

PART 3: DARTMOUTH MPS POLICY REVIEW

Review of Relevant Dartmouth MPS Policies taken from 2018 HRM Staff Report. MNA notes are in red where comments differ with respect to these proposed amendments.

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Dartmouth MPS Policy Evaluation

Policy WC-4: Within the Harbour-Related Commercial/Residential designation shown on Schedule WR-1, existing business will be permitted to expand in accordance with the I-2 (General Industrial) Zone provisions of the Land Use By-law. Harbour-related commercial uses, institutional uses, offices, hotels, townhouses, apartment buildings, restaurants and public and private recreation uses may be considered within this designation subject to approval of a development agreement. The following matters shall be considered in any agreement:

Policy	Comment
<i>(a) no residential development may be located within 300 feet of the Windmill Road right-of-way except that minor variances to this setback may be considered provided that the development viability of the commercial area is not compromised and effective screening, such as fencing or landscaping, is included to serve as a buffer between the commercial and residential developments;</i>	No proposed changes to building locations.
<i>(b) no building shall exceed 16 storeys in height;</i>	No proposed changes proposed to building height.
<i>(c) notwithstanding (b) above, no building shall exceed six (6) storeys in height where the building is proposed to be located on a property abutting, or adjacent to, a property containing a single-unit dwelling in existence at the time of application for a development agreement;</i>	Not applicable.
<i>(d) measures are taken in the building design of residential, institutional or office uses to mitigate noise;</i>	No proposed changes to building design.
<i>(e) where applicable, provision is made for the construction of a publicly accessible waterfront trail across the lands;</i>	No proposed changes to the trail location.
<i>(f) all development on the lands shall incorporate provisions that mitigate potential damages from coastal flooding and storm-surge events;</i>	No proposed changes to building design.
<i>(g) that a survey be completed by a qualified person, verifying that there is no evidence of unexploded ordnance on and adjacent the subject site, particularly if water-lot infill is being proposed;</i>	No proposed changes since original approval.
<i>(h) any development contemplated on Sheppard's Island cover no more than twenty-five percent (25%) of the area of the island, and the trees on the remaining seventy-five percent (75%) area are retained in order to screen development on the island and mainland from harbour related industrial activities in the outer cove; and</i>	Not applicable.
<i>(i) the criteria of policy IP-1(c) and IP-5 for any apartment building development.</i>	See below.

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Implementation Policies

Policy	Comment
Policy IP-1(o) Apartment Building Development	
Careful consideration should be given to the construction of apartment buildings throughout the City. Recently, concerns have been expressed about the exterior design, density, concentration, site treatment, massing and traffic issues as they relate to apartment development. These issues could be addressed by the Development Agreement process and would also permit public involvement in the evaluation of the proposed development.	It has been confirmed that the proposed changes to the density and occupancy of the Phases will not negatively impact traffic in the area and that the municipal servicing infrastructure can handle the increase. The increase in density would not affect the massing of the residential buildings. The changes to Streetwall Height and Width would improve experience of the buildings at the street.

Policy	Comment
Policy IP-5	It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.
In considering the approval of such Agreements, Council shall consider the following criteria:	
<i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i>	No proposed changes to the building design, height, bulk, or scale.
<i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i>	The proposed amendments do not affect building design, location, or lot fabric.
<i>(ii) traffic generation, access to and egress from the site; and</i>	Changes to traffic have been addressed by a new Traffic Impact Statement for the site.
<i>(iii) parking;</i>	No proposed changes to parking.
<i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i>	Not applicable.
<i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i>	Not applicable.
<i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i>	Not applicable.
<i>(f) that mature trees and other natural site features are preserved where possible;</i>	Not applicable.
<i>(g) adequacy of buffering from abutting land uses;</i>	Not applicable.
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	Not applicable.

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<i>(i) the Land Use By-law amendment criteria as set out in Policy IP- 1(c).As amended by By-law C-692, Dec. 4, 1991).</i>	See below.
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IP-1(c) Zoning By-law

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. **The zoning by-law may use site plan approval as a mechanism to regulate various uses. (RC-Sep 8/09; E-Nov 14/09)**

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9; **Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6,1984).**

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). ***In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983).*** In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

Policy	Comment
In considering zoning amendments and contract zoning, Council shall have regard to the following:	
<i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i>	The proposed changes are in keeping with the policies and intent of the Dartmouth MPS. See above.
<i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i>	No proposed changes to use, bulk, or scale of the proposal.
<i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i>	Not applicable.
<i>(4) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the City is to absorb any costs relating to the development</i>	No concerns are identified regarding the potential financial implications for HRM.
<i>(ii) the adequacy of sewer and water services and public utilities</i>	It has been confirmed that sewer and water can handle the increase in density.
<i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i>	Not applicable.
<i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i>	Not applicable.
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i>	Not applicable.

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<i>(vi) preventing public access to the shorelines or the waterfront</i>	Not applicable.
<i>(vii) the presence of natural, historical features, buildings or sites</i>	Not applicable.
<i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i>	Not applicable.
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	No detrimental effects on other areas of the city were found.
<i>(5) that the proposal is not an obnoxious use</i>	No change in use is proposed.
<i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i>	
<i>(i) type of use, density, and phasing</i>	Use and density revisions.
<i>(ii) emissions including air, water, noise</i>	Not applicable.
<i>(iii) traffic generation, access to and egress from the site, and parking</i>	Changes to traffic have been addressed by a new Traffic Impact Statement for the site.
<i>(iv) open storage and landscaping</i>	Not applicable.
<i>(v) provisions for pedestrian movement and safety</i>	Not applicable.
<i>(vi) management of open space, parks, walkways</i>	Not applicable.
<i>(vii) drainage both natural and sub-surface and soil-stability</i>	Not applicable.
<i>(viii) performance bonds.</i>	Not applicable.
<i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</i>	Not applicable.
<i>(8) that in addition to the public hearing requirements as set out in the Planning Act and City bylaws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</i>	The level of community engagement will be consultation, achieved through letters mailed to property owners within the notification area should Council decide to move forward with a public hearing. Engagement specific to the time extension request was not undertaken given recent engagement having taken place for Case 20541 (described below) in the form of a public information meeting on August 10, 2017. Further, policies have remained unchanged since the time of original approval, and no proposed changes to the built form are proposed within the scope of this amendment
<i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i>	
<i>(i) Council with a clear indication of the nature of proposed development, and</i>	Not applicable.

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<i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i>	Not applicable.
<i>(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges – Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i>	Not applicable.