/uploads/11075/Doc_637116739135413014.pdf</p>
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