

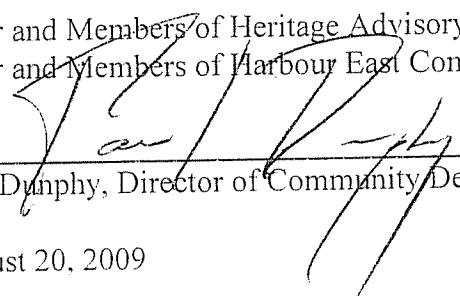
10.1.1



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Heritage Advisory Committee - September 23, 2009  
Harbour East Community Council - October 1, 2009

**TO:** Chair and Members of Heritage Advisory Committee  
Chair and Members of Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** August 20, 2009

**SUBJECT:** Case 01299: Amending Agreements - Greenvale School, 130  
Ochterloney Street

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**ORIGIN**

Application by Dixel Developments Ltd. (Dixel) for amendments to their existing development agreement to renovate, expand and convert the existing Greenvale School into a multiple unit building at 130 Ochterloney Street in Downtown Dartmouth.

**RECOMMENDATIONS**

**It is recommended that the Heritage Advisory Committee:**

1. Consider the Amending Agreement as set out in Attachment B in relation to potential impacts on the registered heritage property and recommend that Regional Council refuse to approve the removal of the chimney from the heritage building at 130 Ochterloney Street.

**It is recommended that Harbour East Community Council:**

1. By resolution approve the proposed amending agreement which deals with the non-substantive matters of the landscaping requirements, as set out in Attachment A of this report;
2. Give Notice of Motion to consider the proposed amending agreement which deals with the substantive matter of changes to the window openings on the existing building, as set out in Attachment B of this report, and schedule a Public Hearing;
3. Approve the proposed amending agreement for the substantive matter of changes to the window openings on the existing building, as set out in Attachment B of this report;
4. Require the agreement be signed and delivered within 120 days from the date of delivery of documentation to the applicant for execution, or any extension thereof granted by Community Council on request of the Applicant, from the date of final approval of said agreement by Community Council and any other bodies as necessary, whichever is later, including any applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

## **BACKGROUND**

In 2003 HRM invited proposals for the purchase, restoration and redevelopment of Greenvale School. Dixel Developments Ltd. was the successful applicant with a proposal for 36 residential units (including a four storey addition) and the possibility of ground floor commercial uses. HRM negotiated and approved a development agreement for the proposal which resulted in the lands being conveyed to Dixel's parent company Rockstone Investments Limited in 2007.

### **Location, Designation, and Zoning**

- The Greenvale School property is a municipally registered heritage property located at 130 Ochterloney Street at the intersection with Pine Street in Downtown Dartmouth (Map 1).
- The property is designated Downtown Business District under the Downtown Dartmouth Secondary Planning Strategy (Map 2).
- The property is located within the Downtown Business (DB) zone of the Downtown Dartmouth Land Use Bylaw (Map 1).

### **Proposal**

Dixel has begun the process to restore and redevelop the former Greenvale School building and property. However, Dixel has identified changes that they wish to make to the project in light of more detailed engineering work and design information. HRM has received an application for both non-substantive and substantive amendments to their existing agreement as outlined below:

#### Non-Substantive:

Due to preparation of detailed site grading plans Dixel is requesting changes to:

- access to parking from Ochterloney Street and parking layout;
- building/grade elevation facing Pine Street; and
- landscape/hardscape details

Non-substantive amendments require only a resolution of Council.

#### Substantive:

As construction proceeds Dixel is proposing design revisions such as:

- relocation of certain doors and windows;
- removal of the existing chimney; and
- provide greater flexibility within the existing Agreement to deal with minor construction and design changes.

Substantive amendments require a Public Hearing and approval of Council.

### **Enabling Policy**

The Downtown Dartmouth Secondary Planning Strategy contains both site specific and general evaluation policies that guide the redevelopment of the Greenvale School building and property (Attachment C). The intent of the Downtown Business District (which includes Greenvale School) is for development to reflect the historic central area and the traditional character of downtown Dartmouth while ensuring development proposals have consideration for the district

as a place to reside and work. Most new uses within the district are only permitted by development agreement, such as Dexel's proposal.

### **Existing Development Agreement**

The existing Development Agreement requires the building be retained and the proposed addition be sympathetic in bulk, scale, and form and designed in the same architectural style as the original. The structure's brick exterior and the addition will be covered with an "Exterior Insulation Finish System" (EIFS). Many of Greenvale School's character defining elements are to be retained, or reconstructed, including:

1. tall chimneys and wide arched windows trimmed with keystones;
2. overall form and proportions;
3. classic decorative trim;
4. building materials including brick, copper, and slate;
5. hipped roof with copper gutter and dentiled trim;
6. side entrances with classical porticos with Doric columns;
7. front entrance with central portico with Doric columns and a balustrade with large arched window above;
8. graduated levels following grade of property; and
9. original trees.

The Agreement also contains conditions for provision of parking, walkways and retaining walls. To preserve the look of the school as being "set in the landscape" a landscaping plan has been required and Dexel is to provide a monument and the area to locate such.

### **DISCUSSION**

Staff has reviewed the application based on all applicable policies of the Downtown Dartmouth Secondary Planning Strategy, which are included as Attachment C to this report. The requested amendments have been broken down into two categories:

#### **Non-Substantive Amendments**

Dexel have applied to revise the Site Plan, as set out in Schedule B of the existing Agreement, which will also include revisions to the Landscaping Plan required to receive a Development Permit. Due to detailed grading information now being available, Dexel is requesting amendments that effect the parking and landscaping sections of the Agreement as follows:

##### *(i) Access and Parking Along Pine Street*

The Ochterloney Street access point remains the same but the driveway is proposed to curve south of the historic Copper Beech tree to take advantage of gentler slopes in that area. This makes the driveway less steep, locates it further from the tree roots and is intended to be more visually appealing. Two parking spaces have been moved to the end of the lot to accommodate the new access point. (Schedule B)

*(ii) Landscaping Provisions*

Other changes include a defined location of the required monument area, revised walkway layout, location of various landscape/hardscape elements and definitive planting locations for the required trees to replace those destroyed by Hurricane Juan.

Staff are of the opinion that the revisions to the Site Plan further satisfy and clarify the conditions of the existing Agreement and the opportunity to include the Landscaping Plan as part of the Development Agreement is of benefit to both parties.

**Substantive Amendments**

Dexel is requesting four substantive amendments to the existing Development Agreement. Of the four items, staff are able to support three of the items as described below:

*(i) Windows on Pine Street elevation*

Due to inconsistency between the Site Plan and the building elevation as seen from Pine Street, on Schedule D in the existing Agreement, the parking may not be constructed as shown without raising the grade over the windows on the basement level facing Pine Street. Staff worked with Dexel to find a solution in order to maintain the windows but any alternative would have resulted in awkward steps to the entrance on Pine Street and fewer parking spaces. Staff is of the opinion that the loss of the basement windows is not a substantial alteration to the building due to required changes to the grade. The amending Agreement replaces the existing Schedule D (elevation from Pine Street) with a revised schedule showing the windows absent. Schedule G (west elevation of addition) must also be replaced as the elevation shown is no longer true with the required grade height covering the ground floor.

*(ii) Relocation of Windows and Doors*

Dexel is requesting amendments to the location of a number of windows and doors which will impact existing building elevations as follows:

- doors on Schedules D and E to be removed and replaced by windows;
- a window and door on Schedule F (northeast elevation) to be switched locations and a basement door to be installed; and
- the skylights shown on the rear view of the building addition on Schedule E will not be installed as the attic space will not be used for living space.

Staff is of the opinion that these amendments are necessary to accommodate the internal floor plan configuration and do not constitute a major alteration to the existing building. The amending Agreement as set out in Attachment B will replace the original Schedules with revised plans.

*(iii) Variations to Architecture and Landscaping Provisions*

Dexel has expressed a need to have greater flexibility under the existing Development Agreement to seek approval of minor changes or variations as construction proceeds without having to return to Community Council for non-substantive amendments. Staff are of the opinion that this is a

reasonable request and have structured a proposed amendment as set out in Attachment B that allows the Development Officer, in consultation with the Heritage Planner, to approve variations to the architecture and landscaping sections of the existing Agreement.

Of the four substantive amendments requested by Dexel, staff are unable to support the applicant's request to eliminate the chimney from the building. The reason for the amendment and staff's position is as follows:

*(iv) Existing Chimney*

Under the existing Agreement, the chimney for Greenvale School was considered a "character defining element of the building" and is required to be retained. However, Dexel has demolished the chimney and does not wish to replace it. This removal, beyond contravening the interior demolition permit (No. 98564) for the building and the conditions of the Development Agreement, ignores HRM's basic conservation standards on retaining and restoring features to the greatest extent possible.

Under the HRM Building Conservation Standards for municipally registered heritage properties "deteriorated historic features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture and other visual qualities and, where possible, materials". Staff presented an alternative to replacing the structural chimney with a reinforced brick sheathed plywood "box" anchored to the remaining chimney to replicate the chimney. However, Dexel would not support this alternative. Staff is of the opinion that as a character defining element, identified in the January 12, 2007 staff report, the chimney must be replaced.

**Conclusion**

It is the opinion of staff that the proposed amending agreements, as set out in Attachments A and B to this report, are consistent with the intent of the Downtown Dartmouth Secondary Strategy for Greenvale School. The proposed agreements provide for changes to the parking and landscaping provisions as delineated on the revised site plan. The amending agreements also provide for changes in door and window scheduling, especially those on Pine Street to avoid significant grade changes. The proposed discretionary approval provisions will allow the Development Officer flexibility in approving any future minor variations or changes to the architecture or landscaping without returning to HECC. Therefore, staff recommend that Harbour East Community Council approve the proposed amending development agreements included as Attachments A and B of this report.

**Public Information Meeting/Notification Area**

A Public Information Meeting (PIM) was waived by the area Councillor. The non-substantive amendments may be approved by a resolution of Council and do not require a public hearing. Should Council decide to schedule a public hearing for the substantive matters, property owners within the notification area included on Map 2 will be notified by mail.

### BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this agreement. The administration of this Agreement can be carried out within the approved budget with existing resources. HRM is not responsible for the renovating costs associated with the substantial alteration.

### FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### ALTERNATIVES FOR REGIONAL COUNCIL

1. Regional Council could choose not to approve the substantial alteration to a heritage property at 130 Ochterloney Street. This is the staff recommendation.
2. Regional Council could choose to approve the substantial alteration to a heritage property at 130 Ochterloney Street. This is not the staff recommendation for reasons stated above.

### ALTERNATIVES FOR HARBOUR EAST COMMUNITY COUNCIL

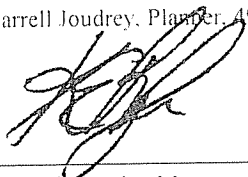
1. Community Council may choose to approve the proposed amending agreements as set out in Attachments A and B of this report. This is the staff recommendation.
2. Community Council may choose to approve the proposed amending agreements subject to modifications. This may require further negotiation with the applicant and may require a second public hearing.
3. Community Council may choose to refuse to approve the proposed amending agreements and in doing so must provide reasons based on a conflict with MPS policies development agreement. This is not recommended. Should Council refuse the application, reasons must be given for the refusal pursuant to the Municipal Government Act.

### ATTACHMENTS

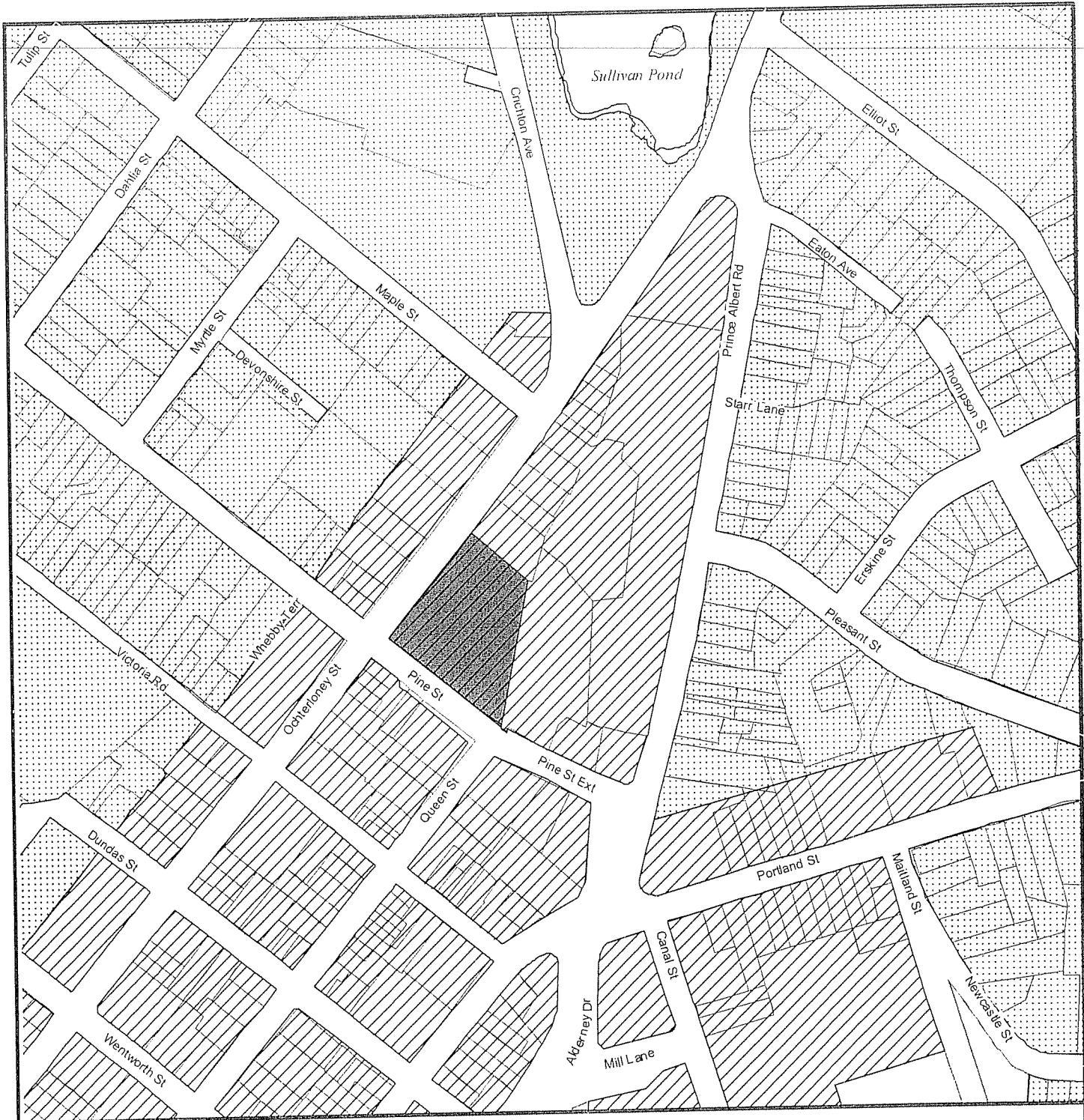
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Attachment A	Proposed Amending Development Agreement - Non-Substantive Matter
Attachment B	Proposed Amending Development Agreement - Substantive Matter
Attachment C	Relevant Excerpts from Downtown Dartmouth Secondary Strategy

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Darrell Joudrey, Planner, 490-4181

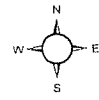


Report Approved by: Kurt Pyle, Acting Manager, Planning Services, 490-7066



**Map 1  
Generalized Future Land Use Map**


 Subject Property

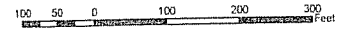


**HALIFAX**  
MUNICIPALITY OF THE NOVA SCOTIA  
PLANNING AND  
DEVELOPMENT SERVICES

130 Ochterloney Street

 Downtown Business District

 Downtown Neighbourhood

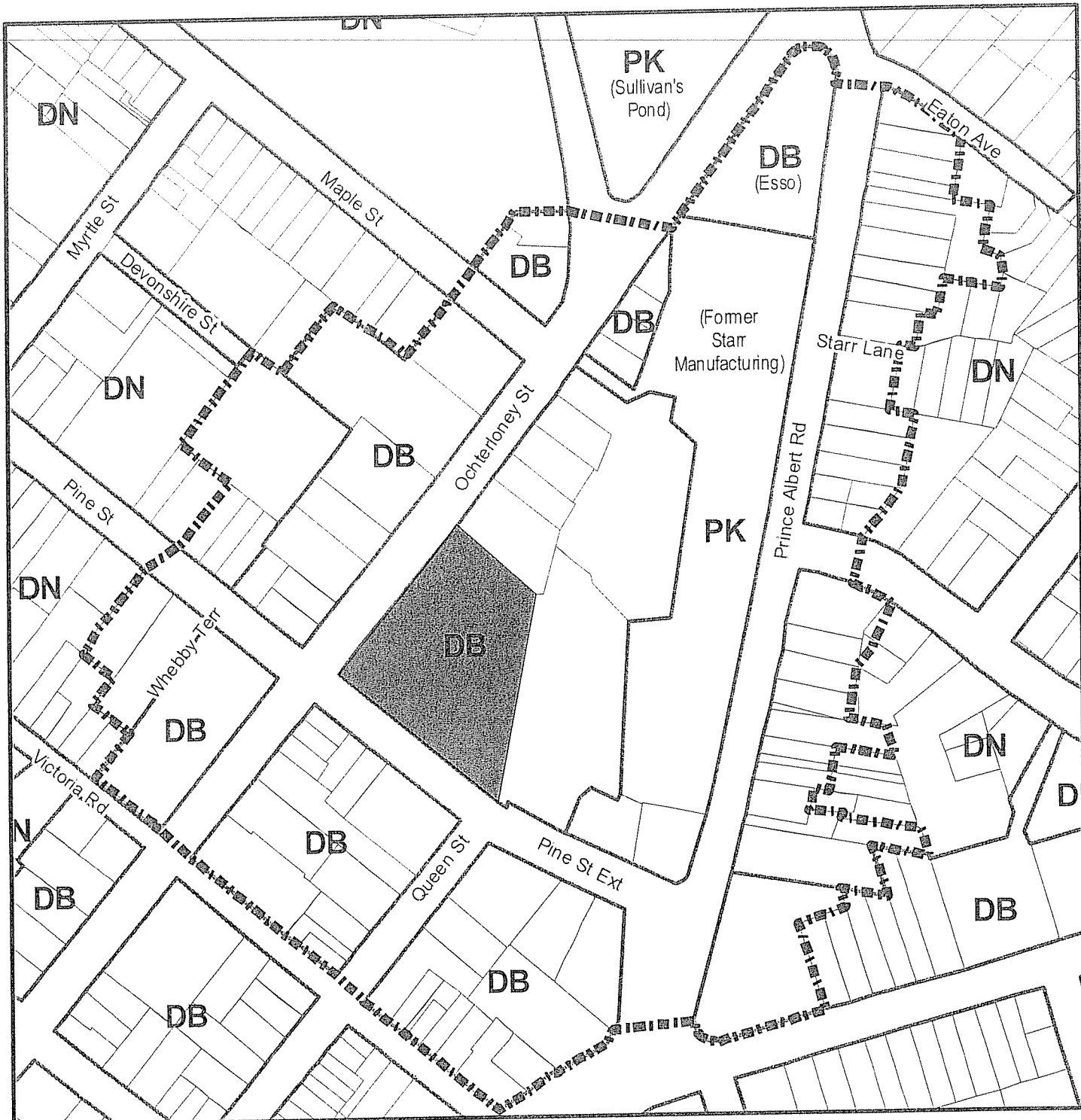


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Downtown Dartmouth MPS area

HRM does not guarantee the accuracy of any representation on this plan

Downtown Dartmouth MPS





**Map 2  
Zoning and Location Map**

130 Ochterloney Street

Downtown Dartmouth MPS



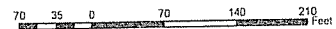
Subject Property

Notification Area

**Zoning**  
 DB - Downtown Business  
 DN - Downtown Neighbourhood  
 PK - Park and Open Space



**HALIFAX**  
 MUNICIPALITY OF THE SHIRE OF  
 COMMUNITY DEVELOPMENT



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-Law area

HIRM does not guarantee the accuracy of any representation on this plan.

**Attachment A: Proposed Amending Development Agreement - Non-Substantive Matters**

THIS AMENDING AGREEMENT made this      day of      , 2009.

BETWEEN:

**ROCKSTONE INVESTMENTS LIMITED**

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 130 Ochterloney Street, PID 00175190, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a development agreement to allow for conversion and expansion of the existing building on the Lands pursuant to the provisions of the Municipal Government Act and policies of the Downtown Dartmouth Secondary Planning Strategy and Part 10, Subsections 4 and 12 of the Downtown Dartmouth Land Use Bylaw;

**AND WHEREAS** a condition of the granting of approval by Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

**AND WHEREAS** the Harbour East Community Council approved this request at a meeting held on March 1, 2007 referenced as Municipal Case Number 00806;

**AND WHEREAS** the Lands were registered as a municipal heritage property on June 27<sup>th</sup>, 1988 in the City of Dartmouth pursuant to provisions of the Municipality's Heritage Property By-law;

**AND WHEREAS** the Developer has requested approval by the Municipality to undertake a substantial alteration to the Lands;

**AND WHEREAS** the Regional Council for the Municipality granted approval to this request at a meeting held on March 1, 2007;

**AND WHEREAS** the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for conversion and

expansion of the *existing building* on the Lands, which said Development Agreement was registered at the Registry of Deeds Office in Halifax as Document Number 89173976 (hereinafter called the "Existing Agreement");

**AND WHEREAS** the Developer has requested a non-substantive amendment to the provisions of the Existing Agreement to enable changes to the landscaping and parking requirements;

**AND WHEREAS** the Harbour East Community Council for the Municipality approved this request at a meeting held on **[Insert Date]**, referenced as Municipal Case Number 01299;

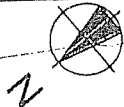
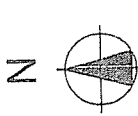
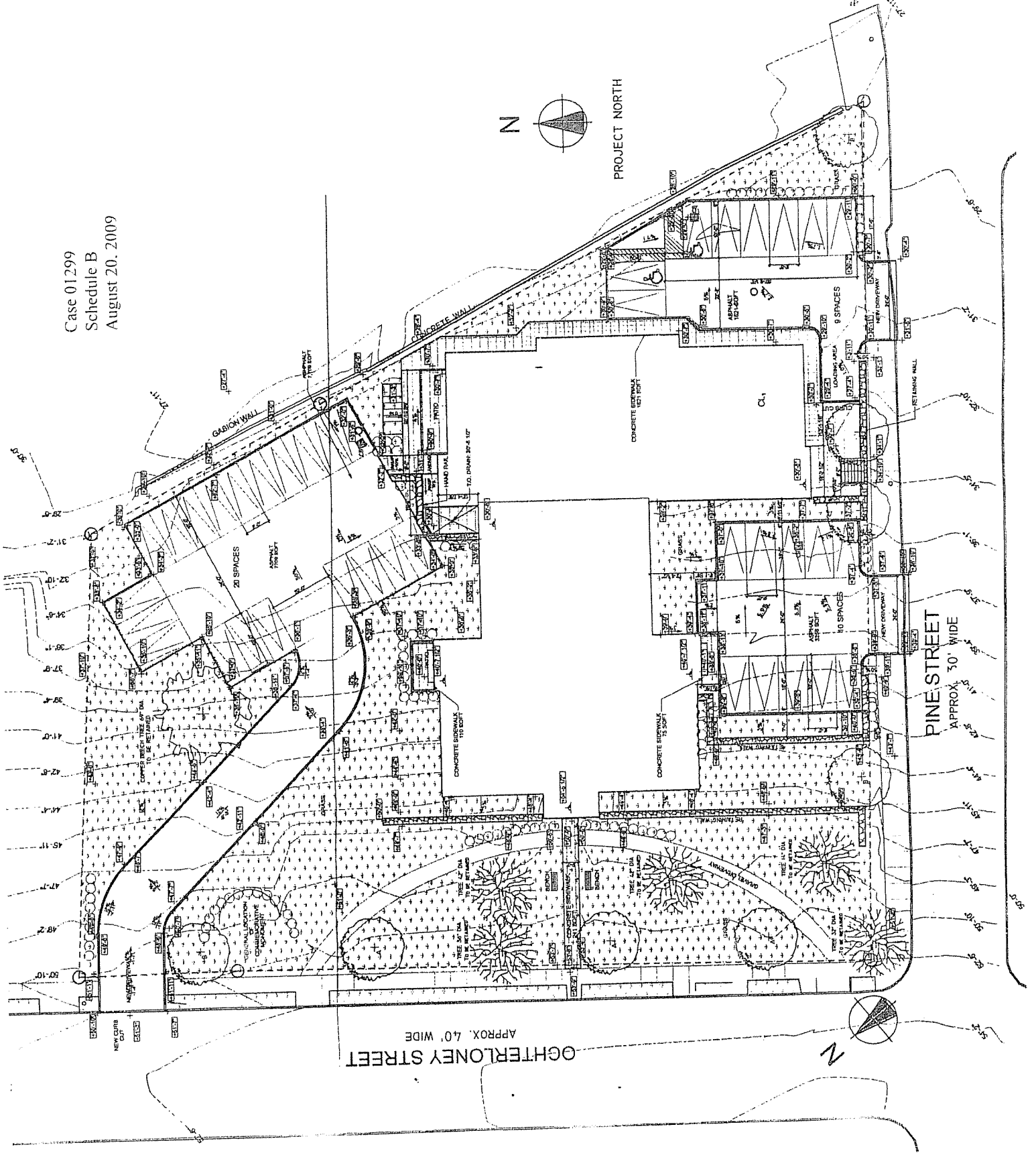
**THEREFORE** in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Delete the existing Schedule B and replace it with a new Schedule B as attached to this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

SIGNED, SEALED AND DELIVERED	)	<b><u>ROCKSTONE INVESTMENTS LIMITED</u></b>
in the presence of	)	
per _____	) per: _____	
	)	
	)	
per _____	) per: _____	
	)	
SEALED, DELIVERED AND	)	
ATTESTED to by the proper	)	
signing officers of Halifax Regional	)	
Municipality duly authorized	)	
in that behalf in the presence	)	<b>HALIFAX REGIONAL MUNICIPALITY</b>
per _____	) per: _____	
	)	MAYOR
	)	
per _____	) per: _____	
	)	MUNICIPAL CLERK

Case 01299  
Schedule B  
August 20, 2009



OGHTERLONEY STREET  
APPROX. 40' WIDE

PINE STREET  
APPROX. 30' WIDE

**Attachment B: Proposed Amending Development Agreement - Substantive Matters**

THIS AMENDING AGREEMENT made this        day of        , 2009,

BETWEEN:

**ROCKSTONE INVESTMENTS LIMITED**  
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 130 Ochterloney Street, PID 00175190, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a development agreement to allow for conversion and expansion of the existing building on the Lands pursuant to the provisions of the Municipal Government Act and policies of the Downtown Dartmouth Secondary Planning Strategy and Part 10, Subsections 4 and 12 of the Downtown Dartmouth Land Use Bylaw;

**AND WHEREAS** a condition of the granting of approval by Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

**AND WHEREAS** the Harbour East Community Council approved this request at a meeting held on        , 2007 referenced as Municipal Case Number 00806;

**AND WHEREAS** the Lands were registered as a municipal heritage property on June 27<sup>th</sup>, 1988 in the former City of Dartmouth pursuant to provisions of the Municipality's Heritage Property By-law;

**AND WHEREAS** the Developer has requested approval by the Municipality to undertake a substantial alteration to the Lands;

**AND WHEREAS** the Regional Council for the Municipality granted approval to this request at a meeting held on        , 2007;

**AND WHEREAS** the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for conversion and expansion of the existing building on the Lands, which said Development Agreement was registered at the Registry of Deeds Office in Halifax as Document Number 89173976 (hereinafter called the "Existing Agreement");

**AND WHEREAS** the Harbour East Community Council approved a non-substantive amendment to the Existing Agreement on [**Insert Date**] referenced as Municipal Case Number 01299, to enable changes to the landscaping and parking requirements, said agreement being recorded at the Registry of Deeds Office in Halifax as Document Number [**Insert Document Number when available**] referenced as Municipal Case Number 01299 (hereinafter called the "First Amending Agreement");

**AND WHEREAS** the Developer has requested a substantive amendment to the provisions of the Existing Agreement to enable further intrusion into the natural wooded area;

**AND WHEREAS** the Harbour East Community Council for the Municipality approved this request at a meeting held on [**Insert Date**], referenced as Municipal Case Number 01299;

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

1. The Existing Agreement be amended to replace Schedules C, D, E, F and G immediately following Schedule B.
2. The Existing Agreement be amended to add a new section in Part 3 immediately following section 3.9:

#### 3.10 Variation by Development Officer

3.10.1 The Development Officer, in consultation with the Heritage Planner, may permit changes to the architectural requirements or details as shown on the attached Schedules, or as detailed in Section 3.4 which, in the written opinion of a Certified Architect, are equivalent to or of a higher quality or of improved design which enhances the overall appearance or functionality of the building and furthers the intent of this Agreement.

3.10.2 The Development Officer may permit changes to the parking and landscaping measures as shown on Schedule B or as detailed in Sections 3.5 and 3.6 which, in the written opinion of a Landscape Architect, enhance the attractiveness and visual appearance of the Lands.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

SIGNED, SEALED AND DELIVERED ) ROCKSTONE INVESTMENTS  
 ) LIMITED  
in the presence of )  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
 )

)  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
 )

SEALED, DELIVERED AND )  
ATTESTED to by the proper )  
signing officers of Halifax Regional )  
Municipality duly authorized )  
in that behalf in the presence ) HALIFAX REGIONAL MUNICIPALITY  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
 ) MAYOR  
 )

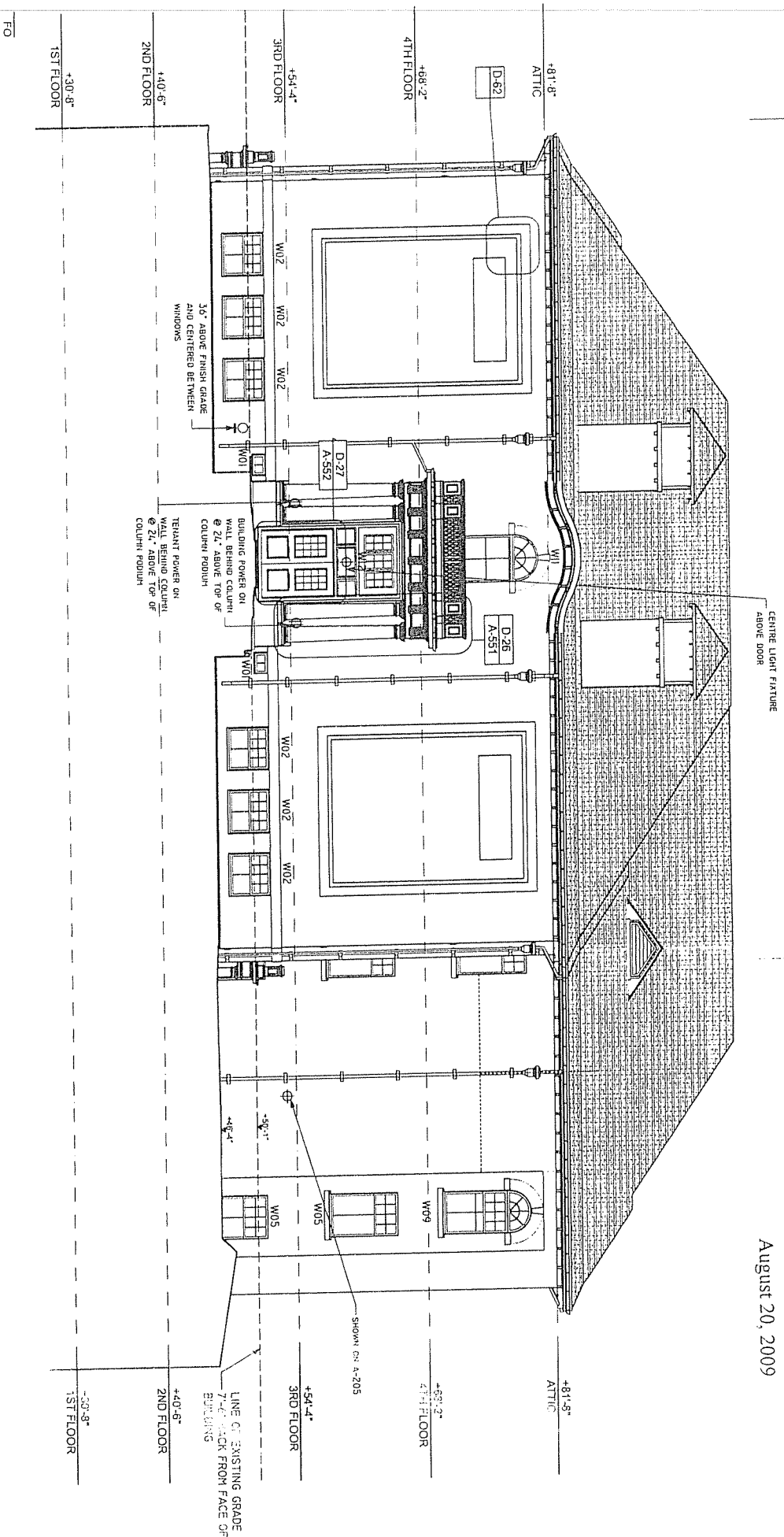
per \_\_\_\_\_ ) per: \_\_\_\_\_  
 ) MUNICIPAL CLERK  
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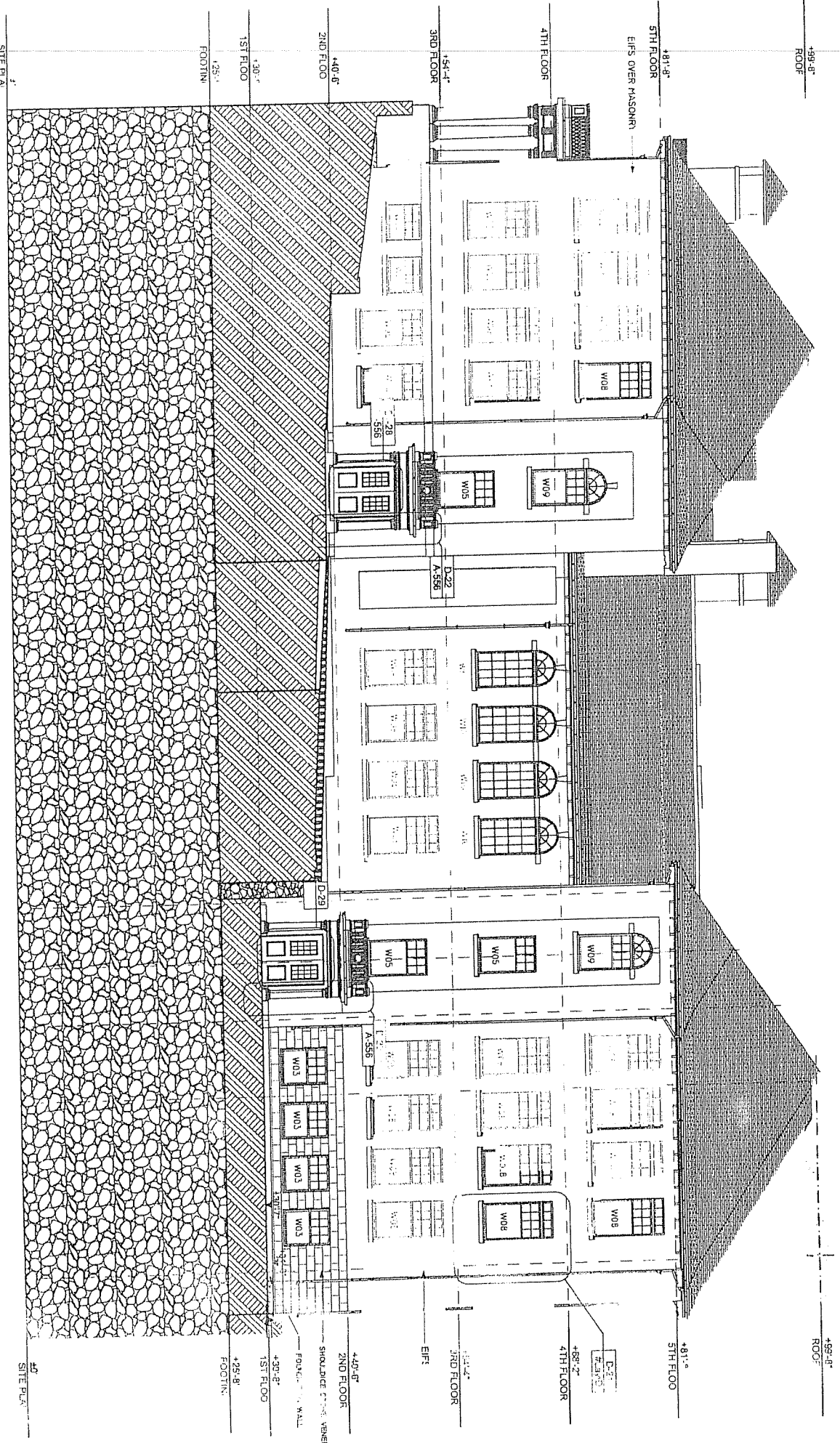
BUILDING A

Case 01299  
 Schedule C  
 August 20, 2009



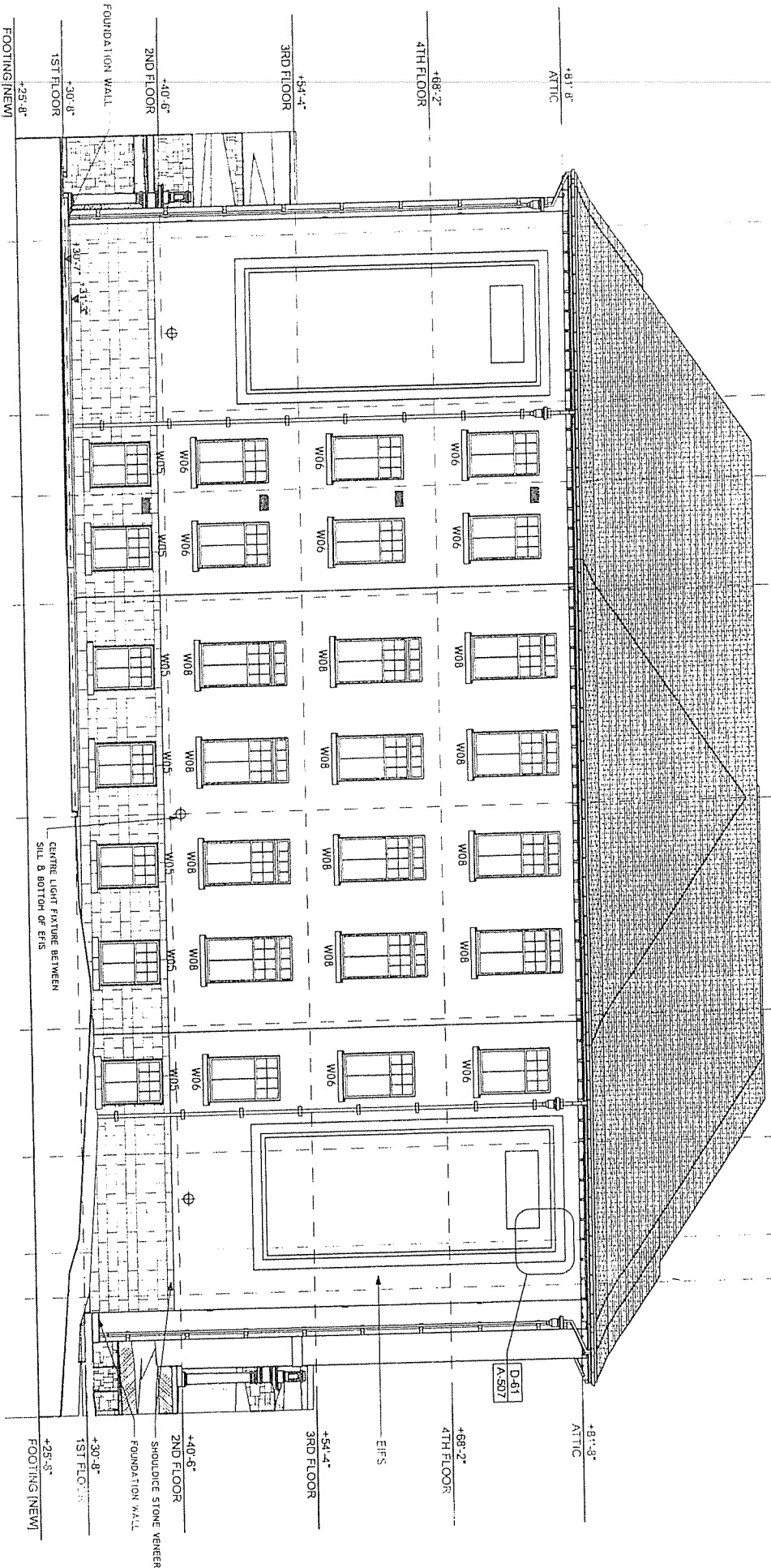
EXISTING ← | → NEW ADDITION

(E) 7'-6" (D) 7'-2" (C) 9'-6" (B) 21'-10" (A)



Case 01299  
 Schedule D  
 August 20, 2009

9 18'-0" (8) 8'-4" (7) 11'-2" (6) 21'-11" (5) 21'-11" (4) 13'-1" (3) 10'-0" (2) 4'-7" (1)



Case 01299  
 Schedule E  
 August 20, 2009

+8'-9" ATTIC

+68'-2" 4TH FLOOR

+54'-4" 3RD FLOOR

+40'-6" 2ND FLOOR

+30'-8" 1ST FLOOR

FOOTING (NEW) +25'-8"

D-61  
A-507

+8'-9" ATTIC

+68'-2" 4TH FLOOR

+54'-4" 3RD FLOOR

+40'-6" 2ND FLOOR

+30'-8" 1ST FLOOR

FOOTING (NEW) +25'-8"

SHOULDER STONE VENEER  
 FOUNDATION WALL

EIFS

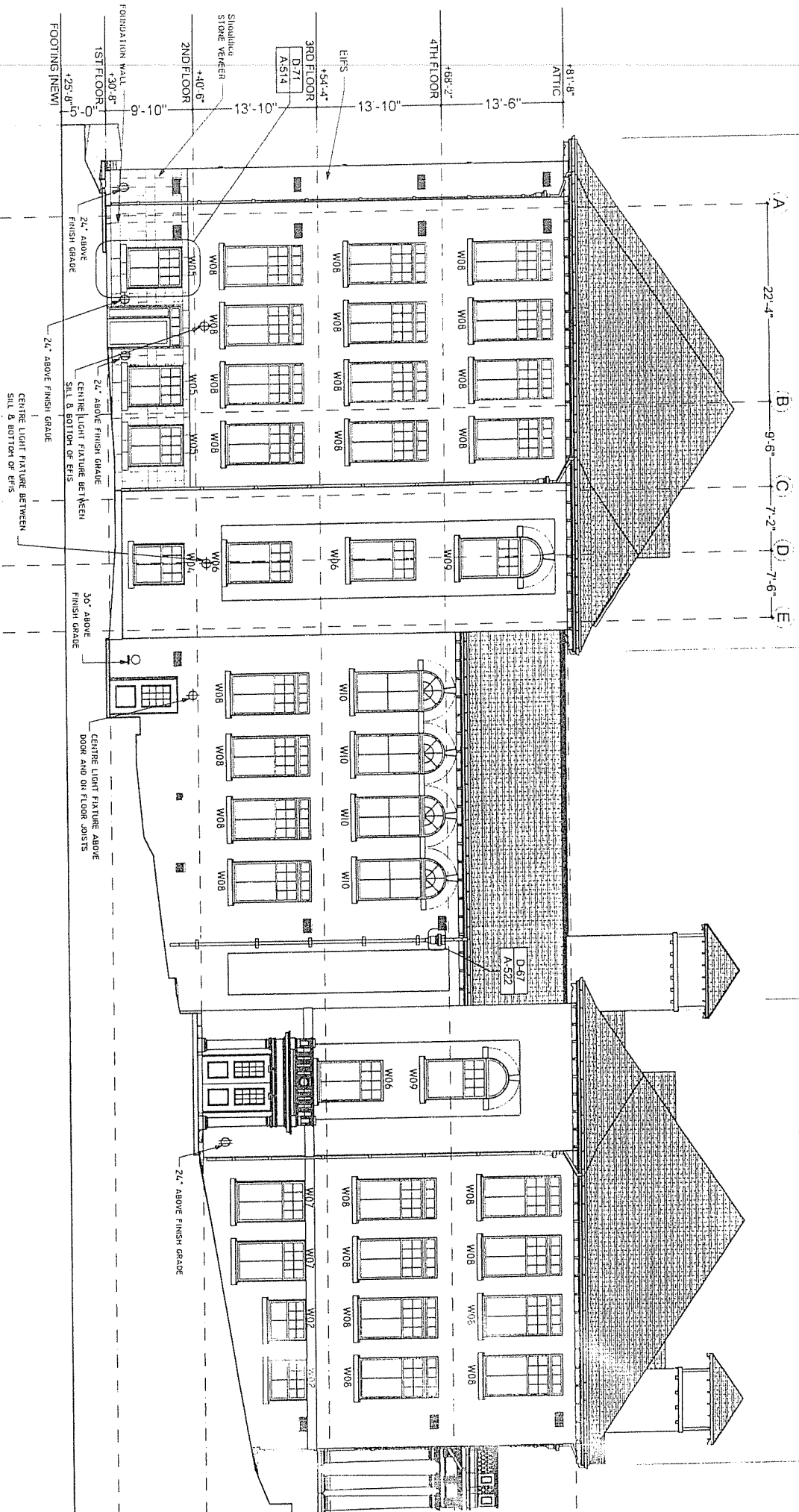
CENTRE LIGHT FIXTURE BETWEEN  
 SILE & BOTTOM OF EIFS

BUILDING C - NEW ADDITION

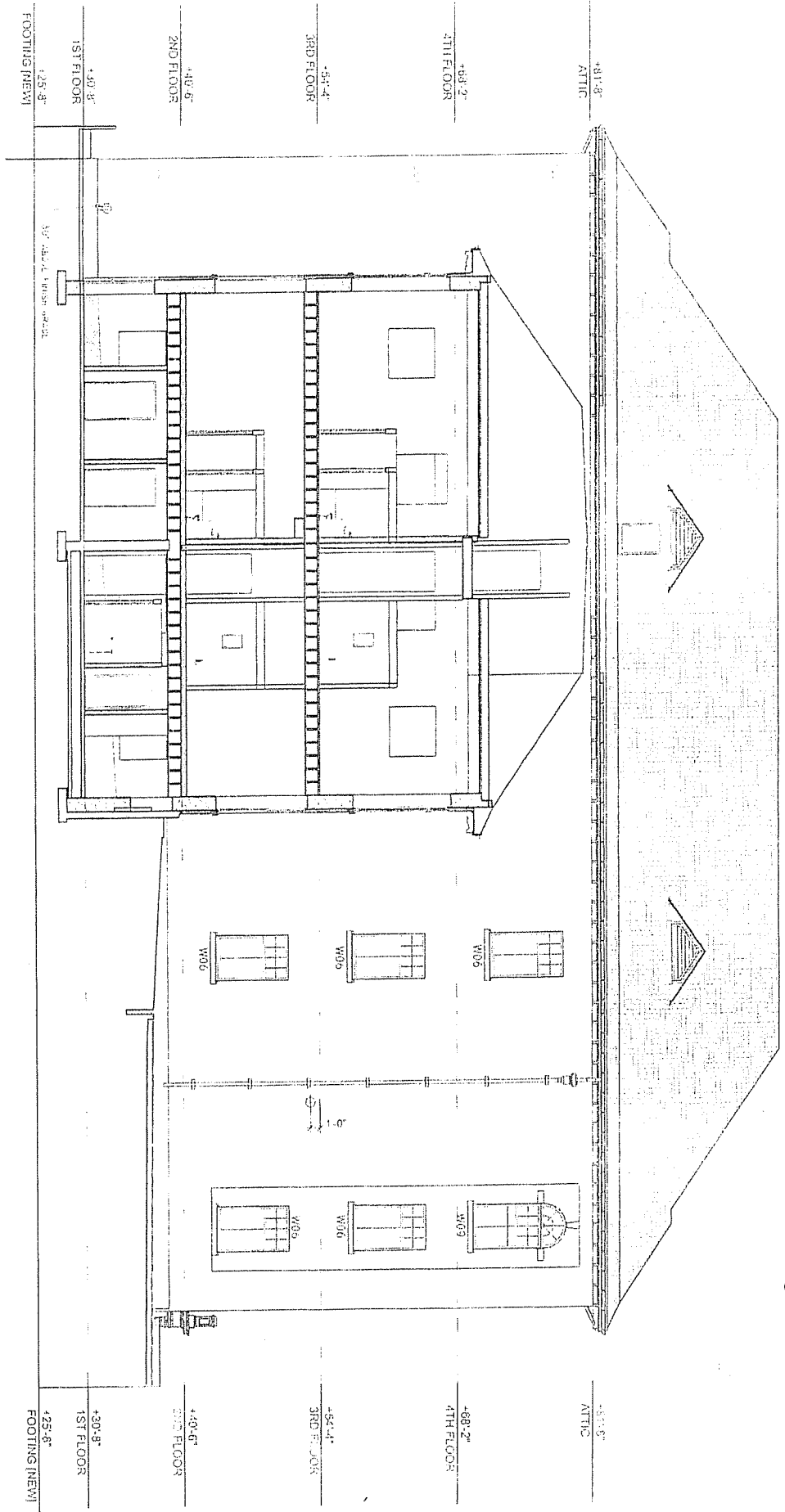
BUILDING B

BUILDING A

Case 01299  
Schedule F  
August 20, 2009



Case 01299  
Schedule G  
August 20, 2009



**Attachment C: Relevant Excerpts from Downtown Dartmouth Secondary Strategy**

*Policy B-1*

*This plan establishes a Downtown Business District to reflect the historic central area of Dartmouth (refer to Map 3). In keeping with its traditional character, a broad mix of retail, service, office, cultural, and residential uses shall be encouraged with the exception of uses which are seen as negative for the area. A Downtown Business District Zone will ensure an appropriate mix of uses, on lot sizes reflecting the traditional development pattern.*

*Policy B-2*

*Further proliferation of pawn shops and adult entertainment uses shall be discouraged by this plan. If deemed necessary, Council should seek to strengthen existing regulations which apply to pawn shop operations.*

*Policy B-3*

*Commercial projects not permitted by the Downtown Business District Zone may be considered by Council through the development agreement process. This process shall be used to assess whether the proposal is consistent with the pedestrian orientation and traditional character of the business district. The following criteria shall be used in evaluating a proposal for such uses:*

- a) that the development is in keeping with the character of the area, in terms of traditional building design and placement in relation to the street (refer to Urban design Policy D-1);*
- b) that height limits and design features are incorporated to ensure proposed buildings are pedestrian oriented and are in keeping with the scale of adjacent buildings. As a guideline proposed commercial or mixed use buildings should not exceed five to seven stories;*
- c) that a mix of uses should be encouraged including residential components, with the ground floor dedicated to commercial or other uses aimed at serving the general public. The ground floor of buildings should incorporate design elements to reinforce a human scale and enhance street level activity.*
- d) that any signs are consistent with the heritage theme and reflect a pedestrian-oriented scale;*
- e) that parking areas do not visually detract from the streetscape and adequate consideration is given to landscaping and other surface treatments for parking areas on the site. Wherever possible, parking areas should be enclosed within a building;*
- f) Car-oriented uses such as drive-through restaurants and gas stations shall only be permitted where they are specially designed so that any drive through component is clearly secondary to the pedestrian orientation of the use.*

*Policy B-8*

*Higher density housing proposals that do not meet the standards of the Business District Zone may be considered by Council through the development agreement process. In addition to the general criteria set out in Policy N-5, the following criteria shall be considered by Council in evaluating such proposals:*

- 1. The "residential opportunity sites" referenced in Policy B-7 should be given priority for higher density development;*

2. *The design of apartment buildings should be sensitive to the traditional character of the downtown and the immediate surroundings. A general guideline of 100 units per acre and 5 storeys shall be utilized as parameters for the scale and massing of development. The following additional criteria apply to the residential opportunity sites:*
  - a) *Up to eight stories may be permitted on Site A provided no greater than 3 stories is permitted on the Edward and North Street elevations;*
  - b) *Up to 10 stories may be permitted on Site C, provided the design of the building is stepped down towards Portland and King Streets.*
  - c) *Up to four stories may be permitted on Site B.*
  - d) *Up to five stories may be permitted on Site D with sensitive treatment along King Street adjacent to existing single family dwellings.*
3. *Buildings should be designed to reinforce a human scale streetscape. The stepping back of higher rise buildings away from the street should be considered to avoid a massive building appearance, as should the subdivision of large building facades to create the appearance of several smaller buildings;*
4. *Commercial or other uses serving the public are encouraged at the street level of residential buildings.*
5. *Where on-site parking is required, it should be enclosed within a building.*
6. *Reduced standard laneways may be considered as an alternative means of access to the residential opportunity sites.*

### **Starr Manufacturing/Greenvale School Sites**

#### *Policy B-9*

*Council recognizes the importance of the Starr Manufacturing and Greenvale School sites in the history of the Dartmouth and as a gateway to the downtown. A mixed use development will be encouraged on this block consisting of open space, heritage, and small scale commercial and residential components which blend with the character of the area. The development agreement process will be used to ensure a comprehensive approach which reflects the various community goals for the site<sup>1</sup>. In evaluating proposals for the site, council shall consider the following criteria:*

- a) *that the proposal is consistent with the objectives for the site which are to encourage protection and promotion of the site's heritage features, provision of a trail link and other open space opportunities, and development of small or medium scale commercial or residential components;*
- b) *the design of any buildings on the site reflects its role as a gateway to the downtown business district, its relationship to existing development on site and surrounding neighbourhoods, and its history as part of the Shubenacadie Canal system;*
- c) *the unique heritage attributes of this site including the retention and stabilization of the Greenvale School building, the protection of the underground canal features on the northern portion of the site, and if feasible, opportunities to reuse structural elements of the Starr Manufacturing building;*

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<sup>1</sup>A development agreement will not be required for re-use of existing buildings within this block which are consistent with the uses permitted by the Business District Zone. Any major expansion or new development will be subject to approval of a development agreement.

- d) *the preservation and restoration of significant natural features on the site where feasible including mature trees, and water features related to the former stream bed running through the site;*
- e) *that adequate provisions are made for pedestrian and bicycle circulation on the site including an extension of the Dartmouth multi-use recreation trail (Trans Canada trail) along the length of the site;*
- f) *the design scheme of any proposed buildings, signs and lighting fixtures incorporates traditional design elements and materials to complement the traditional small town character of the area. (Refer to downtown urban design guidelines Policy D-1).*
- g) *the provision of extensive landscaping in the form of suitable trees, shrubs, grassed areas and planting beds, particularly to enhance the aesthetics of any proposed parking areas on the site;*
- h) *the impact of any additional traffic on existing street networks and the best means of accommodating traffic flow to, on and from the site; and any required upgrading to the existing street network;*
- i) *the provision of adequate municipal sewer and water services to the site, and the treatment of existing underground infrastructure; and*
- j) *remediation of environmental contamination on the site which meets the requirements of the Nova Scotia Department of Environment.*