



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

Item No. 13.1.3
Halifax and West Community Council
August 7, 2018

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY: _____
Kelly Denty, Director, Planning and Development

-Original Signed-

John Traves, Q.C., Acting Chief Administrative Officer

DATE: June 20, 2018

SUBJECT: **Case 20924: Development Agreement for Drysdale Road, Halifax.**

ORIGIN

Application by KWR Approvals Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of this report, to enable a development agreement to permit a residential development at Drysdale Road, Halifax and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
3. Require the 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

KWR Approvals Inc. on behalf of property owners, Habitat for Humanity Nova Scotia, is applying to enter into a development agreement to enable a residential development at Drysdale Road, Halifax.

Subject Site	Drysdale Road, Halifax (PIDs 00334102 and 40311896)
Location	Near the intersection of Drysdale Road and River Road, Halifax
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential Development District (RDD) within the Mainland South Secondary Planning Strategy of the Halifax Municipal Planning Strategy
Zoning (Map 2)	Residential Development District (RDD) with a portion of R-4 along River Road
Size of Site	Approximately 2.1 hectares (5.2 acres)
Street Frontage	Approximately 16m on Drysdale Rd and 15m on River Road
Current Land Use(s)	Vacant
Surrounding Use(s)	Located within a residential neighborhood containing a mix of residential types including multiple unit dwellings, semi-detached dwellings, and single unit dwellings.

Proposal Details

The applicant proposes to enter into a development agreement to permit a residential development at Drysdale Road and River Road, Halifax. The major aspects of the proposal are as follows:

- A new public "P"- loop street with access off Drysdale Road;
- A four (4) storey multiple unit residential building with a maximum of 40 units, interior amenity space and a surface parking lot providing 37 spaces;
- Approximately 29 townhouse units meeting the requirements of the Townhouse Zone (R-2T) within the Halifax Mainland Land Use By-law; and
- A townhouse style development with access off River Road containing nine (9) dwelling units.

Enabling Policy and LUB Context

The subject site is designated Residential Development District (RDD) and High Density Residential (HDR) within the Mainland South Secondary Planning Strategy and is zoned RDD with a small portion zoned R-4 within the Halifax Mainland Land Use By-law (Map 1 and 2). Policies 1.5 and 1.5.1 of the Mainland South Secondary Planning Strategy and Implementation Policy 4.4 enable Council to consider a residential development by development agreement.

The RDD Zone allows single unit dwellings and two-unit dwellings as-of-right. All other development within this zone would be considered through the development agreement process. The R-4 Zone which applies to a small portion of the site fronting on River Road, allows single and two-unit dwellings, townhouse dwellings, boarding and rooming houses, and apartment houses.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public open house held on September 28, 2017. The open house was attended by approximately 22 residents. Staff provided an overview of the project and the applicable planning policies. Project boards outlined the key aspects of the proposal and the applicant was in attendance to answer questions. The public comments received include the following topics:

- Impact of construction activity on nearby residents;
- Tree retention and impacts of development on existing wildlife; and
- Traffic concerns.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact the following stakeholders: local area residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

DISCUSSION

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

Proposed Development Agreement

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- Permitted residential and community facility uses;
- Building massing, siting, and architectural requirements;
- Landscaping requirements and the location of a public park;
- Parking and access;
- Non-substantive amendments include:
 - changes to landscaping requirements;
 - changes to the exterior appearance of the multiple unit dwelling;
 - changes to the parking and sign requirements;
 - the granting of an extension to the date of commencement of development; and
 - the length of time for the completion of the development.

The attached development agreement will permit a residential development subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion:

Residential Unit Mix

The enabling policies within the Mainland South Secondary planning strategy require the development to provide a mix of residential unit types. The proposed development is comprised of a multiple unit dwelling containing 40 units with the remainder of the site being developed as townhouse units. The majority of the townhouse units would be located with frontage on the proposed public street and subject to the R-2T Zone of the Halifax Mainland Land Use By-law. A townhouse style development containing nine (9) units is proposed with access off River Road. These units would not be subdivided and would be held in common ownership. Staff advise that this proposed mix of residential unit types meets the policy intent.

Density

Enabling policy states that an appropriate density for these lands is 22 persons per gross acre however, Council can consider increased density provided there is capacity in existing or proposed sewers. The proposed development has a density of approximately 42 people per gross acre. Although this density is more than the suggested 22 people per acre, Halifax Water has not identified any issues at this time. The developer will need to prove capacity exists within the system at the time of building permit.

Parkland Dedication and Landscaping

Policy 1.5.1 – Schedule I, S.7 stipulates that at least 5% of the development area must be usable, landscaped open space. The applicant has proposed a centrally located public park measuring approximately 2,229 square metres in area. The park is located at the interior of the “P” loop of the proposed public street. Parkland Planning staff have reviewed the proposed park and determined that it is suitable

as parkland dedication for this application. All proposed parkland must meet the “usable land” definition as per the Regional Subdivision By-law. The development of the park is not required as a part of the dedication.

A preliminary landscape plan has also been included as a part of the development agreement. A combination of wooden fencing and landscape buffering will be provided around the site of the proposed multiple unit dwelling to help mitigate impacts to surrounding properties. Policy 1.5 – Schedule I, S.10 states that natural amenities should be maintained where possible. In consultation with the Urban Forester, it was determined that due to the level of site disturbance necessary to develop the lands, it would be highly difficult to preserve existing landscape features. With that said, a combination of large caliper trees and coniferous shrubs have been proposed within rear yards of proposed townhouse units and within the public park.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. A mix of residential types have been proposed and the development is in keeping with the scale and character of the surrounding community. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development 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 2018/19 C310 Urban and Rural Planning Applications budget and with existing resources.

RISK CONSIDERATION

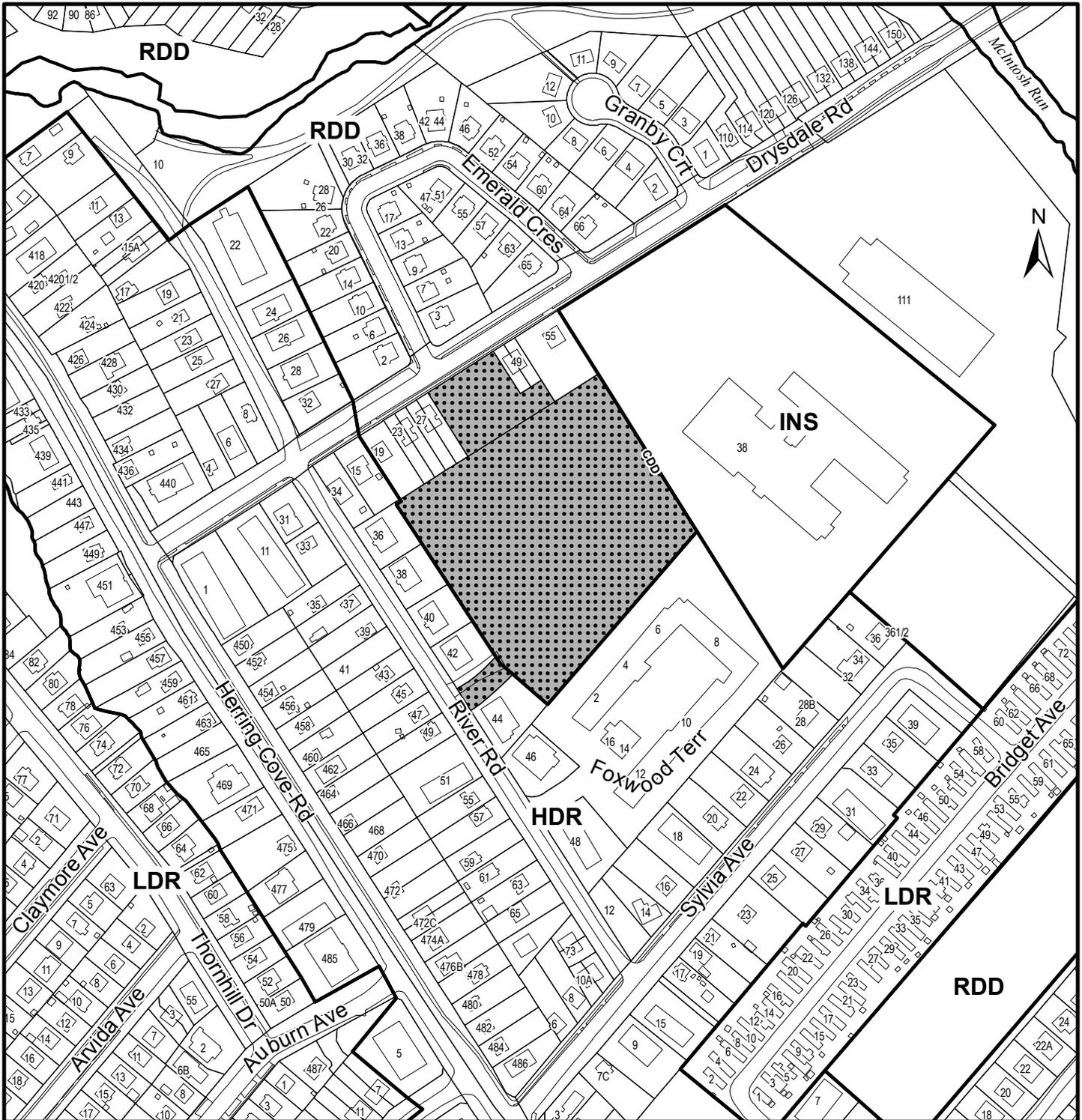
There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

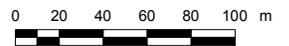
1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development 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 development 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 development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.



Map 1 - Generalized Future Land Use

HALIFAX

Drysdale Rd & River Rd.,
Halifax



 Subject Properties
Proposed for Development
Agreement

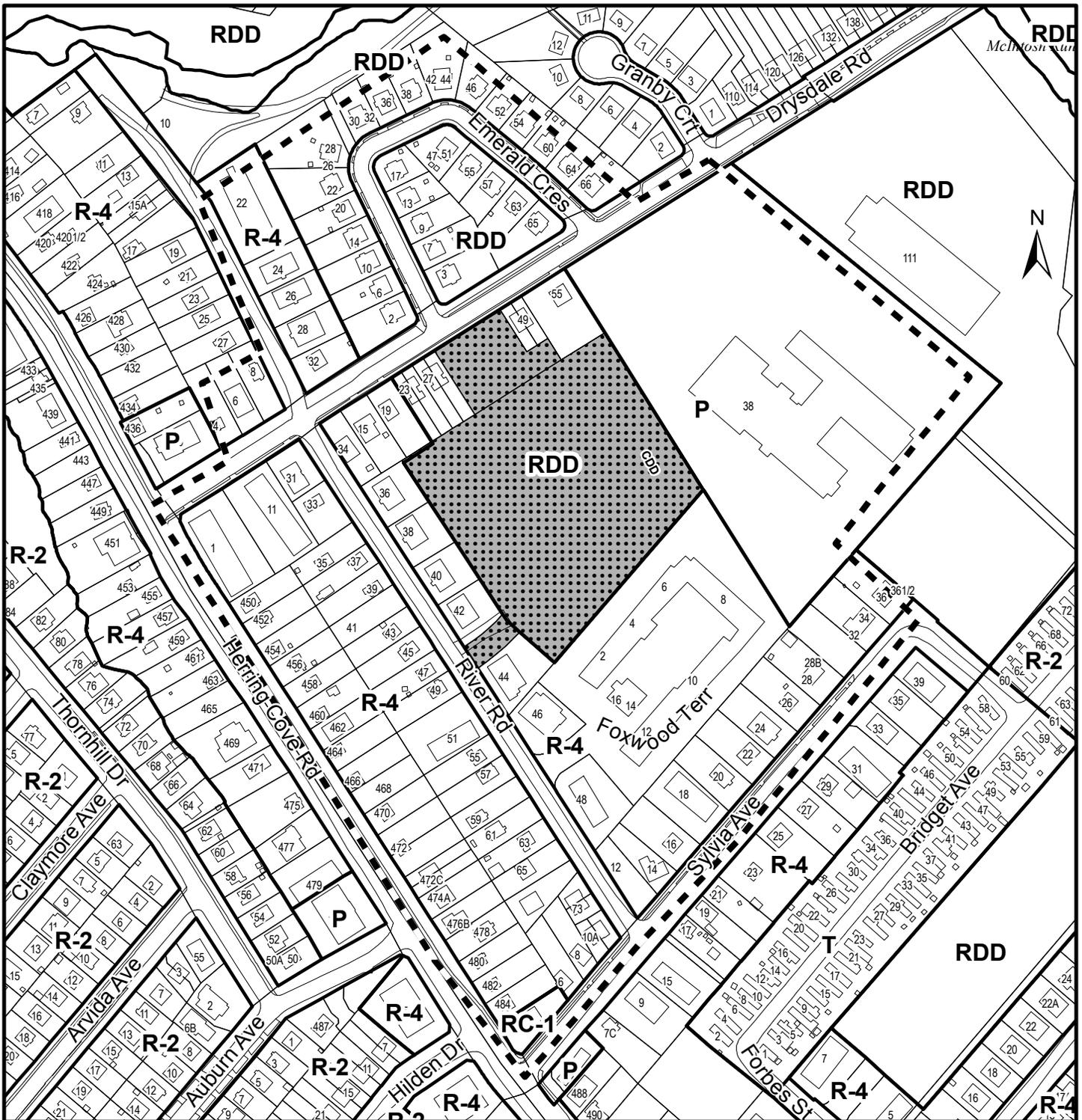
Designation

- LDR Low Density Residential
- HDR High Density Residential
- RDD Residential Development District
- INS Institutional

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
Mainland South Secondary Plan Area



Map 2 - Zoning and Notification

Drysdale Rd & River Rd.,
Halifax

HALIFAX

 Subject Properties
Proposed for Development
Agreement

Zone

- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- P Park and Institutional
- RDD Residential Development District



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

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

Halifax Mainland
Land Use By-Law Area

Attachment A: Proposed Development Agreement

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 Drysdale Road, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a residential development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy(ies) 1.5 and 1.5.1 of the Halifax Municipal Planning Strategy and Section 62A of the Halifax Mainland Land Use By-law;

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 20924;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Halifax Mainland and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the Halifax Mainland Land Use Bylaw shall be permitted in accordance with the *Halifax Regional Municipality Charter* within Block TH1 as shown on Schedule B.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law for Halifax Mainland to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law for Halifax Mainland to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.7 Lands

1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

2.1.1 All words unless otherwise specifically defined herein shall be as defined in the Land Use By-law for Halifax Mainland and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

2.2.1 The following words used in this Agreement shall be defined as follows:

- a) "Common Shared Private Driveway" means a driveway that is not a public street and has not been accepted nor is maintained by the Municipality or the Province
- b) "Pedestrian Walkway" means the walkway that extends between block TH1 and TH2 as shown on the schedules of this agreement
- c) "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- d) "Landscape Area" means any combination of trees, shrubs, flowers, grass or the horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a building.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20924:

Schedule A	Legal Description of the Lands
Schedule B	Concept Plan
Schedule C	TH2 Site Plan
Schedule D	Preliminary Landscape Plan

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of any Development Permit, the Developer shall submit to the Development Officer a Plan of Subdivision for the development in accordance with Schedule B and the provisions of this agreement. A Development Permit shall not be issued until the Plan of Subdivision has received approval from the Development Officer and has been registered at the Registry of Deeds and the developer shall incur all costs in recording such document.

- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer, unless otherwise permitted by the Development Officer, a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.9 of this Agreement.
- 3.2.3 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide to the Development Officer, unless otherwise permitted by the Development Officer, written confirmation prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed pursuant to Section 3.9 and the Schedules of this Agreement.
- 3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

- 3.3.1 The use(s) of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, are the following:
- (a) Townhouse dwellings within Block TH1;
 - (b) Townhouse-style residential development of up to nine (9) units within Block TH2;
 - (c) One multiple unit residential building within Block MU which may include a ground floor community facility uses as defined in the Land Use By-law for Halifax Mainland; and
 - (d) Accessory uses to the foregoing.
- 3.3.2 A pedestrian walkway shall be provided as generally shown on the Schedules and shall be identified on any final plan of subdivision. An easement for access and maintenance over the pedestrian walkway shall be provided in favour of Block TH2 and shall be a minimum of six (6) meters wide and contain a minimum 1.8 metre pathway constructed of asphalt, concrete or interlocking precast paver stones. The owner of Block TH2 shall be responsible for all maintenance and upkeep.

3.4 Detailed Provisions for Land Use

- 3.4.1 Townhouse dwellings shall be located within Block TH1 as shown on Schedule B and shall comply with the requirements of R-2T zone of the Land Use By-law, and the landscape requirements as per Schedule D and Section 3.9 of this Agreement.
- 3.4.2 A townhouse style residential development shall be located within Block TH2 and the siting of dwellings, parking areas, and the common shared private driveway shall be as generally shown on Schedules B and C. The townhouse style dwellings shall meet the following requirements:
- a) A maximum of 9 dwelling units shall be permitted on the site; and
 - b) The maximum height shall not exceed 35 feet above average grade.
- 3.4.3 A multiple-unit residential building shall be located within Block MU as generally shown on Schedule B, and shall comply with the R-4 zone of the Land Use By-Law for Halifax Mainland with the following exceptions:
- a) The building shall be sited as generally shown on Schedule B;

- b) The building shall contain a maximum of forty (40) dwelling units;
- c) The building shall not exceed four (4) storeys above average grade, not including mechanical equipment;
- d) The maximum building height shall not exceed 16 meters including mechanical equipment;
- e) Angle controls shall be waived;
- f) Open space requirements shall be waived;
- g) The ground floor of the building shall include 93 square meters (1001 square feet) of space to be used as community facility or amenity space for residents of the building; and
- h) A minimum of 33% of residential units, rounded up to the nearest unit, shall consist of two (2) or more bedrooms.

3.5 Architectural Requirements

- 3.5.1 The main entrances to buildings shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved by the Development Officer. Except for townhouse dwellings within Block TH-2, at least one main door shall face the proposed new public street shown as Habitat Way on Schedule B. Service entrances shall be integrated into the design of the building and shall not be a predominant feature.
- 3.5.2 The façades facing the proposed new public street shown as Habitat Way on Schedule B shall be designed and detailed as primary façade. Further, architectural treatment shall be continued around all sides of the building.
- 3.5.3 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane).
- 3.5.4 For the multiple unit residential building, any exposed foundation in excess of .61m (2 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.5 For the multiple unit residential building, the following external cladding materials shall be prohibited:
 - (a) vinyl siding;
 - (b) plastic, except for architectural laminate panels;
 - (c) bare or painted plywood;
 - (d) standard concrete blocks, however architectural concrete products are permitted;
 - (e) exterior insulation and finish systems (EIFS) where stucco is applied to rigid insulation as a primary weather protection for the building envelope; and
 - (f) mirrored glass or darkly tinted glass.
- 3.5.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.7 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from the street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

- 3.5.8 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.
- 3.5.9 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.6 Subdivision of the Lands

- 3.6.1 Subdivision applications shall be submitted to the Development Officer in accordance with Schedule B and the provisions of this agreement. This agreement shall be deemed to meet the requirements of the Subdivision By-law with respect to concept plan approval.

3.7 Parking, Circulation and Access

- 3.7.1 The parking areas within Block MU shall be sited as generally shown on Schedule B. The parking area shall maintain setbacks from the property lines as shown on the plan and shall be defined by concrete curb.
- 3.7.2 Parking for Block TH1 shall be provided as required by the Land Use By-law for Halifax Mainland.
- 3.7.3 Vehicular access to Block TH2 shall be provided by a common shared private driveway as generally shown on Schedule C of this Agreement.
- 3.7.4 The parking areas within Block TH2 shall be sited as generally shown on Schedule C. The parking area shall maintain setbacks from the property lines as shown on the plan. The parking area for Block TH2 shall provide a minimum of 9 parking spaces.
- 3.7.5 Notwithstanding Section 3.4.3 of this Agreement and the parking requirements of the Halifax Mainland Land Use By-law, the parking area for Block MU shall provide a minimum of 37 parking spaces.
- 3.7.6 All parking spaces shall be at least 2.74 metres (9 feet) by 6.01 metres (20 feet) in size.
- 3.7.7 All driveways and parking areas shall have a hard finished surface such as asphalt, concrete, interlocking precast paver stones, or an acceptable equivalent in the opinion of the Development Officer.
- 3.7.8 It is the responsibility of the Developer to convey all required rights-of-way over the properties as shown on the Schedules of this Agreement.
- 3.7.9 Bicycle parking shall be provided as required by the Land Use By-law for Halifax Mainland.

3.8 Outdoor Lighting

- 3.8.1 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.9 Landscaping

- 3.9.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

- 3.9.2 Prior to the issuance of a Construction Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and generally conforms with the overall intentions of the preliminary landscape plan shown on Schedule D. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.9.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.9.4 Notwithstanding Section 3.9.3, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.10 Public Open Space

- 3.10.1 The proposed public park as shown on Schedule B shall be conveyed to the Municipality by the Developer in conjunction with final subdivision approval and shall be accepted as a primary service. All parkland must meet the "usable land" definition and HRM Parkland Quality of Land Criteria as found in the HRM Regional Subdivision By-Law.
- 3.10.2 Prior to final design approval, the Developer shall submit any proposed parkland development, including design and cost estimates, for review and approval by the Development Officer in consultation with the Parkland Planner. The approved park development will then be incorporated into the final design drawings and the Municipal Servicing Agreement.

3.11 Maintenance

- 3.11.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.12 Reinstatement

- 3.12.1 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.13 Signs

- 3.13.1 The sign requirements shall be accordance with the Land Use By-law for Halifax Mainland, as amended from time to time.

- 3.13.2 In addition to the requirements of Section 3.13.1, ornamental plants shall be planted and maintained around the entire base of any sign as part of the required landscaping.
- 3.13.3 Notwithstanding Section 3.13.1, signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.
- 3.13.4 Signs shall only be externally illuminated.
- 3.13.5 Notwithstanding Section 3.13.1, a maximum of one ground sign shall be permitted at each entrance to the subdivision or phase or street to denote the community or subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq. m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

3.14 Temporary Construction Building

- 3.14.1 A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.15 Screening

- 3.15.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.15.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from all public streets and adjacent residential properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.15.3 Mechanical equipment shall be permitted on the roof provided the equipment is screened or incorporated in to the architectural treatments and roof structure.
- 3.15.4 Any mechanical equipment shall be screened from view from all public streets with a combination of fencing and landscaping or building elements.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

4.2 Off-Site Disturbance

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by

the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.3 Underground Services

- 4.3.1 All secondary or primary (as applicable) electrical, telephone and cable service to all multi-unit dwellings and all townhouse dwellings shall be underground installation.

4.4 Site Preparation in a Subdivision

- 4.4.1 The Developer shall not commence clearing, excavation or blasting activities required for the installation of primary or secondary services in association with a subdivision prior to receiving final approval of the subdivision design unless otherwise permitted by the Development Officer, in consultation with the Development Engineer.

4.5 Outstanding Site Work

- 4.5.1 Securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

4.6 Solid Waste Facilities

- 4.6.1 For Block MU, the building shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.
- 4.6.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.6.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

- 5.1.1 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
 - (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
 - (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.3 Archaeological Monitoring and Protection

- 5.3.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.4 Sulphide Bearing Materials

- 5.4.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) Changes to the Preliminary Landscape Plan as detailed in Section 3.9 or which, in the opinion of the Development Officer, do not conform with Schedule D;
 - (b) Changes to the parking requirements pursuant to Section 3.7;
 - (c) Changes to the sign requirements pursuant to Section 3.13; and
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

- 7.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within four (4) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval of the lots.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

- 7.4.1 Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement; or
 - (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Mainland as may be amended from time to time.

7.5 Discharge of Agreement

- 7.4.1 Upon completion of the development, or if the Developer fails to complete the development within ten (10) years from the date of the registration of this Agreement at the Land Registration Office, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement; or

- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By law for Halifax Mainland, as may be amended from time to time.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

- 8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:
 - (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
 - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
 - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREAS 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: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

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.

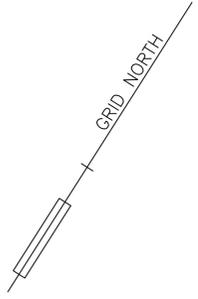
A Commissioner of the Supreme Court
of Nova Scotia

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.

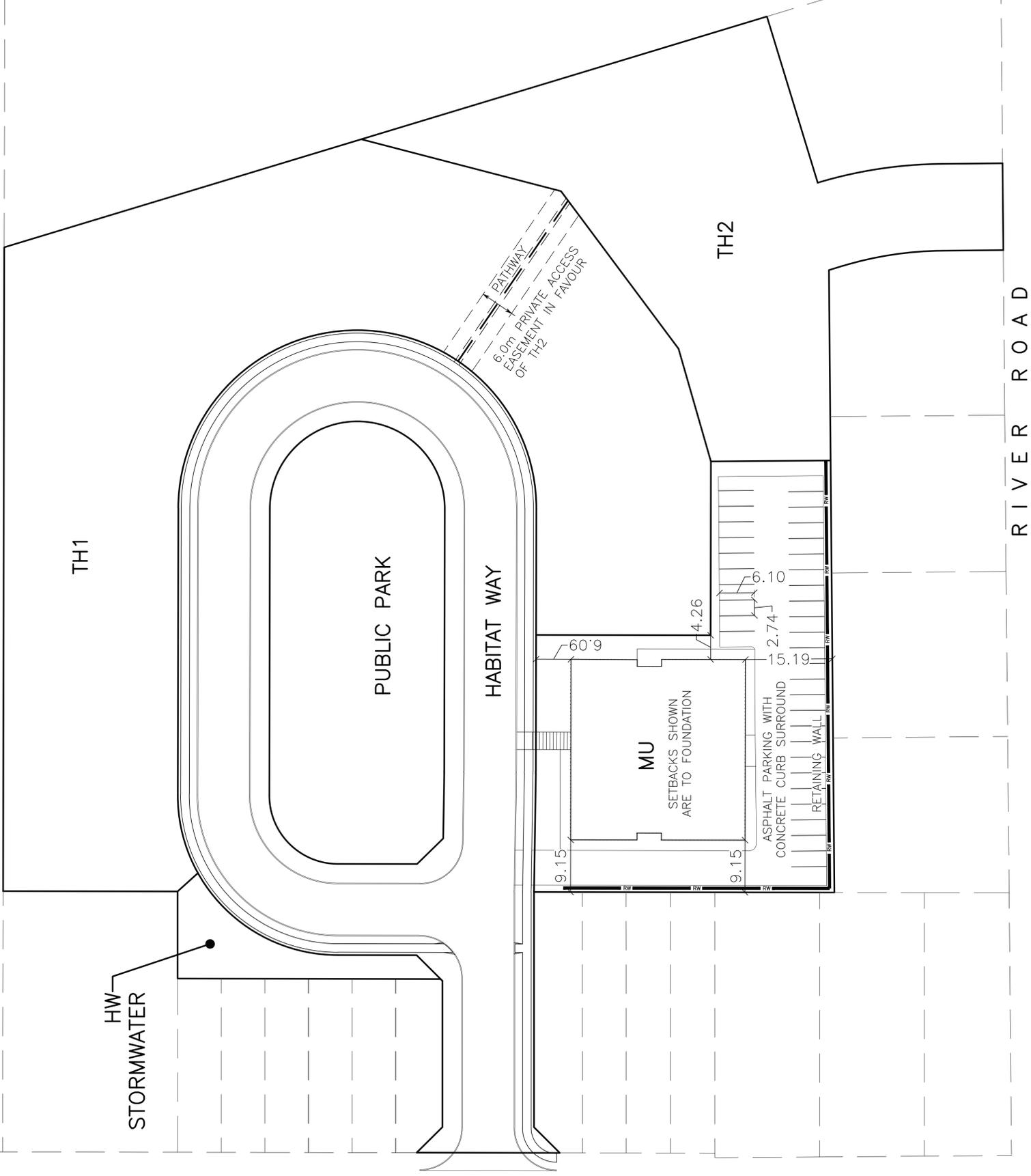
A Commissioner of the Supreme Court
of Nova Scotia

Schedule B: Concept Plan



DRYSDALE ROAD

EMERALD
CRESCENT



HW
STORMWATER

TH1

PUBLIC PARK

HABITAT WAY

MU

SETBACKS SHOWN
ARE TO FOUNDATION

ASPHALT PARKING WITH
CONCRETE CURB SURROUND

RETAINING WALL

TH2

RIVER ROAD

6.0m PRIVATE ACCESS
EASEMENT IN FAVOUR
OF TH2

**'HABITAT COMMUNITY
DEVELOPMENT'**

PROPOSED RESIDENTIAL
DEVELOPMENT

HABITAT FOR HUMANITY
NOVA SCOTIA

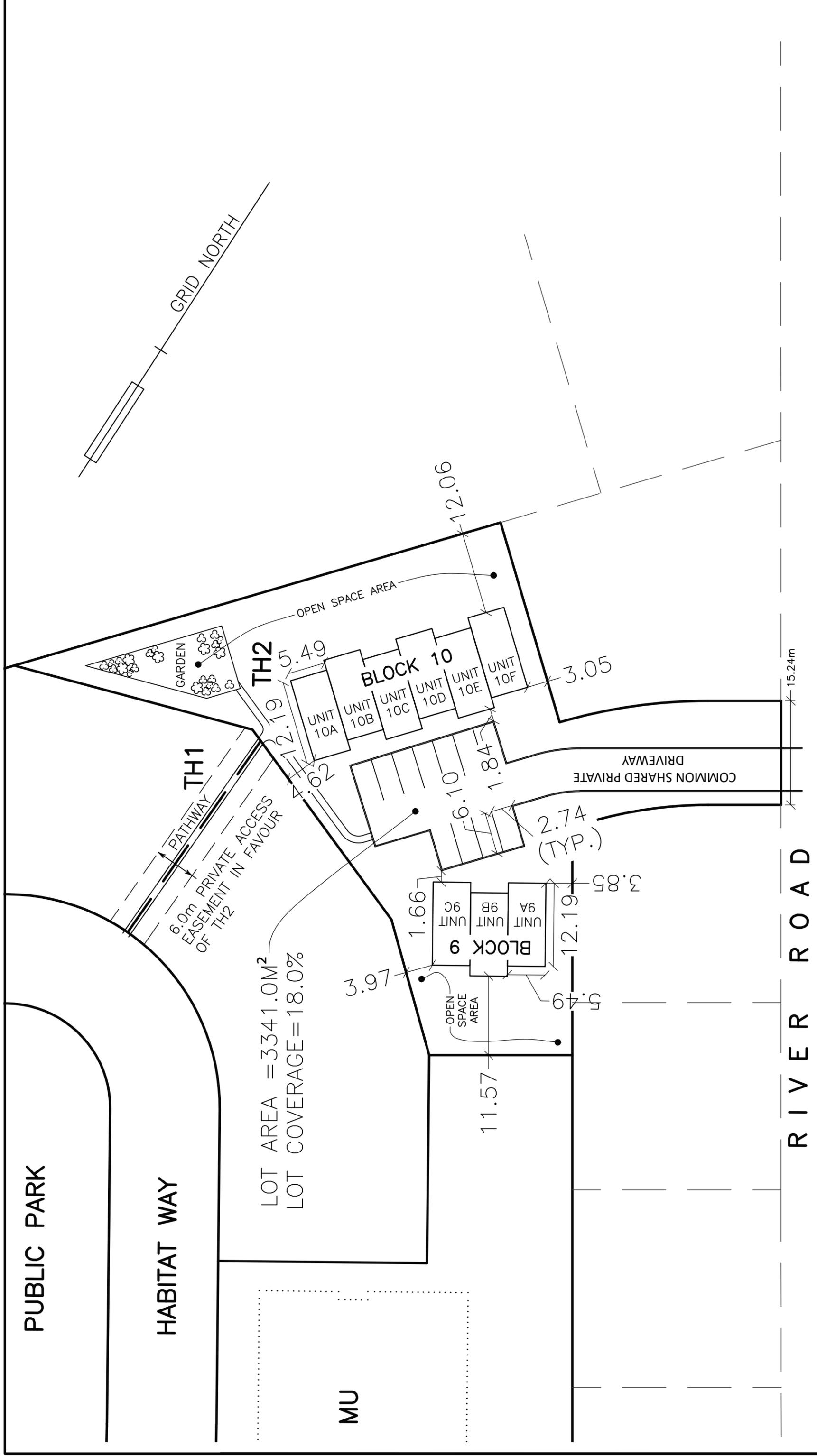
SCHEDULE B
LAND USE/SITE PLAN

DRYSDALE ROAD, SPRYFIELD, NOVA SCOTIA
DATE: JUNE 12, 2018
SCALE: 1:400



Servant, Dunbrack, McKenzie & MacDonald Ltd.
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS
HALIFAX, NOVA SCOTIA
FILE No. 1-2-41 (32999)
Plan No. 16-1615-3
www.sdmm.ca

Schedule C - TH2 Siting Plan



 <p>SDMM Servant, Dunbrack, McKenzie & MacDonald Ltd.</p>	<p>36 OLAND CRESCENT BAYERS LAKE BUSINESS PARK HALIFAX, NOVA SCOTIA OFFICE: (902) 455-1537 FAX: (902) 455-8479 WEB: www.sdmm.ca</p>	<p>Location: 'HABITAT COMMUNITY DEVELOPMENT' DRYSDALE ROAD, SPRYFIELD, NOVA SCOTIA</p>	<p>Date: JUNE 12, 2018</p>	<p>Project No. : 32999</p>
	<p>Title: SCHEDULE C TH2 SITING PLAN</p>	<p>Scale: 1:500</p>	<p>Prepared by: GM</p>	<p>Scale: 1:500</p>

Schedule D: Preliminary Landscape Plan

KEY PLAN SCALE: N.T.S.

ekistics plan+design
 1 Shaw Lane, Durham, NC 27707
 919.461.2525 www.ekistics.net
 Landscape Architecture | Engineering | Architecture

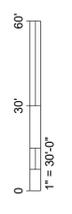
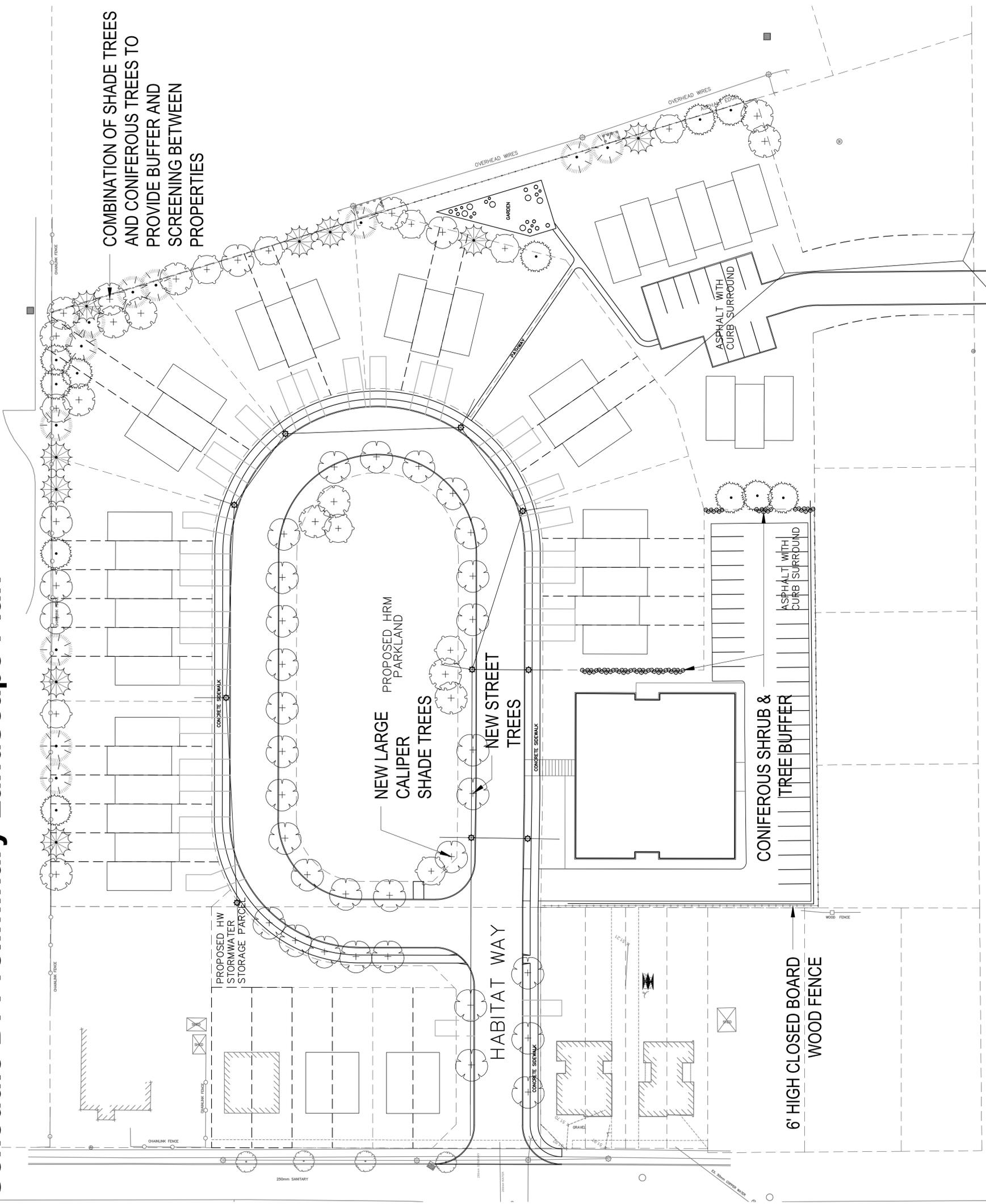
NO.	REVISION	DATE

PROJECT: HABITAT FOR HUMANITY
 DRAWING: LANDSCAPE PLAN

SCALE	DATE
1" = 30'-0"	2/16/2021
DRAWN BY: NP	CHECKED: []
APPROVED: []	DEPT. APPROVAL: []
SEAL: []	SEAL: []

NOT FOR CONSTRUCTION

DEPT. PROJECT NO. [] DRAWING NO. **L101**
 CONSULTANT NO. []
 TENDER NO. []



Attachment B
Review of Relevant MPS Policies

Halifax Municipal Planning Strategy	
Section X: Mainland South Secondary Municipal Planning Strategy (SMPS)	
Part 1: Residential Environments	
Policy	Comment
<p>Policy 1.5 <i>Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.</i></p>	<p>The proposed development is primarily residential with community facility uses permitted within the ground floor of the multiple unit dwelling. A mix of residential uses is provided in the form of townhouse units and a multiple unit dwelling.</p>
<p>Policy 1.5.1 <i>Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.</i></p>	<p>See Schedule I - Guidelines for Residential Development Districts below.</p>
Schedule I – Guidelines for Residential Development District (RDD)	
<p><i>Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:</i></p>	
Schedule I Development Standards	Comment
<p><i>Uses which may be permitted:</i></p> <ol style="list-style-type: none"> 1. Residential Uses 2. Community Facilities 3. Institutional Uses 4. Neighbourhood Commercial Uses 5. Commercial Convenience Centres 	<p>The proposed development is residential with permitted community facility uses within the ground floor of the multiple unit dwelling</p>
Site Development Guidelines	Comment
<p>5. Residential</p> <ul style="list-style-type: none"> • <i>a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.</i> • <i>no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.</i> • <i>the design and layout of the portion of new residential developments abutting existing</i> 	<p>Density The proposed density is approximately 45 people per acre which exceeds the suggested density for the site. Halifax Water has not identified any drainage issues and all water, wastewater, and stormwater design will be required to meet Halifax Water's Design and Construction Specifications. Halifax Water has also advised that the development must provide evidence capacity exists in the local wastewater system at permit stage though no immediate issues have been identified at this time.</p> <p>Coverage At 2,824m², the proposed multi-unit building meets the coverage requirement at 13.5%.</p> <p>Design and Layout</p>

Attachment B
Review of Relevant MPS Policies

<p><i>residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.</i></p>	<p>The height and massing of the proposed multiple unit dwelling is consistent with surrounding apartment buildings. A maximum of four stories is permitted and the building is setback from adjacent properties.</p> <p>Although there are no immediate townhouse developments within the area, the area has a variety of housing types including multiple unit dwellings, semi-detached dwellings, and single unit dwellings. The townhouse form is consistent with the existing housing typology and will have little impact on the scale and character of the area.</p>
<p>6. Commercial</p> <ul style="list-style-type: none"> <i>neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.</i> 	<p>N/A</p>
<p>Landscaping and Open Space</p>	<p>Comment</p>
<p>7. <i>At least 5 percent of the area of the district development must be useable, landscaped, open space.</i></p>	<p>The proposed development provides a total of 10.7% (2,229m²) of landscaped open space in the form of a public park.</p>
<p>8. <i>No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.</i></p>	<p>Included as a requirement within the agreement (watercourse regulations within the land use by-law apply) and confirmed by applicant.</p>
<p>9. <i>Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.</i></p>	<p>The multiple unit dwelling is permitted to contain ground floor community facility uses. This building is not within 100 feet of a watercourse.</p>
<p>10. <i>A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.</i></p>	<p>A preliminary landscape plan has been provided and a final landscape design will need to be submitted and approved prior to the issuance of a development permit. Upon review, it was determined that due to the construction of the new public street it would be difficult to maintain</p>

Attachment B
Review of Relevant MPS Policies

	existing trees. The agreement requires the applicant to plant trees within Block TH1 and the public park.
Circulation	Comment
11. <i>Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.</i>	No issues with traffic have been identified.
12. <i>Where common parking areas are provided, they should be so aligned as to restrict through traffic.</i>	Only a single access is proposed to the development.
General	Comment
13. <i>The minimum required site size for a contract within this area shall be three acres.</i>	This site is approximately 5.16 acres.
14. <i>Municipal infrastructure must be adequate to service any proposed development.</i>	Halifax Water has not identified any issues at this time. The developer will need to provide evidence capacity exists at the time of permit.

Implementation Policies	
Policy	Comment
Policy 4.4: <i>In an R-4 Zone or an R-3 Zone, the City may, under the provisions of Section 33(2)(b) of the Planning Act, permit modification of the minimum lot area and continuous street frontage provisions of the Peninsula and Mainland Zoning By-laws for R-3 and R-4 uses. A decision of the Council of the City of Halifax to permit such modification may be preceded by a public hearing if deemed necessary, and such modification shall be granted provided:</i>	
<i>(a) the amenity, convenience, character and value of neighbouring properties will not be adversely affected;</i>	The site is currently zoned RDD and R-4 which permits the proposed use. As mentioned under Policy 1.5.1, Schedule I - 5, the development is in keeping with the scale and character of the existing neighborhood.
<i>(b) conditions necessitating such modification are unique to the lot and have not been created by either the owner of such lot or the applicant;</i>	The lot has a substantial area (5.16 acres)
<i>(c) the modification is necessary to secure an appropriate development of the lot where such lot is of such restricted area that it cannot be appropriately developed without such modification;</i>	The subject site has limited frontage (15.24m) on River Road and as such would not meet the requirement to be developed as a multiple unit dwelling.
<i>(d) the modification is consistent with Section II of this Plan; and</i>	This request is consistent with Section II – City Wide Policies. Specifically, policies 2.1, 2.2, 2.4, 2.4.1, 2.8, and 2.10 – see next section.

Attachment B
Review of Relevant MPS Policies

<p><i>(e) the registered owner of the land for which the modification is sought shall enter into an agreement with Council pursuant to Section 34(1) of the Planning Act.</i></p>	<p>The application is for a development agreement.</p>
<p>Halifax Municipal Planning Strategy Section II: City Wide Objectives and Policies</p>	
<p>Part 2: Residential Environments</p>	
<p>Policy</p>	<p>Comment</p>
<p><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></p>	<p>The site is within the urban service boundary and Halifax Water has advised that the development must provide evidence capacity exists in the local wastewater system at the permit stage though no immediate issues have been identified.</p>
<p><i>2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The existing neighborhood is a mix of residential uses including multiple unit dwellings, semi detached dwellings and single unit dwellings. The proposed development is residential and, like the existing neighborhood, offers a variety of residential dwelling types. The majority of the site would be developed as townhouse units which are in keeping with the lower density forms found elsewhere in this neighborhood. Although the multiple unit dwelling does not meet the requirements of the R-4 zone, it is similar in height and form to the surrounding apartment buildings. Impacts of increased massing are mitigated through landscaping and setbacks from adjacent properties.</p>
<p><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></p>	<p>The proposed development includes a variety of dwelling unit types which provides a variety of choice for future residents. Further, this mix is typical to the area and will not compromise the existing residential character.</p>

Attachment B
Review of Relevant MPS Policies

<p><i>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The proposed public street is a loop does not direct traffic through existing residential neighborhoods.</p> <p>Policy 3.1 – Repealed</p> <p>Policy 3.2 – N/A</p>
<p><i>2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</i></p>	<p>The variety of housing types proposed will increase affordability and add to the mix of uses within the existing neighborhood.</p>
<p><i>2.10 For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</i></p>	<p>Landscaping has been proposed throughout the site. Within TH-1 and TH-2 a tree buffer has been provided at the rear of the townhouse sites to provide privacy for residents and minimize impacts on adjacent properties. The multiple unit dwelling is buffered by fencing and combination of shrubs and trees.</p> <p>Parking for the multiple unit dwelling is provided at the rear of the site and no parking will be permitted within the front yard of the building. Within the TH-1 area, parking will be located within the front yard however it will be in accordance with the zone requirements under the Halifax Mainland Land Use By-law. Within the TH-2 site, the limited frontage will be used for access and will not result in parking within the front yard.</p>