



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

Item No. 14.1.1
North West Community Council
March 3, 2025

TO: Chair and Members of North West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: February 14, 2025

SUBJECT: **PLANAPP-2023-00673: A12-unit townhouse development for lands off Highway 2, Fall River (PIDs 40103202 & 00504415)**

ORIGIN

Application by Sightline Planning & Approvals (formally KWR Approvals Inc.) on behalf of the property owner.

EXECUTIVE SUMMARY

This report recommends a development agreement to permit a townhouse development on lands located off Highway 2, Fall River. The proposed development maintains the existing single detached dwelling located on the subject property as well as consists of 12 residential units arranged in three townhouse blocks of 3, 4 & 5 units each located off a new private driveway with access to Highway 2. Policy RL-11 of the Planning District 14 & 17 Municipal Planning Strategy allow the consideration of this proposal by development agreement. Staff recommend that North West Community Council approve the proposed development agreement.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to retain one existing single detached dwelling and enable 12 new townhouse dwellings at 3124, 3134 and 3136 Highway 2, in Fall River and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Sightline Planning & Approvals (formally KWR Approvals Inc.), on behalf of the property owner, has applied to develop 12 townhouse units at 3124, 3134 and 3136 Highway 2, in Fall River. The proposed townhouse development is broken into 3-, 4- and 5-unit blocks all proposed to front onto a new private driveway. A sidewalk along the new private driveway has been included as part of the development to connect to the existing network on Highway 2. A multiple-unit dwelling development, including a townhouse form, can only be considered on the subject properties by Development Agreement under Policy RL-11 of the Planning District 14 & 17 Municipal Planning Strategy (MPS).



Source: HRM Mapping

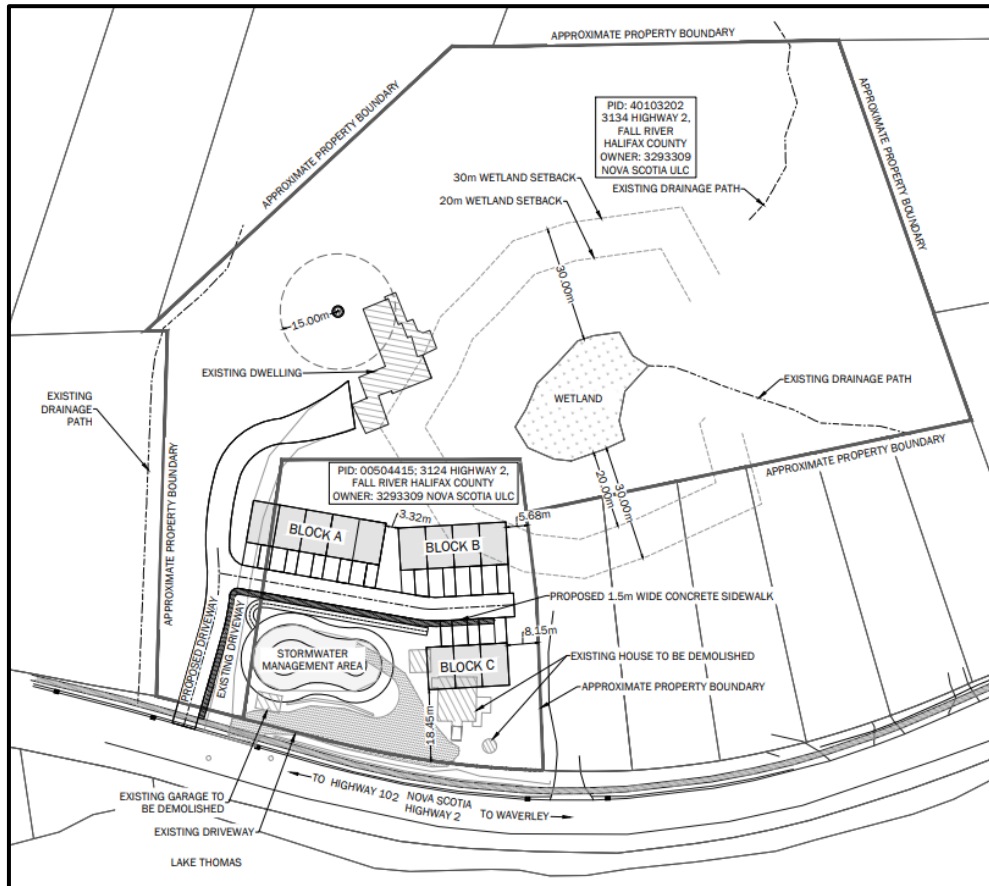
Subject Site	3124, 3134 and 3136 Highway 2, Fall River (PIDs 40103202 & 00504415)
Location	North of Highway 102 and south of the Highway 2 and Fall River Road intersection
Regional Plan Designation	RC (Rural Commuter)
Community Plan Designation (Map 1)	River-lakes Village Centre (RLVC) Designation under the Planning Districts 14 & 17 Municipal Planning Strategy (MPS)
Zoning (Map 2)	Village Main Street (VMS) Zone under the Planning Districts 14 & 17 Land Use By-law (LUB)
Size of Site	A cumulative area of both properties is approximately 6.35 acres (25,697.54 square metres)
Street Frontage	Approximately 103 metres (337.9 feet) on Highway No. 2
Current Land Use(s)	One single detached dwelling proposed to remain, and one commercial mixed-use building proposed to be demolished
Surrounding Use(s)	North – Fall River Animal Hospital and gas station East - undeveloped woodlands and single family detached dwellings along Oakes Road

South - predominantly low-density residential uses and Fall River Pharmacy
West – immediately Highway 2 and Lake Thomas beyond

Proposal Details

The applicant proposes to demolish the existing commercial building at 3124 Highway 2 and consolidate 3124 with 3134/3136 Highway 2 to construct a new 12-unit townhouse development in accordance with Policy RL-11 of the Planning District 14 & 17 Municipal Planning Strategy (MPS). The development will retain the existing single detached dwelling located at 3134/3136 Highway 2 as part of the proposal. The major aspects of the proposal are as follows:

- A maximum of 12 two-storey units in townhouse form with a maximum of 30 bedrooms between the 12 townhouse units;
- Retention of the existing single detached dwelling that exists on the subject property;
- Access to Highway 2 will be provided via a new private driveway;
- A sidewalk connection to Highway 2 is proposed along the new private driveway; and
- The development will be serviced by central water and on-site sewer.



Source: Concept Plan prepared by Able Engineering and submitted as part of the Planning Application PLANAPP-2023-00673

Enabling Policy and LUB Context

The subject properties are located within the River-lakes Village Centre (RLVC) designation and zoned Village Main Street (VMS) within the Planning District 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy (MPS) and Land Use By-law (LUB) respectively. The VMS zone allows residential uses including single and two-unit dwellings and home office uses; a variety of commercial uses including retail stores,

banks and clinics; and open space uses. Policy RL-11 of the Planning District 14 & 17 MPS allows Council to consider permitting low scale multiple-unit dwellings or townhouses within the River-lakes Village Centre designation through the provisions of a development agreement. As the proposed development does not include the subdivision of each townhouse unit, the proposed development agreement permits the townhouse units to be located on a single lot, fronting onto a new private driveway.

The River-lakes Village Centre (RLVC) encourages a mix of low to medium scale density residential uses. The maximum density permitted within the desired community form of a rural village centre is limited to three (3) units per acre. In order to prevent impact on receiving waters and to maintain the rural character of the RLVC designation, the development site must retain a minimum of 50% of the pervious surface of the site for groundwater infiltration and to retain the natural vegetation of steep slopes. Both density limits (1.9 dwelling units per acre) and the amount of retained pervious surface (approximately 86%) have been met and exceeded.

DISCUSSION

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

Proposed Development Agreement

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

- Allows for 12 two-storey townhouse units in 3, 4 and 5 units blocks;
- Allows for a maximum of 30 bedrooms between the 12 townhouse units;
- Places controls on the design of the townhouse units in terms of height, size and maximum footprint;
- Allows for the use of home businesses to be contained wholly within a townhouse unit or the existing single detached dwelling;
- Requires a sidewalk connection along the new private driveway to connect to Highway 2;
- Lists matters that are able to be considered as non-substantive amendments including extension to the dates of commencement and completion of development.

The attached development agreement will permit a 12-unit townhouse development, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

No Phosphorus Net Loading Assessment (PNLA)

As part of the planning process, for some development agreements in the River-lakes Secondary Planning Strategy (SPS), a preliminary Stormwater Management Plan in conjunction with a Phosphorus Net Loading Assessment (PNLA) is required. These studies are used to evaluate the proposed development impact on the receiving waters in the area. As stated in Policy RL-22, a no net increase in phosphorus is the performance standard for developments considered by development agreement in the River-lakes SPS area. A phosphorus assessment measures the current phosphorus loading and predicts the future impact of the development on the receiving waters of the lakes in the area and upstream in the Shubenacadie system.

A PNLA was submitted by the applicant as part of this application and reviewed by HRM's external subject matter experts who review PNLA submissions. The study summarizes that no net phosphorus can be achieved if the following are implemented:

- A Phosphorus Net Loading Assessment in conjunction with a Conceptual Stormwater Management Plan for the entire proposed site development;

- A development plan which carefully utilizes the natural topography, surface cover, watercourses and wetlands, and natural vegetation;
- A bioswale and bioretention pond (with filter berm) designed to filter phosphorus from hard surfaces added as part of the proposed development;
- A phosphorus control program for the proposed site development that is adhered to by any current and future owners and operators of the proposed site development;
- To restrict the site development to a maximum of 30-bedrooms between the 12 townhouse units;
- Implementing phosphorus mitigations policies in lease agreements and/or condo policies, as applicable; and
- Incorporation of phosphorus best management practices.

Staff advise that the proposed development agreement and PNLA submitted for the proposal provides sufficient information to meet the no net phosphorus policy of the River-lakes SPS. The analysis of the Phosphorus Net Loading Assessment (PLNA) to determine impacts of the development plan to Lake Thomas has demonstrated a net reduction of total phosphorus load to the watercourse. This meets the intent of the PNLA with respect to no net phosphorus export to the watercourse.

Architectural Built Form and Density

The LUB includes architectural requirements (Section 5.10) for developments within the Canal Court (CC), Village Core Comprehensive Development District (VCCDD), Village Main Street (VMS), Village Gateway (VG), Fall River Business (FRB), River-lakes Residential Campus (RLRC) and Residential Comprehensive Development District (RCDD) zones within the River-lakes SPS. The proposed development generally conforms with the built-form regulations of Section 5.10 of the LUB.

Existing policy under the MPS for lands zoned VMS allows for Council to consider alternative forms of housing in the form of low scale multiple-unit dwellings or townhouses while minimizing the impacts on the community. In the case of the proposed development, the proposed use is in the form of townhouse units designed to achieve an alternative to single detached dwellings. The density as part of this development is at a scale less than what is permitted under current policy. Policy RL-11 of the MPS restricts density to a maximum of 3 units per acre. The proposed development is for 12 townhouse units on 2.56 hectares (6.35 acres) on land which is 1.89 units per acre. Further limitations have been provided for in the proposed development agreement restricting the total number of bedrooms between the proposed 12 townhouses to 30 as per the results of the PNLA study.

Landscaping and Site Development

The proposed development agreement requires the retention of existing vegetation along the northern and southern property boundaries where the proposed development abuts existing low density residential uses. This will help to ensure that adequate separation is provided from the proposed development. A landscaping buffer (3.5 to 4.5 meters) is required along the southern property boundary and a new 1.8-meter-high fencing is also required to screen the development and proposed on-site servicing infrastructure from adjacent properties along the northern side. Each townhouse unit will have access to a private outdoor deck and small backyard, which is typical for a townhouse development. As per Policy RL-11, the development is required to not exceed an impervious surface area of 50% as well as maintain a minimum site non-disturbance area of 50% of the site. The proposed development satisfies these criteria with an undisturbed area of 66% of the subject properties.

Road Network and Site Access

The Traffic Impact Statement (TIS) and TIS addendum submitted in support of the proposed development were reviewed and deemed acceptable by HRM Development Engineering and Traffic Services staff. The subject properties have sufficient frontage on Highway 2 to ensure a new private driveway can be located entirely within the proposed development. A new 1.5-meter sidewalk is proposed along the new private driveway connecting residents of the development to the existing sidewalk system along Highway 2. Staff recommend that the proposed driveway access and walkway within the proposed development are adequate to support the proposed townhouse development.

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 proposed development does not directly conflict with any specific objectives, policies or actions of the priorities plans.

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 development recognises the need for an alternate form of housing in the community while maintaining the rural character of the River-lake Village Centre designation. The proposal has given consideration to adjacent land uses and residents through the design and built form of the townhouse units and is located on a site in proximity to commercial and community facility uses. Therefore, staff recommend that the North West Community Council approve the 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 2025-2026 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 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, and letters mailed to property owners within the notification area.

A total of 59 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 1673 unique pageviews over the course of the application, with an average time on page of 1 minute and 39 seconds. Staff received three responses from the public during the consultation period. The public comments received included the following topics:

1. Concerns regarding the potential for noise and visual site activity that could impact neighboring properties
2. Concerns regarding the potential odour of a new septic system.
3. Concern regarding the demolition of the existing structure at 3124 Highway 2 were expressed as potentially problematic due to the existing structure holding heritage value in the area. Staff have confirmed that there is no municipal heritage designation on the existing structure.

A public hearing must be held by Noth West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

LEGISLATIVE AUTHORITY

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

ALTERNATIVES

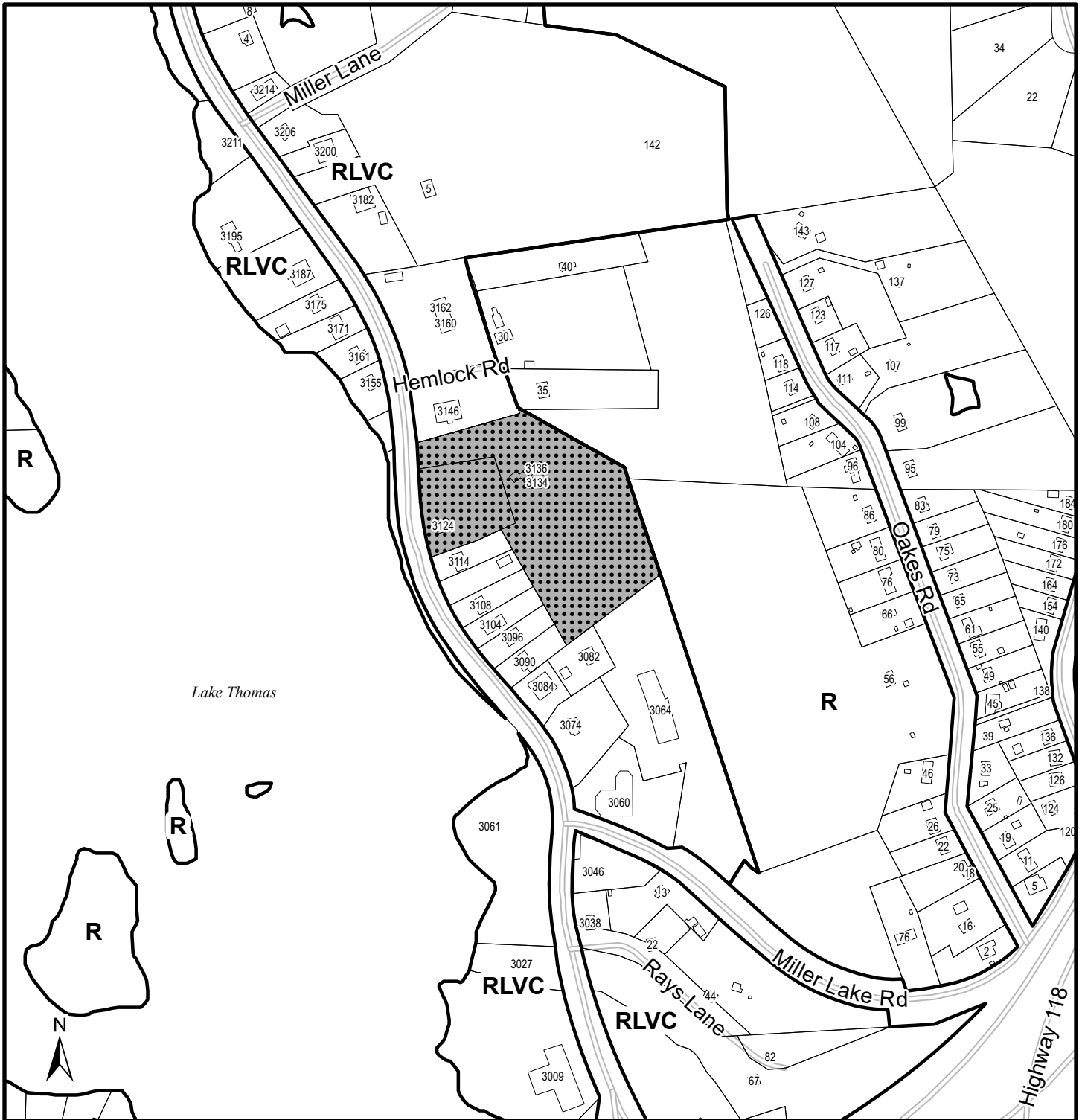
1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development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

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant MPS Policies

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Shayne Vipond, Planner III, 902.257.5395



Map 1 - Generalized Future Land Use

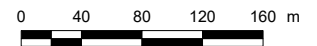
3124, 3134, & 3136 Highway #2,
Fall River

 Subject Property

Designation

RLVC River-Lakes Village Centre
R Residential

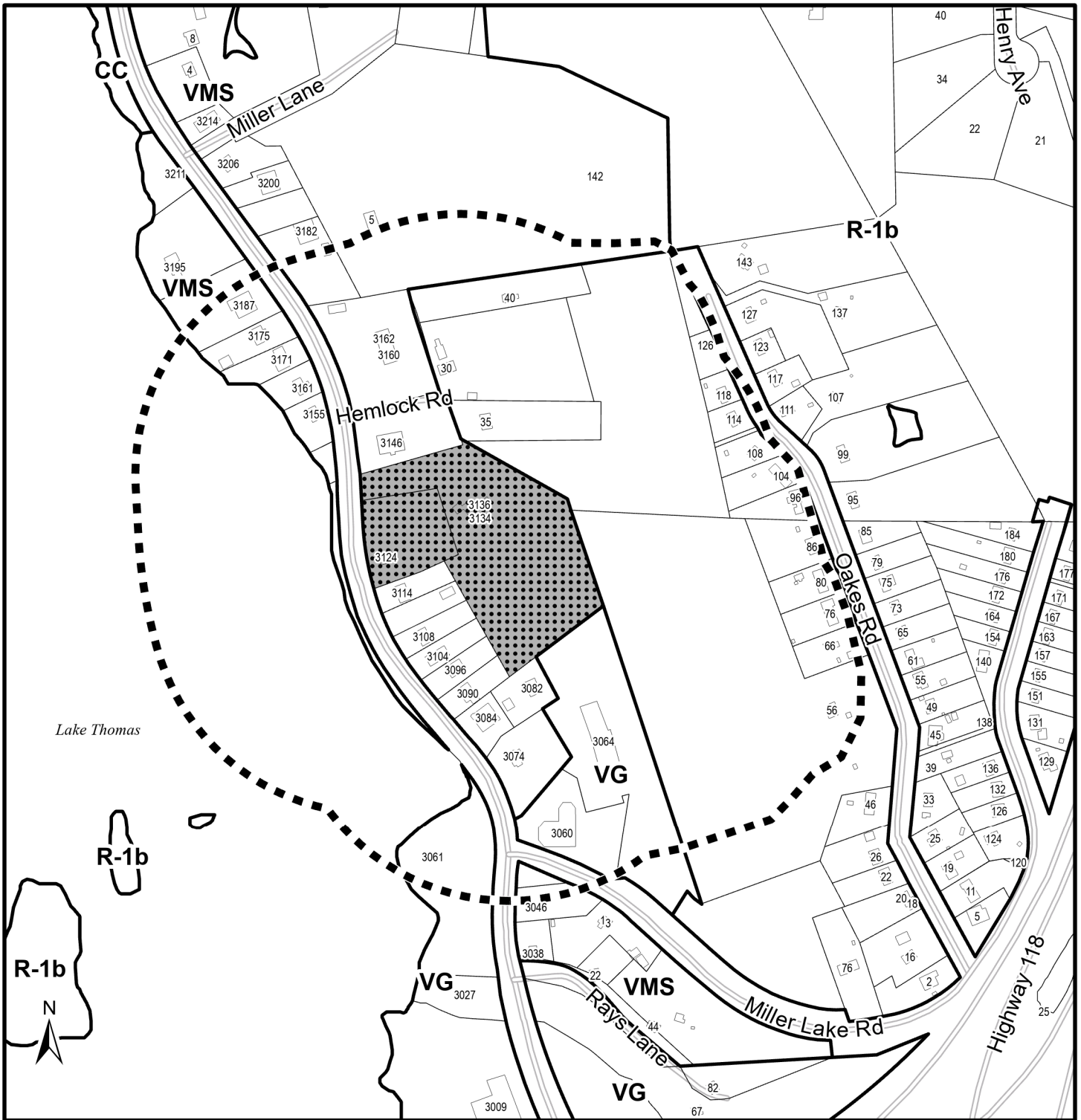
HALIFAX



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.



Planning Districts 14 & 17
By-Law Area



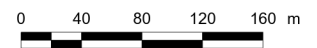
Map 2 - Zoning and Notification Area

3124, 3134, & 3136 Highway #2,
Fall River

HALIFAX

-  Subject Property
-  Area of Notification

Zone	
CC	Canal Court
VMS	Village Main Street
R-1b	Suburban Residential
VG	Village Gateway



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.

Planning Districts 14 & 17
Land Use By-Law Area

**ATTACHMENT A
PROPOSED DEVELOPMENT AGREEMENT**

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

BETWEEN:

[Insert Individual's name]

an individual, in the Halifax Regional Municipality, in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 3124, 3134 and 3136 Highway 2, Fall River (PIDs 40103202 and 00504415) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a townhouse development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy RL-11 of the Municipal Planning Strategy for Planning Districts 14 and 17 and Section 3.6 (x) of the Land Use By-law for Planning Districts 14 and 17;

AND WHEREAS the North West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP-2023-00673 (formerly Case 23188);

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law 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 By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Words Defined under this Agreement

- 2.2.1 The following definitions apply to this Agreement.
- (a) "Townhouse Block" shall refer to the 3, 4 & 5 unit townhouse blocks (A, B & C) as labelled on Schedule B and does not refer to the existing single-family dwelling that exists on the property on the effective date of the Agreement.
 - (b) "Townhouse Unit" shall refer to the individual units located within each Townhouse Block and does not refer to the existing single-family dwelling that exists on the property on the effective date of the Agreement.
 - (c) "Phosphorus Net Loading Assessment" means to determine if the proposed development will export any greater amount of phosphorus from the lands during or after the construction of the proposed development than the amount of phosphorus determined to be leaving the site prior to the development taking place.

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-2023-00673:

Schedule A	Legal Description of the Lands(s)
Schedule B	Concept Plan
Schedule C	Preliminary Landscaping Plan
Schedule D	Typical Elevations (D1, D2 and D3)
Schedule E	Preliminary Phosphorus Plan

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work including earth movement or tree removal other than that required for preliminary survey purposes, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) Final Plan of Subdivision approving the consolidation of PIDs 40103202 and 00504415 must be approved by the Development Officer in accordance with Section 3.9 of this Agreement;

- (b) Have been issued a Grade Alteration Permit in accordance with By-law G-200 and Section 5.2 of this Agreement; and
 - (c) Provide a detailed Site Grading and Stormwater Management Plan for the Lands, in accordance with Section 5.2 of this Agreement. The Site Grading and Stormwater Management Plan shall be reviewed and approved by HRM Development Engineering and prior to the commencement of any site work. The detailed Site Grading and Stormwater Management Plan shall comply with the Phosphorus Net Loading Assessment which was prepared and reviewed as part of PLANAPP-2023-00673 and in accordance with Schedule E.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) A copy of all permits, licenses, and approvals required by the NS Department of the Environment and Climate Change respecting the design, installation, construction of the on-site wastewater systems; and
 - (b) Submission of a Landscaping Plan in accordance with Section 3.11 of this Agreement.
- 3.2.3 Prior to the issuance of the first the 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 from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Landscape Plan in Schedule C.
- 3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

- 3.3.1 The use(s) of the Lands permitted by this Agreement are the following:
- (a) A maximum of 12 Townhouse Units as generally shown on Schedule B;
 - (b) The existing single detached dwelling that exists on the property on the effective date of the Agreement as shown on Schedule B; and
 - (c) Accessory buildings and structures.
- 3.3.2 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 in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.
- 3.3.3 Secondary suites and backyard suites shall not be permitted.
- 3.3.4 Home Business uses shall be permitted as per the requirements of Section 3.6 of this Agreement.

3.4 Building Siting

- 3.4.1 Townhouse Blocks shall comply to the following:

- (a) Townhouse Blocks shall be a minimum of 18.0 metres (59 feet) from the front lot line and 5.5 metres (18 feet) from any other lot line as generally shown on Schedule B;
- (b) The maximum height of each Townhouse Block shall not exceed 10.7 metres (35 feet);
- (c) Townhouse Units shall be a maximum of 12.2 meters (40 feet) in depth by 6.1 meters (20 feet) in width as shown on Schedule D. The maximum number of Townhouse Units in a single Townhouse Block is five (5).
- (d) Townhouse Blocks shall be separated by a minimum of 3.25 meters (10.6 feet); and
- (e) The maximum footprint of each Townhouse Unit shall not exceed 139.35 square metres (1,500 square feet).

3.5 Accessory Buildings and Structures

3.5.1 One accessory building or structure shall be permitted for each Townhouse Unit subject to the following:

- (a) The footprint shall not exceed 83.6 square metres (900 square feet);
- (b) The maximum height of any accessory building shall not exceed 4.6 metres (15 feet);
- (c) The minimum separation distance from any Townhouse Unit shall be 2.4 metres (8 feet);
- (d) The minimum setback from the front lot line shall be 10 meters (32.8 feet); and
- (e) Accessory buildings and structures for the Townhouse Units shall not be used for human habitation.

3.5.2 Accessory buildings and structures for the existing single detached dwelling that exists on the property on the effective date of the Agreement, shall conform to the requirements of the applicable land use by-law, as amended from time to time. Accessory buildings and structures for the existing single detached dwelling shall not be used for human habitation.

3.6 Home Business Uses

3.6.1 The following requirements shall apply for any home business use:

- (a) Any business shall be wholly contained within a Townhouse Unit or the existing single detached dwelling which is the principal residence of the owner of the business. No more than one (1) employee, not living in the Townhouse Unit or existing single detached dwelling, shall be permitted.
- (b) No more than 46.5 square meters (500 square feet) of a Townhouse Unit or the existing single detached dwelling shall be devoted to any business use.
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of the Townhouse Unit or existing single detached dwelling, and which is not obnoxious.
- (d) No storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted to be located outside.

- (e) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 0.2 square meters (2 square feet) in area.

3.7 Architectural Requirements for the Townhouse Blocks

- 3.7.1 The architectural design of the Townhouse Blocks shall be as generally shown on Schedule D.
- 3.7.2 Townhouse Blocks shall be a maximum of two (2) storeys.
- 3.7.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design.
- 3.7.4 A mix of unit counts are permitted within each Townhouse Block provided that the total number of bedrooms contained in the 12 Townhouse Units does not exceed 30 bedrooms.

3.8 Parking, Circulation and Access

- 3.8.1 Parking, circulation and access shall be as generally shown on Schedule B.
- 3.8.2 Parking shall not be permitted along the proposed driveway.
- 3.8.3 A 1.5 meter (4.92 feet) wide sidewalk as generally shown on Schedule B shall be incorporated into the proposed driveway and connect to the existing sidewalk along Highway 2. The sidewalk shall be clearly delineated from vehicular circulation areas by using landscaping, curb, crusher dust, painted line, hard surface such as asphalt, pavers or concrete, or an acceptable equivalent approved by the Development Officer.
- 3.8.4 The proposed driveway shall be hard surfaced and defined by landscaping or curb or a combination thereof.

3.9 Subdivision of the Lands

- 3.9.1 Prior to the issuance of any site work including earth movement or tree removal other than that required for preliminary survey purposes, a final plan of subdivision consolidating PIDs 40103202 and 00504415 must be approved by the Development Officer in accordance with the Regional Subdivision By-law, except where varied by this Agreement.

3.10 Outdoor Lighting

- 3.10.1 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 Landscaping

- 3.11.1 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule C. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.11.2 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.

3.11.3 Notwithstanding Section 3.11.1, 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.

3.12 Maintenance

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

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

3.13 Signs

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

3.13.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.

3.13.3 A maximum of one ground sign shall be permitted at the entrance to the Development to denote the development name. The location of such sign shall require the approval of the Development Officer and Development Engineer. The maximum height of such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of such sign shall not exceed 50 square feet (4.65 square meters). Signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

3.14 Temporary Construction Building

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

3.15 Reinstatement

3.15.1 All disturbed areas shall be reinstated to original condition or better.

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 On-Site Sanitary System

- 4.3.1 The Lands shall be serviced through privately owned and operated sewer systems and treatment facilities. The Developer agrees to have prepared by a qualified professional and submitted to the Municipality, the NS Department of the Environment and Climate Change and any other relevant agency, a design for all private sewer systems. In accordance with Section 3.2.2, no development permit shall be issued prior to receiving a copy of all permits, licences, and approvals required by the NS Department of the Environment and Climate Change respecting the design, installation, construction of the on-site sewer system.

4.4 Solid Waste Facilities

- 4.4.1 The development shall be designed in accordance with By-law S-600 as amended from time to time. If a designated space is required, it 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 and containers shall be within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Have been issued a Grade Alteration Permit in accordance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.
 - (b) Provide to the Development Officer and Development Engineer 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 NS Department of the Environment and Climate Change. 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 detailed 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. The detailed Erosion and Sedimentation Control Plan shall comply with the Phosphorus Net Loading Assessment which was prepared and reviewed as part of PLANAPP-2023-00673 and in accordance with Schedules E; and

- (c) Provide to the Development Officer and Development Engineer a detailed Site Grading and Stormwater Management Plan for the Lands prepared by a Professional Engineer, which shall include an appropriate stormwater collection and treatment system. The detailed Site Grading and Stormwater Management Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction. The detailed Site Grading and Stormwater Management Plan shall comply with the Phosphorus Net Loading Assessment which was prepared and reviewed as part of PLANAPP-2023-00673 and in accordance with Schedules E.

5.3 Archaeological Monitoring and Protection

- 5.3.1 The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.4 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
 - (a) Changes to the landscaping as identified in Section 3.10 of this Agreement, or which, in the opinion of the Development Officer, do not conform with Schedule C;
 - (b) Expansion, addition or alternation to the existing single-family dwelling that exists on the property on the effective date of the Agreement provided it is within the scope of the Phosphorus Net Loading Assessment which was prepared and reviewed as part of PLANAPP-2023-00673 and in accordance with Schedules E;
 - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
 - (d) The length of time for the completion of the development as identified in Section 7.4.4 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

- 7.3.1 In the event that development on the Lands has not commenced within five (5) 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 By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.
- 7.3.3 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 By-law, 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 for the twelve (12) Townhouse Units.
- 7.4.3 In the event that development on the Lands has not been completed within eight (8) 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 By-law.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after eight (8) 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 By-law; or
 - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

Print Name: _____

Position/Title: _____

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 Andy Fillmore, 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

Schedule "A" Legal Description - PID 40103202

Place Name: Fall River

Municipality/County: Municipality of the County of Halifax

Designation of Parcel on Plan: Lot X8

Title of Plan: Plan of Survey of Subdivision of Lands of William R. MacIreith, Fall River, County of Halifax, Province of Nova Scotia

Registration County: Halifax

Registration Number of Plan: 14772 Drawer 187

Registration Date of Plan: 1976-06-11

BURDENS

Subject to an easement/right of way recorded in a deed in 1976-07-27, in book 3029 page 202 under document number 30496.

MGA STATEMENT

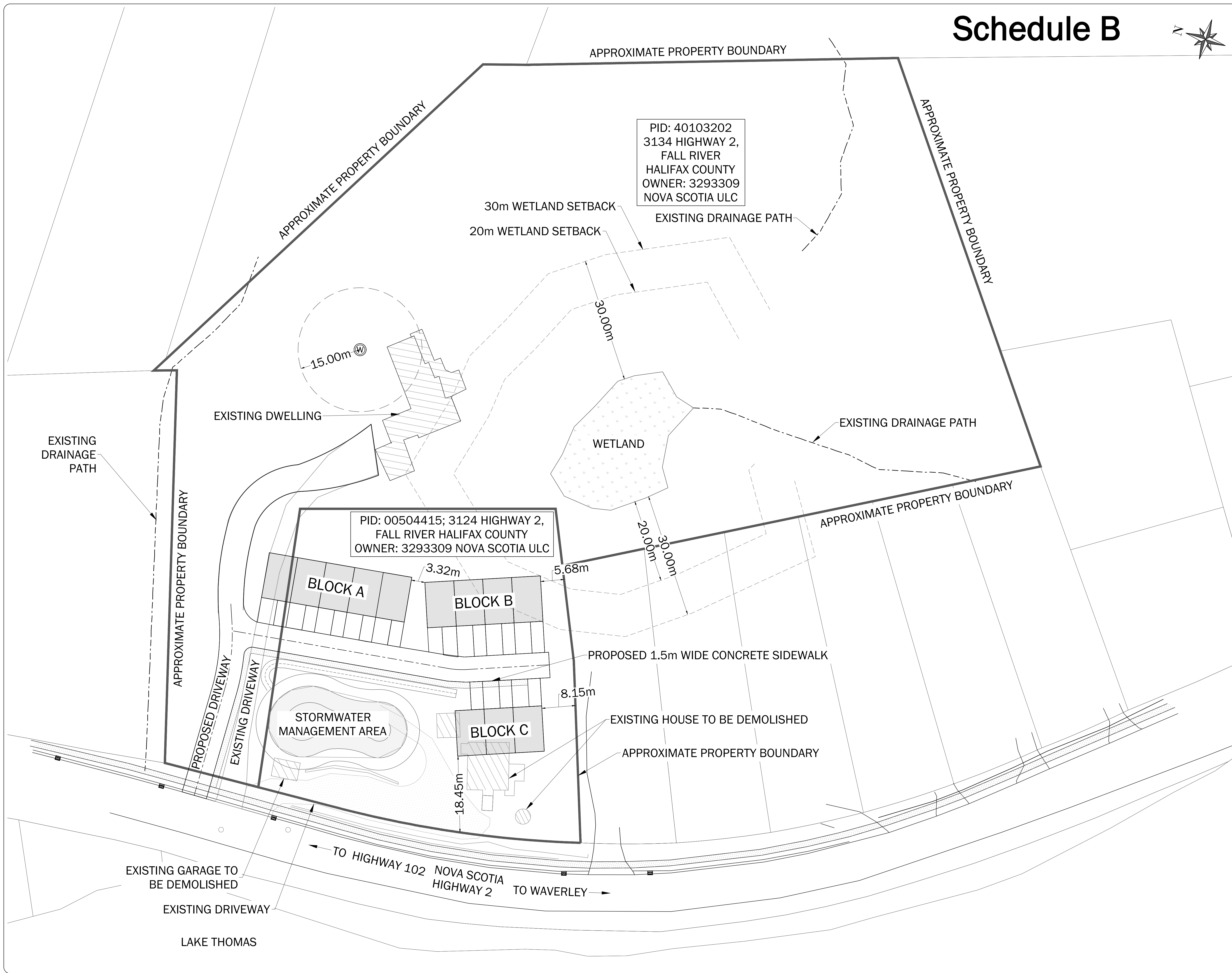
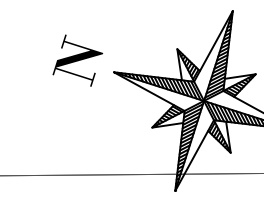
The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Halifax as plan or document number 14772 Drawer 187.

SCHEDULE "A" Legal Description PID:00504415

ALL that parcel of land situate on the easterly side of Highway Number 2, at Fall River, in the County of Halifax, Province of Nova Scotia, being designated as Lot X9 on a Plan of Survey of Subdivision of Lands of William R. MacIlreith, said plan prepared by Wallace Macdonald Surveys Limited, dated May 25, 1976, and signed by Harold S. Lively, Nova Scotia Land Surveyor, which Plan is recorded at the Registry of Deeds at Halifax as Plan Number 14772 in Drawer Number 187.

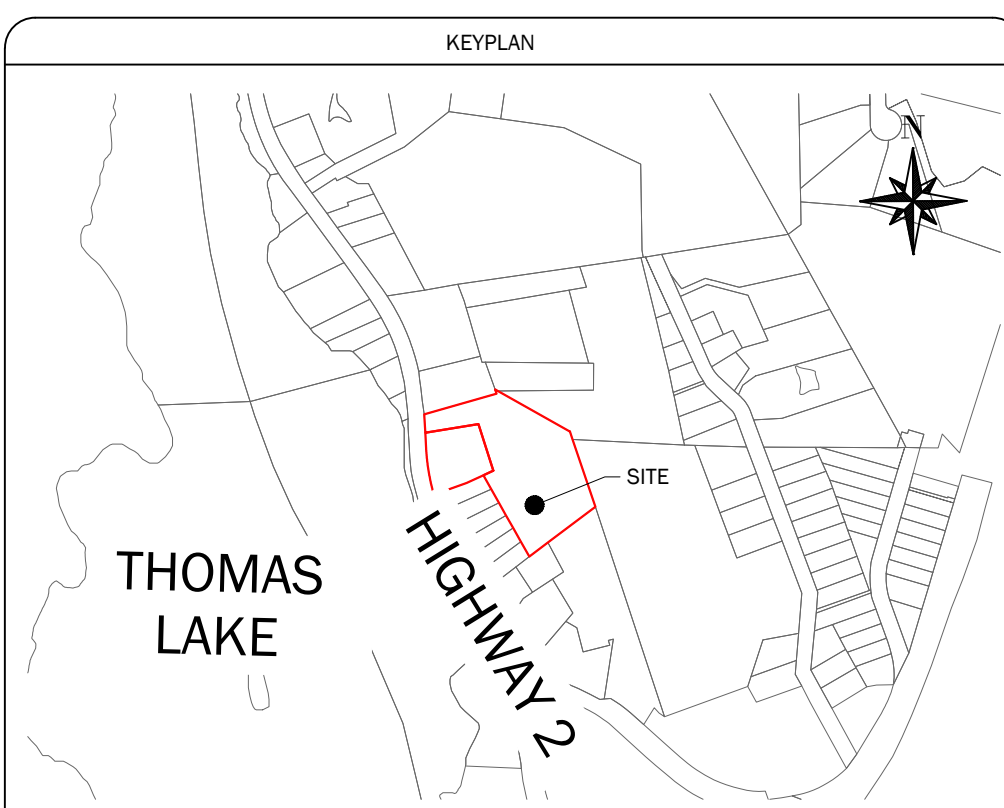
The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Halifax as Plan Number 14772 in Drawer Number 187.

Schedule B



PID: 40103202
3134 HIGHWAY 2,
FALL RIVER
HALIFAX COUNTY
OWNER: 3293309
NOVA SCOTIA ULC

PID: 00504415; 3124 HIGHWAY 2,
FALL RIVER HALIFAX COUNTY
OWNER: 3293309 NOVA SCOTIA ULC



GENERAL NOTES

1. THIS IS NOT A LEGAL BOUNDARY SURVEY. BOUNDARIES SHOWN HERE ARE APPROXIMATE, DERIVED FROM PROPERTY ONLINE MAPPING/PLAN OF SURVEY AND FIELD RECONNAISSANCE BY CIVIL ENGINEERING TECHNICIAN. BOUNDARIES ARE SUBJECT TO A LEGAL FIELD SURVEY BY A LICENSED NSLS, AND A LEGAL SURVEY MAY CAUSE OFFSETS AND BOUNDARIES TO DIFFER FROM WHAT IS SHOWN HEREIN.
2. ALL MEASUREMENTS SHOWN ARE IN METRIC UNITS OF METERS.
3. EXISTING CONTOURS ARE BASED ON 2019 LIDAR DATA WITH AN INTERVAL OF 1m & 5m.

DISTURBED AREA = 34% - 8,397m ²
UNDISTURBED AREA = 66% - 15,839m ²
TOTAL SITE AREA = 25711m ²

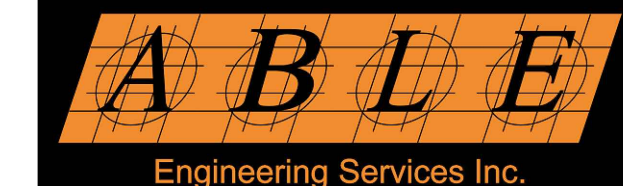
LID BMP - PROPOSED			
ITEM	TYPE	AREA (m ²)	VOLUME (m ³)
BS-1	BIOSWALE	105	25
EDWP-1	EXTENDED DETENTION WET POND	440	220

LEGEND

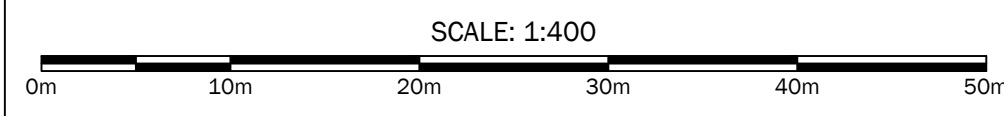
- APPROXIMATE PROPERTY BOUNDARY
- APPROXIMATE NEIGHBOURING PROPERTY BOUNDARY
- SIDEWALK
- WELL
- BLOCK A TOWNHOUSE - 5 UNITS
- BLOCK B TOWNHOUSE - 4 UNITS
- BLOCK C TOWNHOUSE - 3 UNITS

PRELIMINARY
NOT FOR CONSTRUCTION

No.	MM/DD/YYYY	Revision Description	By
7	11/05/2024	ISSUED FOR REVIEW	RC
6	08/26/2024	ISSUED FOR REVIEW	RC
5	04/22/2024	ISSUED FOR REVIEW	RC
4	03/18/2024	ISSUED FOR REVIEW	RC
3	10/16/2023	TOWNHOUSE REVISIONS	RC
2	06/23/2023	AECOM REVISIONS	LW
1	02/27/2023	ISSUED FOR REVIEW	AC



CHESTER KENTVILLE TANTALLON
NOVA SCOTIA, CANADA
1-833-796-8433 info@ableinc.ca



Horizontal 1:400	Vertical N/A	Plot ARCH D (24"x36")
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THE TOWNHOMES OF LAKE THOMAS
3124 AND 3134 HIGHWAY 2, FALL RIVER
NOVA SCOTIA

Title
**SCHEDULE B:
CONCEPT PLAN**

Project No. 210919-50	Drawn A. COLLICUTT	Sheet 1 of 2
Ref.	Engineer J. PORTER	Plan No.
Date JANUARY 10, 2022	Check M. VISENTIN	C100

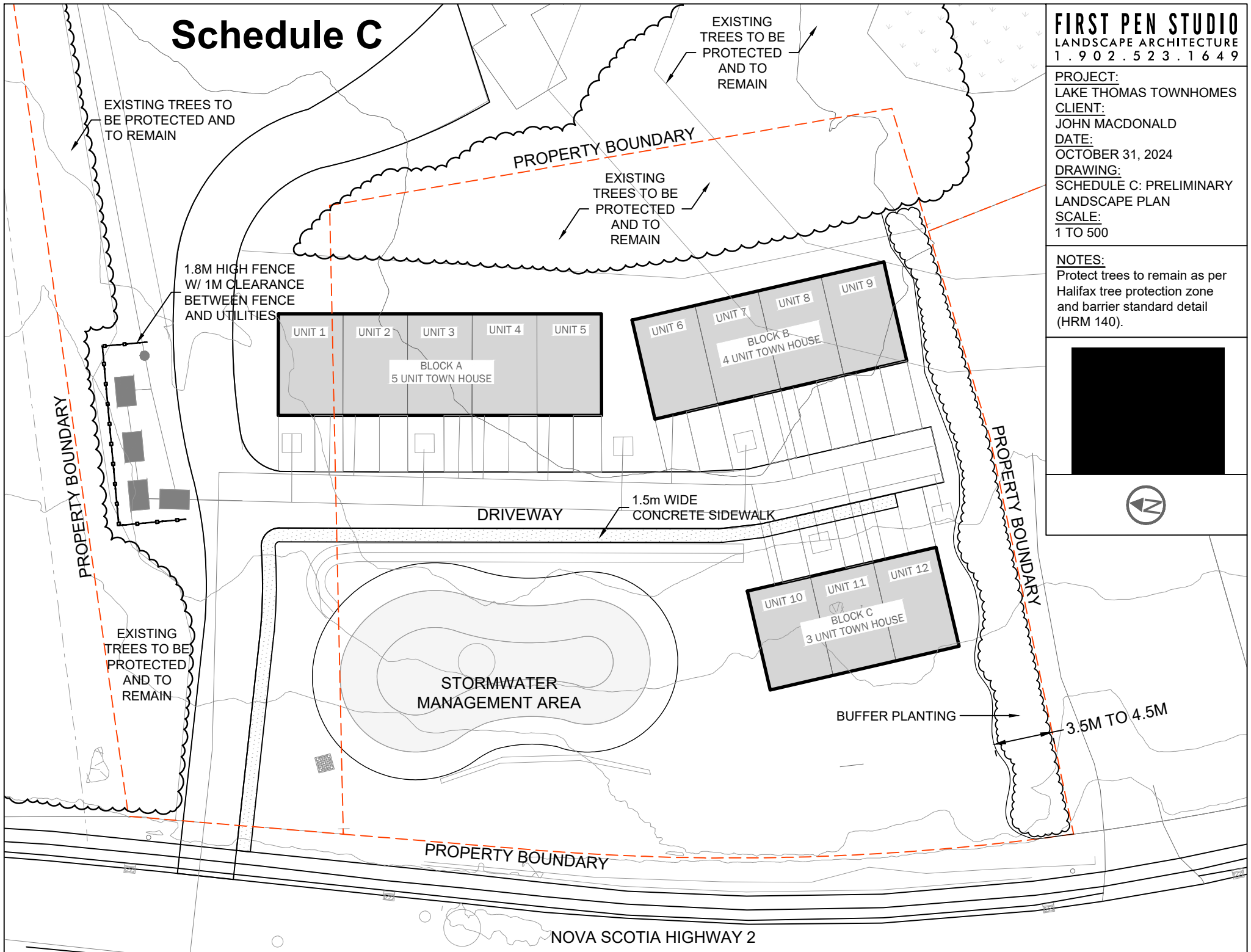
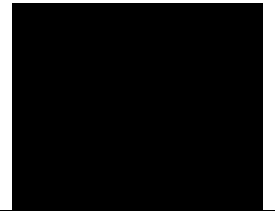
IMAGE PROVIDED BY THE CLIENT AND NOT TO BE USED FOR OTHER PROJECTS

Schedule C

FIRST PEN STUDIO
LANDSCAPE ARCHITECTURE
1 . 9 0 2 . 5 2 3 . 1 6 4 9

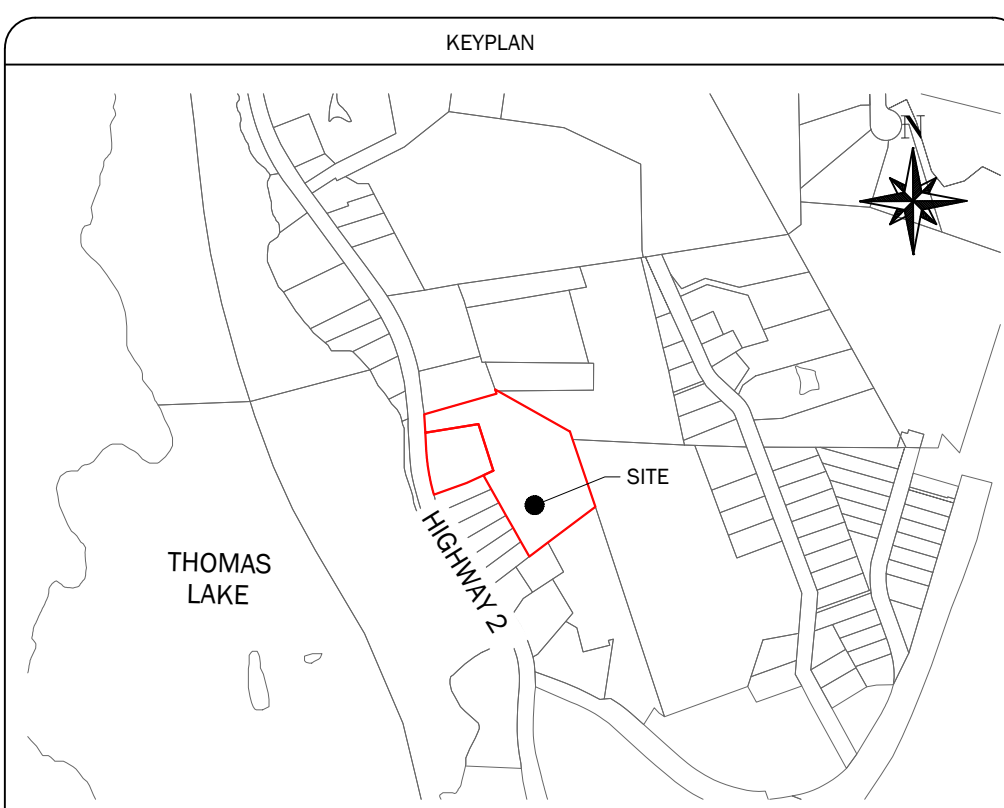
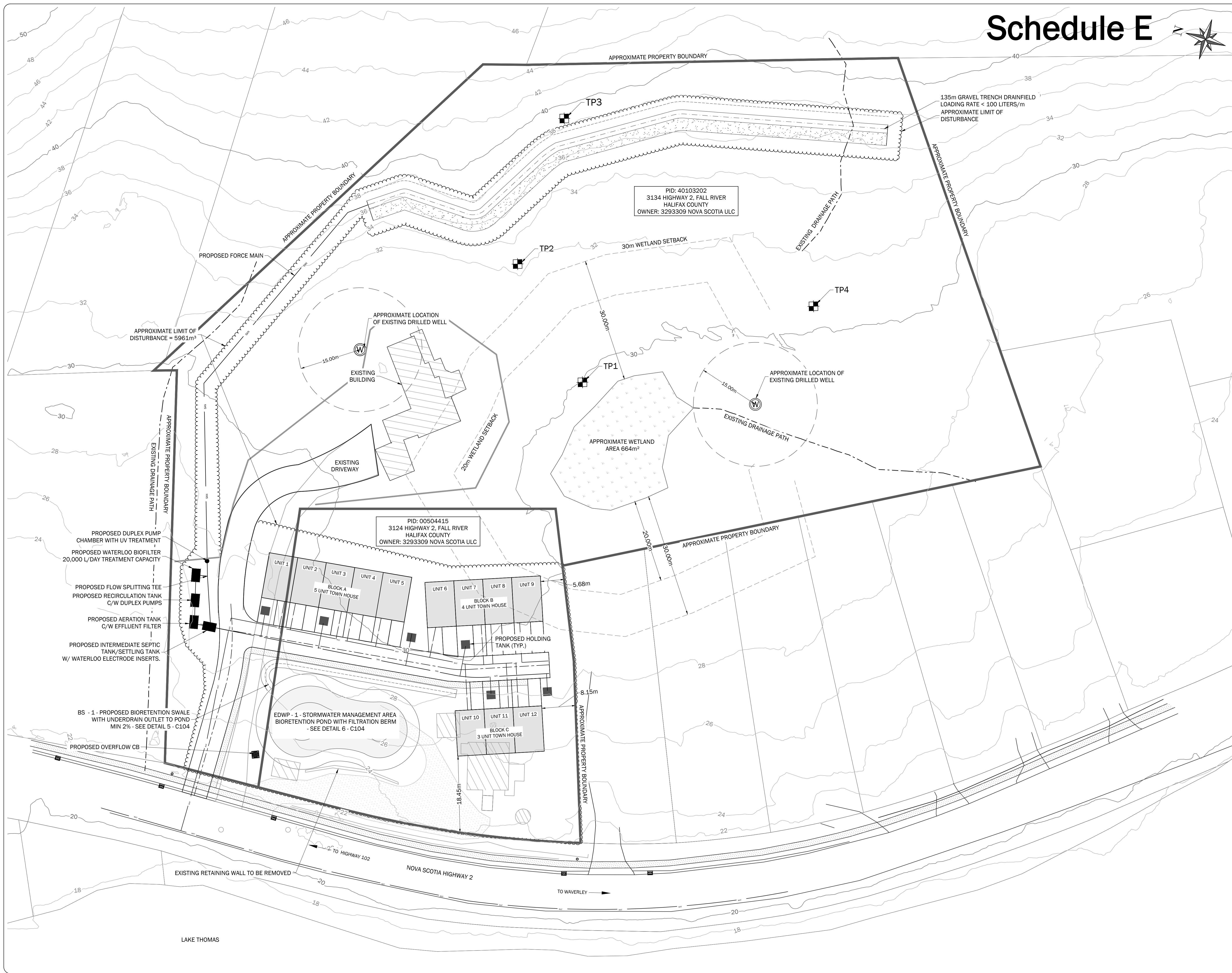
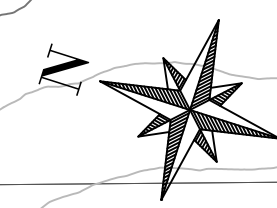
PROJECT:
LAKE THOMAS TOWNHOMES
CLIENT:
JOHN MACDONALD
DATE:
OCTOBER 31, 2024
DRAWING:
SCHEDULE C: PRELIMINARY
LANDSCAPE PLAN
SCALE:
1 TO 500

NOTES:
Protect trees to remain as per
Halifax tree protection zone
and barrier standard detail
(HRM 140).



NOVA SCOTIA HIGHWAY 2

Schedule E



GENERAL NOTES

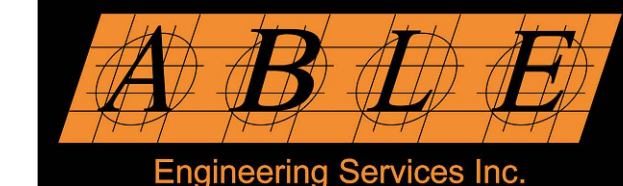
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 UNDISTURBED AREA = 66% - 15,839m²
 TOTAL SITE AREA = 25711m²

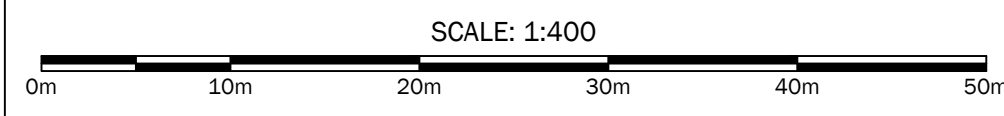
LID BMP - PROPOSED			
ITEM	TYPE	AREA (m ²)	VOLUME (m ³)
BS-1	BIOSWALE	105	25
EDWP-1	EXTENDED DETENTION WET POND	440	220

PRELIMINARY
 NOT FOR CONSTRUCTION

No.	MM/DD/YYYY	Revision Description	By
7	11/05/2024	ISSUED FOR REVIEW	RC
6	05/07/2024	ISSUED FOR DEVELOPMENT AGREEMENT	LW



CHESTER KENTVILLE TANTALLON
 NOVA SCOTIA, CANADA
 1-833-756-8433 info@ableinc.ca



Horizontal 1:400	Vertical N/A	Plot ARCH D (24"x36")
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THE TOWNHOMES OF LAKE THOMAS
 3124 AND 3134 HIGHWAY 2, FALL RIVER
 NOVA SCOTIA

Title
SCHEDULE E: PHOSPHORUS PLAN

Project No. 210919-50	Drawn L.WEBER	Sheet 2 of 2
Ref.	Engineer J. PORTER	Plan No.
Date MAY 07, 2024	Check M.VISENTIN	C101

LAKE THOMAS

SHEET PREPARED BY: JACOB S. COOPER, M.A.S.T. 2024-05-07

Attachment B – Review of Relevant MPS Policies

Planning District 14 & 17	
RIVER-LAKES VILLAGE CENTRE DESIGNATION	
Policy	Staff Comments
<p><i>Policy RL-11 Within the Village Mainstreet Zone of the River-lakes Village Centre Designation, HRM shall consider permitting low scale multiple-unit dwellings or townhouses through the provisions of a development agreement. In considering such an agreement, Council shall have regard to the following:</i></p>	
<p><i>Built Form, Architecture and Use</i></p>	
<p><i>(a) that the range of commercial uses, permitted on the first floor, is limited to the commercial uses permitted under the Village Mainstreet Zone or residential uses</i></p>	<p>Satisfied: No commercial uses are permitted on the ground floor of the townhouse units as part of this application. Home business uses are permitted through the proposed development agreement and are also a permitted use within the Village Mainstreet Zone.</p>
<p><i>(b) that the maximum density, excluding commercial development, does not exceed 3 units per gross acre:</i></p>	<p>Satisfied: The proposed development is for 12 residential units on 6.35 acres which is 1.89 units per acre. This is below the maximum number of units permitted under the policy.</p>
<p><i>(c) that the building does not exceed three stories above average grade, excluding rooflines;</i></p>	<p>Satisfied: The development agreement restricts the townhouses to a maximum of two (2) storeys and 10.7 meters (35 feet) in height.</p>
<p><i>(d) that the design of any new buildings or major alteration of the façade of an existing building is in general conformity with the architectural requirements set out under the Land Use By-law;</i></p>	<p>Satisfied: The elevations drawings provided, and included as part of the development agreement (Schedule D) generally conform with the architectural requirements of Section 5.10 of the Land Use By-law.</p>
<p><i>(e) that the elevation of all buildings within any townhouse block shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;</i></p>	<p>Satisfied: The townhouse blocks demonstrate that the architectural design includes variation between units while maintaining common elements that visually unites the blocks. For example, the front of each townhouse unit contains a variety of materials such as siding and stone, each unit then utilizes the same material for each space along the front facades. For example, stone material is proposed around the garage door entrances in each unit with siding proposed around the main front entrance. This reinforces the common characteristics of each townhouse block.</p>
<p><i>(f) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;</i></p>	<p>Satisfied: While no specific offsets or articulations in the roof structure are included in the proposed design, the proposed front façade elevations do include the following: variation in materials; roof overhang above the front entrance; and gable roofs designed as part of the</p>

	<p>roof structure above the front entrance which will contribute to some articulation within the overall roof structure. Staff note that at this scale of development, to provide offsets within the overall roof structure, above what has been proposed, could result in increasing the cost of the development. The development includes smaller townhouse blocks (3, 4 and 5 units) which are set back by a minimum of 18.45 meters from Highway 2. Further, each townhouse block will front onto the new private driveway, with only Block C backing onto the frontage along Highway 2</p>
<p><i>g) that the massing and built form of the development is compatible with any adjacent low-density residential uses using siting, transition of building scales, and architectural elements to promote visual integration;</i></p>	<p>Satisfied: The massing and built form is compatible with adjacent low-density residential uses. The scale of the townhouse blocks is in line with the surrounding development. As noted above, the proposed design includes variation in materials and articulation, where appropriate in a townhouse development.</p>
<p><i>Site Development Criteria</i></p>	
<p><i>(h) that impervious surface areas do not exceed 50% of the site and that all parking is located to the side or the rear of the building;</i></p>	<p>Satisfied: Areas of impervious surface coverage do not exceed 14%, which is significantly below the maximum 50% requirement.</p> <p>Parking areas are proposed to be located at the front of each townhouse unit via a new private driveway and a garage that is proposed for each unit as illustrated on Schedule B: Concept Plan and Schedule D: Typical Elevations. While the policy indicates that all parking is to be located to the side or rear of the building, the intent for side or rear parking appears to be related to separating parking lots for traditional multiple-unit dwellings from being visible and located within the front yard of a parcel. In this case, where development is proposed in the form of townhouses that will front off a new private driveway, and not Highway 2, locating parking at the front of each townhouse unit is appropriate. Locating individual townhouse unit parking to the side or rear of the proposed development would not enhance the design of the site nor would it sufficiently mitigate traffic impacts for the occupants of the proposed development or residents that are adjacent to the subject properties. Further, as all townhouse blocks will front off the new private driveway, Block C will be the only townhouse block</p>

	<p>backing onto Highway 2 which will be separated by a minimum of 18.45 meters, exceeding the front yard setback in the Village Mainstreet Zone of a minimum of 9.1 meters. Driveways located at the front of each townhouse unit is support by Staff.</p>
<p><i>(i) that landscaping is designed to create a visually attractive appearance and to reduce the adverse impact of stormwater flows and all natural vegetation is retained on slopes in excess of 25%;</i></p>	<p>Satisfied: The majority of the vegetation on the subject properties is proposed to be maintained in its natural state. Minimal clearing is proposed as part of the development with the exception of the areas of land that will be developed for the townhouse blocks; private driveway and sidewalk; and stormwater management features. The proposed development agreement includes a preliminary landscaping plan and includes a 3.5-to-4.5-meter planting buffer along the southern property line, adjacent to existing residential homes. A preliminary stormwater management plan was submitted and reviewed by HRM Engineering as part of the application process. A detailed stormwater management plan is required to be submitted prior to the issuance of any site work.</p> <p>It is worth noting that the proposed development proposes to utilize one of the existing connections to Highway 2, the second will be removed, and that the proposed townhouse development is largely located within an area on the lands that has already been developed on.</p>
<p><i>(j) that pedestrian walkways are provided throughout the site to provide safe and direct access to buildings, parking lots, trails and adjacent public streets and adequate useable amenity areas are provided;</i></p>	<p>Satisfied: A pedestrian connection to Highway 2 has been provided for as part of the development along the new private driveway. Each townhouse unit will have access to a private outdoor deck and small backyard which is typical of a townhouse development.</p>
<p><i>(k) that development is positioned in such a way to maximize potential opportunities to create future trails as close to the water as possible, along the Lake Thomas Riverwalk as outlined in Policy RL-5;</i></p>	<p>Satisfied: The subject properties are separated from Lake Thomas by Highway 2 and is not anticipated to interfere with future trail opportunities. Further, the proposed development does include a sidewalk connection from the townhouse development to Highway 2.</p>
<p><i>(l) that a hydrogeological assessment is conducted by a qualified professional to determine if there is there is an adequate supply of groundwater to service the development without adversely affecting groundwater supply in adjacent developments;</i></p>	<p>Satisfied: A hydrogeological assessment is not required as the subject properties are located within the water service boundary and capable of being serviced with municipal water.</p>
<p><i>Site Impact Controls/Assessments</i></p>	

<p><i>(m) that the lighting on the site is designed to prevent light pollution impacts on adjacent properties and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries;</i></p>	<p>Satisfied: The proposed townhouses are situated to be internally facing fronting on a new private driveway. This will minimize light pollution to adjacent properties. Further, the proposed development agreement requires that all lighting be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.</p>
<p><i>(n) that the traffic generated by the development will not adversely affect the intersection of Fall River Road and Highway 2 or the Highway 102 and Highway 118 interchanges;</i></p>	<p>Satisfied: The Traffic Impact Study submitted as part of this application has confirmed that the road network is adequate to service the proposed development.</p>
<p><i>(o) that there is no adverse impact of development on any archaeological features in any areas identified on Schedule C of the Land Use By- Law as determined by the Nova Scotia Department of Communities, Culture and Heritage;</i></p>	<p>Satisfied: The subject properties are not located within any areas of elevated archaeological potential as highlighted on Schedule C of the Land Use By-law as determined by the Nova Scotia Department of Communities, Culture and Heritage.</p>
<p><i>(p) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement; and</i></p>	<p>Satisfied: A Traffic Impact Statement and Phosphorus Net Loading Assessment were submitted as part of the application for review. The maximum number of bedrooms permitted as part of the proposed development is as per the results of the Phosphorus Net Loading Assessment and the Traffic Impact Statement indicates no negligible increase in traffic volumes to Highway 2, Highway 102 and Highway 118 interchanges.</p>
<p><i>(q) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.</i></p>	<p>See below for Policies P-23 and P-155.</p>
<p><i>RL-22 The River-lakes Secondary Planning Strategy shall establish a no net increase in phosphorus as the performance standard for all large scale developments considered through the provisions of policy RL-13 and development agreement (RC-Mar 5/19;E-Apr 6/19) policies RL-4, RL-5, RL-11, RL-12, RL-14 and RL-15 of this Secondary Plan. This Policy shall also apply to proposed developments pursuant to policies S-14A and S-15A (RC-Oct 12/22;E-Nov 16/22) of the Regional Municipal Planning Strategy. A study prepared by a qualified person shall be required for any proposed development pursuant to these policies to determine if the proposed development will export any greater amount of phosphorus from the subject land area during or after the construction of the proposed development than the amount of phosphorus determined to be leaving the site prior to</i></p>	<p>Satisfied: A Phosphorus Net Loading Assessment (PNLA) is required for developments considered through the development agreement policies within the River-lakes Secondary Planning Strategy. As this development is considered through Policy RL-11, a PNLA study was required to be submitted and reviewed as part of the application process.</p> <p>The analysis of the PLNA study determined that the impacts of the proposed development to Lake Thomas was a net reduction of total phosphorus load to the watercourse. This meets the intent of the PNLA with respect to no net phosphorus export to the watercourse. Accordingly, these impacts to the watercourse can be sufficiently mitigated.</p>

<p><i>the development taking place. If the study reveals that the phosphorus levels predicted to be exported from the proposed development exceed the phosphorus levels currently exported from the site, then the proposed development will not be permitted to take place unless there are reductions in density or other methods that (RC-Feb 23/16;E-Apr 2/16) to reduce phosphorus export levels to those current before the proposed development. Any stormwater management devices designed to treat phosphorus must be located on the privately-owned land included in the proposed development agreement. (RC-Feb 23/16;E-Apr 2/16) The cost of the study shall be borne by the applicant. The study may rely on phosphorus export coefficients derived from existing studies if they can be justified for application to local environmental conditions. All existing and proposed development within the affected area shall be taken into account and the consultant shall undertake Wet Areas Mapping to help define the ecological boundaries associated with the flow channels, accumulation points, and riparian zones to restrict any high impact development in those areas.</i></p>	<p>The results of the PLNA study indicated that the original proposal of eighteen 4-bedroom townhouse units in six townhouse blocks was required to be reduced to a smaller scale of 12 townhouse units with a maximum of 30 bedrooms between the 12 units due to the septic and stormwater limitations and in consideration of phosphorus load. The proposed development agreement restricts the maximum number of bedrooms between the 12 townhouse units to 30 bedrooms as indicated in the PNLA study.</p>
<p><i>RL-23 The following measures shall be incorporated into the provisions for Opportunity Site B and (RC-Mar 5/19;E-Apr 6/19) all <u>development agreements</u> in the River-lakes Secondary Planning Strategy Area:</i></p> <p><i>(a) A site non-disturbance area of a minimum of 50% of the site or greater if required pursuant to any other policies within this Secondary Planning Strategy or the Regional Municipal Planning Strategy; and</i></p> <p><i>(b) Stormwater management and erosion and sedimentation control plans are in place to minimize impact on receiving waters.</i></p>	<p>Satisfied:</p> <p>(a) The plans provided demonstrate that the proposed non-disturbance area is approximately 66%, exceeding the minimum 50% requirement.</p> <p>(b) A preliminary stormwater management and erosion and sedimentation control plans were submitted and reviewed as part of the application. The proposed development agreement requires a detailed stormwater management and erosion and sediment control plans be submitted prior to the commencement of any site work.</p>
<p><i>RL-25 As an interim measure, HRM shall require the proponents for any large scale residential developments considered through the provisions of Policies RL-11, RL-12, RL-13, RL-14 and RL-15 of this Secondary Planning Strategy or commercial development considered pursuant to policies RL-4 and RL-5 or Policy P-68 of the Planning Districts 14/17 Municipal Planning Strategy and polices S-14A and S-15A (RC-Oct 12/22:E-Nov 16/22) of the Regional Municipal Planning Strategy, to submit a traffic study to determine the impacts of development on the Fall River Road and Highway 2 Intersection, the Highway 102 / Highway 118 interchanges and the Lockview Road and MacPherson Road intersection. The study shall take into consideration the findings of the Fall River/Waverley/Wellington Transportation</i></p>	<p>Satisfied: A Traffic Impact Statement (TIS) and TIS addendum were submitted in support of the proposed development and reviewed and deemed acceptable by HRM Development Engineering and Traffic Services. The TIS considered the impact that the proposed development would have to surrounding roadways including Highway 2 and at the Highway 102 and Highway 118 interchanges. The findings indicated that the proposed development would have a negligible increase in traffic volumes on Highway 2 and at the Highway 102 and Highway 118 interchanges.</p> <p>As the proposed development is substantially lower than the density limit requirement in Policy</p>

<p><i>Study and the amount of development permitted in areas subject to these development agreements shall be regulated on the basis of the receiving road network capacity and the provisions of Policy RL-22.</i></p>	<p>RL-11, staff have determined that the proposed townhouse development would not be considered a large-scale residential development and would add a minimal amount of traffic to Highway 2. The TIS has confirmed that the road network is adequate to service the proposed development.</p>
<p>IMPLEMENTATION</p>	
<p><i>P-155 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i></p>	<p>Satisfied: The proposal meets the general intent of MPS Policy RL-11 and all other municipal by-laws and regulations.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i> <i>(ii) the adequacy of central or on-site sewerage and water services;</i> <i>(iii) the adequacy or proximity of school, recreation and other community facilities;</i> <i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i> <i>(v) the potential for damage to or destruction of designated historic buildings and sites.</i></p>	<p>(i) Satisfied: No costs to the Municipality are expected. The developer will be responsible for all costs associated with the development.</p> <p>(ii) Satisfied: The proposed development will be serviced with municipal water and an on-site septic system. No concerns with service adequacy have been identified by Halifax Water. Provincial approval for the on-site septic system will be required to be provided at the permitting stage.</p> <p>(iii) Satisfied: Halifax Regional Centre for Education reviewed the application and has indicated that there is adequate capacity in the feeder schools to accommodate the projected increase in students from the proposed development. The project student yield is 3 to 6 new students from the proposed development. Schools, recreation and community facilities are located within 1.5 kms of the subject properties.</p> <p>(iv) Satisfied: The Traffic Impact Statement has confirmed that the road network is adequate to service the proposed development.</p> <p>(v) Satisfied: No designated historic buildings or sites have been identified.</p>
<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) type of use;</i> <i>(ii) height, bulk and lot coverage of any proposed building;</i></p>	<p>(i) Satisfied: The proposed agreement limits the development 12 townhouse units with a maximum of 30 bedrooms between the proposed townhouse units while maintaining the existing single detached dwelling at 3134/3136 Highway 2.</p>

<p>(iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern.</p>	<p>(ii) Satisfied: The proposed development is for a maximum of 12 townhouse units at 1.89 units per acre, below the permitted 3 units per acre. Further, the townhouses will be restricted through the development agreement to a maximum of two storeys, which is below the permitted maximum height of three storeys. The height, bulk and lot coverage is consistent with adjacent built form of single unit dwellings and small scale commercial operations.</p> <p>(iii) Satisfied: The Traffic Impact Statement has confirmed that the road network is adequate to service the proposed development.</p> <p>(iv) Satisfied: There is no open storage proposed as part of this application.</p> <p>(v) Satisfied: Signage will be regulated through the provisions of Part 5 of the Land Use By-law.</p> <p>(vi) Satisfied: No other matters of planning concerns have been identified at this time.</p>
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<p>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</p>	<p>Satisfied: A wetland is located on the subject properties, as illustrated on Schedule B: Concept Plan, and has been confirmed by a qualified professional that it is not contiguous with a watercourse. Further, the proposed development is proposed to be separated from the wetland by a minimum of 20 meters.</p>
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<p>(f) Within any designation, where a holding zone has been established pursuant to Infrastructure Charges - Policy P-64F, 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.</p>	<p>N/A - The subject site is not located within a holding zone.</p>
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Halifax Regional Municipal Planning Strategy (Regional Plan)

9.6.A Priorities Plans

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>(a) <i>The Integrated Mobility Plan;</i> (b) <i>Halifax Green Network Plan;</i> (c) <i>HalifACT;</i></p>	<p>The objectives, policies, and actions in the Priorities Plans outlined in G-14A do not appear to impact or be affected by this proposal.</p>
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<p><i>(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>	
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