



P.O. Box 1749
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Item No. 14.1.1
Harbour East-Marine Drive Community Council
August 7, 2025

TO: Becky Kent, Chair, Harbour East-Marine Drive Community Council

FROM: Tyler Brothers, Chair, Heritage Advisory Committee

DATE: July 23, 2025

SUBJECT: **PLANAPP-2023-00991: Heritage Development Agreement for 86 Ochterloney Street, Dartmouth for a 15-storey mixed-use development and rehabilitation of a registered heritage property**

ORIGIN

July 23, 2025 special meeting of Heritage Advisory Committee, Item 5.

RECOMMENDATION

The Heritage Advisory Committee recommends that Harbour East-Marine Drive Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated April 8, 2025, to enable the construction of a 15-storey plus penthouse mixed-use building behind the registered heritage property located at 86 Ochterloney Street, Dartmouth, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated April 8, 2025; 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

At the July 23, 2025 special meeting, the Heritage Advisory Committee received a staff recommendation report dated April 8, 2025 to consider a development agreement respecting the Municipally Registered Heritage Property at 86 Ochterloney Street, Dartmouth.

For further information refer to the attached staff report dated April 8, 2025.

DISCUSSION

The Heritage Advisory Committee considered the staff report dated April 8, 2025 and approved the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated April 8, 2025.

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated April 8, 2025.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is comprised of ten citizen members and two Councillors. Meetings are live webcast on Halifax.ca. The agenda, reports, video, and minutes of the Committee are posted on Halifax.ca.

For further information on Community Engagement refer to the attached staff report dated April 8, 2025.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated April 8, 2025.

ALTERNATIVES

Alternatives are outlined in the attached staff report dated April 8, 2025.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached staff report dated April 8, 2025.

Heritage Property Act:

s. 14(1) A heritage advisory committee may recommend to the municipality that a building, public building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

Halifax Regional Municipality By-law H-200, *Respecting the Establishment of a Heritage Advisory Committee and a Civic Registry of Heritage Property*:

4. The Committee shall, within the time limits prescribed by Council or the Act, advise the Region respecting:

(h) applications for heritage agreement, development agreements or amendments to a Land Use Bylaw which may affect a registered heritage property or amendments to a Municipal Planning Strategy affecting heritage policies;

ATTACHMENTS

Attachment 1 – Staff recommendation report dated April 8, 2025.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Municipal Clerk's Office 902.292.3962



P.O. Box 1749
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Attachment 1

Item No. 5 **Heritage Advisory Committee** **Special Meeting** **July 23, 2025**

TO: Chair and Members of the Heritage Advisory Committee

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: April 8, 2025

SUBJECT: PLANAPP-2023-00991: Heritage Development Agreement for 86 Ochterloney Street, Dartmouth for a 15-storey mixed-use development and rehabilitation of a registered heritage property.

ORIGIN

Application by Zzap Consulting.

EXECUTIVE SUMMARY

- Proposed Heritage Development Agreement will enable the construction of a 15-storey plus penthouse mixed-use building behind the registered heritage property located at 86 Ochterloney Street, Dartmouth (George Shiels House). The registered heritage property will be preserved and rehabilitated.
- The proposed development also includes 61 Queen Street (building), and 39 (vacant lot) and 43-45 Dundas Street (building). If approved, all four properties will be consolidated into a single lot.
- The existing building at 61 Queen Street will be rehabilitated and retained at its current location. The existing building at 43-45 Dundas Street will be demolished, and together with the vacant lot at 39 Dundas Street, will be redeveloped with a 15-storey plus penthouse mixed-use building.
- HRM Heritage staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the Regional Centre Secondary Municipal Planning Strategy (SMPS).
- HRM Heritage staff recommend that the Heritage Advisory Committee recommend that Harbour East - Marine Drive Community Council give notice of motion to consider the proposed development agreement, approve the proposed development, and require the agreement be signed by the property owner within 120 days.
- There are no budget implications or significant risks associated with the recommendations contained within this report.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that the Harbour East – Marine Drive Community Council (HEMDCC):

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to enable the construction of a 15-storey plus penthouse mixed-use building behind the registered heritage property located at 86 Ochterloney Street, Dartmouth, 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

Zzap Consulting, on behalf of the property owner, has applied to enter into a heritage development agreement to permit a 15-storey plus penthouse mixed-use development on a registered heritage property and three adjacent properties (see Map 1 and 2). If approved, the existing vernacular Gothic Revival style building on the registered heritage property (86 Ochterloney Street) will be rehabilitated and preserved at its current location. The applicant also proposes to rehabilitate the unregistered building at 61 Queen Street. The proposed new development involves the construction of a 72.96 metre (15 storeys plus penthouse) mixed-use building at the current location of 39 and 43-45 Dundas Street.

This application is being considered under Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy (SMPS) which permits Council to consider a development agreement on any lot containing a registered heritage building that exceeds the requirements of the underlying zone to encourage the preservation and adaptive re-use of registered heritage buildings.

Subject Site	86 Ochterloney Street (registered heritage property), 43-45 Dundas Street (existing residential building), 39 Dundas Street (vacant property), and 61 Queen Street (unregistered historic building), Dartmouth.
Location	The subject site is located along the Ochterloney Street, Dundas Street, and Queen Street frontages.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Downtown
Zoning (Map 2)	DD (Downtown Dartmouth)
Size of Site	Approximately 20,338 square metres (0.47 acres in total)
Street Frontage	Ochterloney Street - 21.6m Dundas Street - 49.3m Queen Street - 18.7m
Current Land Use(s)	Commercial
Surrounding Use(s)	Downtown and Institutional

Proposal Details

The applicant proposes to rehabilitate and preserve at its current location the heritage building at 86 Ochterloney Street (known as George Shiels House). The major aspects of the proposal are as follows:

- Rehabilitation of the George Shiels House at its current location on Ochterloney Street;
- Rehabilitation of the unregistered building at 61 Queen Street at its current location;
- Demolition of the existing residential building at 43-45 Dundas Street;
- Consolidation of 86 Ochterloney Street, 61 Queen Street, 39 Dundas Street, and 43-45 Dundas Street into a single lot; and
- Construction of a new 15-storey plus penthouse mixed-use building at the current location of the residential building at 43-45 Dundas Street and the vacant property at 39 Dundas Street.

Heritage

George Shiels House is listed on the Registry of Heritage Property for the Halifax Regional Municipality and protected under the *Heritage Property Act of Nova Scotia*. The registration recognized the heritage value of the circa 1863 vernacular Gothic Revival style building with Scottish dormers, built for George Shiels (1819-1901). Shiels was the son of Andrew Shiels (1793-1879), a well-known blacksmith, poet and magistrate.

Staff processed a concurrent application for a substantial alteration to the registered municipal heritage property. In accordance with the *Heritage Property Act*, this application (HRTG-2024-01426¹) was reviewed by the Heritage Advisory Committee (HAC) and approved by Regional Council on November 12th, 2024. Regional Council approved the following alterations to the registered heritage property:

- Infill of unoriginal windows on the south and east elevations;
- One new window opening on the east elevation to reintroduce symmetry;
- Removal of a small addition on the south elevation; and
- Construct a 15-storey plus penthouse mixed-use development.

The proposed development agreement requires ongoing maintenance in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Ed.* for the rehabilitated heritage building to preserve its heritage value and integrity.

A staff evaluation of the proposal against the *Standards and Guidelines* can be found in Attachment B. The proposal retains all character-defining elements of the George Shiels House, including the rubblestone foundation, two single stack brick chimneys, six-over-six windows, and Scottish dormers. Character-defining elements will be repaired or replaced in-kind, if necessary. Minimal intervention approaches have been applied, as the new construction is not physically connected to the heritage building. If replacement is needed, it will be in-kind and based on physical or documentary evidence.

The new construction will incorporate compatible building materials at the podium, including non-combustible clapboard siding and corner boards. The podium has also been designed to have a similar setback as the heritage building. The muted colours of the high-rise portion will ensure the existing buildings at 86 Ochterloney Street and 61 Queen Street remain prominent in the streetscape. The new construction will not be connected to either the heritage building or the historic building at 61 Queen Street. The open space between the three buildings encourages pedestrian activity and engagement with the heritage building. The mid-rise portion of the building is distinguishable from the heritage building in its materiality and modern form. Based on the conservation of character-defining elements, setbacks, and materials, the proposed development satisfies Standards 1 through 12.

Enabling Policy and LUB Context

The proposal for 86 Ochterloney Street is being considered under Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy (SMPS). This policy allows owners of registered heritage properties to apply for a development agreement to permit a development or use not otherwise permitted by the underlying zone.

¹<https://cdn.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/241008hacmins.pdf>

The subject site is designated "Downtown" and located within the Historic Dartmouth Precinct in accordance with the Regional Centre SMPS. To retain the historic nature of this area, the precinct enables maximum FAR values and regulations that support low-rise buildings. Street wall design and articulation will assist in supporting the historic nature.

The subject site is located in the Downtown Dartmouth (DD) Zone and does not require maximum front or flanking setback requirements. The registered heritage property and neighbouring properties all have a maximum floor area ratio (FAR) of 2.25, and the properties are located within the proposed Downtown Dartmouth Heritage Conservation District (HCD). There is a maximum height of 90 metres under the Regional Centre Land Use By-law (LUB). The heritage building is currently vacant but was formerly used for commercial purposes.

The applicant has proposed a FAR that exceeds what is permitted under the existing zoning, in addition to smaller rear yard setbacks than the LUB requires. The proposed FAR is 7.7, whereas the surrounding area has a maximum FAR of 2.25. The LUB requires a 0 m setback for the podium portion of the building, and 12.5 metres for the tower portion. There is a 0.5 to 2.0 metre setback along the rear of the property. This has been deemed to be acceptable based on the level of conservation efforts for both the registered heritage property at 86 Ochterloney Street and the unregistered heritage building at 61 Queen Street (See Attachment B). Further mitigation measures may be required as part of the Construction Management Plan.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is 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:

- The use and form of the 15-storey plus penthouse mixed-use building, the registered heritage property at 86 Ochterloney Street, and the unregistered heritage building at 61 Queen Street;
- Requirements for design and materiality of the proposed new construction and the location on the site;
- Requirements for the rehabilitation of the heritage building at 86 Ochterloney Street and the unregistered heritage building at 61 Queen Street;
- Requirements for the documentation of the unregistered building at 43-45 Dundas Street, prior to demolition; and
- Requirements for landscaping, lighting, parking, signage, environmental protections, and maintenance of the site, including the heritage building and unregistered heritage building.

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

Regional Centre Secondary Municipal Planning Strategy

The Regional Centre SMPS recognizes the important role that heritage buildings and sites have in defining HRM's character and identity. To support the retention, preservation, and rehabilitation of heritage buildings in Dartmouth, Policy CHR-7 of the Regional Centre SMPS allows for the consideration of land uses and density which are not permitted by the underlying zone for municipally registered heritage properties, subject to certain criteria.

One of these criteria is that any development does not unduly disrupt adjacent uses, especially residential uses. The neighbourhood around the subject site is zoned DD and contains a mixture of buildings with

varying heights, street frontages, lot sizes, and age of construction. The proposal is characteristic of a downtown development. The new construction has been designed to be compatible with the existing neighbourhood through design, materiality, and form, while reducing the overall impact of the additional density on adjacent land uses through:

- Stepbacks after the second storey of the podium, designed with a similar height and rhythm to the heritage building;
- Wood cladding on the podium to reflect the predominately wood-framed historic buildings in the immediate area;
- Accessibility upgrades on the exterior of the heritage building; and
- Planting of tree stands within the public right-of-way.

One level of underground parking and one level of ground level parking will be provided for the proposed development, with twenty-nine vehicular parking spaces, bike storage area, two surface level parking spaces, and forty-four bike parking spaces. The Traffic Impact Study completed for this proposal did not identify any major issues and did not require improvements to the design to accommodate additional vehicle or pedestrian traffic resulting from the proposed development. The Wind Impact Study concluded that the proposed development is not expected to result in significant changes to the wind conditions on and around Dundas and Ochterloney Streets. The current 90m height proposed for the new construction is within the height limit for the DD zone. The applicant will be required to meet all relevant policies pertaining to construction noise and circulation during the construction of the development through a Construction Management Plan.

Section 2: Residential Environments of the Regional Centre SMPS includes objectives and policies which encourage:

- A variety of high-quality, affordable housing choices;
- Development to accommodate future growth in areas with existing services;
- New construction relates to the needs or characteristics of the neighbourhood;
- The retention of existing residential character and any change will be compatible with these neighbourhoods; and
- Redevelopment at a scale compatible with those neighbourhoods.

The subject site is located within downtown Dartmouth which is a serviced community containing a high level of services, infrastructure and transit. The development was designed to minimally impact the heritage building in terms of its physical connection, setbacks, materials, and massing. The surrounding area is mixed-use, with residential and commercial uses of varying scale, setbacks, and massing. The site offers access to the transit network on Ochterloney and King Street, is 30 m away from a bus stop, and is located within the proposed rapid transit red line walkshed. It is also near the Transit Priority Corridor on Alderney Drive and the Alderney Ferry Terminal. The site is well-situated within established pedestrian and active transportation networks, and various parks (i.e., Dartmouth Commons, Martin's Park).

Regional Municipal Planning Strategy

Policy CH-16 of the Regional Municipal Planning Strategy requires that applications for development agreements consider a range of design solutions and architectural expressions that are compatible with the abutting municipally registered heritage properties. Attachment B contains an evaluation of the proposed development agreement in relation to the Policy CH-16, which includes the following:

- The podium of the proposed new construction references the heritage resource on the site through materiality; and
- The setbacks complement and ensure prominence of the heritage resource.

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, it was determined that the proposal is consistent with these priority plans. Further discussion on this can be found in Attachment B.

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 Regional Centre SMPS. The main intent of Policy CHR-7 is to encourage the retention and restoration of heritage properties through additional land use flexibility beyond the permitted uses and densities in the underlying zone. In this case, the proposed development represents infill mixed-use development in an urban downtown core that will complement the heritage character of the subject site and introduce additional housing options to the neighbourhood. Therefore, staff recommend that the Heritage Advisory Committee recommend that Harbour East - Marine Drive Community Council approve the proposed development agreement as contained in Attachment A.

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 is being 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 Nova Scotia 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 for this application 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 a public information meeting held on January 15, 2024. A total of 237 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 878 unique page views over the course of the application. Staff received 3 written responses from the public. The public comments received include the following topics:

- Concerns over the construction impacts of the new development;
- Concerns over the heritage development agreement policy and concept; and
- Removal of the trees along the property boundaries.

A public hearing must be held by Harbour East – Marine Drive 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 area surrounding the subject site is zoned Downtown Dartmouth (DD) and features a diverse mix of building heights, street frontages, lot sizes, and ages - typical of a downtown setting. The proposed development aligns with this urban character. Potential impacts on nearby residents and property owners, such as the removal of private trees or construction-related noise, will be carefully managed through a required Construction Management Plan, ensuring these concerns are properly addressed before and during construction. It is concluded that the proposed development aligns with the Regional Centre SMPS.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

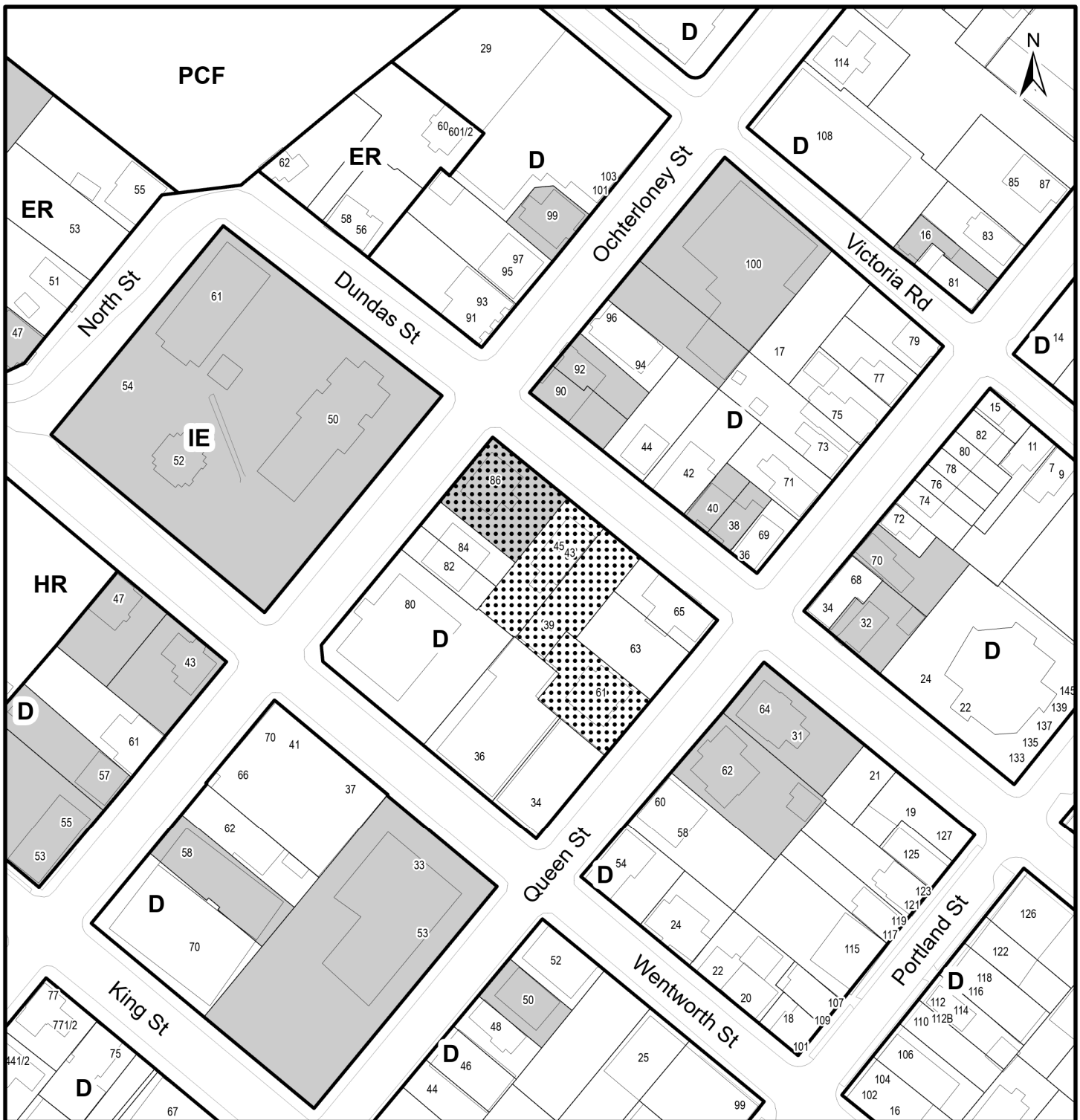
ALTERNATIVES

1. The Heritage Advisory Committee may recommend that Harbour East - Marine Drive Community Council 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. The Heritage Advisory Committee may recommend that the Harbour East - Marine Drive Community Council 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

Report Prepared by: Elizabeth Cushing, Planner II - Heritage, 902.478.2586



Map 1 - Generalized Future Land Use

86 Ochterloney Street, 39 & 43-45 Dundas Street,
61 Queen Street,
Dartmouth

HALIFAX

Designation

D	Downtown
ER	Established Residential
IE	Institutional Employment
HR	Higher-Order Residential
PCF	Parks and Community Facility



Subject Properties



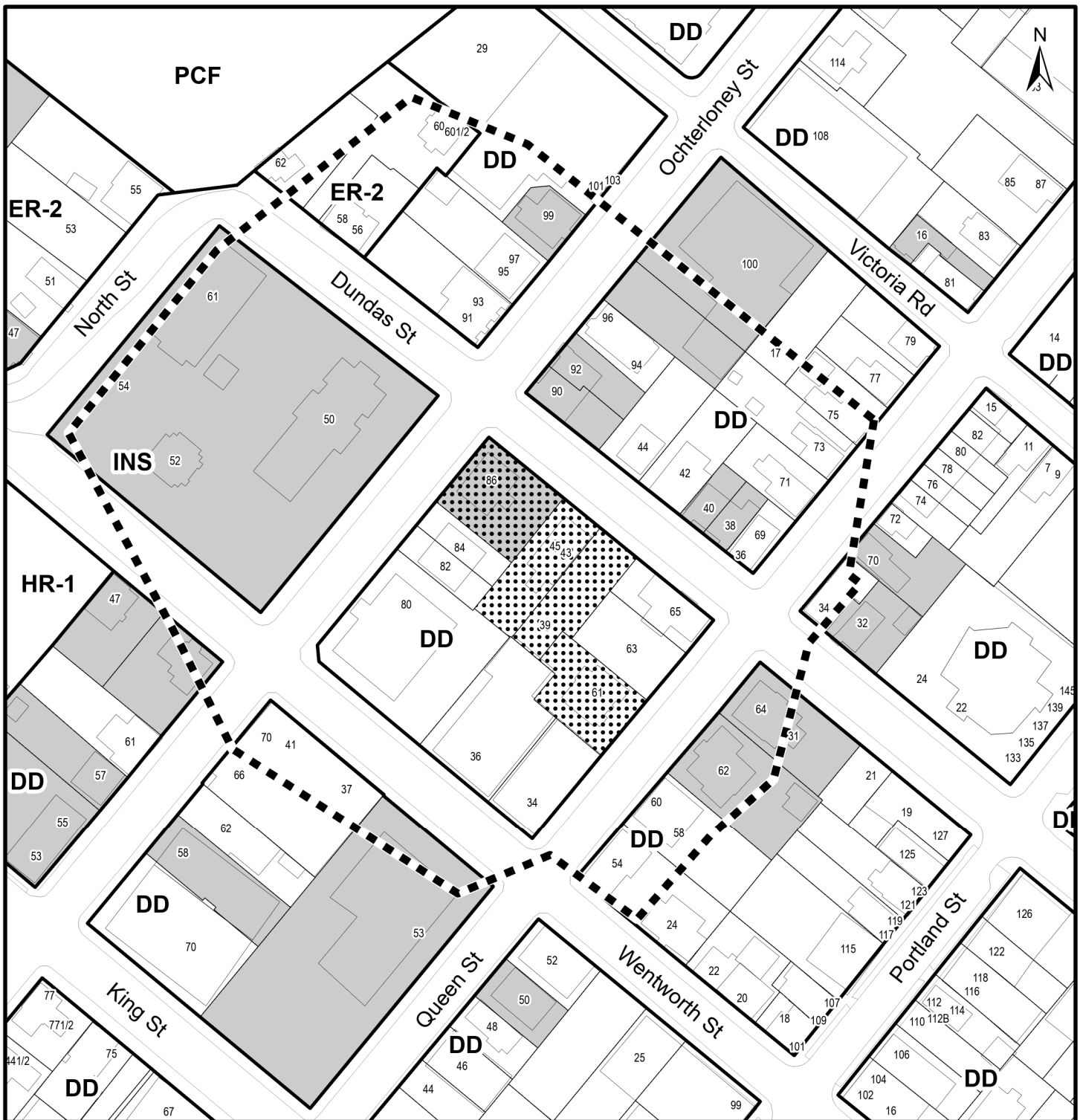
Registered Heritage Properties

0 40 m

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.

Regional Centre
Plan Area



Map 2 - Zoning and Notification Area

86 Ochterloney Street, 39 & 43-45 Dundas Street,
61 Queen Street,
Dartmouth

HALIFAX



Subject Properties



Registered Heritage Properties



Area of Notification

Zone

DD	Downtown Dartmouth
ER-2	Established Residential 2
HR-1	Higher-Order Residential 1
INS	Institutional
PCF	Parks and Community Facilities

0 40 m

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.

Regional Centre Land Use By-Law Area

ATTACHMENT A - PROPOSED DEVELOPMENT AGREEMENT

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

BETWEEN:

[INSERT PROPERTY OWNER NAME]

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 86 Ochterloney Street, (PID 00109116), Dundas Street (PIDs 00109124 and 40280703), and Queen Street (PID 00109157), Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the 86 Ochterloney Street been registered as a Municipal Heritage Property pursuant to the provisions of the Municipality's Heritage Property By-law (By-law H-200) and the *Heritage Property Act* as amended from time to time;

AND WHEREAS the Developer has requested approval by the Municipality to undertake substantial alterations to the heritage building located at 86 Ochterloney Street;

AND WHEREAS the Regional Council for the Municipality granted approval to this request at a meeting held on November 12, 2024 based on the staff recommendation report dated September 24, 2024 and having the subject matter 'HRTG-2023-01426: Substantial Alteration to the municipally registered heritage property at 86 Ochterloney Street, Dartmouth;

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mixed-use, 15-storey plus penthouse building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy and Section 485 of the Regional Centre Land Use By-law;

AND WHEREAS Harbour East-Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as **PLANAPP-2023-00991**;

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 Regional Centre Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the Land Use By-law shall not be permitted.
- 1.2.3 Notwithstanding Sections 1.2.1 and 3.7.1, subdivision of the Lands 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 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 Regional Centre Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

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

- (a) "Architect" means a professional, full member in good standing with the Nova Scotia Association of Architects;
- (b) "Character Defining Elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value and that shall be sustained in order to preserve heritage value;
- (c) "Existing Buildings" means the Heritage Building at 86 Ochterloney Street and the residential building at 61 Queen Street;
- (d) "Current Building" means the existing residential building at 43-47 Dundas Street, to be demolished;
- (e) "Heritage Building" means the municipally registered heritage building at 86 Ochterloney Street, known as George Shiels House;
- (f) "HRM Substantial Alteration Report" means the staff recommendation report dated September 24, 2024 and having the subject matter 'HRTG-2023-01426: Substantial Alteration to the municipally registered heritage property at 86 Ochterloney Street, Dartmouth' which was before Halifax Regional Council on November 12, 2024 as Attachment 1 to Item 15.6.3 on the agenda and was approved on that day by Halifax Regional Council;
- (g) "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects;
- (h) "New Construction" means the 15-storey plus penthouse mixed-use building as generally described in Schedules B and D;
- (i) "Professional Engineer" means a professional, full member in good standing with the Association of Professional Engineers of Nova Scotia;
- (j) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property; and,
- (k) "Surveyor" means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.

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-2023-00991:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Heritage Features
Schedule D	Elevations
Schedule E	Preliminary Landscape Plan

3.2 Requirements Prior to Approval

- 3.2.1 Prior to any site work and the issuance of grade alteration permits, the Developer shall provide the following to the Development Officer:
- (a) Post securities in accordance with Section 3.10 of this Agreement; and
 - (b) Plan of Survey of approval Lot Consolidation of PIDs 00109116, 00109124, 40280703 and 00109157. This Plan of Survey shall comply with Section 3.7 of this Agreement;
- 3.2.2 Based on the sensitivity of the Existing Buildings, the Developer is required to provide the Blasting Inspector the following information completed by a professional engineer in addition to the general requirements of Blasting By-law B-600 prior to a Blasting Permit being issued:
- i. A structural analysis of the Existing Buildings to determine their structural integrity;
 - ii. A proposal for limits for Frequency of Ground Vibration and Maximum Allowable Particle Velocity in mm/s such that blasting operations will attempt to cause no damage to the adjacent Existing Buildings;
 - iii. A detailed blast plan for the proposed blasting on the Lands; and
 - iv. A monitoring plan for the detailed blast plan for the proposed blasting site.
- 3.2.3 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) Written confirmation from the Heritage Planner that a maintenance and repair plan prepared by an Architect, in accordance with the requirements of Section 3.4.10 of this Agreement has been provided;
 - (b) Written confirmation from the Heritage Planner that exterior and interior photographs of the Current Building have been provided;
 - (c) A Landscape Plan stamped by a certified Landscape Architect in accordance with Section 3.10 of this Agreement;
 - (d) An Outdoor Lighting Plan in accordance with the requirements of Section 3.9 of this Agreement;
 - (e) An incentive or bonus zoning agreement in accordance with the Regional Centre Land Use By-law; and
 - (f) Written confirmation from an Architect that the plans meet the architectural requirements of Section 3.6 and Schedules B and D.
- 3.2.4 Prior to the issuance of an Occupancy Permit for the New Construction, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Written confirmation from an HRM Heritage Planner which the development officer may accept as sufficient record that all conservation work proposed for the Existing Buildings, as identified in Schedule D, has been completed to the extent depicted in the Schedule;
- (b) Written confirmation by a Landscape Architect certifying that all landscaping has been completed according to the Preliminary Landscape Plan provided in Schedule E;
- (c) Written confirmation from an Architect confirming that the development conforms with Sections 3.4, 3.5 and 3.6, and Schedules B and D of this Agreement, and with the HRM Substantial Alteration report; and
- (d) Written confirmation from a Professional Engineer indicating that the Developer has complied with the Stormwater Management Plan in accordance with Section 5.1.

3.2.5 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) Residential and ground-floor commercial uses as permitted within the Downtown Dartmouth Zone of the Regional Centre Land Use By-law, as amended from time to time, are permitted within the New Construction and Existing Buildings; and,
- (b) Accessory buildings and structures, including Backyard and Secondary Suites, shall not be permitted.

3.4 Heritage

Rights to Alter or Demolish

3.4.1 The Developer agrees that it shall not demolish the Heritage Building or alter its exterior appearance in any manner without the written consent of the Municipality.

3.4.2 In the event that an application for a substantial alteration or demolition is denied by the Municipality, the Developer agrees not to alter the exterior appearance of or demolish the Heritage Building as provided for under Sections 16, 17, and 18 of the *Heritage Property Act*.

3.4.3 Alterations to the exterior appearance of the Heritage Building or its Character-Defining Elements are subject to the *Heritage Property By-law (By-law H-200)* and the *Heritage Property Act*.

Character Defining Elements

3.4.4 All Character Defining Elements shall be maintained and repaired or replaced in-kind but not removed without approval from the Municipality. The Character Defining Elements of the Heritage Building include, but are not limited to:

- (a) One-and-a-half storey, vernacular Gothic Revival architectural style residence with:
 - i. Steeply pitched gable with centre pointed window flanked by two Scottish dormers on the north elevation;
 - ii. Steeply pitched gable with centre pointed window on the south elevation;
 - iii. Partial above-ground rubblestone foundation;
 - iv. Wood shingle cladding;
 - v. Gable roof with wood returned eaves;
 - vi. Six-over-six and four-over-four windows with moulded trim;

- vii. Single-leaf entrance surrounded by entablature with wood piers, multiple-light transom and sidelights; and
- viii. Two brick chimneys on the offset left and right.

Substantial Alterations

- 3.4.5 Any substantial alterations to the Character Defining Elements of the Heritage Building shall be consistent with the HRM Substantial Alteration Report and Schedule D.
- 3.4.6 The Developer shall carry out the following substantial alterations to the Heritage Building in accordance with the HRM Substantial Alteration Report:
 - (a) Infill of unoriginal windows on the south and east elevations, with one new window opening at the east elevation to reintroduce symmetry; and,
 - (b) Removal of a small addition on the south elevation.

Non-Substantial Alterations

- 3.4.7 All Character Defining Elements of the Heritage Building as identified in Schedule C shall be maintained, repaired, or replaced in-kind as generally shown in Schedule D, using historical documentation and traditional materials.
- 3.4.8 The Developer shall carry out the following non-substantial alterations as part of the proposed rehabilitation/restoration work to the Heritage Building:
 - (a) Repointing of the existing masonry chimneys;
 - (b) Replacement of existing siding with pre-finished wood shingles;
 - (c) Repair or replacement in-kind of existing windows with wood six-over-six windows;
 - (d) Replacement of the front porch and stair with wood accessibility ramp;
 - (e) Repair and replacement in-kind of existing wood trim as necessary; and
 - (f) Repairs to the existing stone foundation.
- 3.4.9 Any non-substantial alterations to the exterior appearance of the Heritage Building, including those listed in Section 3.4.8 of this Agreement, as well as future maintenance and repair of the Heritage Building, shall be conducted with the approval of an HRM heritage planner at the time of permitting, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition*.

Maintenance and Preventative Measures

- 3.4.10 All maintenance and repair of the Character Defining Elements of the Heritage Building shall be conducted with the approval of the HRM Heritage Planner at the time of permitting, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd ed.*, and shall be generally consistent with Schedule C.

Archaeological Monitoring and Protection

- 3.4.11 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands.

3.5 Building Siting & Scale

- 3.5.1 The development shall comply with the following siting and scale requirements:
 - (a) The Existing Buildings' siting, bulk, massing and scale shall be as shown on Schedules B and D, and in the HRM Substantial Alteration Report;
 - (b) The New Construction's siting, bulk, massing and scale shall be as shown on Schedules B and D;

- (c) The maximum height of the New Construction, including the penthouse, shall not exceed 75 metres above the average finished grade as generally shown on Schedule D. This maximum height includes mechanical penthouses and elevator overruns.
- (d) The penthouse shall not exceed 12 metres in height;
- (e) The building width of the New Construction shall not exceed 34.5 metres by 34.5 metres;
- (f) A minimum setback of 2.0 metres shall be required from the property line of the New Construction fronting on Dundas Street; and
- (g) A minimum setback of 4.5 metres shall be required between the New Construction and the Existing Buildings as shown on Schedule B.

3.5.2 Rooftop mechanical features shall be required to be visually integrated into the overall design of the building top and screened.

3.6 Architectural Requirements

3.6.1 Architectural form, treatment and materials of the Existing Buildings and New Construction shall be as shown on Schedule D.

3.6.2 Exterior building materials of the New Construction shall be as shown on Schedule D, and shall include:

- (a) Pre-finished metal cladding and pre-finished wood grain cladding on the mid to high-rise portion of the building; and
- (b) Real masonry cladding (not stone veneer), non-combustible clapboard siding, and non-combustible corner board trim on the podium and ground-level foundations.

3.6.3 Exterior building materials of the Existing Buildings shall be as shown on Schedule D, and shall include:

- (a) Asphalt shingles;
- (b) Pre-finished wood trim and wood shingles;
- (c) Wood windows with true divided lights; and
- (d) Real stone foundation. Stone veneer is not permitted.

3.6.4 Doors along the podium of the New Construction shall be recessed as depicted in Schedule D. Service entrances shall be integrated into the design of the building and shall not be located along the Dundas Street elevation.

3.6.5 The podium of the New Construction facing Dundas Street shall be designed and detailed as the primary façade. Further, architectural treatment shall be continued around to the west and south elevations of the building as identified on the Schedules.

3.6.6 All vents, down spouts, flashing, 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 when used expressly as an accent.

3.6.7 New Construction shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.), mechanical equipment or exhaust fans are screened and/or integrated into the building design, with noise reduction measures implemented. This shall exclude individual residential mechanical systems.

3.6.8 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.

- 3.6.9 All roof mounted mechanical, or telecommunication equipment shall be visually integrated into the roof design or screened from public view.
- 3.6.10 Multiple storefronts shall be visually unified with complementary architectural forms, similar materials and colours, as identified in Schedule D. Covered walkways, arcades, awnings, open colonnades and similar devices shall be permitted along long facades to provide shelter, and encourage pedestrian movement.

3.7 Subdivision of the Lands

- 3.7.1 PIDs 00109116, 00109124, 40280703 and 00109157 shall be consolidated into one parcel in accordance with the Regional Subdivision By-law prior to any site work being completed.
- 3.7.2 Notwithstanding Section 3.7.1, no subdivision under the Regional Subdivision By-law to create additional new lots shall be permitted.

3.8 Parking, Circulation, and Access

- 3.8.1 Subject to Sections 3.8.3 and 3.8.4, ground level and underground vehicular parking shall be provided generally in accordance with Schedule D.
- 3.8.2 Notwithstanding Section 3.8.1, the proposed number of underground vehicular parking may be reduced in accordance with the Land Use By-law.
- 3.8.3 Access to ground level and underground vehicular parking shall only be provided from Dundas Street.
- 3.8.4 The dimensions of each vehicular parking space shall adhere to the requirements of the Land Use By-law.
- 3.8.5 Controlled vehicular access shall be limited to Queen Street and Ochterloney Street, as depicted in Schedule E.
- 3.8.6 Bicycle parking shall be provided in accordance with the Regional Centre Land Use By-law.
- 3.8.7 All surface parking, loading and driveway areas shall be paved or finished with hard surface material.

3.9 Outdoor Lighting

- 3.9.1 Lighting shall be directed to the Existing Buildings and New Construction entrances and walkways, driveways, parking areas and hard landscaping surfaces as identified in Schedule E;
- 3.9.2 The Existing Buildings and New Construction may be illuminated to accentuate the architectural features, provided it does not flash, move, vary in intensity, or exceed a colour temperature of 6500k.
- 3.9.3 All exterior lighting shall be arranged to divert the light away from streets, adjacent lots and buildings.

3.10 Landscaping

- 3.10.1 All plant material shall conform to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard (ninth edition).

- 3.10.2 All portions of the Lands not included in the Existing Buildings and New Construction building footprints, walkways, vehicle parking or controlled vehicle access driveways shall be grassed or landscaped, as generally shown in Schedule E.
- 3.10.3 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule E. The Landscape Plan shall be prepared by a Landscape Architect and comply with all provisions of this section.
- 3.10.4 The Developer shall submit a tree protection and preservation plan prepared by a Certified Arborist or Landscape Architect to be reviewed and accepted by HRM Urban Forestry, which outlines how the existing municipal street trees along Ochterloney Street will be protected from development.
- 3.10.5 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.10.6 Notwithstanding Section 3.10.5, 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 Landscape Architect. 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.

3.11 Maintenance

- 3.11.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the Existing Buildings and New Construction, walkways, open space, shared parking access 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 Signs

- 3.12.1 The sign requirements shall be accordance with the Regional Centre Land Use By-law as amended from time to time.

3.13 Temporary Construction Building

- 3.13.1 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 Occupancy Permit.

3.14 Screening

- 3.14.1 Refuse containers located outside the Existing Buildings and New Development shall be fully screened from adjacent properties and from streets by means of opaque fencing or real stone

masonry walls with suitable landscaping.

- 3.14.2 Propane tanks, oil tanks, natural gas meters and mechanical equipment (including HVAC) shall be located on the Lands in such a way as to ensure minimal visual impact from any public right-of-way, especially as viewed from Queen and Ochterloney Streets, and where necessary, shall be visually screened from neighbouring properties and the public right-of-way by opaque fencing or real masonry walls or landscape elements.
- 3.14.3 Propane tanks, oil tanks, natural gas meters and mechanical equipment (including HVAC) shall not be placed on the Queen and Ochterloney Streets elevations of the Existing Buildings.
- 3.14.4 Mechanical equipment shall be permitted on the roof provided the equipment is screened and not visible from the Heritage Building or incorporated into the architectural treatments and roof structure.

3.15 Hours of Operation

- 3.15.1 The ground floor commercial uses shall be permitted to operate between the hours of 7:00am and 12:00pm, Sunday to Saturday.
- 3.15.2 Deliveries to the Existing Buildings and New Construction, and the collection of refuse and recyclables, shall occur only between the hours of 7:00am and 10:00pm.
- 3.15.3 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.16 Reinstatement

- 3.16.1 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 HRM 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 HRM Development Engineer.

4.3 Site Preparation in a Subdivision

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

4.4 Undergrounding Services

- 4.4.1** All secondary and/or primary (if applicable) services, such as electrical, telephone and cable, to the New Construction shall be underground installation.

4.5 Solid Waste Facilities

- 4.5.1** The New Construction 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.
- 4.5.2** All refuse and recycling containers and waste compactors shall be located on the Lands and shall be fully screened from public view) where necessary by means of opaque fencing or real masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.1.1** 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.

5.2 Sulphide Bearing Materials

- 5.2.1** 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) Amendments to Schedules B, D and E provided the amendments:
- i. Do not impact the Existing Buildings; and
 - ii. Do not otherwise conflict with the text of this Agreement;
- (b) Amendments to the New Construction's building height width provided that the amendment does not increase the building height or width by more than two percent (2%);
- (c) Amendments to the setbacks provided that no setbacks are decreased by more than two percent (2%);
- (d) The granting of an extension to the date of commencement of construction as identified in 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 7.4 of this Agreement.

6.2 Substantive Amendments

- 6.2.1** Amendments to any matters other than those identified under Section 6.1, or the substantial alterations approved by Regional Council under the *Heritage Property Act* in the report dated

September 24, 2024, 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 final subdivision approval of the consolidation of PIDs 00109116, 00109124, 40280703 and 00109157 as per Section 3.7.
- 7.3.3** For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer.

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 New Construction.
- 7.4.3** In the event that development on the Lands has not been completed within seven (7) 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 seven (7) 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 thirty (30) days written notice of the failure or default, then in each such case:

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

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

Print Name: _____

Position: _____

Date Signed: _____

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HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

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

Attachment B: Review of Relevant MPS Policies

The following document reviews the policies which apply to PLANAPP-2023-00991: Application for a Heritage Development Agreement on the registered heritage property at 86 Ochterloney Street in Dartmouth.

The applicable policies which have been reviewed include:

- The *Standards and Guidelines for the Conservation of Historic Places in Canada*, 2nd Ed.
- *Note: Standards 1 to 10 were addressed in the Substantial Alteration Report dated September 24, 2024, and approved by Regional Council on October 8, 2024.*
- Applicable policies of the *Regional Centre Secondary Municipal Planning Strategy*
- Applicable Regional Plan Culture and Heritage Policies

Standards and Guidelines for the Conservation of Historic Places in Canada

Standard	Comments
Standard 11 Conserve the <i>heritage value</i> and <i>character-defining elements</i> when creating any new additions to an <i>historic place</i> or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.	<p>The proposed development will conserve the heritage value of both the heritage building at 86 Ochterloney Street and the unregistered historic building at 61 Queen Street.</p> <p>The proposal involves the rehabilitation of character-defining elements of the c. 1863 Gothic Revival vernacular house, including the rubblestone foundation, two single stack brick chimneys, six-over-six windows, and Scottish dormers. Character-defining elements will be repaired or replaced in-kind, if necessary. The proposed development agreement will require that a maintenance and preservation plan be submitted. The proposal also involves the rehabilitation of an unregistered historic building at 61 Queen Street.</p> <p>The proposed development will incorporate compatible building materials at the podium, including non-combustible clapboard siding and corner boards. The podium has also been designed to have a similar setback as the heritage building. The muted colours of the high-rise portion will ensure the Existing Buildings at 86 Ochterloney Street and 61 Queen Street remain prominent in the streetscape. The new construction will not be connected to either the heritage building or the historic building at 61 Queen Street. The open space between the three buildings encourages pedestrian activity and engagement with the heritage building. The mid-rise portion of the building is distinguishable from the heritage building in its materiality and modern form.</p>

	Based on the site layout, the conservation of character-defining elements, the intentional use of both heritage and complementary materials, staff recommend that Standard 11 is fulfilled by the proposal.
Standard 12 Create any new additions or related new construction so that the essential form and integrity of an <i>historic place</i> will not be impaired if the new work is removed in the future.	There is no new addition being attached to the heritage building as part of this proposal. New construction on the site will not impact the essential form or integrity of the heritage building if the work is removed in the future, as the new construction will not be physically attached to the heritage building.

Regional Centre Secondary Municipal Planning Strategy

Policy	Comments
2.3 Downtown Designation	
Policy D-1 The Land Use By-law shall establish two (2) zones that apply to lands within the Downtown Designation, except for the Cogswell Lands (CL) Precinct shown on Map 2, with the intent to reinforce economic growth and support local and regional residents, visitors, businesses, and government agencies, and support unique built form and urban design regulations in those areas. The zones shall permit a wide range of land uses, including residential, commercial, institutional, cultural, park and community facility, and urban agricultural uses. The zones are detailed as follows: <ul style="list-style-type: none"> A) The Downtown Dartmouth (DD) Zone shall apply to lands located in the Downtown Dartmouth area of the Regional Centre; and, B) The Downtown Halifax (DH) Zone shall apply to lands located in Downtown Halifax area of the Regional Centre. 	The proposed development falls within the Downtown Dartmouth Zone. The development includes residential and commercial uses while encouraging pedestrian engagement through an activated open space and commercial shopfronts along the Dundas Street elevation. The additional residential units within the downtown core will encourage and support economic growth of the surrounding area. The proposal retains all character-defining elements of the heritage building as well as the unregistered historic building at 61 Queen Street.
2.4.2 Downtown Dartmouth Precincts	
Policy D-5 The Land Use By-law shall establish built form, and maximum FAR regulations for the DD zone within the Downtown Designation, consistent with Map 3 and the policies in Parts 3 and 4 of this Plan. Low-rise buildings, mid-rise buildings, tall mid-rise buildings, and high-rise buildings shall be permitted, and built form requirements may differ in accordance with the Precincts' descriptions detailed in this Part.	The proposed development is within the maximum height requirement as established in the Land Use By-law. The high-rise building exceeds the permitted FAR of 2.25; however, this can be considered with conditions under Policy CHR-7 (see below). Policy D-6 indicates the maximum FAR for the Historic Dartmouth Precinct shall be between 1.75 to 4.0, with a limited of vacant or under-utilized sites having a maximum FAR of 6.25. The proposed development FAR is 7.7; however, it will involve the conservation of both a heritage building and an unregistered historic

	building. The level of conservation efforts on both historic buildings has been determined to be proportionate with the additional development rights.
Part 4: Culture and Heritage Resources	
<p>Policy CHR-7 On any lot containing a registered heritage building located outside of the DH Zone and any approved Heritage Conservation District, Council may consider a development agreement for any development or change in use not otherwise permitted by the Land Use By-law to support the integrity, conservation and adaptive re-use of registered heritage buildings. This includes development proposals that exceed the maximums floor area ratios or the maximum building heights on Map 3 and Map 4 of this Plan. In considering such development agreement proposals, Council shall consider that:</p> <p>a) the development proposal maintains the heritage value of any registered heritage property of which it is part, including a registered heritage streetscape, and does not propose to demolish any registered heritage buildings that exist on the lot;</p> <p>b) the impact on adjacent uses, particularly residential uses, is minimized in terms of intensity of use, scale, height, traffic generation, noise, hours of operation, and such other land use impacts as may be required as part of a development;</p> <p>c) any new construction, additions, or renovations facing a street substantially maintain the predominant streetwall height, setbacks, scale, and the rhythm of the surrounding properties, especially of registered heritage properties;</p> <p>d) the development complies with Pedestrian Wind Impact and Shadow Impact Assessment Protocol and Performance Standards of the Land Use By-law;</p>	<p>a) The proposed development maintains all character-defining elements of the heritage building and does not propose to demolish any registered heritage buildings that exist on the lot. The existing building at 43-45 Dundas Street has been determined to have low historical significance, however, the development agreement ensures that the developer will provide photo documentation for archival purposes.</p> <p>b) The new construction's mass is oriented to and setback from the Dundas Street elevation. No adverse traffic impacts were identified in the Traffic Impact Statement. The approx. 73m height is below the maximum permitted height of 90m as identified in the Regional Centre Land Use By-law. Noise will be subject to the requirements of By-law N-200 Respecting Noise.</p> <p>c) The new construction's podium will be two-storeys to complement the height of the heritage building. The placement and rhythm of the windows on the podium have also been designed to reflect the heritage building.</p> <p>d) A Wind Impact Study was required and provided. It concluded that the proposed development is not expected to result in significant changes to the wind conditions</p>

<p>e) the level of proposed investment in conservation measures on the property and through the required incentive or bonus zoning requirements is generally proportional with the additional development rights provided through the agreement, especially in cases of new construction;</p> <p>f) any un-registered, historic buildings on the lot that contributes to neighbourhood character are preserved to retain the visual integrity of the lot;</p> <p>g) the development complies with policies relating to protected public views and view terminus sites;</p> <p>h) incentive or bonus zoning is provided consistent with the requirements of the Land Use Bylaw;</p> <p>i) the development agreement requires a waiver under Section 18 of the Heritage Property Act to be registered on the property before a development permit is issued for any portion of the development; and</p> <p>j) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.</p>	<p>on and around Dundas and Ochterloney Streets.</p> <p>e) Heritage staff analyzed the investment in the conservation efforts on the property using an internal calculator and found them to be relatively proportional with the additional development rights. This includes conservation efforts to both the heritage building and the unregistered historic building at 61 Queen Street.</p> <p>f) The unregistered historic building at 61 Queen Street is proposed to be preserved. The unregistered existing building at 43-45 Dundas Street was found to be of minimal historical significance through the Heritage Impact Statement and is unlikely to meet HRM's Heritage Property Evaluation Criteria. The demolition of the structure was permitted with conditions identified in the development agreement (i.e., documentation requirements).</p> <p>g) Not applicable.</p> <p>h) Incentive or bonus zoning will be required as part of the development agreement. A public benefit agreement will be developed at the permitting stage for the conservation of the heritage building.</p> <p>i) The waiver will be required as part of the development agreement.</p> <p>j) The proposal is consistent with Policy IM-7. The proposed development is consistent with the core concepts of the Regional Plan and Centre Plan, as noted in this table. The proposal has been reviewed internally by departmental staff and is appropriate based on access to existing infrastructure, and proximity to schools, parks, community facilities, and transportation infrastructure. No adverse impacts on the heritage building have been identified. Grading will be reviewed by Development Engineering staff. The proposed development is not located</p>
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	within a watercourse, wetland or previously shown to be susceptible to flooding. There have been no identified major concerns regarding wind or traffic impacts through the Wind Study and Traffic Impact Study.
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Regional Municipal Planning Strategy

CHAPTER 7: CULTURAL AND HERITAGE RESOURCES	
7.3 Protection of Heritage Resources	
Policy	Staff Comment
<p>CH-5 <i>HRM shall consider the retention, preservation, rehabilitation and restoration of those buildings, public building interiors, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value in both urban and rural areas and encourage their continued use.</i></p>	<p>The proposed development involves the rehabilitation of the heritage building at 86 Ochterloney Street, Dartmouth (George Shields House), with a mixed-use development located to the rear. The unregistered historic building at 61 Queen Street will also be retained and rehabilitated.</p>
7.4 Development Abutting Registered Heritage Properties	
Policy	Staff Comment
<p>CH-16 <i>For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:</i></p> <p>a) <i>the careful use of materials, colour, proportion, and rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;</i></p> <p>b) <i>ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting building and pointed contrast, thus complementing the</i></p>	<p>a) The proposed development will incorporate compatible building materials, such as wood board and batten, to complement the wood-framed existing municipal heritage building. The second storey setback on the new construction relates to the cornice line of the heritage building.</p> <p>b) See above review of Standard 11 from the <i>Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Ed.</i></p>

<p><i>abutting registered heritage property in a manner that respects its heritage value;</i></p> <p>c) <i>ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</i></p> <p>i) <i>incorporate fine-scaled architectural detailing and human-scaled building elements.</i></p> <p>ii) <i>reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and</i></p> <p>iii) <i>any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as setbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale;</i></p> <p>d) <i>the siting of new developments such that their footprints respect the existing development pattern by:</i></p> <p>i) <i>physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and</i></p>	<p>c)</p> <p>i) The new construction's podium design and materiality provide architectural details to assist in creating a human-scaled built environment. The recessed entrances of the shopfronts have been designed to reflect historic shopfront and encourage pedestrian activity.</p> <p>ii) Structural rhythm and bays are reinforced through the cornice line and windows of the new construction's podium.</p> <p>iii) The mid-rise portion of the new construction have incorporated setbacks from both the street wall and heritage building, and material changes to help reduce scale. The new construction will not be physically attached to the heritage resource. Massing has been focused to the rear of the property which is not overly visible from the public right-of-way. Recessed entrances have been incorporated into the ground-floor commercial.</p> <p>d)</p> <p>i) A consistent street wall has been developed through the second-storey setback of the new construction's podium and a similar setback from the street as the heritage building.</p>
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<p>ii) <i>respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;</i></p>	<p>ii) The new construction has a similar front yard setback as the heritage building, and other properties within the proposed heritage conservation district, which are all within proximity of the public right-of-way.</p>
<p>e) <i>not unreasonably creating shadowing effects on public spaces and heritage resources;</i></p>	<p>e) A Shadow Impact Assessment is not required for this proposal.</p>
<p>f) <i>complementing historic fabric and open space qualities of the existing streetscape;</i></p>	<p>f) The public right-of-way will be retained and activated with pedestrian-oriented design elements and accessibility improvements.</p>
<p>g) <i>minimizing the loss of landscaped open space;</i></p>	<p>g) The applicant has provided a landscape plan. No loss of landscaped open space is proposed, with the developable area largely consists of paved parking lots and driveways.</p>
<p>h) <i>ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;</i></p>	<p>h) The parking facilities planned will only be accessed via Dundas Street, which provides the greatest separation distance from the heritage building.</p>
<p>i) <i>placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;</i></p>	<p>i) Details concerning utilities are addressed within the development agreement to mitigate any potential adverse impacts on the heritage building.</p>
<p>j) <i>having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and</i></p>	<p>j) Proposal has been reviewed under the Regional Centre SMPS (see above).</p>
<p>k) <i>any applicable matter as set out in Policy G-14 of this Plan.</i></p>	<p>k) See comments for Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy above. The proposed development agreement has undergone internal and external reviews, and no concerns have been identified as it relates to capacity of utilities and existing road networks. Protections for the heritage</p>

	building during construction, traffic controls, and grading will be addressed during the permitting stage. Further analysis of HRM's Priority Plans is identified in the below table.
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Priority 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, it was determined that the proposal is consistent with these priority plans. The following policies were identified to be most relevant to this application.

Plan	Applicable Policy/Action	PLANAPP-2023-00991
Halifax's Inclusive Economic Strategy	Strategic Objective 1.6 Increase housing stock.	The proposed development will increase the quantity and variety of housing stock in the municipality.
HalifACT	Action 23 Integrate climate into land use planning policies and processes	The proposed development sufficiently considers environmental climate impacts through proposing additional housing units within a serviced and walkable urban core.
Integrated Mobility Plan	Policy 2.2.5 (B): Designate areas for high residential and employment density only where there is an existing or proposed high level of transit service to support the development of walkable, affordable transit-oriented communities.	There are several bus stops located near the proposed development, with the closest bus stop located within 20m. The Alderney Drive Transit Corridor and Dartmouth Ferry Terminal are also within walking distance, providing access to various transit options. This supports the creation of a walkable, mixed-use, complete community.

Schedule A - Legal Description of Lands

Schedule A

PARCEL DESCRIPTION REPORT

2022-04-01 14:10:14

PID: 109116
CURRENT STATUS: ACTIVE
EFFECTIVE DATE/TIME: 2005-03-23 10:59:52

ALL that certain lot, piece and parcel of land situate, lying and being in Dartmouth, in the County of Halifax, in the Province of Nova Scotia and being shown as Lot L3 on a plan entitled "Plan of Survey of Lots L1, L2 & L3, Lands Conveyed to the City of Dartmouth and Big Brothers Big Sisters of Dartmouth - Halifax Metropolitan Area and Lot L4A and Parcel L4B, a Subdivision of Lot L4, Lands Conveyed to the City of Dartmouth, Wentworth Street, Ochterloney Street, and Dundas Street", which plan is dated June 30, 1993, made by John C. MacInnis, N.S.L.S., and recorded at the Land Registration Office for the County of Halifax as Plan No. 29316-314, which lot is more particularly bounded and described as follows:

BEGINNING at a survey marker found at the southern point of the intersection of Dundas Street and Ochterloney Street;

THENCE South 50 degrees 53 minutes 23 seconds East a distance of eighty-one point four five (81.45) metres to a survey marker;

THENCE South 38 degrees 56 minutes 54 seconds West a distance of seventy point one nine (70.19) metres to a survey marker;

THENCE North 51 degrees 03 minutes 06 seconds West a distance of eight-two point zero nine (82.09) meters to a survey marker;

THENCE North 39 degrees 24 minutes 25 seconds East a distance of thirty point ninety-one metres to a survey marker;

THENCE North 39 degrees 24 minutes 25 seconds East a distance of thirty-nine point fifty-one metres to the place of BEGINNING;

This parcel is registered as a heritage property pursuant to the Heritage Property Act, as evidenced by the recording made on April 15, 1982, in Book 3567, Page 465, as Document No. 14462.

The subdivision is validated by Section 291 of the Municipal Government Act.

External Comments:

Description Change Details:

Reason:

Author of New or

Changed Description:

Name:

Registered Instruments:

Comments:

PARCEL DESCRIPTION REPORT

Schedule "A"

2021-05-26 10:26:52

PID: 40280703
CURRENT STATUS: ACTIVE
EFFECTIVE DATE/TIME: 2005-04-29 15:12:06

MUNICIPALITY/COUNTY: Dartmouth, Halifax, Nova Scotia

REGISTRATION COUNTY: Halifax County

DESIGNATION OF PARCEL ON PLAN: Lot L1

TITLE OF PLAN: Plan (City of Dartmouth Engineering Department Plan File Number 36-178) of Survey of Lots L1, L2 & L3, Lands conveyed to the City of Dartmouth and Big Brothers Big Sisters of Dartmouth, Halifax Metropolitan Area and Lot L4A and Parcel L4B, a Subdivision of Lot L4 Lands conveyed to the City of Dartmouth, Wentworth Street, Ochterloney Street and Dundas Street.

REGISTRATION REFERENCE OF PLAN: Plan No. 29316/Drawer No. 314

SAID LOT L1 containing 4,462 square feet.

An approved plan of subdivision has been filed under the Registry Act or registered or recorded under the Act.

External Comments:

Description Change Details:

Reason:

Author of New or

Changed Description:

Name:

Registered Instruments:

Comments:

PARCEL DESCRIPTION REPORT

Schedule "A"

2021-05-26 10:26:29

PID: 109124
CURRENT STATUS: ACTIVE
EFFECTIVE DATE/TIME: 2005-05-02 09:29:03

MUNICIPALITY/COUNTY: Dartmouth, Halifax, Nova Scotia

REGISTRATION COUNTY: Halifax County

DESIGNATION OF PARCEL ON PLAN: Lot L2

TITLE OF PLAN: Plan (City of Dartmouth Engineering Department Plan File Number 36-178) of Survey of Lots L1, L2 & L3, Lands conveyed to the City of Dartmouth and Big Brothers Big Sisters of Dartmouth, Halifax Metropolitan Area and Lot L4A and Parcel L4B, a Subdivision of Lot L4 Lands conveyed to the City of Dartmouth, Wentworth Street, Ochterloney Street and Dundas Street.

REGISTRATION REFERENCE OF PLAN: Plan No. 29316/Drawer No. 314

SAID LOT L2 containing 4,804 square feet.

An approved plan of subdivision has been filed under the Registry Act or registered or recorded under the Act.

External Comments:

Description Change Details:

Reason:

Author of New or

Changed Description:

Name:

Registered Instruments:

Comments:

SCHEDULE "A"

PID 00109157

All that certain lot, piece or parcel of land situate, lying and being in Dartmouth aforesaid, being lots marked four and five on a plan of division of Wayne's Hotel property made by James H. Austen, Deputy Surveyor dated September the sixth 1895 excepting that part of lot four on said plan which was conveyed to the Maritime Telegraph and Telephone Company Limited by Deed dated the third day of November 1916 and recorded in libra 467 folio 21, the lot hereby conveyed being particularly described as follows:

Beginning on the north side of Queen Street (formerly called Quarrel Street) at a point ninety feet easterly from the corner formed by the east side of Wentworth Street and the north side of Queen Street.

Thence running northerly along the east side of lot three on said plan seventy-two feet seven inches to the land conveyed to the Maritime Telegraph and Telephone Company Limited by the deed aforesaid.

Thence easterly on a line parallel with the northern line of lot four on the said plan thirty feet to the western line of lot five on said plan.

Thence northerly along the western line of lot five on the said plan eighteen feet six inches or to the northwestern corner of lot five on said plan.

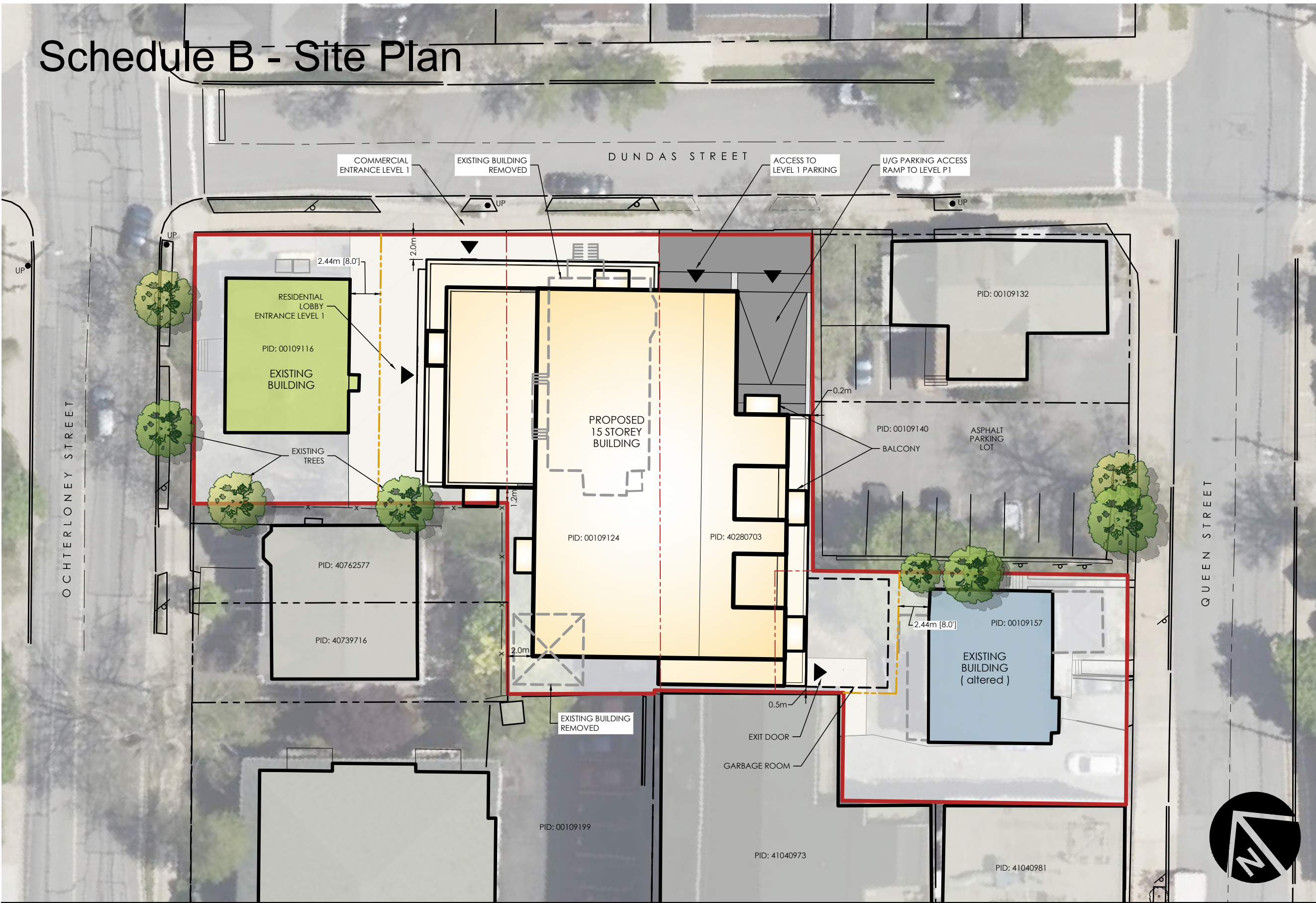
Thence easterly along the south side of lot nine on said plan thirty feet.

Thence south along the west side of lot six on said plan ninety one feet eleven inches to Queen Street.

Thence westerly along the north side of Queen Street sixty feet to the place of beginning.

The description for this parcel originates with a deed dated December 4, 1945, registered in the registration district of Halifax, in Book Number 916 at Page Number 1153 and the subdivision is validated by Section 291 of the Municipal Government Act.

Schedule B - Site Plan



LEGEND

- Site Boundary
- Adjacent Property Boundary
- Internal Property Boundary
- Proposed Property Boundary

SITE SUMMARY:

- Total Land Area: 20,338 sf
- Existing Zone: DD

NOTES:

- Site subject to by-law review and regulations.

SOURCES:

- Plan based DesignPoint Topographic Survey drawing, dated January 23, 2023
CAD file: '22-542-SV-T1.dwg'

SCALE:

0 1.5 3 7.5 15m

1 : 300

FILE: C:\Users\Ken\Zwickler Zareski Architecture & Planning\Projects - 2022\Projects\22-075 Sidewalk RED_Dundas\4_Planing\1-DWG\22-075-SITE_PLAN-102.dwgSHEET: 1x17

 1 Canal St, Dartmouth NS B2Y 2W1 zzap.ca	CLIENT	PROJECT	DRAWING	PROJECT NO. 22-075	DRAWING NUMBER
	43 DUNDAS DEVELOPMENTS INC.	DUNDAS & OCHTERLONEY DEVELOPMENT Dartmouth, Nova Scotia	SITE PLAN	DRAWN BY: KJW	102
				DATE: APRIL 26, 2024	

Schedule C: Heritage Features

86 Ochterloney Street, Dartmouth	
	<p>Character Defining Elements:</p> <ul style="list-style-type: none"> • One-and-a-half storey, vernacular Gothic Revival architectural style residence, including: <ul style="list-style-type: none"> • Steeply pitched gable with centre pointed window flanked by two Scottish dormers on the north elevation; • Steeply pitched gable with centre pointed window on the south elevation; • Partial above-ground rubblestone foundation; • Wood shingle cladding; • Gable roof with wood returned eaves; • Six-over-six and four-over-four windows with moulded trim; • Single-leaf entrance surrounded by entablature with wood piers, multiple-light transom and sidelights; • Two brick chimneys on the offset left and right.
<p>Heritage Value:</p> <p>The property at 86 Ochterloney Street was added to the Registry of Heritage Properties for the Halifax Regional Municipality in 1982 (then under the City of Dartmouth). 86 Ochterloney Street contains a one-and-a-half storey residence built for George Shiels. The residence was designed in the vernacular Gothic Revival style circa 1863. The building also contains an addition along Wentworth Street (between late 1930s and 1960). George Shiels was a magistrate in Dartmouth, and the son of Andrew Shiels, blacksmith, poet and magistrate.</p> <p>The vernacular Gothic Revival architectural style became popular in 1864 following an article promoting the style in the Canada Farmer newspaper. There are other similar designed structures in Halifax; however, the design is not commonly found in the Dartmouth area.</p> <p>The George Shiels house serves as a landmark at a prominent corner location within the Downtown Dartmouth area.</p>	

T/O ROOF

Schedule D - Elevations



EXTERIOR MATERIALS LEGEND	
1	PRE-FINISHED METAL CLADDING - 1
2	PRE-FINISHED METAL CLADDING - 2
3	PRE-FINISHED METAL CLADDING - 3
4	CLADDING ACCENT
5	PRE-FINISHED CLADDING - WOOD GRAIN
6	STOREFRONT
7A	MASONRY CLADDING - 1
7B	MASONRY CLADDING - 2
8	NON-COMBUSTIBLE CLAPBOARD SIDING
9	NON-COMBUSTIBLE CORNER BOARD+TRIM
10	ALUMINUM CURTAIN WALL
11	METAL PICKET RAILING
12	PVC/ALUMINUM WINDOW/DOOR

NORTH (FRONT) ELEVATION

REVISED BUILDING



EXTERIOR MATERIALS LEGEND

WEST ELEVATION

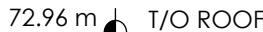
REVISED BUILDING



EXTERIOR MATERIALS LEGEND	
1	PRE-FINISHED METAL CLADDING - 1
2	PRE-FINISHED METAL CLADDING - 2
3	PRE-FINISHED METAL CLADDING - 3
4	CLADDING ACCENT
5	PRE-FINISHED CLADDING - WOOD GRAIN
6	STOREFRONT
7A	MASONRY CLADDING - 1
7B	MASONRY CLADDING - 2
8	NON-COMBUSTIBLE CLAPBOARD SIDING
9	NON-COMBUSTIBLE CORNER BOARD+TRIM
10	ALUMINUM CURTAIN WALL
11	METAL PICKET RAILING
12	PVC/ALUMINUM WINDOW/DOOR

SOUTH ELEVATION

REVISED BUILDING



EXTERIOR MATERIALS LEGEND

EAST ELEVATION

REVISED BUILDING





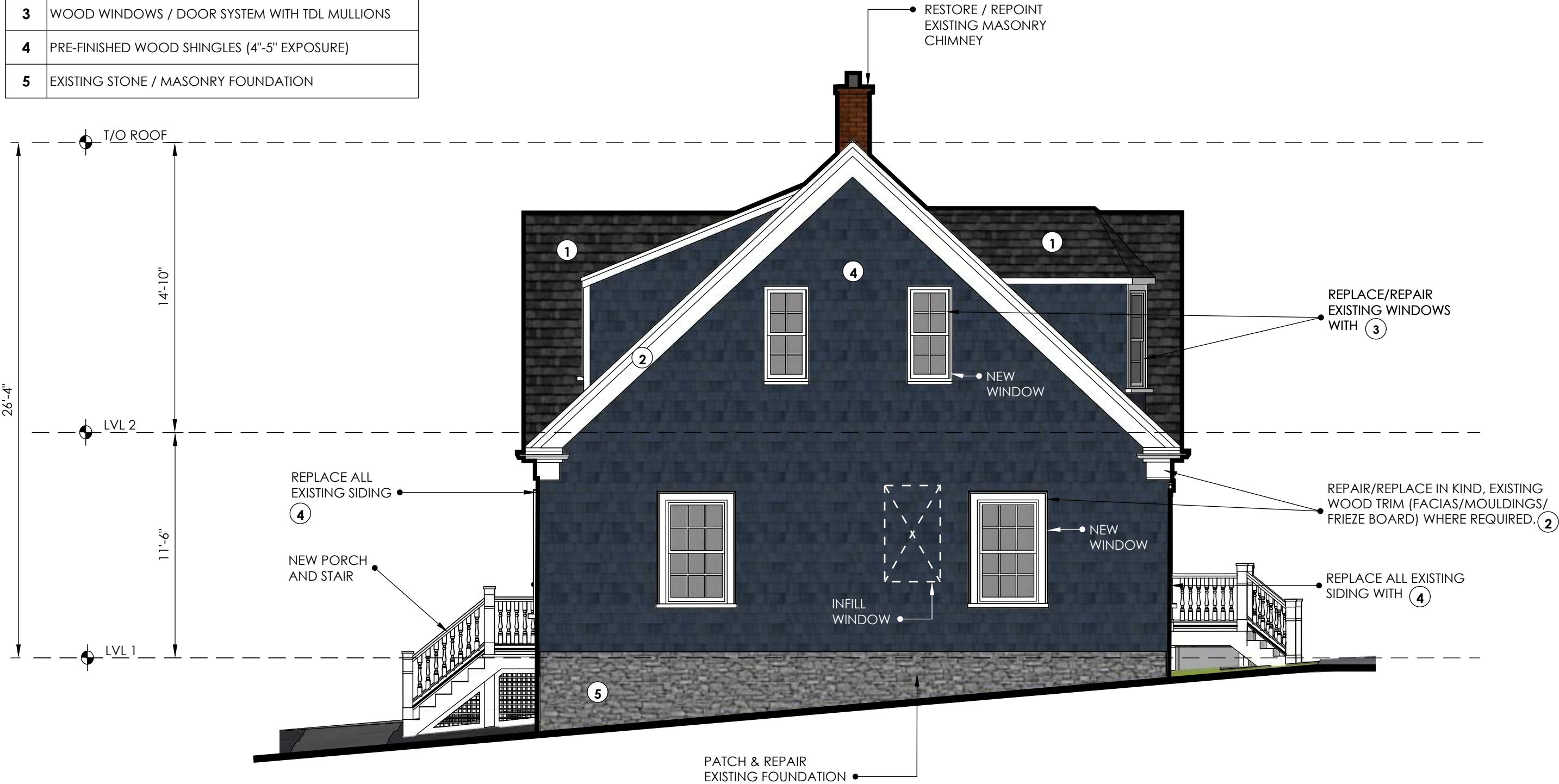
86 OCHTERLONEY STREET

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



NORTH (FRONT) ELEVATION

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



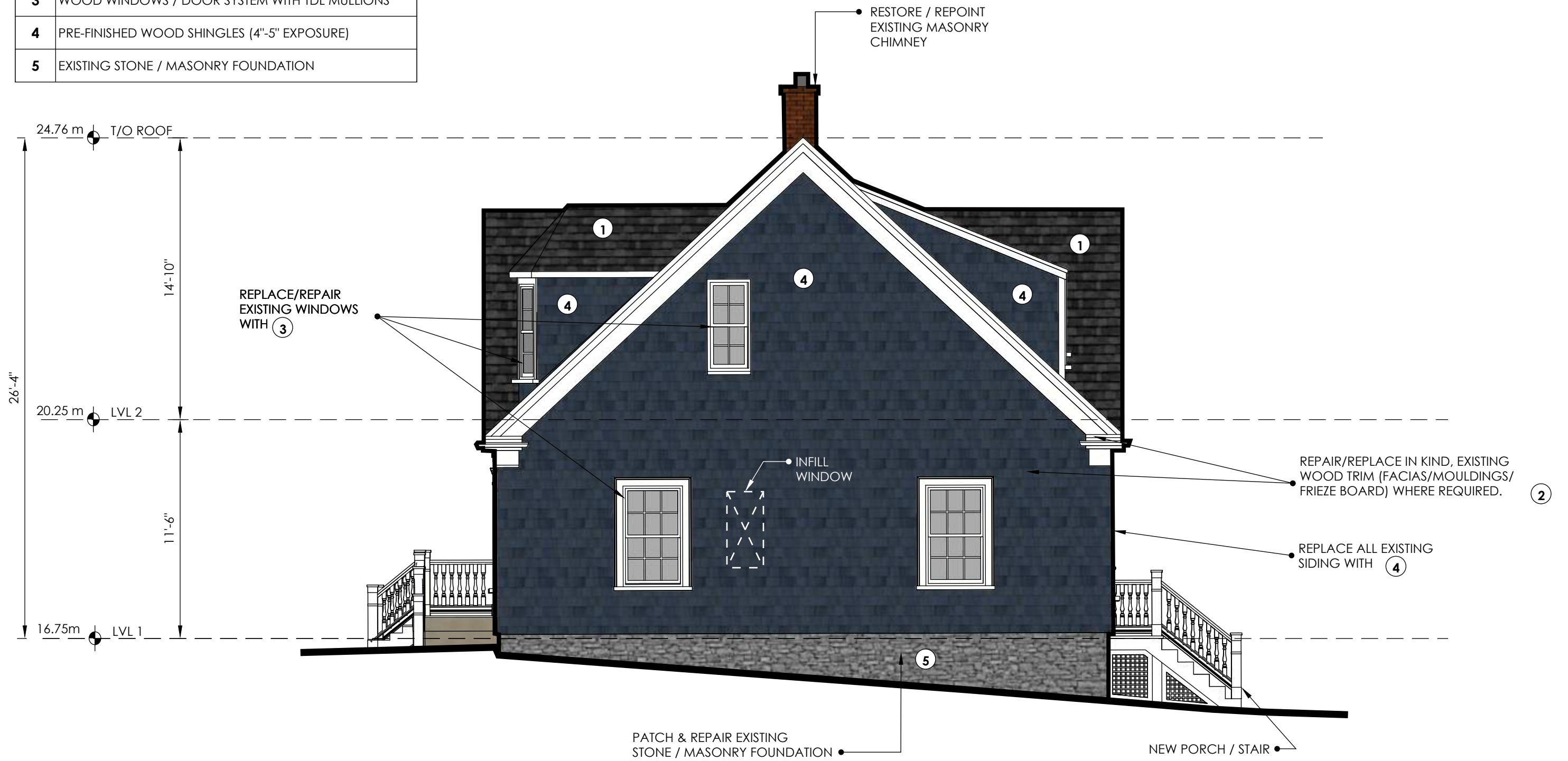
EAST ELEVATION

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



SOUTH (REAR) ELEVATION

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



WEST ELEVATION



61 QUEEN STREET

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



NORTH (FRONT) ELEVATION

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



WEST ELEVATION

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION



EAST ELEVATION

EXTERIOR MATERIALS LEGEND	
1	ASPHALT SHINGLES / MODIFIED BITUMEN ROOF
2	PRE-FINISHED WOOD TRIM / MOULDINGS
3	WOOD WINDOWS / DOOR SYSTEM WITH TDL MULLIONS
4	PRE-FINISHED WOOD SHINGLES (4"-5" EXPOSURE)
5	EXISTING STONE / MASONRY FOUNDATION

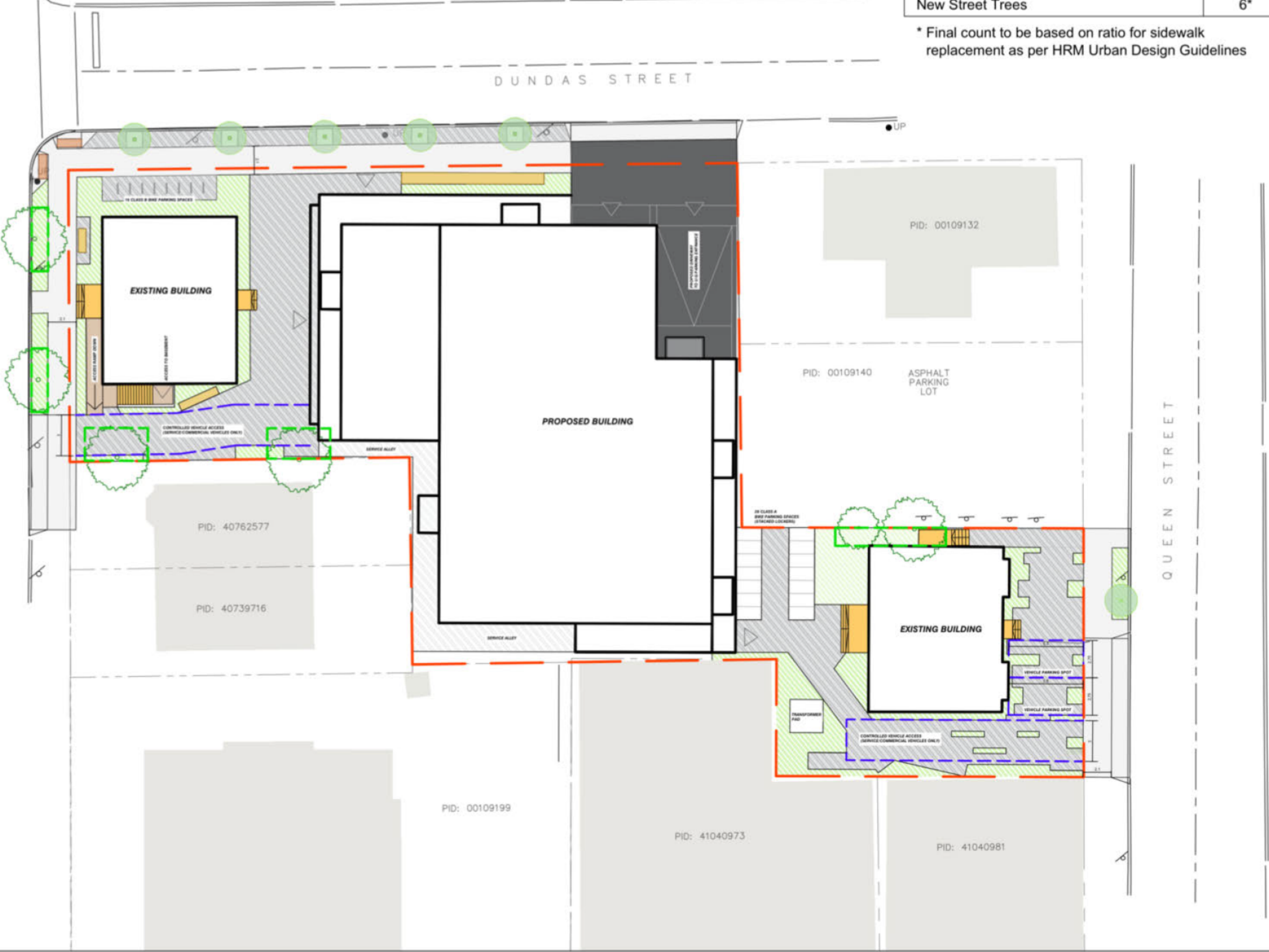


SOUTH (REAR) ELEVATION

Schedule E - Preliminary Landscape Plan

Exterior Class A Bicycle Parking Spaces	28
Exterior Class B Bicycle Parking Spaces	16
Off-street Surface Vehicle Parking Spaces	2
New Street Trees	6*

* Final count to be based on ratio for sidewalk replacement as per HRM Urban Design Guidelines



UPLAND

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PRELIMINARY
NOT FOR CONSTRUCTION

- LEGEND
- ASPHALT DRIVEWAY
 - HARD LANDSCAPING
 - SOFT LANDSCAPING
 - ACCESSIBLE RAMP AND LANDING
 - PROPOSED PORCH AND STOPS
 - PROPOSED TREE PLANTING
 - EXISTING TREE WITH TREE PROTECTION ZONE
 - BENCHES
 - SERVICE ALLEY



PROJECT
SIDEWALK RED
DUNDAS & OCHTERLONEY

DRAWING TITLE
PRELIMINARY
LANDSCAPE PLAN

NORTH

SCALE
1:300 @ ANSI B

DRAWING #