



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.4
Halifax and West Community Council
September 12, 2017

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: ORIGINAL SIGNED

Kelly Denty Acting Director, Planning and Development

DATE: August 1, 2017

SUBJECT: **Case 20758: Non-Substantive Amendments to the Rockingham South Development Agreement, Halifax**

ORIGIN

Application by WSP Canada Inc. for non-substantive amendments to an existing development agreement to allow a service station on the subject site.

LEGISLATIVE AUTHORITY

See Attachment A

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Approve, by resolution, the proposed amending agreement, which shall be substantially of the same form as contained in Attachment B of this report, to allow a service station within Phase 3 of the Rockingham South development; and
2. Require the amending agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WSP Canada Inc. is applying on behalf of Rockingham South Ltd. for non-substantive amendments to an existing development agreement to allow a service station on the subject site.

Subject Site	The subject site is located within Phase 3 of the Rockingham South neighbourhood.
Location	Southeast corner of Dunbrack Street and Ruth Goldbloom Drive
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential Environments under the Halifax Municipal Planning Strategy (MPS)
Zoning (Map 2)	Schedule K under the Halifax Mainland Land Use By-Law (LUB)
Size of Site	3635.7m ²
Street Frontage	205m
Current Land Use(s)	Vacant
Surrounding Use(s)	A multi-unit residential neighborhood to the south and east A commercial building and gas bar across Dunbrack Street to the west Vacant lands to the north

Proposal Details

The applicant wishes to amend the existing Stage II Development Agreement for Phase 3 to permit a service station on the subject site (Map 3). The major aspects of the proposal are as follows:

- Amend the existing schedules to reflect the proposed use;
- Minor changes to the existing site plan and elevation drawings; and
- An amendment to Schedule P to correct a typo in the title.

Existing Development Agreement

Stage I Development Agreement

On March 18, 2013, Halifax and West Community Council approved the Stage I development agreement for Rockingham South. The Stage I agreement generally:

- Allows for a mixed use development containing residential, commercial, and institutional uses;
- Establishes a road network for the area;
- Provides a phasing plan for the development, and outlines permitted uses and density allocations for each phase; and
- Provides built form criteria for multiple unit dwellings and commercial buildings.

Stage II Development Agreement

On April 19, 2016, Halifax and West Community Council approved the Stage II Development Agreement for Phase 3 of the Rockingham South development. The agreement outlines permitted uses, siting and architectural requirements, parkland dedication, access and parking, landscaping, and signage.

Enabling Policy and LUB Context

Implementation Policy 3.3 of the Halifax MPS discusses the application of the Schedule K Zone, which allows for the consideration of mixed use development on lands located in Mainland Halifax through comprehensive development in the form of Stage I and Stage II development agreements.

The Stage I development agreement provides the concept and design for the overall development and includes high level details related to such elements as street layouts, types of land uses, and scale of buildings. A Stage I development agreement and any subsequent amendments require a public hearing before Council can consider approval.

Guided by the Stage I agreement, the Stage II agreement establishes detailed plans and elevations for particular phases of the development. A Stage II agreement does not require a public hearing and can be approved by a resolution of Council.

Attachment C contains a copy of the applicable policy from the Halifax MPS and Schedule K provisions from the Halifax Mainland (LUB) as well as a staff assessment of how this proposal adheres to this policy.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through providing information through the HRM website and signage posted on the subject site. A public information meeting and public hearing are not required for a non-substantive amendment to a development agreement. The decision on the amendments is made by resolution of Council.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment C provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Proposed Amendments

Attachment B contains the proposed amending agreement for the subject site which include amendments to the existing site plan and elevation drawings to allow for a service station. Of the proposed amendments, the following have been identified for detailed discussion:

Permitted Uses

Section 3.2.1 of the Stage I development agreement stipulates permitted uses for each phase within the entire development. The subject site is located within the commercial portion of Phase 3 and the existing agreement permits uses listed under the C-2A zone of the Halifax Mainland LUB in these areas. A service station is a permitted use under the C-2A zone and therefore, is in keeping with the existing Policy and Stage 1 development agreement.

Schedule Amendments

Although a service station is a permitted use, building design and siting is guided by Sections 3.7.11 and 3.7.12 of the Stage 1 development agreement as well as Sections 3.4.6 to 3.4.10 of the Stage II development agreement. Further, the Stage II development agreement contains detailed site plans and elevation drawings that need to be amended in order for the service station to be permitted. Staff have determined that the proposal is in keeping with these requirements.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. Under the existing agreement, a service station is a permitted use and the design and siting of the building meet the requirements of the Stage I and Stage II agreements. Therefore, staff recommend that the Halifax and West Community Council approve the proposed amending agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved C310 Urban and Rural Planning Applications 2017-18 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amending agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or a public hearing. A decision of Council to approve this amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed amending agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

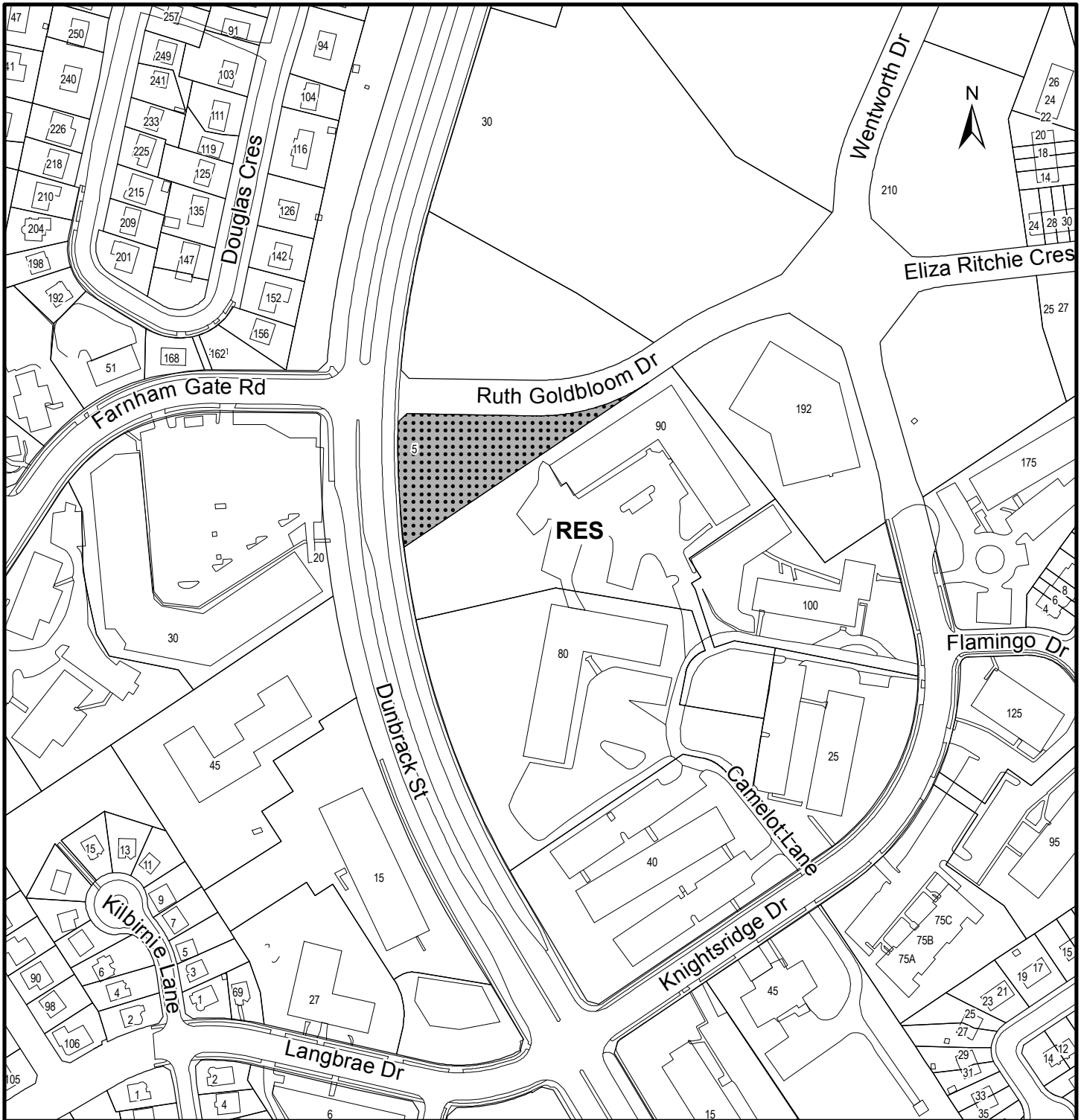
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Phasing Plan
Attachment A:	Legislative Authority
Attachment B:	Proposed Amending Development Agreement
Attachment C:	Relevant MPS Policies and Land Use By-Law Sections

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Melissa Eavis, Planner II, Current Planning, 902.490.3966

Report Approved by: ORIGINAL SIGNED

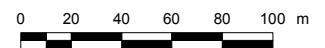
Carl Purvis, Acting Manager, Current Planning, 902.490.4797



Map 1 - Generalized Future Land Use

Dunbrack Street & Ruth Goldbloom Dr.,
Halifax

HALIFAX



 Subject Site

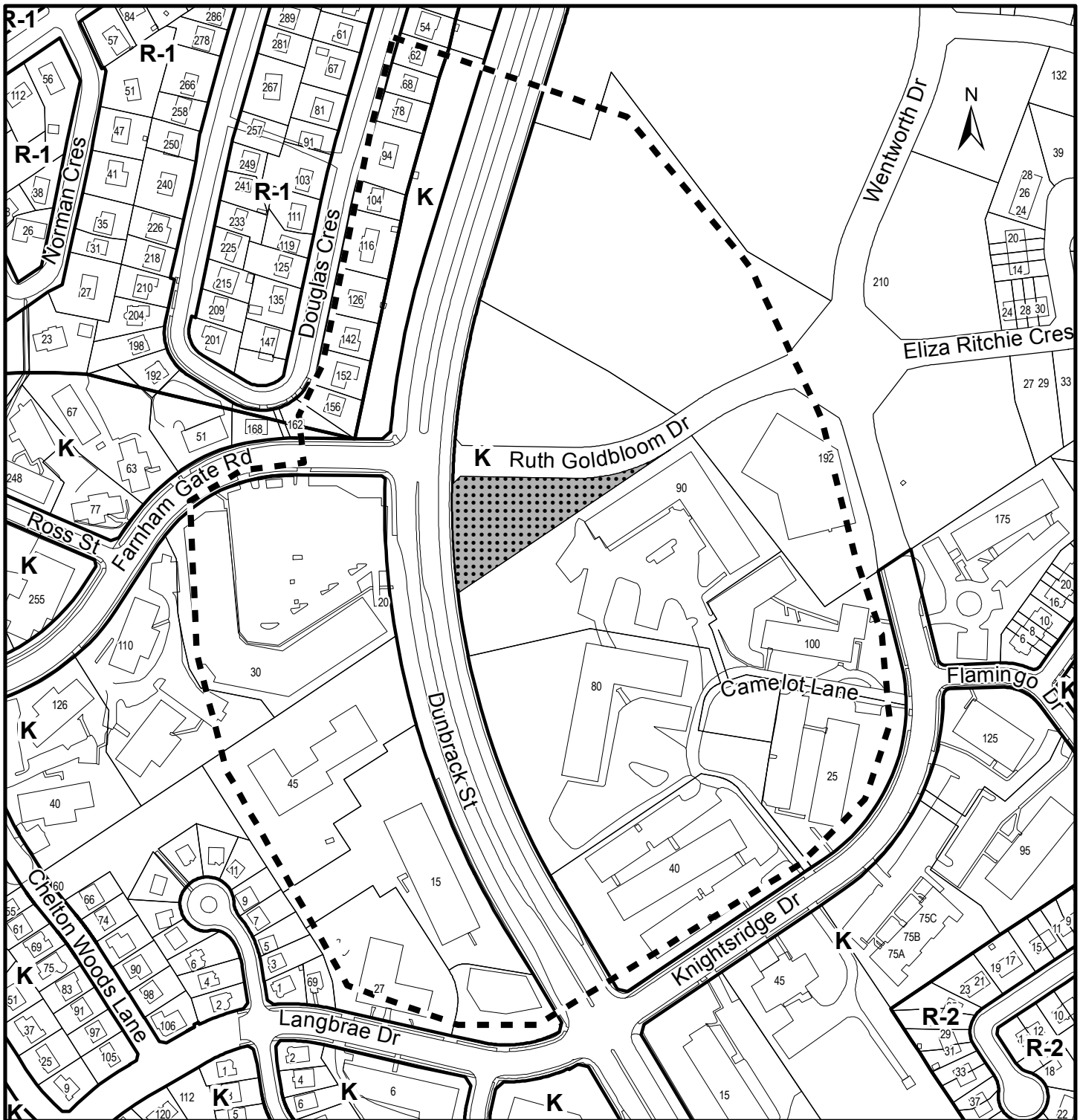
Designation

RES Residential Environments

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.

Halifax Plan Area




Map 2 - Zoning and Notification

Dunbrack Street & Ruth Goldbloom Dr.,
Halifax

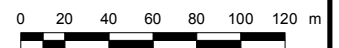
HALIFAX

 Subject Site

Zone

 Area of Notification

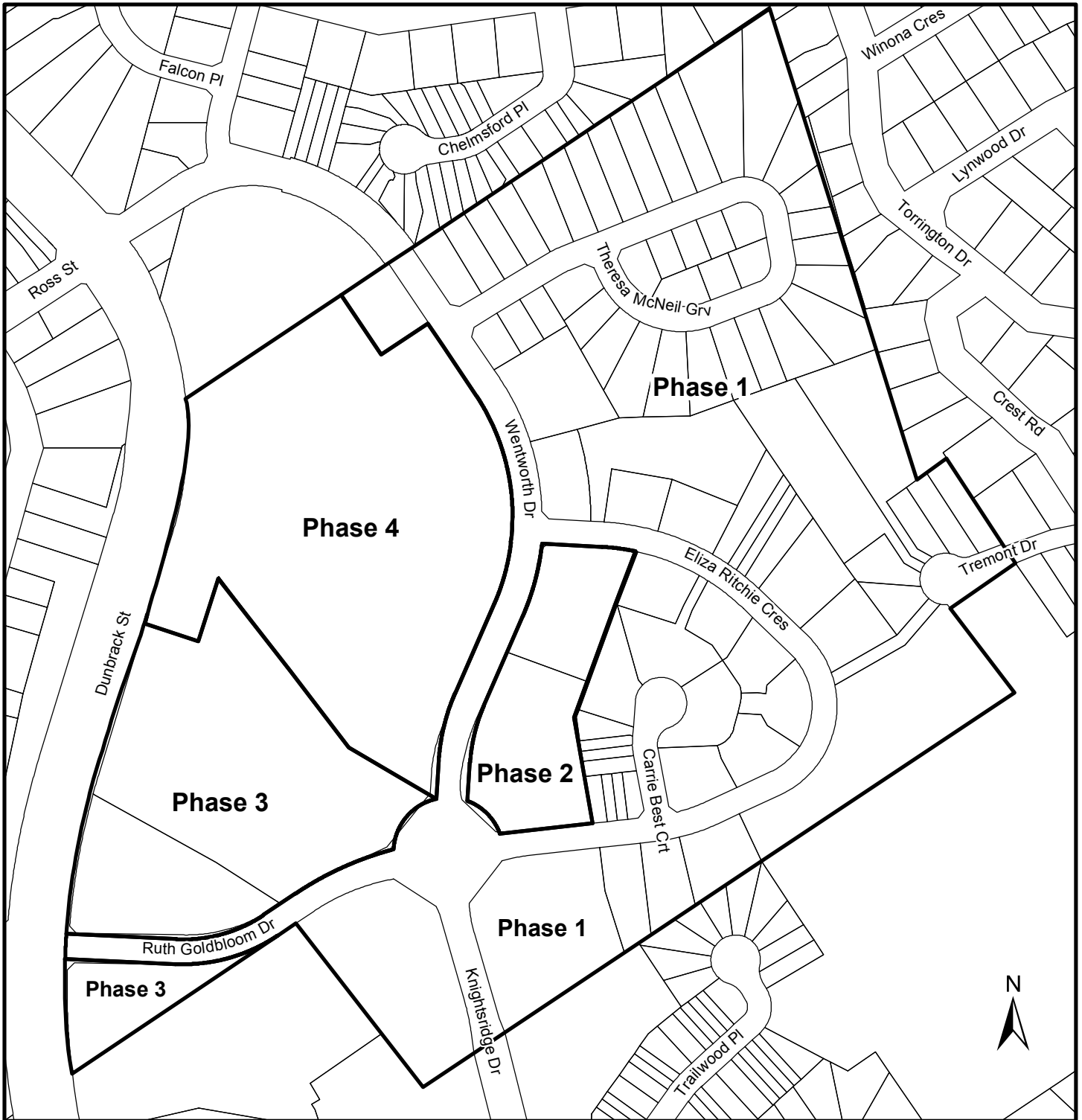
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- K Schedule K



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

Halifax Mainland
Land Use By-Law Area

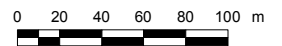
The accuracy of any representation on this plan is not guaranteed.



Map 3 - Phasing Plan

Rockingham South
Halifax

 Phases



Halifax Mainland
Land Use By-Law Area

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

Attachment A – Legislative Authority

Development Agreements By Community Council

The *Community Council Administrative Order*, subsection 3 (1) “Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.”

Halifax Regional Municipality Charter:

Development agreements by community councils

- 31 (1)** This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2)** Where a municipal planning strategy of the Municipality provides for development by agreement, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.
- (3)** A development agreement, or amendment to a development agreement, entered into by a community council must be signed by the Mayor and the Clerk on behalf of the Municipality.
- (4)** Where a development agreement entered into by a community council purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council. 2008, c. 39, s. 31.

HRM Charter, Part VIII, Planning and Development, including:

Development agreements

- 240 (1)** The Council may consider development by development agreement where a municipal planning strategy identifies
- (a) the developments that are subject to a development agreement;
 - (b) the area or areas where the developments may be located; and
 - (c) the matters that the Council must consider prior to the approval of a development agreement.
- (2)** The land-use by-law must identify the developments to be considered by development agreement. 2008, c. 39, s. 240.

Content of development agreements

- 242 (1)** A development agreement may contain terms with respect to
- (a) matters that a land-use by-law may contain;
 - (b) hours of operation;
 - (c) maintenance of the development;
 - (d) easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;
 - (e) grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;
 - (f) the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;
 - (g) the subdivision of land;
 - (h) security or performance bonding.
- (2)** A development agreement may include plans or maps.
- (3)** A development agreement may

- (a) identify matters that are not substantive or, alternatively, identify matters that are substantive;
- (b) identify whether the variance provisions are to apply to the development agreement;
- (c) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;
- (d) provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by the Council;
- (e) provide that, where the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by the Council without the concurrence of the property owner. 2008, c. 39, s. 242.

Requirements for effective development agreement

- 243**
- (1)** A development agreement must not be entered into until
 - (a) the appeal period has elapsed and no appeal has been commenced; or
 - (b) all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board.
 - (2)** The Council may stipulate that a development agreement must be signed by the property owner within a specified period of time.
 - (3)** A development agreement does not come into effect until
 - (a) the appeal period has elapsed and no appeal has been commenced or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board;
 - (b) the development agreement is signed by the property owner, within the specified period of time, if any, and the Municipality; and
 - (c) the development agreement is filed by the Municipality in the registry.
 - (4)** The Clerk shall file every development agreement, amendment to a development agreement and discharge of a development agreement in the registry. 2008, c. 39, s. 243.

ATTACHMENT B
Proposed Amending Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.]
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at PID 41407248, along Dunbrack Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved an application to enter into a Stage I Development Agreement to allow for the planning and design of a mixed use development (Rockingham South Stage I) on March 18, 2013 (Municipal Case 17002), which said Development Agreement was registered at the Halifax County Land Registration Office as Document Number 103058039 (hereinafter called the "Existing Stage I Agreement"), which does apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved an application to enter into a Stage II Development Agreement to allow for the development of Phase I with single unit dwellings, townhouse style dwellings, and 2 multiple unit residential buildings on June 17, 2014 (Municipal Case 18834), which said Development Agreement was registered at the Halifax County Land Registration Office as Document Number 105643622 (hereinafter called the "Existing Stage II Agreement for Phase I"), which does not apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved an application to amend the Existing Stage II Agreement for Phase I to allow a maximum of 6 units within a townhouse block and to allow ground floor local business uses in two multiple unit dwellings on April 19, 2016 (Municipal Case 19554), which said Amending Agreement was registered at the Halifax County Land Registration Office as Document Number 109221060 (hereinafter called the "Amended Stage II Agreement for Phase I"), which does not apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved an application to enter into a Stage II Development Agreement to allow

ATTACHMENT B
Proposed Amending Development Agreement

for the development of Phase 2 with one (1) mixed use building and one (1) multiple unit residential building on April 19, 2016 (Municipal Case 19554), which said Development Agreement was registered at the Halifax County Land Registration Office as Document Number 109198466 (hereinafter called the “Existing Stage II Agreement for Phase II”), which does not apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved an application to enter into a Stage II Development Agreement to allow for the development of Phase III with two (2) minor commercial buildings and one (1) multiple unit residential building on April 19, 2016 (Municipal Case 19554), which said Development agreement was registered at the Halifax County Land Registration Office as Document Number 109187824 (hereinafter called the “Existing Stage II Agreement for Phase III”), which does apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved an application to amend the Existing Stage I Agreement to remove the requirement that a 75% residential occupancy threshold be met in Phases 1 to 3 prior to the Municipality considering a Stage II Development Agreement for Phase 4 on March 22, 2017 (Municipal Case 20375), which includes the Lands, which said Amending Agreement was registered at the Halifax County Land Registration Office as Document Number 110841187 (hereinafter called the “Amended Stage 1 Agreement”), and which does not apply to the Lands;

AND WHEREAS the Developer has requested that the Municipality enter into an Amending Development Agreement to the Existing Stage II Agreement for Phase III to allow a service station on the Lands pursuant to: the provisions of the *Halifax Regional Municipality Charter*, Policy 3.3 of the Halifax Municipal Planning Strategy, Section 68 of the Halifax Mainland Land Use By-law and the Amended Stage 1 Agreement;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on [**Insert - Date**], referenced as Municipal Case Number 20758;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this First Amending Agreement, all other terms, conditions and provisions of the Existing Stage II Agreement for Phase III shall remain in effect.
2. Section 3.1 of the Existing Stage II Agreement for Phase III shall be amended by deleting the Schedules shown in ~~strikeout~~ and inserting the Schedules shown in **bold**, as follows:

~~Schedule F — Site Plan — Commercial 2 with Drive Thru~~
~~Schedule G — Site Plan — Commercial 2 without Drive Thru~~
~~Schedule H — Front and Rear Elevations — Commercial 2~~
~~Schedule I — Side Elevations — Commercial 2~~

ATTACHMENT B
Proposed Amending Development Agreement

~~Schedule P~~ ~~Subdivision Plan~~ ~~COM-2 and MU-7~~

Schedule G1 Site Plan – Commercial 2

Schedule H1 Front and Rear Elevations – Commercial 2

Schedule I1 Side Elevations – Commercial 2

Schedule P1 Subdivision Plan – COM-1 and MU-7

3. The schedules of the Existing Stage II Agreement for Phase III shall be amended by removing Schedule F, Schedule G, Schedule H, Schedule I and Schedule P and inserting Schedule G1 (attached), Schedule H1 (attached), Schedule I1(attached) and Schedule P1(attached).

4. The Existing Stage II Agreement for Phase III shall be amended by:

- a) deleting all references to “Schedule F”
- b) deleting all references to “Schedule G” and replacing each with a reference to “Schedule G1”
- c) deleting all references to “Schedule H” and replacing each with a reference to “Schedule H1”
- d) deleting all references to “Schedule I” and replacing each with a reference to “Schedule I1”
- e) deleting all references to “Schedule P” and replacing each with a reference to “Schedule P1”

5. The Existing Stage II Agreement for Phase III shall be amended by inserting the following Sections immediately following Subsection 3.4.3:

3.4.3.1 Notwithstanding Section 3.4.3, minor changes to the location of the garbage enclosure are permitted provided it continues to be located along the interior property line and no closer to Dunbrack Street.

3.4.3.2 Notwithstanding Section 3.4.3, a retention wall may be constructed along the interior property line. Retaining walls shall be constructed of granite boulder and /or stone strong precast blocks.

ATTACHMENT B
Proposed Amending Development Agreement

IN WITNESS WHEREOF the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

SIGNED, DELIVERED AND ATTESTED
to by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

ATTACHMENT B
Proposed Amending Development Agreement

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Kevin Arjoon , Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia



LEGEND

- Site Boundary
- Adjacent Property Boundary
- Large Growing Deciduous Tree
- Ornamental Deciduous Tree
- Coniferous Trees
- Shrubs / Perennials / Ornamental Grasses

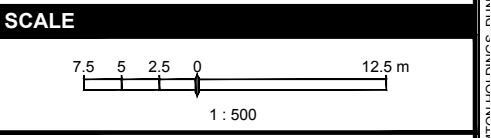
NOTES:

- Property lines approximate only. Site subject to survey

Designer: KWATTERS	VERSION
Planner: CWALLACE	107

**CONCEPT PLAN
DUNBRACK STREET / RUTH
GOLDBLOOM DRIVE
HALIFAX, NOVA SCOTIA**

MARCH 10, 2017 161-11554-107



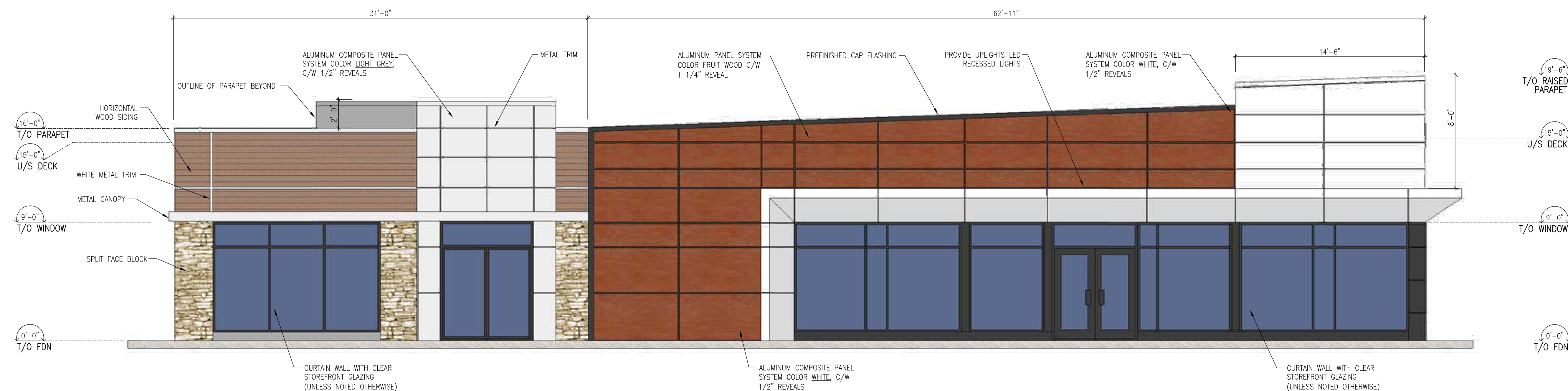
1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA CANADA, B3B 1X7
PHONE: 902 835-9955 - FAX: 902 835-1645 - WWW.WSPGROUP.COM

THIS DRAWING IS THE SOLE PROPERTY OF LINDSAY ENTERPRISES LIMITED & MAY NOT BE DUPLICATED OR OTHERWISE UTILIZED WITHOUT THE EXPRESS WRITTEN CONSENT OF J.W. LINDSAY ENTERPRISES LIMITED

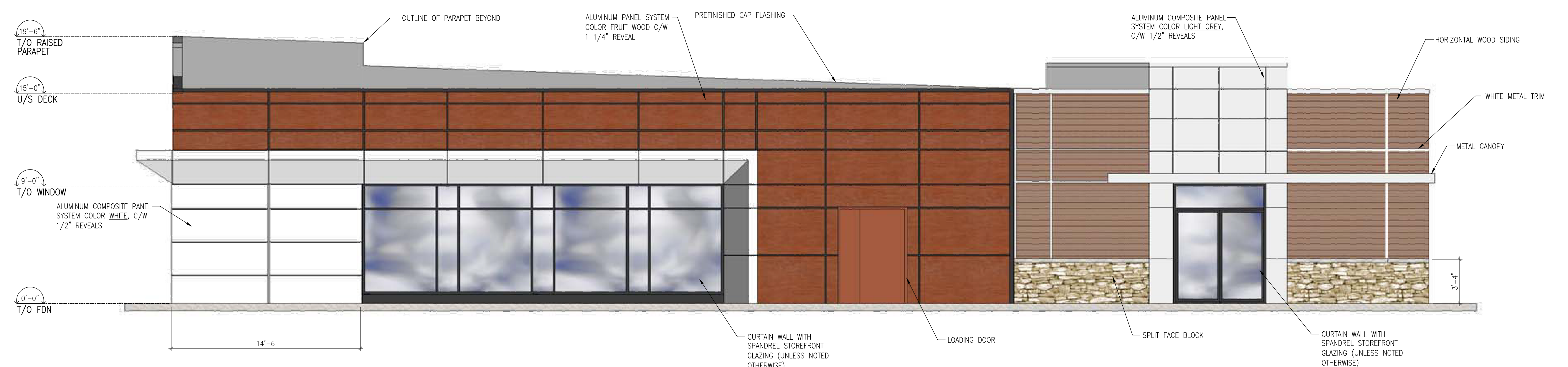


22 FIELDING AVENUE DARTMOUTH, NOVA SCOTIA
PHONE: (902) 468-5000 FAX: (902) 468-6615

Consultants:



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

No.	Description	yy/mm/dd
D	GENERAL REVISIONS	17/02/09
C	ISSUED FOR APPROVAL	16/10/17
B	ISSUED FOR REVIEW	16/10/16
A	ISSUED FOR REVIEW	16/08/08

ISSUE/REVISION
Project: ROCKINGHAM SOUTH DEVELOPMENT
PID 41407248, Halifax, N.S.

Title: FRONT AND RIGHT SIDE ELEVATION

Drawn: A. BALCOM	Checked:	Reviewed:
Seal	Date: October 16, 2016	Scale: 1/4" = 1'-0"
	Project No: 16-185	Dwg. No. A2.1
		Rev. D

VALID WITH DATE & SIGNATURE

Schedule H1: Front and Rear Elevations – Commercial 2

DWC: NAME: S:\ENGINEERING\PROPOSAL DRAWINGS\16-185 - DUNBRACK STREET GAS BAR\GLENN REVISED DRAWINGS\2016.10.16\ELEVATIONS PLOT DATE: 2/9/2017 2:39 PM

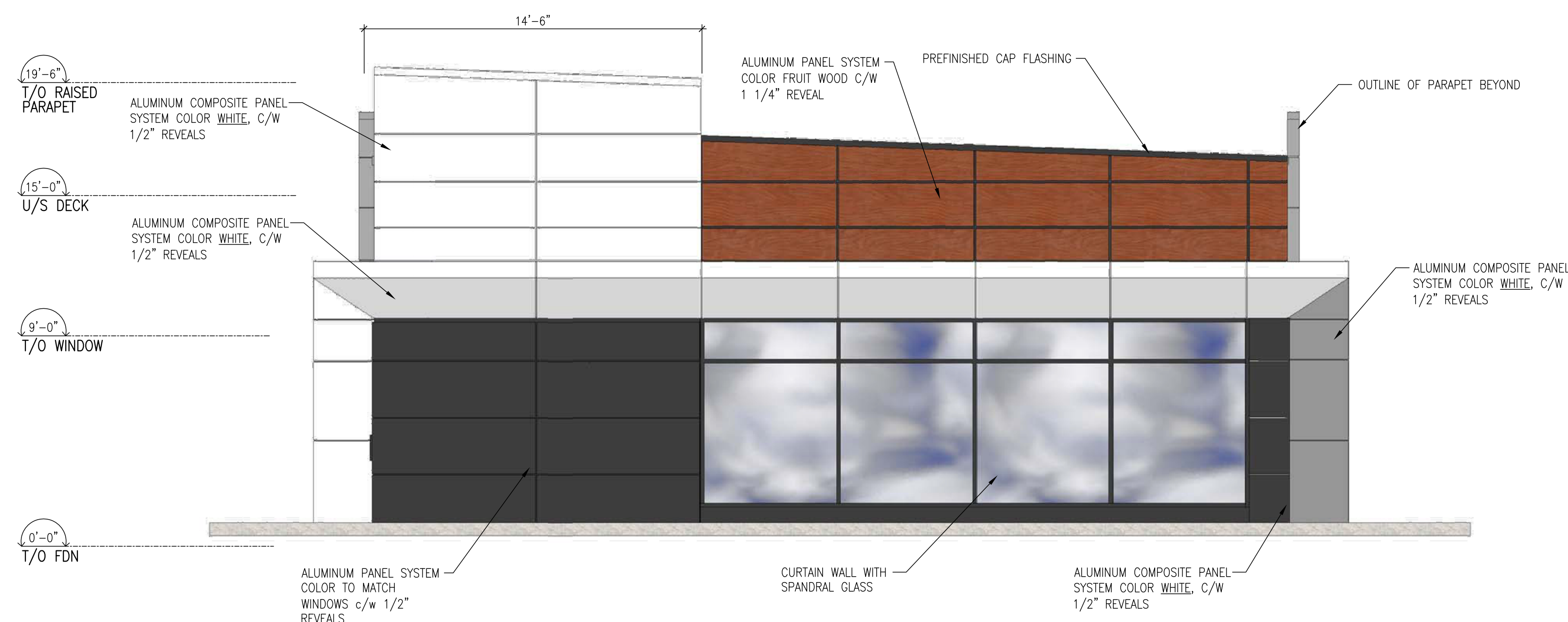
THIS DRAWING IS THE SOLE PROPERTY OF LINDSAY ENTERPRISES LIMITED & MAY NOT BE DUPLICATED OR OTHERWISE UTILIZED WITHOUT THE EXPRESS WRITTEN CONSENT OF J.W. LINDSAY ENTERPRISES LIMITED



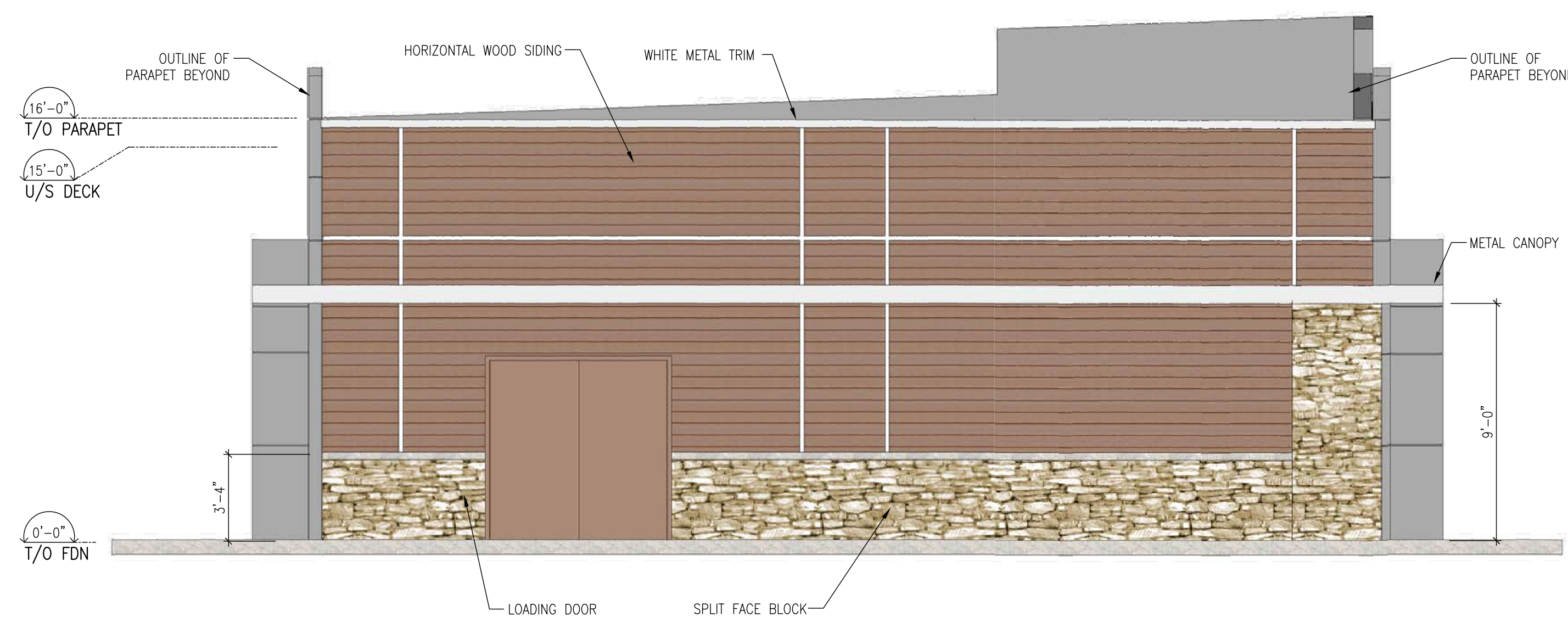
22 FIELDING AVENUE DARTMOUTH, NOVA SCOTIA
PHONE: (902) 468-5000 FAX: (902) 468-6615

Consultants:

Schedule 11: Side Elevations – Commercial 2



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

No.	Description	yy/mm/dd
D	GENERAL REVISIONS	17/02/09
C	ISSUED FOR APPROVAL	16/10/17
B	ISSUED FOR REVIEW	16/10/16
A	ISSUED FOR REVIEW	16/08/08

ISSUE/REVISION
Project:
ROCKINGHAM SOUTH DEVELOPMENT
PID 41407248, Halifax, N.S.

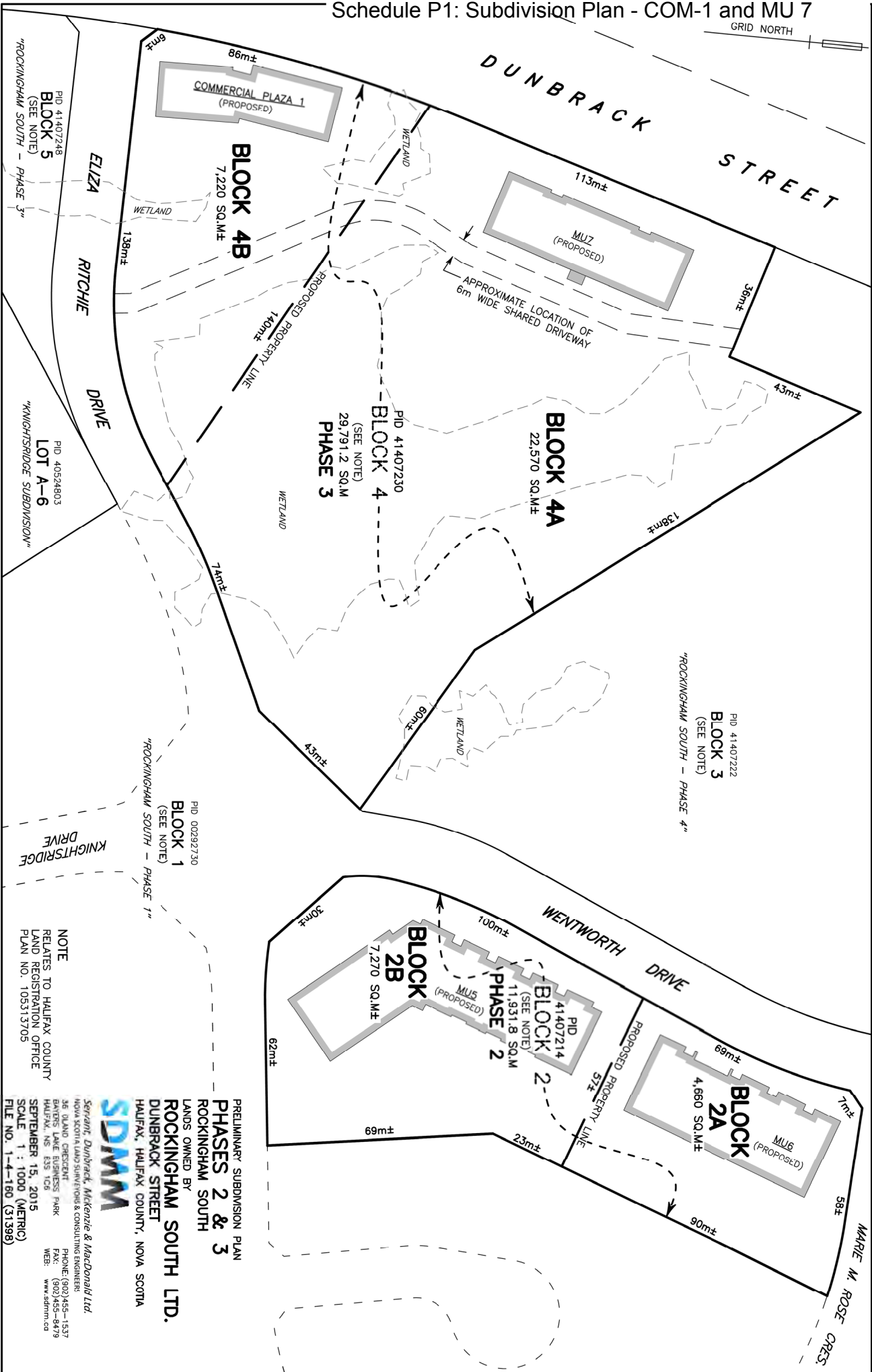
Title:
RIGHT AND LEFT SIDE ELEVATION

Drawn: A BALCOM	Checked:	Reviewed:	Date: August 8, 2016
Seal			Scale: 1/4" = 1'-0"
			Project No: 16-185
		Dwg. No. A2.2	Rev. D

VALID WITH DATE & SIGNATURE

Schedule P1: Subdivision Plan - COM-1 and MU 7

GRID NORTH



NOTE
RELATES TO HALIFAX COUNTY
LAND REGISTRATION OFFICE
PLAN NO. 105313705

PRELIMINARY SUBDIVISION PLAN
PHASES 2 & 3
ROCKINGHAM SOUTH

LANDS OWNED BY
ROCKINGHAM SOUTH LTD.
DUNBRACK STREET
HALIFAX, HALIFAX COUNTY, NOVA SCOTIA

SDMM
Serrant, Dunbrack, McKenzie & MacDonald Ltd.
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEER
36 OLAND CRESCENT
BAYVIEW LAKE BUSINESS PARK
HALIFAX, NS B3S 1C6
SEPTEMBER 15, 2015
SCALE 1 : 1000 (METRIC)
FILE NO. 1-4-160 (31398)

PHONE: (902) 455-1537
FAX: (902) 455-8479
WEB: www.sdmm.ca

Attachment C:
Relevant MPS Policies and Land Use By-law Sections

Halifax Municipal Planning Strategy

Section II – City-Wide Objectives and Policies
Residential Environments

Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

Policy	Comment
<i>2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</i>	Not applicable to this application.
<i>2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i>	Not applicable to this application.

Implementation Policies

Zoning

Policy	Comment
<i>3.3 For the residentially designated undeveloped areas of Mainland North, the City shall, pursuant to Section 38(2)(p) of the Planning Act, establish such development regulations as are necessary to implement the policies of this Plan.</i>	Not applicable to this application as the land is currently within Schedule K of the Halifax Mainland Land Use By-law and Stage 1 and 2 agreements are currently applied to the lands.
<i>3.3.1 Further to Policy 3.3 above, these areas shall be identified on the zoning map and within such areas no development permit shall be issued unless the proposed development has been approved by a resolution of Council, and further, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.</i>	See above.

<p>3.3.2 Further to Policy 3.3.1 above, the purpose for which land within these areas is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types, shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and shall include provision for automobile, transit and pedestrian circulation and an emphasis on conservation of natural environment features including lakes and waterways, mature trees and natural topographic features. In addition to the above, City Council may consider provision for minor commercial uses in accordance with Policy 3.1.2 in Section II, provided that such uses are consistent with the policies of this Plan, are compatible in design form and function with comprehensively planned development and with development adjacent to a comprehensively planned development, and that such uses are located in such manner as to be in accord with Policy 2.4.1 of Section II, as the principles of said policy may apply to areas of vacant land.</p>	<p>The site has been designated commercial within the existing Stage 1 agreement and the change in use is permitted as a non-substantive amendment which is in accordance with Policy 3.1.2, Section II.</p>
<p>3.3.3 The City shall prepare and adopt plans for major public facilities including the location of collector roadways, schools and major community open space in the residentially designated undeveloped areas of the City.</p>	<p>N/A</p>
<p>3.3.4 In entering into agreements pursuant to Policy 3.3.1 above, Council shall be guided by the policies contained in Section II of this Plan, and shall not enter into agreements which are inconsistent with the policies of this Plan.</p>	<p>The proposal is consistent with Section II of the Halifax MPS.</p>
<p>3.3.5 Prior to entering into any agreements pursuant to Policy 3.3.1, Council shall advertise its intention to do so and shall hold a public hearing at which time any objections shall be heard.</p>	<p>This is a non-substantive amendment to the existing Stage 2 agreement for Phase 3 and as such, a public hearing is not required.</p>

Halifax Mainland Land Use By-law

Schedule "K"

- 68(1) Any area of land shown as Schedule "K" shall be a Comprehensive Development District.
- 68(2) No development permit shall be issued for a development in a Schedule "K" unless the proposed development has been approved by a resolution of Council.
- 68(3)(a) The purpose for which land within a Schedule "K" area is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types; shall include provision for

local commercial uses that are intended to serve the residents of the immediate area, and community facilities for the use of residents in the immediate area; and shall include provision for automobile, transit, and pedestrian circulation; and an emphasis on conservation of natural environment features including lakes and waterways, mature trees, and natural topographic features. In addition to the above, Council may consider provision for commercial uses in accordance with the policies of the Municipal Planning Strategy.

68(3)(b) Notwithstanding clause (a), pursuant to Section II, Policy 3.3 of the Municipal Development Plan, the lands designated commercial on the east of Bicentennial Drive at the Bayers Lake Interchange shall be developed primarily as a mixed commercial/residential area.

68(4) For greater certainty, but without limiting the general powers of Subsection 68(3) above, the following uses may be permitted;

- a) detached one family dwellings;
- b) semi-detached dwellings;
- c) duplex dwellings;
- d) apartment houses
- e) attached houses;
- f) public park or playground;
- g) commercial uses;
- h) local commercial uses intended for the use of residents of the immediate area;
- i) a community centre;
- j) golf course;
- k) notwithstanding Section (h) above, regional scale retail uses, including large-format outlets, shall only be permitted on those lands situated at the south-east quadrant of the Lacewood Drive/Bicentennial Drive interchange; and
- l) uses accessory to any of the foregoing uses.

68(5) An application for a development permit in any Schedule "K" area shall be submitted in two stages, the first stage of which shall be a tentative plan that shall include the following information for the entire area of land owned by the applicant which is designated as Schedule "K":

- a) A plan to a scale of 1" = 100', or 1" = 40', showing the following information:
 - i) The location of the various uses and their areas;
 - ii) Delineation of the various residential areas indicating for each such area its size and location, number of dwelling units (including number of bedrooms for each unit), types of dwelling units (i.e., townhouse, apartments, single family dwellings), parking layout and population density;
 - iii) The location, size, shape, and surface treatment of public and private open spaces;
 - iv) The proposed interior roadway system and connection to existing roadways including location of bus bays;
 - v) Topography of the area showing contour intervals of not more than five feet of elevation, as well as an indication of soil coverage of the site;
 - vi) All existing and proposed rights-of-way and easements, either public or private, within the area;
 - vii) Description, size and location of the proposed community cultural facilities, community centres, etc.;
 - viii) Description, size and location of proposed local commercial uses intended for the use of residents of the immediate area;
 - ix) The uses and ownership of land abutting the area in question;
 - x) A key plan with a scale between 1" = 200' and 1" = 1,320' showing the location of the site in relation to the surrounding communities;
 - xi) General indication of how the phasing and scheduling is to proceed, if phasing is intended for the project.

- b) A plan to a scale of 1" = 100' and 1" = 40' showing an outline of the existing and proposed:
 - i) roadways, walkways, rights-of-way and easements;
 - ii) sanitary sewer system;
 - iii) storm sewer system;
 - iv) water system;
 - v) surface drainage and means of disposal of the water;
 - vi) street and walkway lighting;
 - vii) telecommunication system; and
 - viii) electrical distribution system.
 - c) A plan showing the overall drainage areas contributing to the flows of the area in question.
- 68(6) After holding a public hearing and considering the plan proposal submitted under Subsection 68(5), Council shall determine whether the applicant may proceed to final approval and on what conditions, if any, Council may refuse the proposal where, in the opinion of Council, the proposal is inconsistent with the purposes of Schedule "K" or Section 5 of this by-law.
- 68(7) In the event that Council does not refuse the application, the applicant shall provide:
- a) such information as required by Sections 63 and 64 of the by-law for that portion of the proposal for which the applicant is applying for a development permit;
 - b) such additional information (final servicing plans, survey plan, etc.) as may be required by the Development Officer; and
 - c) the terms of the proposed agreement pursuant to Subsection (8).
- 68(8) Approval by Council under Section 68(6) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct.
- 68(9) Council shall consider the application for final approval and shall either approve the development or notify the applicant of the objectionable features of the final plan.