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Item No. 14.1.1
Harbour East - Marine Drive Community Council
November 14, 2024

TO: Chair and Members of Harbour East - Marine Drive Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: October 15, 2024

SUBJECT: **PLANAPP-2023-00159 - Rezoning and Development Agreement for 107 Woodlawn Road, Dartmouth**

ORIGIN

Application by Zzap Consulting Inc. on behalf of the property owner.

EXECUTIVE SUMMARY

This report recommends a rezoning and a development agreement to permit a 5-storey apartment building with ground floor commercial on lands located at the corner of Woodlawn Road, Day Avenue, and Settle Street in Dartmouth. The proposed development would produce a potential unit yield of 39 residential units with neighbourhood commercial uses located on the ground floor. Staff recommend that Harbour East - Marine Drive Community Council approve the proposed rezoning and development agreement in accordance with Policies IP-1(b) and IP-5 of the Dartmouth Municipal Planning Strategy. There are no budgetary implications as the applicant will bear all costs, expenses, liabilities, and obligations necessary to fulfill the terms of this proposed rezoning and development agreement.

RECOMMENDATION

It is recommended that Harbour East - Marine Drive Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Dartmouth, as set out in Attachment A, to rezone the lands at 107 Woodlawn Road and PID 00072819 in Dartmouth from R-1 (Single Family Dwelling) Zone to the R-3 (Multiple Family Residential) Zone - Medium Density and schedule a public hearing;
2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B, and schedule a public hearing for the development agreement that shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to the Land Use By-law for Dartmouth, as set out in Attachment A.

RECOMMENDATION CONTINUES ON NEXT PAGE

Contingent upon the amendment to the Dartmouth Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Harbour East - Marine Drive Community Council:

1. Provisionally approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment B; and
2. Require that the development 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

Zzap Consulting Inc. on behalf of the property owner is applying to rezone the lands located at 107 Woodlawn Road and PID 00072819, Dartmouth from R-1 to R-3 and enter into a development agreement to allow for a 5-storey apartment building with commercial uses on the ground floor in accordance with existing policies under the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

Subject Site	107 Woodlawn Road, Dartmouth (PIDs 00244285 and 00072819)
Location	Located at the corner of Woodlawn Road, Settle Street, and Day Avenue
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential (R) of the Dartmouth Municipal Planning Strategy
Zoning (Map 2)	R-1 (Single Family Residential) of the Dartmouth Land Use By-law
Size of Site	2,210 square metres (23,783 sq. ft.)
Street Frontage	95.5 metres (313 ft.)
Current Land Use(s)	Convenience store
Surrounding Use(s)	Residential and Commercial Uses

Proposal Details

The applicant proposes to construct a multiple unit dwelling (apartment building) with commercial uses on the ground floor on lands located at 107 Woodlawn Road, Dartmouth.

The major aspects of the proposal are as follows:

- Rezone the properties to the R-3 Zone of the Dartmouth Land Use By-law;
- An apartment building with ground floor commercial;
- A maximum height of 5 storeys;
- A potential unit yield of 39 residential units;
- A minimum of 20% of the units are to be 2+ bedroom units;
- One vehicular access point off of Settle Street;
- A minimum of 270 square metres of amenity space, of which 90 square metres is to be interior amenity space; and
- A pathway connecting Elizabeth Street and Day Avenue/Woodlawn Road.

Existing Development Agreement

The existing convenience store was built in 1965, before the current Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) came into effect in 1978. In 1978, the property was zoned R-1 making the use non-conforming. On September 8, 2005, Harbour East Community Council approved a development agreement on the property that permitted an expansion of the existing non-conforming

commercial building through Policy C-2 of the MPS. Policy C-2 allows Council to consider neighbourhood convenience outlets in residential areas through the development agreement process. Due to the proposed changes to the site, and the corresponding need for major revisions to the existing agreement, it is recommended that the current development agreement be discharged and replaced with the proposed new development agreement. A separate request to discharge the existing development agreement has been submitted to the Chief Administrative Officer, pending the decision of the Community Council on this new development agreement.

Enabling Policy and LUB Context

The subject lands are currently zoned R-1 (Single Family Residential) under the LUB and are designated Residential under the MPS. The R-1 zone permits uses such as single-family dwellings, shared housing, and institutional uses. Apartment buildings, along with uses permitted in the R-1, R-2 (Two Family Residential), and TH (Town Housing) zones, are allowed under the R-3 (Multiple Family Residential) Zone.

The Residential designation is all-encompassing, allowing a variety of residential uses. MPS Policy IP-1(b) allows consideration of the request to rezone from R-1 to R-3 to enable the multiple unit dwelling use on the site. Policy IP-5 allows for the consideration of a development agreement for a multiple unit dwelling that does not meet the underlying zoning regulations. Criteria that Council must consider for the rezoning and development agreement are set out in Policy IP-1(c). Additional criteria for any development agreement are found in Policy IP-5. Consideration of the main-level commercial use is enabled by Policy C-2.

Approval Process

The approval process for this application involves three steps:

- i) First, Harbour East - Marine Drive Community Council must consider and, if deemed appropriate, approve the rezoning of the lands from the R-1 (Single Family Residential) Zone to the R-3 (Multiple Family Residential) Zone; and
- ii) Second, Harbour East - Marine Drive Community Council must consider, and if deemed appropriate, provisionally approve the proposed development agreement.
- iii) Third, if Harbour East - Marine Drive Community Council enters into a new agreement for a multiple unit dwelling, a separate request to discharge the existing development agreement will be forwarded to the Chief Administrative Officer.

Notwithstanding the three-stage approval process, a single public hearing can be held by Community Council to consider both the proposed rezoning and the development agreement. Council may, upon completion of the public hearing, approve the rezoning and provisionally approve the development agreement. Upon the coming into effect of the rezoning, the development agreement would then be approved and a second appeal period for the development agreement would commence. Both decisions are subject to appeal to the N.S. Utility and Review Board.

DISCUSSION

Staff have 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 rezoning and development agreement in relation to the relevant MPS policies.

Rezoning

Both properties are currently zoned R-1 and must be rezoned to R-3 to be eligible for a development agreement enabling a multi-unit building. Staff advise that the proposed rezoning is reasonably consistent with the intent of Dartmouth MPS Policy IP-1(c), and that any concerns are resolved by the required development agreement.

Proposed Development Agreement

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

- Allows a 5-storey apartment building with commercial uses on the ground floor;
- Height, siting, massing, and exterior design controls of the building;
- Permitted uses within the building, including residential and ground floor commercial;
- Commercial uses are those considered to be neighbourhood convenience uses;
- Required residential unit mix with a minimum of 20% of the units containing two or more bedrooms;
- Required indoor and outdoor amenity space;
- Controls on site access location and parking areas;
- Landscape and lighting controls;
- Requirement for Lot Grading and Erosion and Sedimentation Control Plans; and
- Non-substantive amendments permitted within the agreement including:
 - Changes to the exterior design materials;
 - Changes to allow the conversion of the ground floor commercial to residential units;
 - Changes to alter the residential unit mix requirement; and
 - Extension to the dates of commencement and completion of development.

The attached development agreement will permit a mixed-use multi-unit building, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

Land Use

The proposal includes the construction of a 5-storey apartment building with ground floor commercial uses that front the corner of Woodlawn Road, Day Avenue, and Settle Street. The criteria within the Dartmouth MPS requires that the proposal be compatible and consistent with adjacent uses and the existing development form in the area, in terms of the use, bulk, and scale of the proposal. In terms of land uses, the proposal is both consistent and compatible with other surrounding uses in the area. This site is in an area that transitions from an established low-density residential area to an area of mainly large-footprint commercial uses. It is also noted that a commercial use (convenience store) currently exists on this site. The proposal is also in keeping, from a form perspective, with a 6-storey multi-unit residential building located to the west on Bruce Street. Further, multi-unit residential developments are compatible with low-density residential, from a use perspective, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street and areas, as is the case with this portion of Woodlawn Road.

Height and Massing

Regarding the proposal's compatibility and consistency with the existing development form in the area, the building being proposed will be one storey shorter than the tallest building in the general area when compared to what currently exists (a 6-storey building is located nearby on Bruce Street). Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the bulk is distributed on the site, which can be summarized as follows:

- Height decreases from five storeys at the corner to three storeys near the adjacent properties to be consistent with the 10.67-metre (35 ft) height maximum of the surrounding R-1 zone;
- Setbacks and screening provisions are required to provide buffering/transition to adjacent low-density properties; and
- The commercial unit is located at the corner and oriented towards the street intersection. It is also oriented to pedestrians to support neighbourhood character.

Parking and Traffic Generation

The development agreement does not require minimum parking standards as this site is within the Bus Rapid Transit walkshed. Both the Integrated Mobility Plan and Rapid Transit Plan call for reduced parking requirements within areas identified for transit-oriented development. While the agreement does not require parking, the applicant has stated they intend to provide underground parking and as such a Traffic Impact Study (TIS) was prepared by the applicant and submitted as part of the application. The findings of the TIS concluded that the traffic volumes generated by the development are within the volume guidelines for the residential street network. HRM Traffic Management and HRM Engineering have reviewed the analysis and accepted its findings.

Landscaping/Amenity Space

The development agreement requires a minimum of 270 square metres of amenity space be provided, of which 90 square metres is to be indoor amenity space. Private balconies are excluded from this amenity space requirement and the development agreement requires the indoor space be provided in increments of at least 30 contiguous square metres and be barrier-free and accessible to all building residents. The agreement also requires landscaping and screening to be provided surrounding the site which will improve the aesthetics and provide a form of visual buffer along internal property lines thereby increasing privacy and compatibility with abutting low-density properties.

Stormwater Relocation and Pathway

There is an existing Halifax Water easement for public stormwater infrastructure that crosses the subject property. Additionally, an informal pathway connecting Day Avenue to Elizabeth Street, which passes through HRM-owned land (PID 00073338), ends on the subject property. To facilitate the redevelopment of the site, the development agreement requires the relocation, at the developer's expense, of the stormwater infrastructure. The agreement also requires the construction of an asphalt pathway on the eastern portion of the property, adjacent to the HRM-owned right-of-way.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council. In this case, the following policies were identified to be most relevant to this application, and as such were considered within this report:

1. The Integrated Mobility Plan (IMP) guides investment in active transportation, transit, transportation demand management, goods movement, and the roadway network in Halifax. Continuing on the direction of the IMP, the Rapid Transit Strategy identifies and designates Portland Street as a Transit Priority Corridor, where a variety of transit priority measures will be implemented along the corridor in addition to transit supportive land use changes. Figure 37 of the Rapid Transit Study identifies the subject lands and surrounding area as a potential transit-oriented community where dense development, housing mixture, employment opportunities, and reduced parking requirements are encouraged to support transit ridership and compact communities;
2. Integrating climate change considerations into land use planning policies and process by reducing sprawl and efficiently using transportation systems (Action 23 HalifACT); and
3. Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027).

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. The site and building design, including the distribution of building mass, results in a development that can be considered compatible and consistent with the existing development form while also adding infill residential density in an area where the Regional Municipal

Planning Strategy calls for increasing density. Therefore, staff recommend that the Harbour East - Marine Drive Community Council approve the proposed rezoning and proposed development agreement.

FINANCIAL 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 2024-2025 operating budget for Planning and Development.

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 land use by-law amendments and development agreement are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). 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 an online information video.

A total of 124 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 1,018 unique pageviews from March 2023 until September 2024. In addition, staff received approximately 9 email and phone responses from the public, and approximately 31 people watched the online information video. The public comments received include the following themes:

- Traffic and parking concerns;
- Stormwater impacts;
- Protection needed for single-unit dwelling communities; and
- Landscaping/buffers and privacy issues.

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

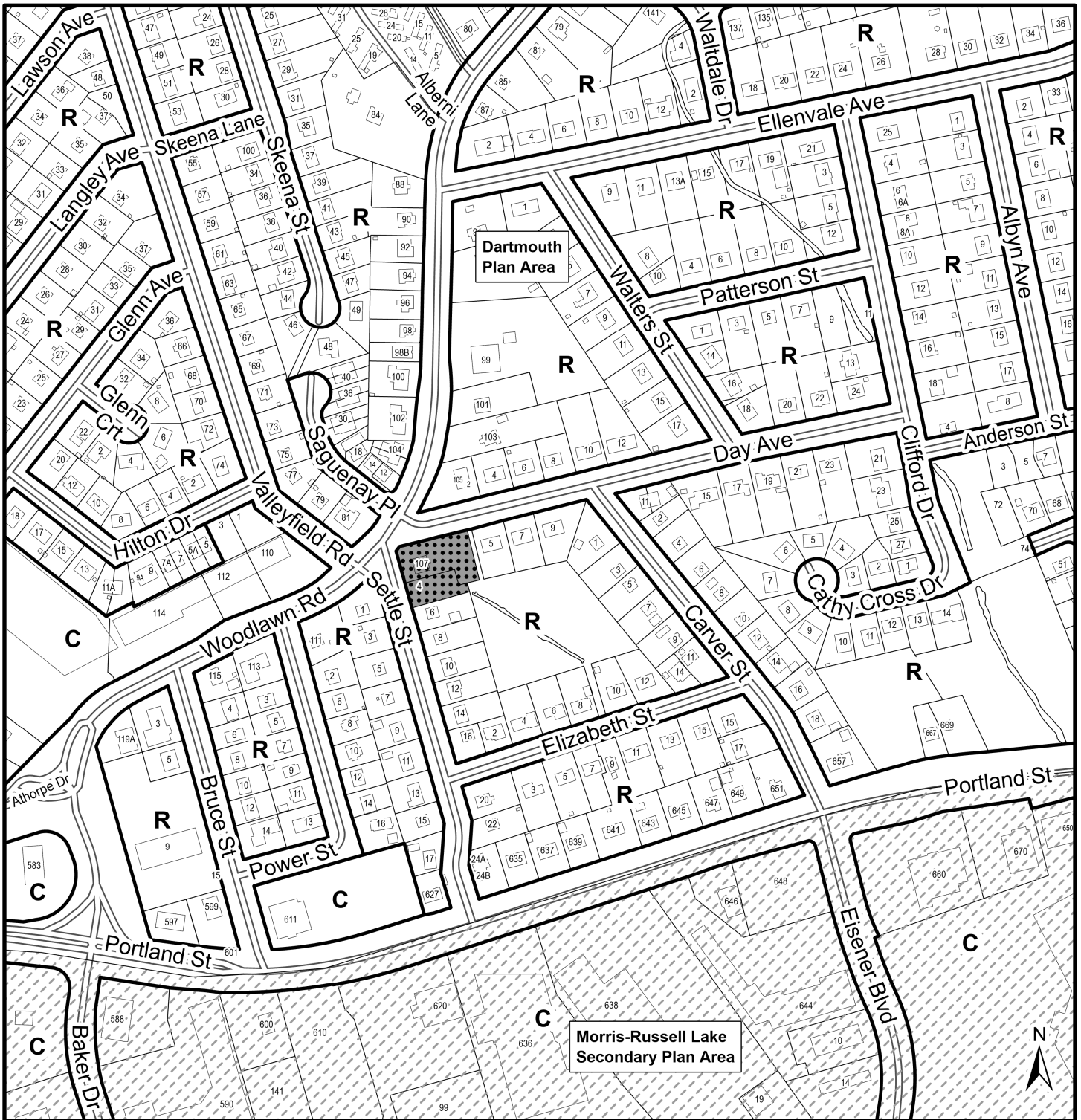
ALTERNATIVES

1. Harbour East - Marine Drive Community Council may choose to approve the proposed amendment to the Dartmouth Land Use By-law and 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 the proposed LUB Amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East - Marine Drive Community Council may choose to refuse the proposed amendment to the Dartmouth Land Use By-law and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development 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
Attachment A:	Proposed Amendment to the Land Use By-law for Dartmouth
Attachment B	Proposed Development Agreement
Attachment C:	Review of Relevant Regional and Dartmouth Municipal Planning Strategy Policies

Report Prepared by: Dean MacDougall – Planner III – 902.240.7085 or dean.macdougall@halifax.ca





Map 1 - Generalized Future Land Use

107 Woodlawn Road,
Dartmouth

HALIFAX

Designation

-  Subject Properties
-  Detailed Plan Area

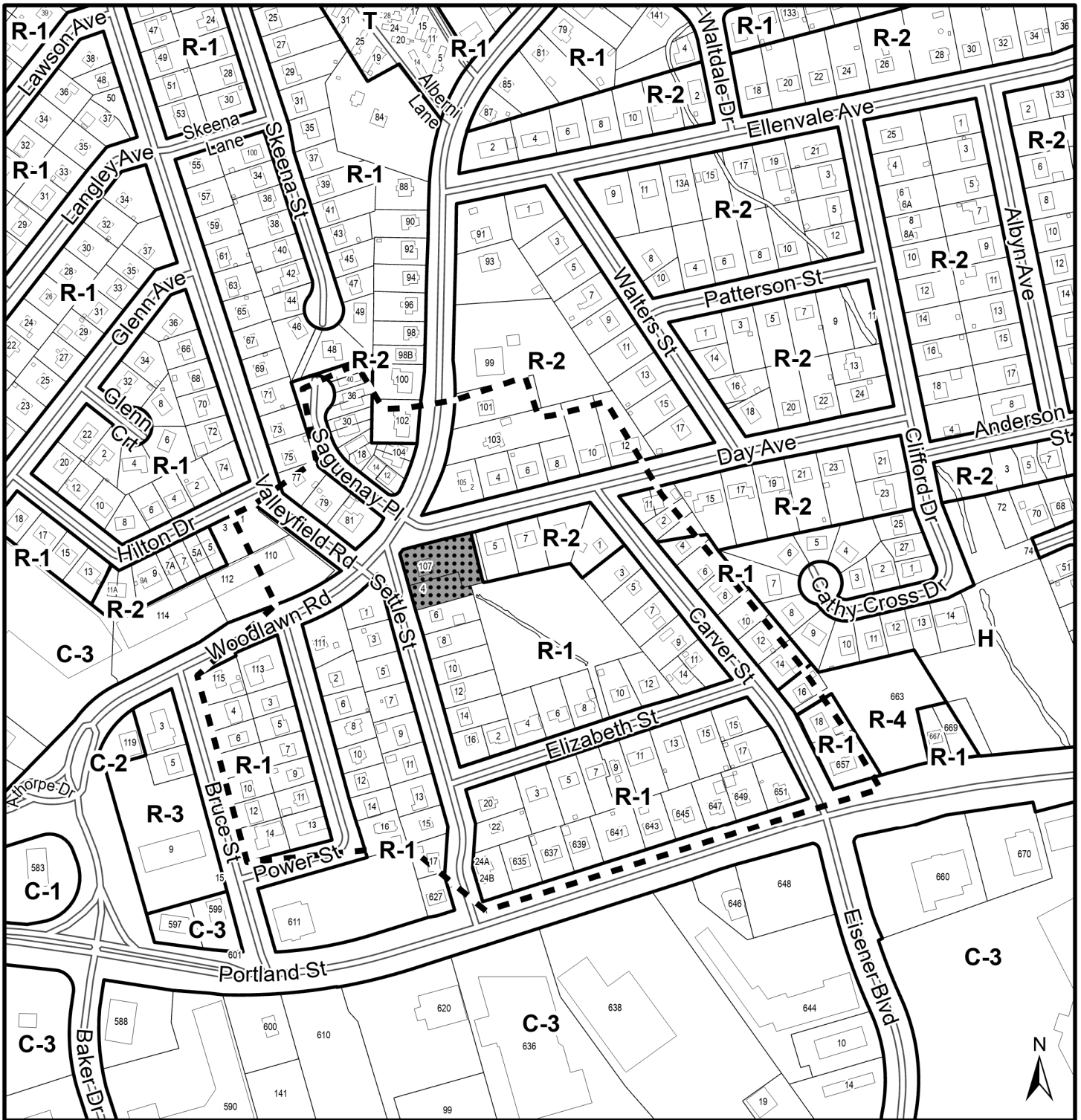
- C** Commercial
- R** Residential

0 40 80 120 Meters

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.

Dartmouth
Plan Area



Map 2 - Zoning and Notification Area

107 Woodlawn Road
Dartmouth

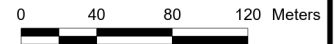
-  Subject Properties
-  Area of Notification

Dartmouth
Land Use By-Law

Zone

- C-1 Local Business
- C-2 General Business
- C-3 General Business
- H Holding
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- R-4 Multiple Family Residential (High Density)
- T Mobile Home Park

HALIFAX



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

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ATTACHMENT A

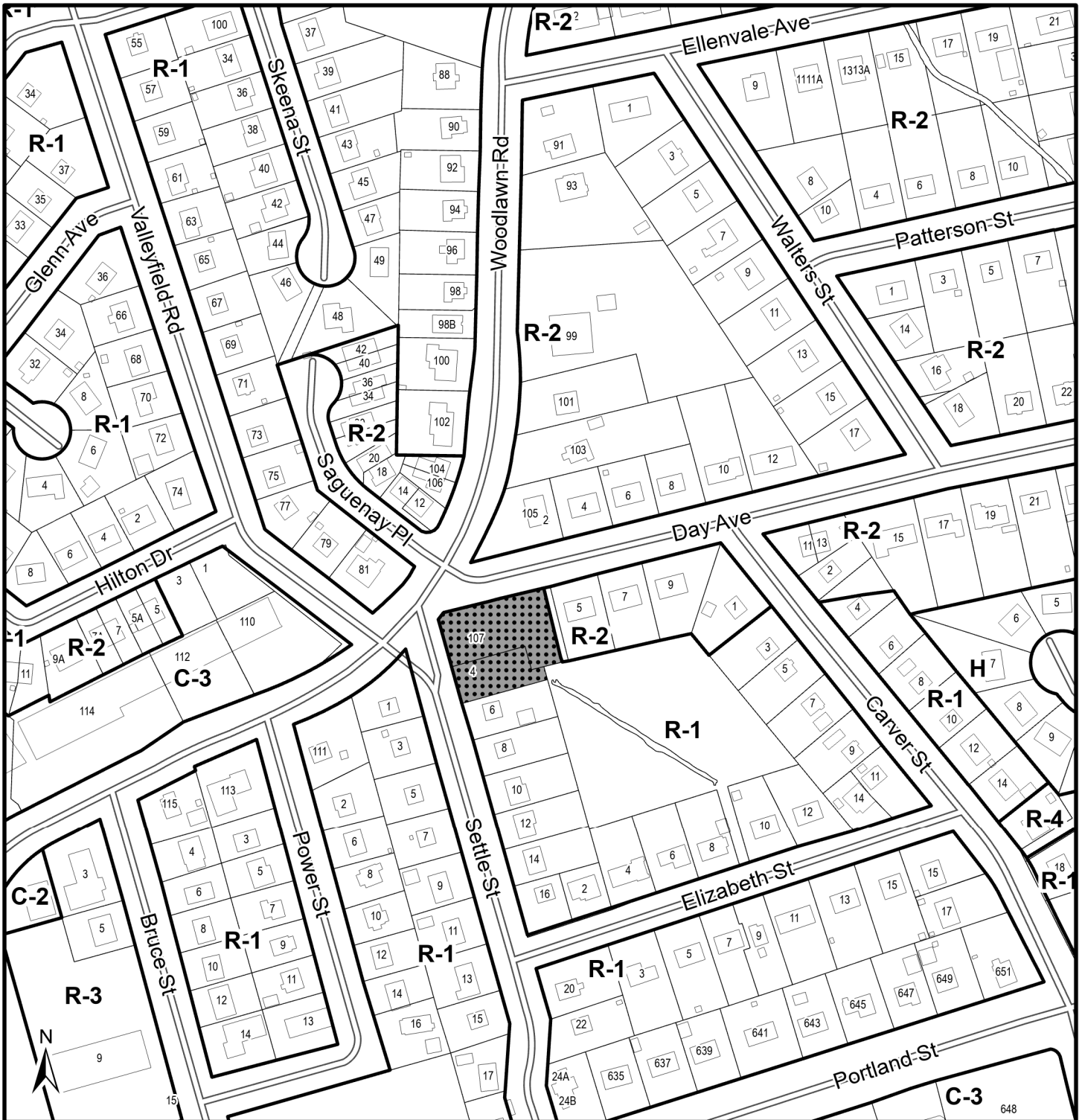
Proposed Amendment to the Land Use By-law for the Dartmouth

BE IT ENACTED by the Harbour East – Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby further amended as follows:

1. Amend Map Schedule 1, the Zoning Map, by rezoning the properties identified as PIDs 00244285 and 00072819 from the R-1 (Single Family Residential) Zone to the R-3 (Multiple Family Residential) Zone – Medium Density, as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East – Marine Drive Community Council held on [INSERT DATE].

Iain MacLean
Municipal Clerk



Schedule A

107 Woodlawn Road
Dartmouth

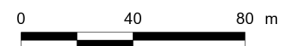
Area to be rezoned from
R-1 (Single Family Residential)
to R-3 (Multiple Family Residential -
Medium Density)

Dartmouth
Land Use By-Law

Zone

- C-2 General Business
- C-3 General Business
- H Holding
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- R-4 Multiple Family Residential (High Density)

HALIFAX



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.

**Attachment B:
Proposed Development Agreement**

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

[Insert Name of Corporation/Business LTD.]

body corporate, in the Province of Nova Scotia (hereinafter called the "Developer")

- 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 107 Woodlawn Road, Dartmouth and PID 00072819, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on September 8, 2005 the former Harbour East Community Council entered into an agreement to permit a building addition to allow for expansion of an existing convenience store (Case Number 00776) and which Development Agreement was registered in the Land Registry Office in Halifax on January 3, 2006 as Document Number 83991985 (herein after called the "Original Agreement");

AND WHEREAS the Chief Administrative Officer of the Municipality approved a discharge of the Original Agreement which was registered at the Land Registry Office in Halifax (hereinafter called the "Discharging Agreement");

AND WHEREAS the Developer has requested that the Municipality enter into a new Development Agreement to allow for an apartment building with main-level neighbourhood convenience uses on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies IP-5 and C-2 of the Dartmouth Municipal Planning Strategy and Section 18B of the Dartmouth Land Use By-law;

AND WHEREAS the Harbour East – Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP-2023-00159;

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 Bylaw 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 applicable Land Use Bylaw and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances to the requirements of the applicable Land Use Bylaw shall not be permitted.

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 Bylaw 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 Bylaw 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 applicable Land Use Bylaw and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

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

- (a) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the Liquor Control Act, S.N.S., 1989, c. 260, as amended.
- (b) **Drive-Through** means a designated on-site queueing area for motor vehicles and which provides or dispenses products or services using an attendant, window, or automated machine to customers in motor vehicles, but excludes a car wash use.
- (c) **Grade-Related Dwelling Unit Use** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.
- (d) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point, excluding rooftop features such as parapets, hand railings, rooftop landscaping, mechanical penthouses, elevator and stair enclosures, heating, ventilation, and air conditioning equipment and enclosures.
- (e) **Hard Landscaping** means an outdoor surface covered by solid or impermeable material, such as outdoor furniture, water fountains, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, wood decking, trees in soil cells, and trees in planters, but excludes parking areas and driving aisles.
- (f) **Indoor Amenity Space** means common amenity spaces for residents of the development located within the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.
- (g) **Off-Street Loading Space** means a dedicated area, located on a lot, that is designed for loading and unloading goods from motor vehicles.
- (h) **Outdoor Amenity Space** means common amenity spaces for residents of the development located outside the building, including but not limited to, rooftop terraces, picnic areas, but not individual unit balconies/terraces.
- (i) **Soft Landscaping** means covered by water-permeable material or vegetation, such as

trees, hedges, shrubs, flowers, grass, mulch, fruit and vegetable plants, sod, planter boxes, or another vegetative groundcover. A permeable vegetated grid system and a water feature, excluding a swimming pool, hot tub, or a water fountain, are considered soft landscaping.

- (j) **Storey** means a portion of building between a floor and another floor, or a floor and a ceiling. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade.

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 PLANAPP-2023-00159:

Schedule A Legal Description of the Land(s)
Schedule B Site Plan
Schedule C Preliminary Landscape Plan
Schedule D Building Elevations

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of any Development Permit the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
 - (a) Confirmation of lot consolidation in accordance with Section 3.17 of this Agreement;
 - (b) An issued demolition permit;
 - (c) A detailed Landscape Plan in accordance with Section 3.10 and Schedule C of this Agreement; and
 - (d) Written confirmation from a Structural Engineer that all landscape areas designed to be installed upon any portion on any rooftop level of the building can support any required drainage or additional weight caused by the landscaped area in accordance with Subsection 3.10.7 of this Agreement.
- 3.2.2 Prior to the issuance of the first Occupancy Permit for the building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
 - (a) Written confirmation, inclusive of any supporting documentation deemed necessary by the Development Officer, verifying that the pathway is constructed, the stormwater connection is complete, and the required stormwater easement is registered in accordance with Section 3.15 of this Agreement; and
 - (b) Written confirmation from 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 in accordance with Section 3.10 of the Agreement.
- 3.2.3 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 Bylaw (except to the extent that the provisions of the Land Use Bylaw 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 are the following:

- (a) An apartment building with ground floor commercial space limited to:
 - i. food, grocery, and convenience stores;
 - ii. offices, including offices of professional people providing personal services;
 - iii. personal service shops;
 - iv. restaurants, excluding drive-throughs or drinking establishment uses; and
 - v. veterinary clinics without outdoor runs;
- (b) temporary uses as per Section 3.16 of this Agreement; and
- (c) uses accessory to any of the foregoing uses.

3.4 Building Siting and Form

3.4.1 The siting, bulk, and scale of the building shall be in general conformance with the Schedules and shall comply with the following:

- (a) The building shall not exceed 5 storeys;
- (b) The building height shall step down to a maximum of 3 storeys along the east property boundary, as shown on Schedule D;
- (c) The building shall be setback a minimum of:
 - i. 2.75 metres from Woodlawn Road and Day Avenue;
 - ii. 2.5 metres from Settle Street;
 - iii. 4.7 metres from the east property boundary shared with 5 Day Avenue;
 - iv. 8 metres from the south property boundary shared with 6 Settle Street; and
 - v. 1.5 metres from the south property boundary shared with the Municipality.
- (d) Notwithstanding Subsection 3.4.1(c) underground motor vehicle parking structures are exempt from the minimum setbacks but shall not protrude more than 0.25 metres above grade when located within required setbacks; and
- (e) Notwithstanding Subsection 3.4.1(b), the enclosed exit stair on the east elevation is permitted to exceed the 3-storey height limit.

3.4.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility-disabled ramps to be located within the required minimum front, side and rear yards.

3.5 Architectural Requirements

3.5.1 The exterior design and materials of the building shall be in general conformance with Schedule D and shall comply with the following:

- (a) The main entrances to building 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;
- (b) The commercial entrances to the building shall be distinguished from residential

entrances by signage, detailing, changes in materials, and other architectural devices;

- (c) Where an exterior wall of ground floor commercial space faces the public right-of-way, a minimum of 25% of such wall shall consist of clear glass glazing;
- (d) 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) as identified on the Schedules;
- (e) Any exposed foundation in excess of 0.75 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer;
- (f) 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;
- (g) Exterior building materials shall not include plywood, unpainted or unstained wood, or vinyl siding;
- (h) No mechanical equipment or exhaust fans shall be located between any building and abutting properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems;
- (i) Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade; and
- (j) All roof-mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.5.2 Notwithstanding subsection 3.5.1, the arrangement of window, balconies, rooflines and exterior features may be altered to accommodate the interior layout of the building, and exterior building materials may be altered, provided that the arrangement is consistent with the general architectural intent of the Schedules, and under no circumstances shall the arrangement create a condition which results in large blank or unadorned walls

3.6 Unit Mix

3.6.1 A minimum of 20% of all dwelling units shall be required to contain a two or more bedrooms.

3.7 Amenity Space

3.7.1 A minimum of 270 square metres of amenity space shall be provided; of which a minimum 90 square metres is to be provided as indoor amenity space.

3.7.2 All amenity space shall:

- (a) be provided in increments of no less than 30.0 contiguous square metres;
- (b) have no linear dimension less than 3.0 metres; and
- (c) be available for shared use by the building's residents.

3.8 Parking, Circulation and Access

3.8.1 Any provided parking spaces shall be internal to the building. Outdoor surface parking shall not be permitted.

3.8.2 Any parking area shall be accessed by a single driveway from Settle Street, as generally shown on Schedule B.

3.8.3 An off-street loading space shall be provided which meets the following dimensions:

- (a) 3.0 metres in width;
- (b) 6.0 metres in length; and
- (c) 3.0 metres in height clearance.

3.8.4 Off-street loading space may be located within a driving aisle, providing there is unobstructed access within the driving aisle of 3.0 metres to enable vehicles to maneuver around the loading space.

3.8.5 Bicycle parking shall be provided in accordance with the provisions of the applicable Land Use Bylaw.

3.9 Screening and Fencing

3.9.1 Screening shall be provided along the east and south property lines, including a minimum of one of the following:

- (a) a continuous coniferous hedge no less than 1.8 metres in height;
- (b) an opaque fence no less than 1.8 metres in height; or
- (c) a masonry wall no less than 1.8 metres in height.

3.9.2 If the establishment of screening along the east property line conflicts with any easement required by Section 3.15, the screening may be provided as an off-site improvement on the adjacent municipally-owned lands, however, such screening shall satisfy Section 3.9.1 and be maintained by the Developer.

3.9.3 Where grade-related dwelling units are provided, the space located between each grade-related dwelling unit and the streetline shall include one of the following methods for privacy:

- (a) the planting of a deciduous tree, that is not a shrub, with a minimum base caliper of 50 millimetres;
- (b) the planting of a minimum of two shrubs, each no less than 1.0 metre in height;
- (c) the installation of a planter ranging in height from 0.25 to 1.0 metre; or
- (d) the installation of a masonry wall ranging in height from 0.25 to 1.0 metre.

3.9.4 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.

3.9.5 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from the public right-of-way and abutting 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.

3.9.6 Mechanical equipment shall be permitted on the roof provided the equipment is screened and not visible from the public right-of-way or incorporated into the architectural treatments and roof structure.

3.10 Landscaping

3.10.1 Prior to the issuance of a Development Permit, the Developers shall provide the Development Officer with a detailed Landscape Plan that complies with the provisions of this Section and generally conforms with the Preliminary Landscape Plan attached as Schedule C. The Landscape Plan shall be prepared by a full member, in good standing, of the Canadian Society of Landscape Architects.

- 3.10.2 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.
- 3.10.3 Notwithstanding Subsection 3.10.2, 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.
- 3.10.4 Planting details for at-grade and on-slab planting situations for each type of plant proposed shall be provided in the detailed Landscape Plan, including a species list with quantities, sizes, and common and botanical names (species and variety).
- 3.10.5 All plant material shall conform to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard (ninth edition).
- 3.10.6 The minimum acceptable sizes for plant material shall be as follows:
- (a) Deciduous trees at grade – 50 mm caliper;
 - (b) Deciduous trees on slab – 45 mm caliper;
 - (c) Coniferous trees – 1.5 m in height; and
 - (d) Shrubs – 0.6 m in height or spread.
- 3.10.7 All landscape areas designed to be installed upon any portion of the building must be supported by documentation from a Structural Engineer indicating that the building design is able to support any required drainage or additional weight caused by the landscaped area.

3.11 Outdoor Lighting

- 3.11.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.11.2 Building facades abutting the public right-of-way may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

3.12 Signs

- 3.12.1 Signage shall be limited to fascia and projecting signs.
- 3.12.2 No sign shall be erected on a building façade which faces an abutting low-density residential use.
- 3.12.3 The combined area of all fascia signs on a building wall shall not exceed 10% of the area of

the wall on which the signs are affixed.

3.12.4 Projecting signs shall be required to:

- (a) be separated from other projecting signs on the same lot by no less than 2.5 metres;
- (b) be set back no less than 1.25 metres from any side or rear lot line;
- (c) not be located within 3.5 metres of the ground directly below; and
- (d) not exceed 2.0 square metres in area, per sign face.

3.12.5 No more than one projecting sign is permitted per streetline for each premise.

3.13 Maintenance

3.13.1 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.

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

3.14 Hours of Operation

3.14.1 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.15 Stormwater Infrastructure and Pathway

3.15.1 The Developer shall relocate existing stormwater infrastructure as shown on Schedule B provided that:

- (a) That the Developer obtains all necessary approvals; and
- (b) The Developer shall be responsible for securing all required easements, at their sole cost and expense. Such easements shall be secured prior to issuance of any Development Permit.

3.15.2 Prior to the issuance of the first Occupancy Permit, the Developer shall construct a pathway connection as generally shown on Schedule B, which shall be constructed with asphalt.

3.16 Temporary Uses

3.16.1 The Commercial Building existing at the time this Agreement was entered is permitted to continue until the issuance of a demolition permit.

3.16.2 A temporary construction 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.

3.17 Subdivision of the Lands

3.17.1 An application for lot consolidation shall be submitted to the Development Officer in accordance with Schedule B and the requirements of the applicable Land Use Bylaw and Regional Subdivision Bylaw.

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 Undergrounding Services

- 4.3.1 All secondary or primary (as applicable) services, such as electrical, telephone and cable, shall be provided to as underground installation.

4.4 Solid Waste Facilities

- 4.4.1 The building shall be designed in accordance with By-law S-600 as amended from time to time. This designated space shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.
- 4.4.2 All refuse and recycling materials shall be contained within the building, or within suitable containers which are fully screened from view from any street, sidewalk, or adjacent property 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 Sulphide Bearing Materials

- 5.3.1 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 in a matter consistent with the *Halifax Regional Municipality Charter*:
 - (a) Conversion of ground floor commercial space to additional residential units, inclusive of changes to other aspects of this Agreement required to support the change of use such as but not limited to parking, ground floor transparency, and amenity space requirements;
 - (b) Changes to the exterior design and materials of the building which, in the opinion of the Development Officer, exceed those outlined in Section 3.5.1, so long as height, massing, and scale is not increased;
 - (c) Changes to the unit mix requirement outlined in Section 3.6;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
 - (e) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 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 the Chief Administrative Officer for the Municipality.

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

7.1.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Agreement at the Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the applicable Land Use Bylaw.

7.1.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit for the proposed building.

7.1.3 For the purpose of this section, the Municipality 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.

7.4 Completion of Development

7.4.1 Upon the completion of the whole development, the Municipality 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) discharge this Agreement and apply appropriate zoning pursuant to the applicable Municipal Planning Strategy and Land Use Bylaw, as may be amended from time to time.

7.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.

7.4.3 In the event that development on the Lands has not been completed within six (6) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use Bylaw.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after ten (10) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

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 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 Bylaw; 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: _____

Print Name: _____

Date Signed: _____

=====

=====

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

Date signed: _____

Witness

Per: _____

MUNICIPAL CLERK

Date signed: _____

PROVINCE OF NOVA SCOTIA COUNTY OF HALIFAX

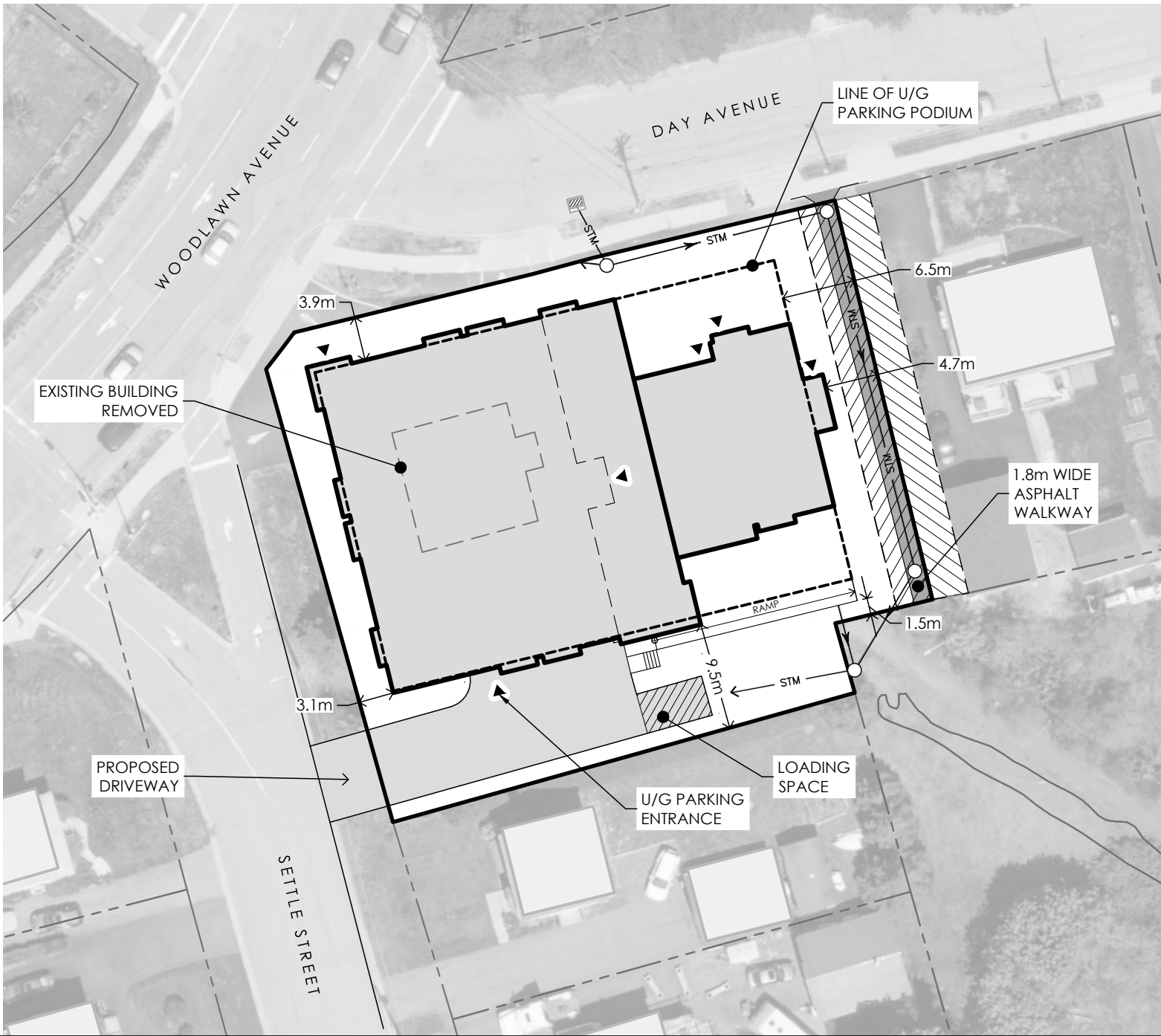
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia



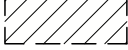
PROVINCE OF NOVA SCOTIA COUNTY OF HALIFAX

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 Iain MacLean, 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
-  Easement to accommodate stormwater infrastructure

SITE SUMMARY:

- PID: 00244285, 00072819
- Total Land Area: 23,783 sf / 0.55 ac

SOURCES:

- Property lines and topographic features are from provincial mapping.

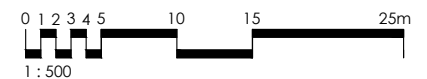


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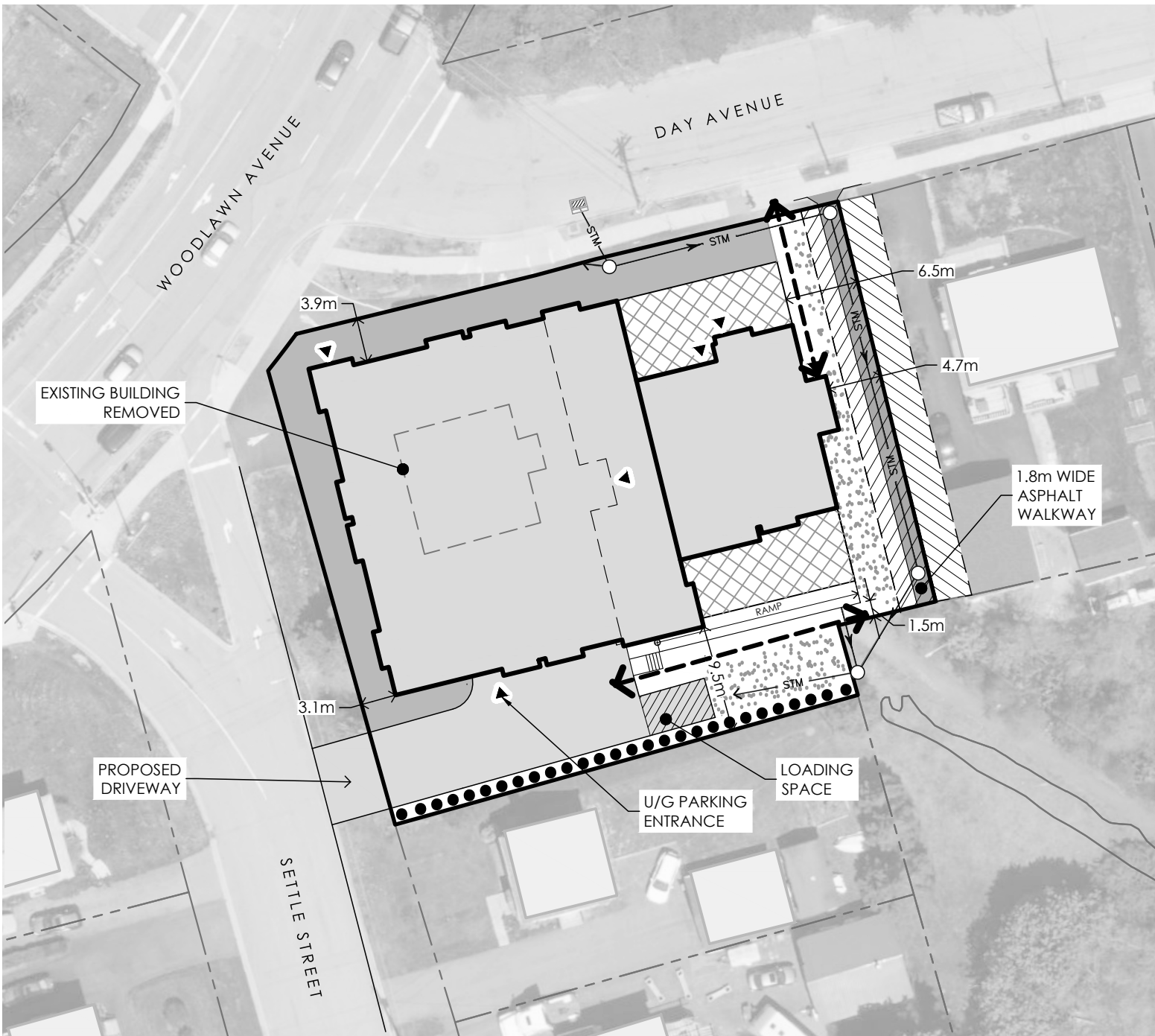
SCHEDULE B: SITE PLAN
107 WOODLAWN ROAD | 4 SETTLE STREET REDEVELOPMENT
Dartmouth, Nova Scotia








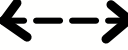

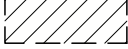
SCALE:



DATE: JUNE 26, 2024



LEGEND

-  Site Boundary
-  Adjacent Property Boundary
-  Hard and/or Soft Landscaping
-  Landscaped Terraces with Privacy
-  Soft Landscaping
-  Private Pathway Connections
-  Privacy Screening
-  Easement to accommodate stormwater infrastructure

SITE SUMMARY:

- PID: 00244285, 00072819
- Total Land Area: 23,783 sf / 0.55 ac

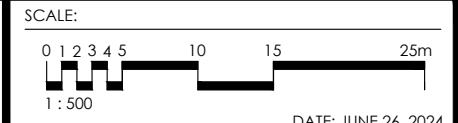
SOURCES:

- Property lines and topographic features are from provincial mapping.



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SCHEDULE C: PRELIMINARY LANDSCAPE PLAN
107 WOODLAWN ROAD | 4 SETTLE STREET REDEVELOPMENT
Dartmouth, Nova Scotia



EXTERIOR MATERIALS LEGEND	
1	CLADDING A
2	CLADDING B
3	CLADDING C
4	ALUMINUM CURTAIN WALL
5	PVC/ALUMINUM WINDOW
6	8' PVC/ALUMINUM PATIO DOOR
7	GARAGE DOOR
8	10' STOREFRONT GLAZING
9	ENTRANCE CLADDING



22-077_DA_Building Elevations

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CLIENT
FE2 HOLDINGS

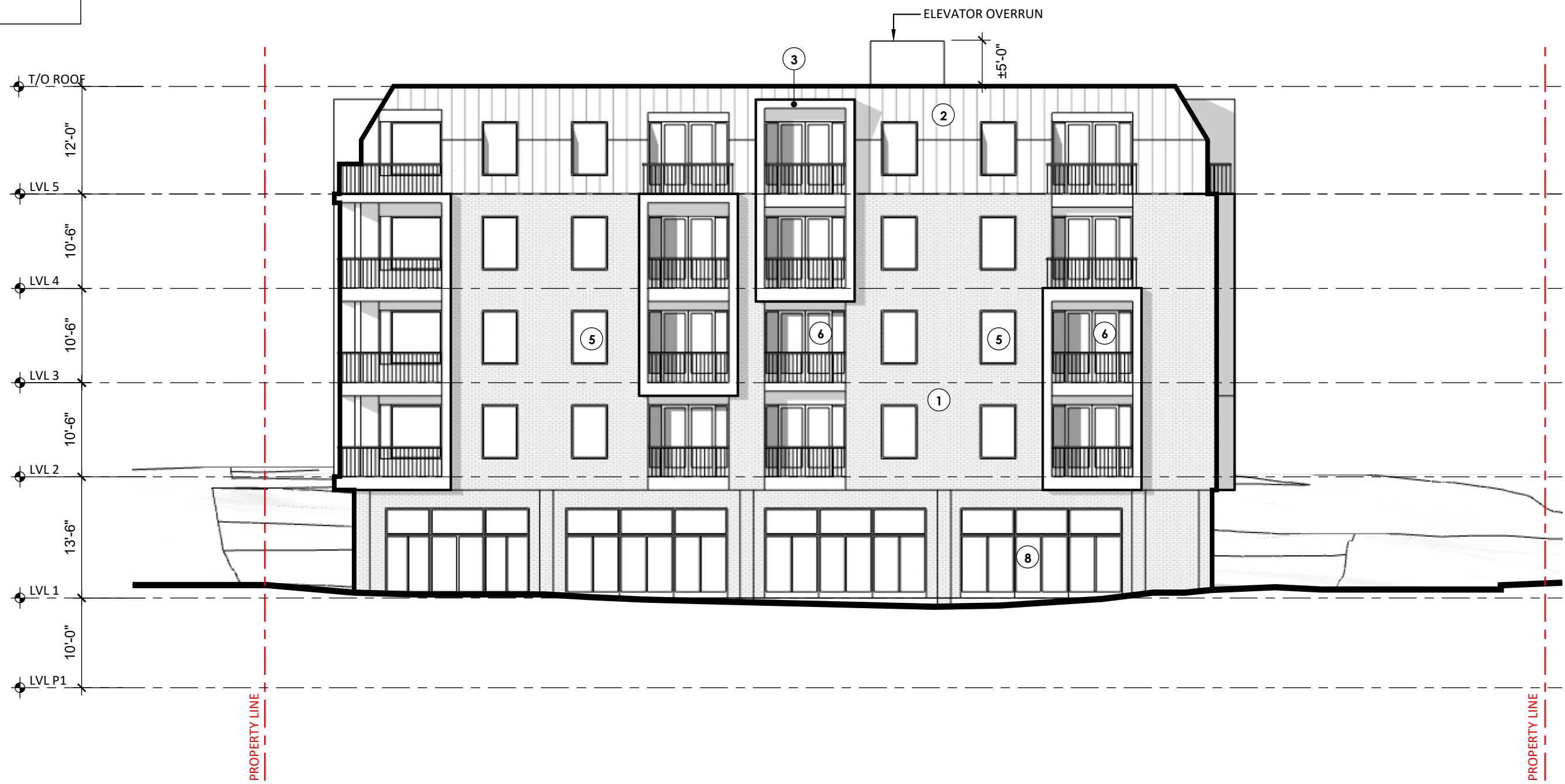
PROJECT
107 WOODLAWN ROAD | 4-6 SETTLE STREET
 Dartmouth, NS

DRAWING
NORTH (WOODLAWN RD.) ELEVATION
 SCALE: 1:150

PROJECT NO. **22-077**
 DRAWN BY: AS
 ISSUED FOR REVIEW
 DATE: June 20, 2024

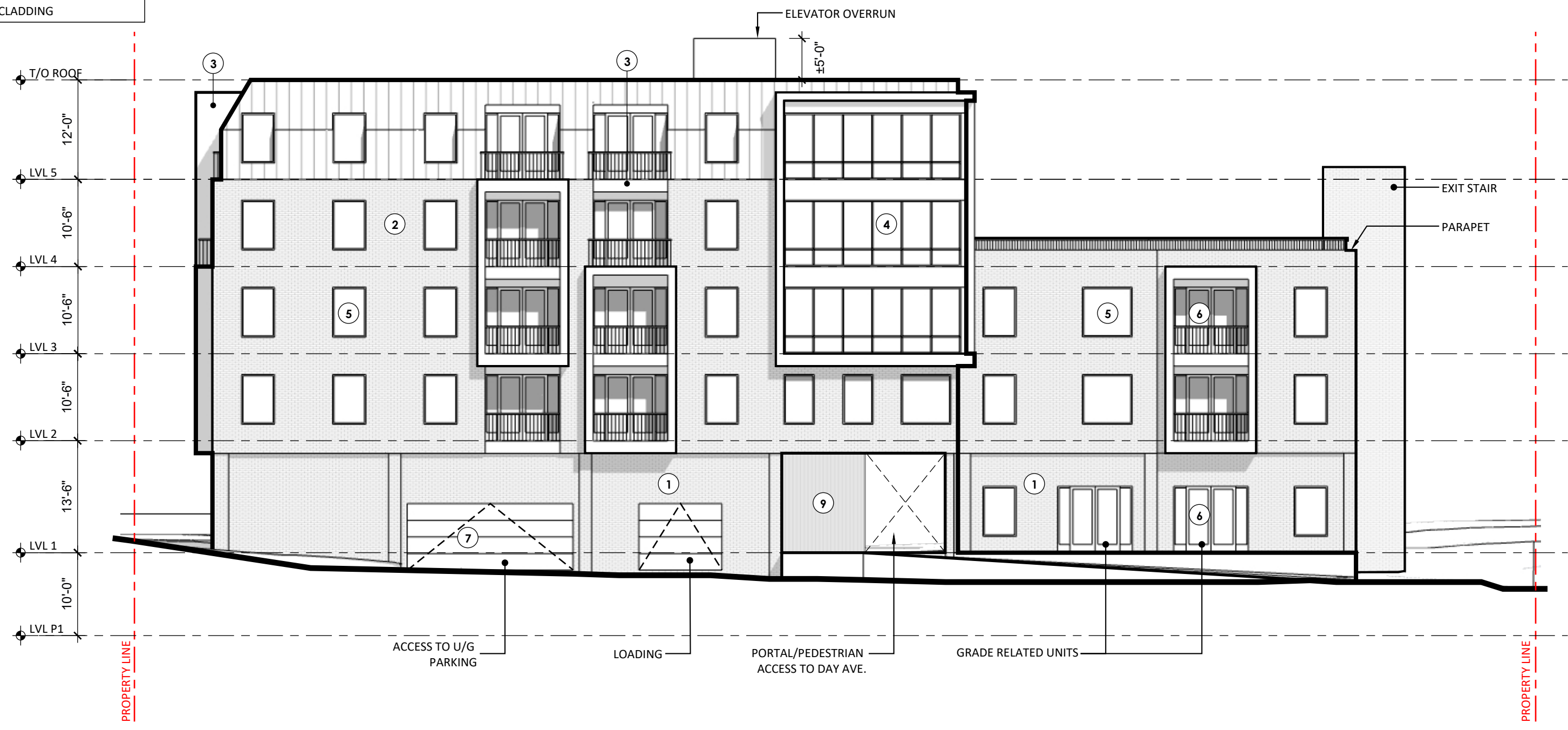
SCHEDULE D1

EXTERIOR MATERIALS LEGEND	
1	CLADDING A
2	CLADDING B
3	CLADDING C
4	ALUMINUM CURTAIN WALL
5	PVC/ALUMINUM WINDOW
6	8' PVC/ALUMINUM PATIO DOOR
7	GARAGE DOOR
8	10' STOREFRONT GLAZING
9	ENTRANCE CLADDING



22-077_DA_Building Elevations

EXTERIOR MATERIALS LEGEND	
1	CLADDING A
2	CLADDING B
3	CLADDING C
4	ALUMINUM CURTAIN WALL
5	PVC/ALUMINUM WINDOW
6	8' PVC/ALUMINUM PATIO DOOR
7	GARAGE DOOR
8	10' STOREFRONT GLAZING
9	ENTRANCE CLADDING



22-077_DA_Building Elevations

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CLIENT
FE2 HOLDINGS

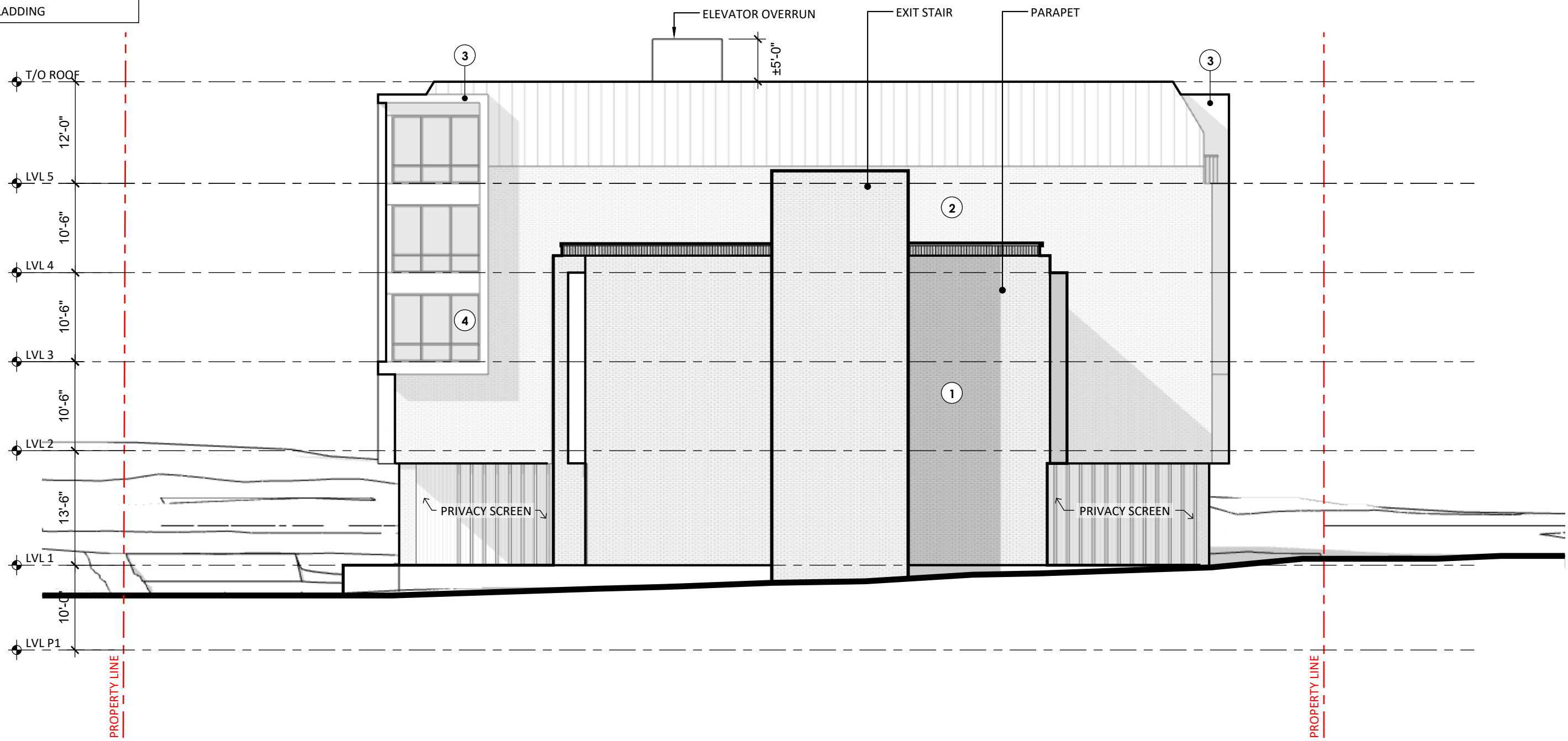
PROJECT
107 WOODLAWN ROAD | 4-6 SETTLE STREET
 Dartmouth, NS

DRAWING
SOUTH ELEVATION
 SCALE: 1:150

PROJECT NO. **22-077**
 DRAWN BY: AS
 ISSUED FOR REVIEW
 DATE: June 20, 2024

SCHEDULE D3

EXTERIOR MATERIALS LEGEND	
1	CLADDING A
2	CLADDING B
3	CLADDING C
4	ALUMINUM CURTAIN WALL
5	PVC/ALUMINUM WINDOW
6	8' PVC/ALUMINUM PATIO DOOR
7	GARAGE DOOR
8	10' STOREFRONT GLAZING
9	ENTRANCE CLADDING



22-077_DA_Building Elevations

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 NS B2Y 2W1 | zap.ca

CLIENT
FE2 HOLDINGS

PROJECT
107 WOODLAWN ROAD | 4-6 SETTLE STREET
 Dartmouth, NS

DRAWING
EAST ELEVATION
 SCALE: 1:150

PROJECT NO. **22-077**
 DRAWN BY: AS
 ISSUED FOR REVIEW
 DATE: June 20, 2024

SCHEDULE
D4

Attachment C:

Review of Relevant Regional and Dartmouth Municipal Planning Strategy Policies

Dartmouth Municipal Planning Strategy	
IMPLEMENTATION	
Policy	Staff Comments
<p>Policy IP-1(b)</p> <p><u>Generalized Land Use</u> <i>The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional, (6) Waverley Road, (7) Wright's Cove, (8) Main Street, (9) Kuhn Road, and (10) Reserve. Map 10 (Generalized Future Land Use) shows the distribution of the generalised land use designation within the plan area.</i></p> <p><i>Tables 4, 4a and 4b identify, in matrix form, the permitted uses under each generalized land use category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown in matrix form on Tables 4, 4a and 4b.</i></p> <p><i>Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.</i></p> <p><i>An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.</i></p>	<p>This property is designated Residential. Table 4 indicates that medium density multiple unit dwellings are enabled in the Residential designation. The requested R-3 zone is a medium density residential zone and therefore this request is enabled by Table 4.</p> <p>Table 4 also indicates that neighbourhood convenience stores are enabled in the Residential designation. The MPS describes neighbourhood convenience stores saying “<i>This form of commercial establishment consists of outlets such as, but not necessarily limited to, grocery stores, drug stores, barber shops, TV repair shops, etc. These uses form a very significant part of any neighbourhood way of life</i>”. The proposed development agreement permits the ground floor to be occupied by neighbour convenience uses.</p>
<p>Policy IP-1(c)</p> <p><u>Zoning By-law</u> <i>In considering zoning amendments and contract zoning, Council shall have regard to the following:</i></p>	

<p>(1) <i>that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i></p>	<p>It is the opinion of Staff that the proposal is in conformance for the reasons outlined in this report.</p>
<p>(2) <i>that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i></p>	<p>The development proposes a 5-storey apartment building. The proposed uses within the development are residential and commercial.</p> <p>The site is surrounded by both residential and commercial properties. It is in a transitional area between an established low-density residential neighborhood and an area dominated by large commercial properties. A convenience store currently operates on the site. Closer to Portland Street, higher-density developments are present, such as the six-story, 61-unit apartment building at 9 Bruce Street.</p> <p>Compatibility in development form—considering bulk and scale—is achieved through the following measures:</p> <ul style="list-style-type: none"> • The building height transitions from five stories at the corner near Woodlawn Road to three stories closer to the adjacent low-density properties. This reduction aligns with the 35-foot height maximum of the surrounding R-1 zone. • Setbacks are included to create a buffer and smooth the transition to adjacent properties, while also maintaining a consistent distance from the street. • The commercial unit is positioned at the corner, facing the street intersection, and is designed to cater to pedestrians, supporting the neighborhood's character rather than being car oriented. Additionally, the proposal reduces the number of driveway accesses from four to one, further promoting the pedestrian-friendly nature of the area. <p>The proposed mixed-use building is deemed compatible with the surrounding area and consistent with existing uses and development patterns. Its design and function align with the neighborhood in terms of both appearance (height and bulk) and land use (residential and commercial). Rather than disrupting the area's character, the building offers an opportunity to</p>

	<p>enhance the transition between residential and commercial zones.</p>
<p>(3) <i>provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i></p>	<p>The applicant is proposing to transition the building down in height towards the low-density property on Day Avenue and increase the setback distance to the low-density property on Settle Street. The agreement also calls for a privacy screening and landscaping along the shared property boundaries to further enhance the compatibility. These design interventions increase the separation distance and will assist in reducing the bulk and scale of the building facing the low-density properties.</p> <p>In addition, the agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators and that solid waste receptacles be located within the building.</p> <p>One site access is proposed, which is reduced from the current four access points. The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for the residential street network. The traffic dispersion from the site is in line with the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic (Settle Street). Section 3.7 of the proposed development agreement specifies controls in regard to traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses.</p>
<p>(4) <i>that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> (i) <i>the financial capability of the City is to absorb any costs relating to the development</i> (ii) <i>the adequacy of sewer and water services and public utilities</i> (iii) <i>the adequacy and proximity of schools, recreation and other public facilities</i> (iv) <i>the adequacy of transportation networks in adjacent to or leading to the development</i> 	<ul style="list-style-type: none"> (i) The City will not be financially responsible for costs associated with this development. The subject site is well served by existing municipal infrastructure. Any cost to upgrade municipal infrastructure, in order to accommodate the project, will be the responsibility of the developer. Movement of existing piped infrastructure is done so at the cost of the developer. (ii) No concerns were raised by Halifax Water regarding sewer and water adequacy, and they are aware that existing stormwater infrastructure will be relocated as part of this

<ul style="list-style-type: none"> (v) <i>existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i> (vi) <i>preventing public access to the shorelines or the waterfront</i> (vii) <i>the presence of natural, historical features, buildings or sites</i> (viii) <i>create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i> (ix) <i>the detrimental economic or social effect that it may have on other areas of the City.</i> 	<p>proposal. No other public utility concerns were identified.</p> <ul style="list-style-type: none"> (iii) The site abuts HRM parkland and is close to other local and community parks and public facilities including Woodlawn and Russel Lake Parks and Woodlawn Public Library. The site is within the Woodlawn High School family of schools. The Halifax Regional Centre for Education (HRCE) resource known as the Long Range Outlook; a 10 year projection for each family of schools under the HRCE, shows all schools in the Woodlawn family of schools are within capacity. According to HRCE, apartment housing provided an estimated yield of 0.16 children aged 5- 17 per housing unit. This means this development is projected to produce 4 school aged children. This low number suggest a minimal impact on the local schools. Further, The Education Act mandates that every person over the age of 5 years and under the age 21 years has the right to attend a public school serving the school region in which that person lives. Where there are no schools located within a walkable distance bussing is provided. (iv) The TIS estimates that “the proposed development will generate 11 new vehicle trips in the AM peak hour and 11 new vehicle trips in the PM peak hour which is attributed to the proposed residential apartments as the convenience store is expected to create similar traffic volumes as it does today”. <p>The TIS was originally prepared for a 4-storey building, but Development Engineering has confirmed that it remains valid for a 5-storey building, as the impact of the additional units is minimal. They stated that the addition of several units will not affect the conclusions of the TIS. Development Engineering and Traffic have reviewed a Traffic Impact Statement provided by the applicant and have accepted the findings. Trips generated by the development are expected to be negligible and the location is supported by existing transit and active transportation options.</p>
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	<p>(v) No open-air watercourses are identified on the site. The development agreement requires a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met at permitting.</p> <p>(vi) Not applicable.</p> <p>(vii) No features, building or sites have been identified. According to the Regional Plan, Map 9, the lands may be within an area of elevated archeological interest. An archaeological monitoring and protection clause is included in the agreement requiring the developer to contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage should artefacts be found.</p> <p>(viii) This would be considered an infill development utilizing existing infrastructure and services.</p> <p>(ix) This development is expected to have limited impact on other areas of the Municipality.</p>
<p>(5) <i>that the proposal is not an obnoxious use</i></p>	<p>The proposal is not an obnoxious use, the area is comprised of primarily residential and commercial properties and uses, the development has similar uses to that found within the area.</p>
<p>(6) <i>that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <i>(i) type of use, density, and phasing</i> <i>(ii) emissions including air, water, noise</i> <i>(iii) traffic generation, access to and egress from the site, and parking</i> <i>(iv) open storage and landscaping</i> 	<ul style="list-style-type: none"> (i) Sections 3.3 of the proposed development agreement include controls over use. No controls over phasing were incorporated within the proposed development agreement as the proposed building is intended to proceed under a single construction phase. Density is controlled through unit mix requirement and controls on massing, found through Section 3.4, 3.5, and 3.6. (ii) No air or water emissions are expected to be created by this development. The proposal is for a 5-storey residential building with ground floor commercial. Staff does not

<ul style="list-style-type: none"> (v) <i>provisions for pedestrian movement and safety</i> (vi) <i>management of open space, parks, walkways</i> (vii) <i>drainage both natural and sub-surface and soil-stability</i> (viii) <i>performance bonds.</i> 	<p>anticipate any noise emissions beyond what could be expected from such a use.</p> <ul style="list-style-type: none"> (iii) Section 3.8 of the proposed development agreement specifies controls in regard to traffic generation, access to and egress from the site, as well as parking. These items are not anticipated to conflict with adjacent or nearby land uses. (iv) Section 3.9 and 4.4 of the proposed development agreement requires screening and that solid waste receptacles be located within the building. No open storage is enabled under the proposed development agreement. Section 3.10 of the proposed development agreement requires the provision of landscaping. (v) Section 3.15 requires a walkway connecting the existing informal pathway from Elizabeth Street to Day Avenue. In addition to this walkway, the applicant has included a covered "portal" space within the building to facilitate pedestrian movement through the site. The agreement also mandates pedestrian connections to the sidewalk network from building entrances, along with specified lighting and signage requirements and controls (Sections 3.11, 3.12 and the Schedules). (vi) See comments for (v) above. (vii) Staff are not aware of any soil-stability issues on the subject site and therefore did not include controls within the draft development agreement on this matter. During the permit stage, HRM Development Engineering will review the grading and stormwater management plans for the subject site. As per By-law G-200, the site will be required to balance, or improve, pre-development and post-development stormwater flows. (viii) A development agreement will enable this proposal, which negates the need to make use of performance bonds for the design and siting of the building. The sole performance bond for landscaping is regulated by the DA.
<p>(7) <i>suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings,</i></p>	<p>The subject site is mainly flat and is not impacted by any watercourse, marsh, swamp, or bog. Staff is not aware of any soil or geological conditions on</p>

<p><i>location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</i></p>	<p>the subject site that would negatively impact the proposed development or abutting properties. The subject site is not located next to a major highway, ramp, railroad, or other nuisance factors.</p>
<p>(8) <i>that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</i></p>	<p>This policy refers to a process of the former City of Dartmouth for voluntary public hearings. In alignment with current engagement standards of the HRM, public engagement activities included a factsheet mailed out to nearby properties, a narrated presentation video available online, and an information page on the Halifax website, which is considered “right-sized” engagement given the context and scale of this proposal.</p>
<p>(9) <i>that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i> (i) <i>Council with a clear indication of the nature of proposed development, and</i> (ii) <i>permit staff to assess and determine the impact such development would have on the land and the surrounding community</i></p>	<p>Staff is of the opinion that enough detail has been provided to Council to allow it to clearly understand the nature of the proposed development and to properly assess and determine the impacts that such a development will have on the land and the surrounding community.</p>
<p>(10) <i>Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.</i></p>	<p>N/A – not a holding zone.</p>
<p><i>Policy IP-1(j)</i> <u><i>Plan Amendments Not Required</i></u> <i>An amendment to the Plan shall not be required where:</i></p>	<p>The rezoning request is enabled by clause 1.</p>

<p>(1) rezonings which fall within the list of permitted uses within the generalized land use categories as shown on Table 4 and Map 8</p> <p>(2) rezonings on/or adjacent the generalized land use boundaries as shown on Map 8 where the effect of the rezoning is to provide more detailed boundary definitions between differing generalized land use categories</p> <p>(3) updating the Development Control By-laws that do not conflict with the intent of the policies of the Plan.</p>	
<p>Policy IP-5</p> <p><i>It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones or shared housing uses at a larger scale than permitted in the underlying zone in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.</i></p> <p><i>In considering the approval of such Agreements, Council shall consider the following criteria:</i></p>	<p>Policy IP-5 applies as the request is to:</p> <p>(1) rezone R-1 (Single Family Residential) to R-3 (Multiple Family Residential – Medium Density); and</p> <p>(2) enter into a development agreement to allow for a 4-storey mixed use residential and commercial building.</p>
<p>(a) <i>adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i></p>	<p>Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.</p>
<p>(b) <i>adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p>(i) <i>the height, size, bulk, density, lot coverage, lot size and lot</i></p>	<p>Controls for these elements are contained throughout the proposed development agreement, as follow:</p> <ul style="list-style-type: none"> • Height (Sections 3.4 and the Schedules) • Size, bulk, and density (Sections 3.4, 3.5, 3.6, and the Schedules)

<p><i>frontage of any proposed building;</i></p> <p>(ii) <i>traffic generation, access to and egress from the site; and</i></p> <p>(iii) <i>parking;</i></p>	<ul style="list-style-type: none"> • Lot coverage (Sections 3.4 and the Schedules) • Lot size and frontage (Schedules) • Traffic, access/egress, and parking (Section 3.8 and the Schedules) <p>Staff believes there are adequate controls to reduce conflict with adjacent or nearby uses.</p>
<p>(c) <i>adequacy or proximity of schools, recreation areas and other community facilities;</i></p>	<p>The site abuts HRM parkland and is close to other local and community parks and public facilities including Woodlawn and Russel Lake Parks and Woodlawn Public Library. The site is within the Woodlawn High School family of schools.</p> <p>The Halifax Regional Centre for Education (HRCE) resource known as the Long Range Outlook; a 10 year projection for each family of schools under the HRCE, shows all schools in the Woodlawn family of schools are within capacity. According to HRCE, apartment housing provided an estimated yield of 0.16 children aged 5- 17 per housing unit. This means this development is projected to produce 4 school aged children. This low number suggest a minimal impact on the local schools. Further, The Education Act mandates that every person over the age of 5 years and under the age 21 years has the right to attend a public school serving the school region in which that person lives. Where there are no schools located within a walkable distance bussing is provided.</p>
<p>(d) <i>adequacy of transportation networks in, adjacent to, and leading to the development;</i></p>	<p>The TIS estimates that “the proposed development will generate 11 new vehicle trips in the AM peak hour and 11 new vehicle trips in the PM peak hour which is attributed to the proposed residential apartments as the convenience store is expected to create similar traffic volumes as it does today”. The TIS was originally prepared for a 4-storey building, but HRM Engineering has confirmed that it remains valid for a 5-storey building, as the impact of the additional units is minimal. They stated that the addition of several units will not affect the conclusions of the TIS. Development Engineering and Traffic have reviewed a Traffic Impact Statement provided by</p>

	<p>the applicant and have accepted the findings. Trips generated by the development are expected to be negligible and the location is supported by existing transit and active transportation options.</p>
<p>(e) <i>adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i></p>	<p>The development agreement requires a minimum of 270 square metres of amenity space be provided, of which 90 square metres is to be indoor amenity space.</p> <p>Private balconies are excluded from this amenity space requirement and the agreement requires the indoor space be provided in increments of at least 30 contiguous square metres and be barrier-free and accessible to all building residents.</p>
<p>(f) <i>that mature trees and other natural site features are preserved where possible;</i></p>	<p>There are few trees or natural features on this site as it is presently developed as a convenience store with a surface parking lot.</p>
<p>(g) <i>adequacy of buffering from abutting land uses;</i></p>	<p>The applicant is proposing to transition the building down in height towards the low density property on Day Avenue and increase the setback distance to the low density property on Settle Street. The agreement also calls for a privacy screening and landscaping along the shared property boundaries to further enhance the compatibility. These design interventions increase the separation distance and will assist in reducing the bulk and scale of the building facing the low-density properties.</p> <p>In addition, the agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators and that solid waste receptacles be located within the building.</p>
<p>(h) <i>the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i></p>	<p>The developer will need to abide with Part 5 of the proposed development agreement, which deals with Erosion and Sedimentation and Grading Plans. Grading and stormwater management plans will be reviewed by HRM Development Engineering at the permit stage.</p>
<p>(i) <i>the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i></p>	<p>See policy outline above.</p>
COMMERCIAL	

<p>Policy C-2</p> <p><i>It shall be the intention of City Council to deal with neighbourhood convenience outlets through the contract zoning provisions of the Planning Act - Section 33 (2) (b).</i></p>	<p>Table 4 also indicates that neighbourhood convenience stores are enabled in the Residential designation. The MPS describes neighbourhood convenience stores saying “<i>This form of commercial establishment consists of outlets such as, but not necessarily limited to, grocery stores, drug stores, barber shops, TV repair shops, etc. These uses form a very significant part of any neighbourhood way of life</i>”.</p> <p>The intention is that the main level commercial space be used for neighbourhood convenience and the permitted use will be limited to neighbour convenience uses that form a part of any neighbourhood way of life. The uses permitted by the development agreement include:</p> <ul style="list-style-type: none"> • food, grocery, and convenience stores • offices, including offices of professional people providing personal services, • personal service shops, • restaurants excluding drive-throughs or drinking establishment uses, • veterinary clinics without outdoor runs.
<p>Halifax Regional Municipal Planning Strategy (Regional Plan)</p>	
<p>CHAPTER 3: SETTLEMENT AND HOUSING 3.2 Land Use Designations</p>	
<p>3.3 PLANNING AND DESIGN FOR GROWTH CENTRES</p> <p><i>Tables 3-1 and 3-2 outline the types of centres intended for the Urban Settlement and Rural Commuter Designations respectively and the associated design characteristics which are to be supported when preparing secondary planning strategies. Table 3-3 lists other Rural Centres which are no longer targeted for growth, but will continue to be recognized for their role in the rural settlement pattern. Directives for preparing a secondary planning strategy for the Regional Centre are found under Chapter 6.</i></p> <p>Table 3-1: Future Characteristics of Urban Settlement Growth Centres</p> <p>Map 1: Settlement and Transportation</p>	<p>Staff recommend approval of this request, noting that it aligns reasonably well with the intentions of the Regional Centre Growth Centre. The building form is characterized by low to medium density, and its design emphasizes a human scale with enhanced pedestrian links. Additionally, the property is located within the Portland Street BRT walkshed.</p>

<p><i>This property falls within the Penhorn-Woodlawn Regional Local Growth Centre identified on Map 1. Table 3-1 of the Regional Plan lists intended future characteristics of Regional Local Growth Centres. Characteristics intended for the Penhorn-Woodlawn centre which are applicable to this request include:</i></p> <ul style="list-style-type: none"> • <i>Mix of medium to high density residential, commercial, institutional, and recreation uses.</i> • <i>In established residential neighbourhoods, low to medium density residential uses</i> • <i>Pedestrian oriented facades</i> • <i>Transit service to connect to other centres and Regional Centre</i> • <i>Enhanced pedestrian linkages</i> • <i>Street or shared side or rear yard parking, or parking structures</i> • <i>Access to AT routes</i> • <i>Short interconnected blocks for ease of walkability</i> • <i>Streetscaping featuring landscaped pocket parks and tree-lined streets</i> 	
CHAPTER 4: TRANSPORTATION AND MOBILITY	
<p>Policy T-3</p> <p><i>When preparing secondary planning strategies or negotiating development agreements, HRM shall consider:</i></p> <p><i>(a) protecting greenways from development that would disrupt the continuity of planned greenways;</i></p> <p><i>(b) requiring planned greenways to be built by developers to HRM standards when the land abutting them is developed; and</i></p> <p><i>(c) requiring new development be connected to, and provide access to, existing and planned greenways.</i></p>	<p>RMPS Map 3 – the site abuts a candidate bike route as shown on Map 3. As previously mentioned, the building design prioritizes a human scale and incorporates enhanced pedestrian links, moving away from a car-oriented development approach.</p> <p>RMPS Map 4 – no parks or natural corridors on or abutting subject site as per Map 4. However, the site does abut an HRM owned parcel that provides pedestrian connections from Woodlawn Road to Portland Street. This connection is being maintained and enhanced with the development.</p>
<p>Policy T-9</p> <p><i>HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit</i></p>	<p>The subject site is within the Urban Transit Service Boundary (RMPS Map 7). The proposed building is mixed-use and provides additional density on lands within the proposed</p>

<p><i>Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.</i></p>	<p>BRT walkshed and along a street that has transit service.</p>
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CHAPTER 9: GOVERNANCE AND IMPLEMENTATION

Policy G-14A

In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:

<p><i>(a) The Integrated Mobility Plan; (b) Halifax Green Network Plan; (c) HalifACT; (d) Halifax’s Inclusive Economic Strategy 2022-2027; and (e) any other priority plan approved by Regional Council while this policy is in effect.</i></p>	<p>The proposed development aligns with the various priority plans as per the following:</p> <ul style="list-style-type: none"> • The Integrated Mobility Plan (IMP) guides investment in active transportation, transit, transportation demand management, goods movement, and the roadway network in Halifax. Continuing on the direction of the IMP, the Rapid Transit Strategy identifies and designates Portland Street as a Transit Priority Corridor, where a variety of transit priority measures will be implemented along the corridor in addition transit supportive land use changes. Figure 37 of the Rapid Transit Study identifies the subject lands, and surrounding area, as a potential transit-oriented community where dense development, housing mixture, employment opportunities, and reduced parking requirements are encouraged to support transit ridership and compact communities. • Integrating climate change considerations into land use planning policies and process by reducing sprawl and efficiently using transportation systems (Action 23 HalifACT) • Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax’s Inclusive Economic Strategy 2022-2027).
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