

TOWN OF LUNENBURG

COUNCIL MEETING AGENDA

Tuesday, November 28, 2023 | 6 pm

Lunenburg Town Hall – Council Chamber



Notice: Council meetings are held in person at Town Hall. The public can attend meetings in person or view meetings through the Zoom livestream. Recordings of all meetings are available on the Town’s website. To livestream this meeting starting at 6 pm, use this Zoom link: <https://us06web.zoom.us/j/88956545878>

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

This meeting takes place in the traditional and ancestral territory of the Mi’kmaq people. We are all Treaty people.

3. APPROVAL OF AGENDA

3.1 November 28, 2023 Council Meeting Agenda

Draft motion: That Council approve the agenda for the November 28, 2023 meeting as presented.

4. APPROVAL OF MINUTES

4.1 November 14, 2023 Regular Meeting of Council Minutes

Draft motion: That Council approve the November 14, 2023 meeting minutes as presented.

5. PUBLIC INPUT AND QUESTIONS – 20 MINUTES

- Each person is limited to 3 minutes
- Each person must state their name
- Questions or comments are directed to the Chair

6. PRESENTATIONS

7. CORRESPONDENCE

8. PUBLIC HEARINGS, PUBLIC INFORMATION MEETINGS AND APPEALS

Public hearings are to discuss planning and development-related matters and new or amended bylaws. Public Hearings are open for anyone to speak or submit written comments.

Public hearing process:

- Staff will provide an overview of the agenda item
- Staff will answer questions from Council
- The meeting be opened to the public for questions (in person and virtual attendees)
- Each person is limited to 5 minutes

- Each person must state their name
- Questions or comments are directed to the Chair
- Once the public hearing is closed, no further questions or comments on the matter will be received

8.1 Public Hearing: Draft Old Town Lunenburg Heritage Conservation District Plan and By-law

8.2 Public Hearing: Amendment to MPS and LUB to Delete Architectural Control Areas

9. BUSINESS ARISING AND UNFINISHED BUSINESS

9.1 Cornwallis Street Re-Naming

Draft motion: That Council approve _____ as the new name for Cornwallis Street.

9.2 Purchasing Policy – Decision

Draft motion: That Council repeal the current Purchasing Procedures Policy and replace it with the new Purchasing Policy as presented.

9.3 Upper King Street ZZAP Design Concepts

Draft motion 1: That Council accept the deliverables from ZZAP as the completion of the Upper King Street Design Project.

Draft motion 2: That Council declare the lands of Upper King Street, including PID 60057460, PID 60057395, PID 60057387, PID 60057379, Upper Duke Street (north of Creighton Street), Upper King Street (north of Creighton Street with the exception of the first 42.5m beginning at Creighton Street heading North), as shown on Attachment F, as surplus lands.

10. NEW BUSINESS

10.1 Accessibility Quarterly Update: July-September 2023 – information report

10.2 Request to waive development cost charges for non-profits

Draft motion: That Council waive, for all future development projects by registered non-profits and charitable organizations that are creating new residential units, the following Town of Lunenburg Development Cost Charges:

- Land Use By-law Amendment Application – \$839.30
- Municipal Planning Strategy Amendment Application – \$839.30
- Subdivision By-law Amendment Application – \$839.30
- Development Agreement Application Fee – \$839.30
- Zoning Confirmation Letter – \$58.55
- Subdivision (for first five lots) – \$146.90

- Subdivision (for additional lots after first five) – \$37.05

11. NOTICES OF MOTION/INFORMATION REQUESTS

12. IN CAMERA

12.1 Acquisition, sale, lease and security of municipal property

12.2 Acquisition, sale, lease and security of municipal property

Draft motion: Moved and seconded that Council move in camera at _____ to discuss agenda items 12.1 and 12.2 Acquisition, sale, lease and security of municipal property as per the Municipal Government Act.

13. ADJOURNMENT

TOWN OF LUNENBURG
COUNCIL MEETING MINUTES

November 14, 2023 | 6 pm

Lunenburg Town Hall – Council Chamber and virtually through Zoom



Present	Mayor Jamie Myra, Deputy Mayor Peter Mosher, Councillors Jenni Birtles, Stephen Ernst, Ed Halverson, Melissa Duggan and Susan Sanford
Also present	Jamie Doyle, CAO Lisa Dagley, Director of Finance Tyson Joyce, Director of Public Works Arthur MacDonald, Director of Community Development Michael Best, Communications Manager Kayla Byrne, Municipal Clerk
Call to Order	The Mayor called the meeting to order at 6 p.m.
Land acknowledgment	The Mayor recognized Lunenburg’s location on the unceded territory of the Mi’kmaq people.
Approval of Agenda	Moved and seconded that Council approve the agenda for the November 14, 2023, meeting as presented. Motion carried unanimously
Approval of Minutes	Moved and seconded that Council approve the October 24, 2023 meeting minutes as presented. Motion carried unanimously
Public Input and Questions	None.
Presentations	None.
Atlantic Sea Change Co-operative Housing Ltd.	Concerning a letter of support request, Council made the following motion: Moved and seconded that Council provide a letter of support to Atlantic Sea Change Co-operative Housing Ltd. for its funding applications for the planning and pre-development, and capacity building aspects of its proposed affordable housing project within the Town of Lunenburg. Motion carried unanimously
Public Hearings, Public Information	None.

Meetings and Appeals

Snow Removal Policy	<p>Moved and seconded that Council repeal Policy #41, the Snow Plowing/Salting/Hauling Snow from Street Policy, and replace it with the new Snow Removal Policy as presented.</p> <p style="text-align: right;">Motion carried unanimously</p>
Purchasing Policy	<p>Before any discussions on this item, the Mayor declared a conflict of interest as a business owner who may partake in processes outlined in the Purchasing Policy. The Mayor did not participate in this conversation or vote on the matter.</p> <p>Moved and seconded that Council give notice to repeal the current Purchasing Procedures Policy and replace it with the new Purchasing Policy as presented.</p> <p style="text-align: right;">Motion carried unanimously</p> <p>The Mayor resumed chairing responsibilities.</p>
Council Appointments to Committees	<p>Council reviewed its appointments to various committees. Mayor Myra indicated he will attend the South Shore Housing Action Coalition Committee instead of Councillor Duggan, who has a scheduling conflict with these meetings.</p>
Deputy Mayor Appointment	<p>The Mayor called for nominations for the position of the Deputy Mayor. Councillor Ed Halverson was nominated for the role and accepted the nomination.</p> <p>Moved and seconded that Council appoint Councillor Halverson as Deputy Mayor until the last meeting of Council before the 2024 municipal election.</p> <p style="text-align: right;">Motion carried unanimously</p>
Notices of Motion/Information Requests	<p>None.</p>
In camera	<p>Moved and seconded that Council move in camera at 6:11 p.m. to discuss agenda item 12.1 Acquisition, sale, lease and security of municipal property as per the Municipal Government Act.</p>
Recess	<p>Before discussing any in camera items, the Mayor called a brief recess at 6:11 p.m.</p>
Revert to open session	<p>Council reverted to open session at 7:01 p.m. with no items to report.</p>

Adjournment

There being no further business, the November 14, 2023 Council meeting adjourned at 7:01 p.m.

The minutes were read and approved.

Subject: Public Hearing Draft Old Town Lunenburg Heritage Conservation District Plan and By-law

From: Hilary Grant, Senior Planner & Heritage Officer

Reviewed by: Arthur MacDonald, Director of Community Development

Date: October 10, 2023 – first reading
November 28, 2023 – public hearing
December 12, 2023 – proposed second reading



Recommendation

This report is for a Public Hearing.

The following motion will be presented for Council's consideration at its December 12, 2023 meeting: That Council give second and final reading to the Old Town Lunenburg Heritage Conservation District Plan and By-law, as presented.

Alternatives

- Give second and final consideration to the Old Town Lunenburg Heritage Conservation District Plan and By-law with amendments on December 12.
- Refuse the draft Old Town Lunenburg Heritage Conservation District Plan and By-law.
- Defer a decision.

Background

Old Town Lunenburg is a municipal heritage district with a National Historic Site of Canada designation (Attachment B - Statement of Significance) and a World Heritage Site listing (Attachment C - Statement of Outstanding Universal Value). The Town of Lunenburg is the authority legislated to legally protect Old Town Lunenburg for future generations through a Heritage Conservation District Plan and By-law. Legal protection of Old Town Lunenburg's Outstanding Universal Value is a requirement of its World Heritage listing.

Discussion

On October 10, 2023, Council approved first reading of the revised draft Old Town Lunenburg Heritage Conservation District Plan and By-law and directed staff to give notice for a November 28, 2023, Public Hearing. Hosting a public hearing is a legislated requirement for passing a new Conservation Plan and By-law under the *Heritage Property Act*. The hearing was advertised in the Progress Bulletin on October 18 and October 25. Letters were sent to every property owner within the District. Copies of the draft Plan and By-law are available on the Town's website and Town Hall. The hearing was also advertised on the Town's website and social media.

Public Review before Town's Heritage Advisory Committee

On August 9, 2022, the Town of Lunenburg adopted the 'Procedural Policy Heritage Conservation District Public Participation.' Council adopting a public participation program is required under the 'Heritage Conservation District Regulations' of the *Heritage Property Act* (Attachment D - Minimum requirements to pass a new Heritage Conservation District Plan and By-law).

On May 29, 2023, the Heritage Advisory Committee used their discretion under Section 3 of the Town of Lunenburg's 'Policy Procedural Policy for Heritage Conservation District Public Participation' to increase public participation in reviewing the draft Plan and By-law before rendering a recommendation. Increasing public involvement and expanding the scope of communication with residents to include Architectural Control Area property owners demonstrated the Heritage Advisory Committee's commitment to making every reasonable effort to seek the opinions of the public on all relevant matters and reserve time for commentary, questions, and presentations. The public participation program included:

- Sending letters to all property owners within the proposed district boundary and Architectural Control Areas.
- Advertising this Public Participation Meeting in the *Progress Bulletin* on June 14 and 21.
- Promoting this Public Participation Meeting and other events and updates on social media.
- Making the draft Plan and By-law available online on the Town's website and at Town Hall.
- Staff being available to answer questions and receive comments by phone, mail, and email.
- Posting answers to frequently asked questions on the Town's website.
- Hosting two Open Houses:
 - June 15 – 4:00 pm to 7:00 pm – Fire Hall (25 Medway St.)
 - June 19 – 6:00 pm to 8:00 pm – Online
 - June 25 – 12:00 pm to 4:00 pm – Bandstand (125 Cumberland St.)
 - June 26 Public Participation Meeting – 6 pm – Town Hall (119 Cumberland St.)

The Heritage Advisory Committee's Public Participation Schedule concluded on June 26, 2023. Staff interacted with approximately 125 people, around 95% of whom were residents, as part of the public participation schedule. Staff presented their 'What We Heard Report' to the Committee on July 11, 2023. The Heritage Advisory Committee advised staff to revise the Old Town Lunenburg Heritage Conservation Plan and By-law following Staff's July 11, 2023, recommendations. The draft Old Town Lunenburg Heritage Conservation District Plan and By-law were referred to the Town's legal counsel on August 21, 2023, who rendered a thorough review on September 5. On September 13, 2023, the Heritage Advisory Committee recommended Council adopt first reading of the revised draft Old Town Lunenburg Heritage Conservation District Plan and By-law, with changes as agreed upon by the Committee and give notice for a public hearing.

Strategic Plan Relevance

Heritage

- Preserve the valuable heritage resources of Lunenburg while embracing an ongoing landscape evolution.
- Update and clarify heritage management frameworks to respond to current needs and follow best practices.

- Expand the classification of heritage resources to include a range of elements with tangible and intangible heritage value.
- Expand heritage recognition beyond European colonial landscapes to include perspectives of Nova Scotia's First Nations, Black communities, and other cultural groups.

Community Structure

- Direction regarding how the Town will be structured and how land will be used.

Urban Design

- Direction to enhance residents' and visitors' experience of the built environment.

Relevant Legislation

UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage

Nova Scotia Heritage Property Act and associated Heritage Conservation Districts Regulations

Town of Lunenburg Old Town Lunenburg Heritage Conservation District Plan and By-law

Town of Lunenburg Municipal Planning Strategy

Town of Lunenburg Land Use By-Law

Financial

The Town has administered the current Heritage Conservation District Plan and By-law since September 4, 2000, and its replacement should not significantly impact the Town's financial or human resources. There is a cost associated with advertising the public hearing. This project is under budget.

Communications

If Council approves the draft Old Town Lunenburg Heritage Conservation District Plan and By-law at second reading, following provincial review, Council's approval will be advertised in the Progress Bulletin.

Attachments

[Attachment A – Revised Draft Old Town Lunenburg Heritage Conservation District Plan and By-law](#)

Attachment B – Old Town Lunenburg Historic District National Historic Site of Canada Statement of Significance

Attachment C – Old Town Lunenburg World Heritage Site Statement of Outstanding Universal Value

Attachment D – Minimum Procedural Requirements to Pass a New Heritage Conservation District Plan and By-law

Attachment E – Written public hearing submissions received

Attachment B – Old Town Lunenburg Historic District National Historic Site of Canada Statement of Significance

Old Town Lunenburg Historic District National Historic Site of Canada

Bluenose Drive, Lunenburg Harbour, Lunenburg, Nova Scotia, Canada

Formally Recognized: 1991/06/10



General view



Panorama



General view

OTHER NAME(S)

Old Town Lunenburg Historic District National Historic Site of Canada

Old Town Lunenburg Historic District

Arrondissement historique du Vieux Lunenburg

LINKS AND DOCUMENTS

[Website for the Old Town Lunenburg Historic District](#)

[Section on the Parks Canada website specifically for this National Historic Site](#)

[Link to Old Town Lunenburg site on the UNESCO World Heritage Web Site](#)

CONSTRUCTION DATE(S)

1753/01/01 to 1991/01/01

LISTED ON THE CANADIAN REGISTER: 2007/10/03

STATEMENT OF SIGNIFICANCE

DESCRIPTION OF HISTORIC PLACE

The Old Town Lunenburg Historic District covers the core area of the Town of Lunenburg, a well-preserved example of 18th-century colonization and settlement patterns with numerous outstanding examples of vernacular architecture spanning more than 240 years. It occupies the side of a hill and a narrow area along a natural harbour and includes the Town's original parade square, as well as a waterfront area that is associated with the fishing and shipbuilding industries. The formal recognition consists of contributing buildings and lands contained within the boundaries of the original town plan of 1753. Old Town Lunenburg has also been designated a World Heritage Site.

HERITAGE VALUE

The Old Town Lunenburg Historic District was designated a national historic site in 1991 by virtue of its gridiron layout, one of the earliest and most intact British model plans in Canada, its strong historical associations especially with the Atlantic fisheries, and the richness and homogeneity of its architecture.

The heritage value of the Old Town Lunenburg Historic District resides in the original plan, the built forms and open spaces within the plan, the physical and cultural manifestations of the off-shore fishing and shipbuilding industries and the harmonious integration of the Town and the seascape. Laid out by Charles Morris at the time of his landing on June 8, 1753, Lunenburg's Old Town Plan was the second British >model plan= created in present-day Canada, a gridiron plan type which had a direct and important relationship to British imperial settlement policy.

Sources: Historic Sites and Monuments Board of Canada, Minutes, 1991; World Heritage List Nomination (Appendix 3: Character Statement).

CHARACTER-DEFINING ELEMENTS

The character-defining elements that relate to the townsite as a whole are:

- its gridiron, model town plan, as evidenced in its geometrically regular streets and blocks, its allocation of public spaces, and its distinction between urban and non-urban areas;
- its small lots;
- the densely built nature of the townsite;

- its comprehensive collection of 18th to 20th-century buildings and works, including residences, churches, institutional buildings, shops and wharves;
- the continuing tradition of painting buildings in bright colours;
- the unity and cohesiveness created by the predominance of wood construction and exterior finishes among all building types and styles;
- the general orientation of the Town and its major institutional buildings towards the harbour;
- the larger-scaled waterfront buildings, including wooden warehouses, lofts, boatshops, and industrial buildings, many with their gable end turned to the harbour, most of a large scale, and all painted in bright colours;
- its skyline punctuated by the spires of its churches;
- the heritage characters of St. John Anglican Church and the Knaut-Rhuland House National Historic Site of Canada.

The character-defining elements that relate to 18th-century construction are:

- a number of houses of *coulisse* construction, now clad in clapboard or shingles;
- single-storey Cape Cod dwellings;
- two-storey houses constructed in the British classical tradition;
- the former Court House;
- pre-fire surviving elements of St. John's Anglican Church.

The character-defining elements that relate to 19th-century construction are:

- the larger and more elaborate buildings that continued earlier building traditions;
- traditional Cape Cod and British classical residences;
- modifications to 18th and early 19th-century houses;
- Second Empire-style residences of families associated with the fishing and shipbuilding industries;
- the frequent use of the Lunenburg *bump* dormer in all its variations;
- pre-fire surviving elements of St. John's Anglican Church;
- St. Andrew's Presbyterian Church and the Lunenburg Lutheran Church, buildings associated with the oldest continuing worshipping Presbyterian and Lutheran congregations in Canada.

The character-defining elements that relate to 20th-century construction are:

- its 20th-century housing stock, including simple post-World War II bungalows, *Four-Square* houses, and Dutch Colonial Revival-style houses, that continue earlier wood construction traditions on a modest scale;
- sympathetically scaled commercial buildings located along Lincoln Street that help create a cohesive streetscape.

The character-defining elements associated with the history of the shipbuilding and fishing industries in Canada are:

- waterfront shipyards, including those still used for shipbuilding and retrofitting;
- buildings and facilities associated with the work and community life of people who worked in the fishing industry, including the Adams & Knickle waterfront complex and the Smith and Rhuland shipyard.

RECOGNITION

JURISDICTION

Federal

RECOGNITION AUTHORITY

Government of Canada

RECOGNITION STATUTE

Historic Sites and Monuments Act

RECOGNITION TYPE

National Historic Site of Canada

RECOGNITION DATE

1991/06/10

Attachment C – Old Town Lunenburg World Heritage Site Statement of Outstanding Universal Value

Outstanding Universal Value

Brief synthesis

Old Town Lunenburg is the best surviving example of a planned British colonial settlement in North America. Established in 1753, it has retained its original layout and overall appearance, based on a rectangular grid pattern drawn up in the home country. The inhabitants have safeguarded the Town's identity throughout the centuries by preserving the wooden architecture of the houses and public buildings, some of which date from the 18th century and constitute an excellent example of a sustained vernacular architectural tradition. Its economic basis has traditionally been the offshore Atlantic fishery, the future of which is highly questionable at the present time.

Criterion (iv): Old Town Lunenburg is a well-preserved example of 18th century British colonial urban planning, which has undergone no significant changes since its foundation, and which largely continues to fulfil the economic and social purposes for which it was designed. Of special importance is its diversified and well-preserved vernacular architectural tradition, which spans over 250 years.

Criterion (v): Old Town Lunenburg is an excellent example of an urban community and culture designed for and based on the offshore Atlantic fishery which is undergoing irreversible change and is evolving in a form that cannot yet be fully defined.

Integrity

Within the boundaries of the 33.85 ha property are located all the elements necessary to express the Outstanding Universal Value of Old Town Lunenburg. The property encompasses the intact original town plan in its entirety, missing only the fortifications that surrounded the Town in its early years, but of which there are no surviving above-ground remains. Its boundaries adequately ensure the complete representation of the features and processes that convey the property's significance, and there is a 32.44 ha buffer zone. The property does not suffer unduly from adverse effects of development and/or neglect.

Authenticity

Old Town Lunenburg is authentic in location and setting, forms and designs, materials and substances, and uses and functions. The original British colonial town plan remains evident, including the regular layout of property parcels in a grid pattern with geometrically regular streets, central public spaces, and key community structures, with a functioning waterfront as its focus. In terms of forms and materials, there is a harmony of scale, siting and materials (predominantly wood) throughout the property, and a regional architectural

vocabulary that includes the 'Lunenburg bump', an indigenous five-sided dormer. While a continuing vernacular architectural tradition is integral to the property's Outstanding Universal Value, there has been very limited infill in the modern era. Many of the property's historic uses and functions survive.

Most of the recent changes to the property are renovations to specific buildings, some of which have better conveyed the heritage value of Old Town Lunenburg than others. Due to long-term economic circumstances, there are also ongoing pressures on property owners in terms of rising property values, maintenance costs, and the challenges of retaining historical accuracy in restoration planning.

Protection and management requirements

Old Town Lunenburg, which is almost entirely in private ownership, is commemorated by the Government of Canada as a National Historic Site (1991) and protected under two key pieces of provincial legislation, the *Municipal Government Act* (1998) and the *Heritage Property Act* (1989), which enable the municipality to create, respectively, land-use and heritage bylaws. In this context, the municipality adopted the *Heritage Conservation District Plan, Bylaw and Guidelines* in 2000 (consolidated in 2001). In order to better manage the community as a World Heritage property and ensure the continuing protection of the Town's heritage resources, the Town of Lunenburg Heritage Sustainability Strategy (2010) has been developed to guide its development, including the identification of heritage, culture and tourism prospects that may produce economic opportunities for the community.

Sustaining the Outstanding Universal Value of the property over time will require managing, to the degree possible, ongoing pressures on property owners related to rising property values, maintenance costs, and the challenges of retaining historical accuracy in restoration planning. It will also require developing and implementing mechanisms to encourage building renovations that fully respect the heritage value of Old Town Lunenburg. Special attention will be given over the long term to monitoring and taking appropriate actions related to a number of factors in and near the property. Specifically, these include the potential impacts of climate change, and the impacts of tourism and visitation.

**Attachment D - Town of Lunenburg
Procedural Policy
Heritage Conservation District Public Participation Program**

As approved by Council on August 9, 2023

TOWN OF LUNENBURG PROCEDURAL POLICY

HERITAGE CONSERVATION DISTRICT PUBLIC PARTICIPATION PROGRAM

Council hereby adopts the following Heritage Conservation District Public Participation Program pursuant to Section 6 of the Heritage Conservation District Regulations made under Section 26 of the Heritage Property Act (RSNS 1989, Chapter 199) to identify opportunities and establish ways and means of seeking the opinions of the public concerning the review, adoption and amendment of a Heritage Conservation District Plan and By-law.

Before holding any public hearing under the authority of subsection (3) of Section 19A of the Heritage Property Act, Council shall ensure that the Heritage Advisory Committee conduct at least one public participation meeting which are advertised in a local newspaper at least four days in advance, and by a notice posted at the Town Hall.

The Heritage Advisory Committee may conduct opinion surveys, request written briefs or submissions, or use any other appropriate means of seeking the views and opinions of residents and ratepayers.

All impacted landowners of properties within the HCD or landowners with properties that are being removed from the HCD will be notified by mail of any public meetings regarding HCD Plan and Bylaw changes.

The Heritage Advisory Committee and/or Council shall provide public access to all reports, studies, maps, air photographs and other materials that are relevant, and where it is feasible, provide copies of such material for distribution, purchase, or loan.

The Heritage Advisory Committee shall consider the views, expressions and opinions obtained from the Public Participation Meeting prior to making a recommendation to Council.

**Attachment D – Minimum Procedural Requirements to Pass a
New Heritage Conservation District Plan and By-law**

Mechanism and Section:	Process:	Status:
HPA Regulations Section 6(1)	Before undertaking the preparation of a conservation plan and by-law, a council shall adopt, by resolution, a public participation program.	Completed
HPA Regulations Section 7(1)	Requirements for the Adoption of Background Study	Completed
HPA Regulations Section 7(1)(3)	Within sixty days of the receipt of the studies, the Minister may prescribe additional background studies.	Completed
HPA Regulations Section 7(1)(4)	The Minister shall advise the Council when no additional studies are required.	Completed
Public Participation Program	To be approved with the Background Study.	Completed
Public Participation Program	Advertisement of Public Notice for Public Participation Meeting	Completed
Public Participation Program	HAC holds Public Participation Meeting	Completed
Public Participation Program	HAC provides advise and comments from the Public Participation Meeting to Council.	Completed
HPA Regulations Section 8(1)	Before adopting a conservation plan and by-law, a council shall hold a public hearing at which oral and written submissions regarding the proposed conservation plan and by- law are received.	Underway
HPA Regulations Section 8(2) (First Reading)	The Council shall cause notice to be given of the public hearing and of its intention to adopt a conservation plan and by-law by an advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area of the District, the first of such notices to be published at least twenty-one clear days before the date fixed for the public hearing	Completed
HPA Regulations	The Council shall cause notice of its intention to adopt a	Completed

Section 8(3)	<p>conservation plan and by-law to be delivered by personal service upon or by ordinary mail to each assessed owner, or any subsequent owners shown on the records in the regional assessment office, of property within the proposed District at least twenty-one clear days before the date fixed for the public hearing.</p> <p>Subsection 8(3) amended: O.I.C. 1999-587, N.S. Reg. 128/99.</p>	
<p>HPA 19A(3) (Public Hearing) HPA 19A(3) (Second Reading)</p>	<p>A conservation plan and conservation by-law shall be adopted by a majority vote of the whole Council after a public hearing and consideration of any submissions received, but only those councillors present at the public hearing may vote upon the adoption of the conservation plan and conservation by-law.</p>	
<p>HPA Regulations Section 9(1) (Submission to the Province)</p>	<p>9 (1) Upon the adoption of a conservation plan and by-law, four duly certified copies each of the plan and by-law shall be submitted to the Minister for approval together with</p> <ul style="list-style-type: none"> (a) one duly certified copy of the resolution of Council adopting a program of public participation; (b) copies of the two newspaper notices notifying of the intention of Council to adopt; (c) one copy of the notice served on property owners; and (d) one copy of any written submissions received by Council, and the clerk of the municipality shall provide, by statutory declaration, proof of compliance with the resolution of Council adopting a program of public participation, and with the public hearing and notice requirements contained in the Act and these regulations. 	
<p>HPA Regulations Section 9(2) (HCD becomes effective upon the publishing of the approval ad)</p>	<p>Upon approval by the Minister of a conservation plan and by-law, the Council shall</p> <ul style="list-style-type: none"> (a) cause a notice to be published in a newspaper circulating in the District stating that the conservation plan and by-law have been approved, their effective date and the place where they may be inspected; (b) transmit a copy of the notice to the Minister; and (c) cause a copy of the conservation plan and by-law, signed by the Minister, to be filed in the office of the registrar of deeds for the registration district in which the District is situated, without proof of the signature or the official character of the Minister. <p>(3) Section 19A of the Act and Sections 3 to 9 inclusive of these regulations apply mutatis mutandis to the amendment of a conservation plan and by-law.</p> <p>(4) Notwithstanding subsection (3), the Minister may waive or change the requirement for studies in subsection (1) of</p>	

	Section 7, where Council is proposing to amend a conservation plan or by-law. Subsection 9(4) amended: O.I.C. 2000-451, N.S. Reg. 157/2000.	

From: [Hilary Grant](#)
To: [David](#)
Cc: [Lunenburg Heritage Society](#); [Kayla Byrne](#)
Subject: FW: Heritage By-Law Corrections
Date: October 26, 2023 2:30:04 PM

Good afternoon,

Thank you so much for your feedback on the draft Old Town Lunenburg Heritage Plan and By-law. Kayla Byrne, our Municipal Clerk, is compiling the written comments for Council. She is copied on this email.

I would appreciate your letting her know if you would like this email attached to the November 28 Council agenda.

Thank you again, and I hope to see you at the public hearing on November 28 at Town Hall,
Hilary Grant

From: David [REDACTED]
Sent: Thursday, October 26, 2023 9:34 AM
To: Hilary Grant <heritagedev@townoflunenburg.ca>
Cc: LunenburgHeritageSociety@hotmail.com
Subject: Heritage By-Law Corrections

CAUTION: THIS IS AN EXTERNAL MAIL

Hello Hillary:

I overall think that the Heritage By-Law is well put together, even though I am not completely happy with the move to keep us looking like a 19th century town without any relief for those of us who spend thousands of dollars to keep up appearances while in some cases preventing the use of 21st century features like non-drafty, insulated windows!

I have a few beefs with the by-laws, but perhaps not enough to make a presentation. I would also like to point out what I believe are errors in the text.

Errors in the text:

- Page 4: Article 7.4. This article refers to “not exempted under Section 6.5”. It seems to actually require a reference to **7.5**
- Page 21: Appendix A, Article 2.3.5 (b): The phrase “Metal roof slopes **within** an edge within 1.5 metres...” — I believe the bolded word should read “with”?
- Page 40: Appendix A, Article 6.6.1: The bolded word seems to be wrong in this phrase: “More than four solar panels may be approved, provided the total number of **skylights** on a roof slope does not exceed the total number of bays...” Looks like a copy-and-paste from another section that was not altered to fit the context.

- Page 60: Appendix F, Bandstand: To avoid confusion, the Description of Historic Place probably should have a comma as follows: "... original 1889 bandstand, built by the Lunenburg Heritage Society in 1987."
- Page 62: Appendix F, Baptist Church: Since this building is now a private residence, should the sentence reflect the existence of the Baptist Church in the past tense? It reads as a paragraph that is misleading about the history of this building to its present day.

My own beefs:

- When we moved here almost 16 years ago, we were not aware of any special by-laws or requirements of home owners, especially the restrictions of what we could and could not do with our own properties. This is not a normal circumstance for Canadian home buyers in most towns and cities. Therefore, I think it should be a requirement that certain key elements of this by-law be required to be included in contracts with or disclosures by realtors and home vendors for any sale of property within the heritage district.
- I am not sure why roof-top decks are prohibited, unless it is to avoid noise complaints, in which case roof-top decks could be allowed with restrictions. Is it an engineering concern? Is the deck over the restaurant on Bluenose Drive a problem?
- The set-back rule in Appendix A, Section 2.3.1 (page 19) requires a new building to align with its neighbouring buildings. This rule contravenes the intent of an earlier by-law which was brought to my attention several years ago in the failed attempt to revise the encroachment by-law. That earlier by-law requires any replacement building for one that has been destroyed by fire to have its foundation moved back from the street line to allow for reasonable set-backs when it becomes advantageous to do so. Since putting a new-build in a residential street is such an opportunity, why not allow for a small set-back, especially in cases when a front porch would be required to be located on Town property, as many of them are at present.
- You will require narrow wood siding or shingles without regard to the ongoing cost of upkeep, requiring painting every 4-6 years. There is no allowance for modern materials such as concrete or composite cladding that simulate the look of wood to be used. In addition, there is no provision in Appendix G requiring home owners to keep the exterior of their homes looking somewhat maintained. There are several houses in Lunenburg that do not make us proud of our Town because they have not been painted for years, perhaps decades. In some cases, this has led to the likely destruction of those houses to the point of losing them altogether.
- There sometimes seems to be a preference for "looks" over respect for heritage — especially when it benefits Town management. The best example of this is the existence of an industrial operation at the corner of Hopson and Townsend occupying the drill hall. While it may technically be a heritage building, its use is an insult to the concept of preservation. The argument is that the use is "civic". It is not what I would consider a civic benefit, even though the operation is part of the Town of Lunenburg operations. What better way to memorialize the building than to transform it into a condominium called "The Armoury", providing homes for people who want to remain in Old Town but can no longer maintain their heritage homes and simultaneously improving the quality of that neighbourhood?
- There is no reference made to how to deal with solar panels that may or may not be installed

on the roof of a garage or other supporting structure. Can someone build a backyard shed with a solar panel roof? Can I retrofit my garage?

- In the description of the Opera House, there is no reference to the floating dance floor that, as I understand it, was a significant innovation for its time. It even has stymied some of the present day engineers who felt that it was a fault rather than a defining feature.
- In referencing the cultural value of parts of the Town, the focus seems to be 100% on the colonial cultural value and 0% on the indigenous cultural value of the land and its history with the Mik'maq people. Surely there has to be something worth saving that pays homage to their stewardship of the land before Europeans arrived? What about ensuring that a certain percentage of the land is left to parks that are cultivated to mimic food forests or medicine gardens? Do we HAVE to remain ignorant as we develop by-laws that perpetuate colonial thinking and attitudes towards other cultures?

On second thought, maybe I do have enough beefs to make a presentation... Let me think about that.

Regards,

David Friendly

[REDACTED]

Lunenburg, NS B0J 2C0

[REDACTED]

Town of Lunenburg, Nova Scotia
Town Council
November 2023

I am writing because I have reservations about the proposed changes to the Heritage Conservation District Plan and Bylaw.

I have lived at [REDACTED] Lunenburg for five years. When I bought my house on Hopson Street, it was important to me that I have a home that was fairly new compared to many of the homes in Lunenburg. My home was built in the 1960s and 70s as were all of the other houses on the loop of Hopson Street and Prince Street. When I bought my home there were no restrictions that would affect any changes that I might want to make to my home. If I wanted to put on vinyl siding I would be able to do that. If I wanted to put an addition on my home, subject only to the size of my lot, I would be able to do so. It seems unfair that under the new by-law I would need a Certification of Appropriateness in order to make changes.

I am very happy with my house just as it is and I have no plans to make any changes, other than regular upkeep. However, it is unfair to me and other homeowners in this area that we are now restricted in the choices we may make about our own houses. This small subdivision was built roughly 50 to 60 years ago. None of the homes in this subdivision are heritage homes. Any changes that any of the people living in this subdivision might want to make to their homes would not affect the look of Lunenburg or the desire of tourists to visit Lunenburg.

As stated in the FAQs portion of the information on the town's website, Old Town Lunenburg is a National Historic Site and a World Heritage Site. I challenge you explain to me why a small subdivision built 50 to 60 years ago has anything to do with old town Lunenburg which was built in the 1700s, 1800s and the early 1900s. The homes in my subdivision have been very different from the homes in the old part of town since they were built. They have nothing to do with the grid on which old town Lunenburg was designed and built. Tourists do not come to view or photograph the homes on the loop. Artists do not paint these mid 20th century homes and no one puts pictures of them on Facebook.

The current Heritage Conservation District Plan and Bylaw dated April 2001 deals specifically with pre-1940 buildings. What justification is there for new restrictions to be put on buildings that were built after 1940, are outside of the grid pattern of the original Lunenburg town plan and have nothing to do with the historic industrial waterfront? The April 2001 plan did look ahead to consider a possible expansion of the "heritage conservation district based on architectural character, historical association, landscape character and value in part of the setting".

See Map 2A on page 43

This map shows one possible future expansion to include parts of New Town and Tannery Road, both which have many pre-1940 buildings. This map however does not include the Hopson Street/Prince Street loop as the houses on the loop are all post-1940.

The answer to the first of the FAQs states that this new plan has been done partially "to simplify heritage management regulations and rules". This is not a sufficient reason to deprive all the owners of the houses on the loop the right to make desired changes to their homes that are allowed under the April 2001 plan. These homes were built after 1960. The owners bought the homes in good faith, reasonably assuming that, because the homes are not heritage homes



Subject: Public Hearing: Amendment to MPS and LUB to Delete Architectural Control Areas

From: Arthur MacDonald, Manager Planning & Heritage

Reviewed by: Hilary Grant, Director of Community Development

Date: October 10, 2023 – first reading
November 28, 2023 – public hearing
December 12, 2023 – proposed second reading

Recommendation

This report is for a Public Hearing. The following motion will be presented at a following meeting of Council, if deemed appropriate:

That Council give second and final consideration to the amendments to the Municipal Planning Strategy and Land Use By-law to delete the Architectural Control Areas and Schedule “F” Heritage Conservation District and Architectural Control Area Map as presented.

Alternatives

- To refuse the amendment.
- Approve the amendment with changes.

Background

In keeping with the Town’s Comprehensive Community Plan (CCP) and Council’s direction, the Town intends to adopt a new Heritage Conservation District (HCD) Plan and By-law and delete the Architectural Control Areas (ACAs) from the Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The Dufferin Street ACA will be incorporated within the HCD. The Tannery Road ACA will be eliminated. The thought being that the Tannery Road area was distinct in its own right and did not contribute to the UNESCO World Heritage Site which is the narrative of the new Old Town Heritage Conservation District. This also follows the rationale for the new District's boundaries as outlined in the Background Study approved by Council on August 9, 2022 and available on the Town’s [website](#).

This report will cover the deletion of the ACAs from the Town’s MPS and LUB. The adoption of a new HCD Plan and By-law will be covered under a separate document. The existing MPS and LUB provisions are outlined in **Attachment A**. The Evaluation Criteria, Implementation Policy, 6-19 is outlined in **Attachment B**. The MPS amendments are outlined in **Attachment C**, and the LUB amendments are outlined in **Attachment D**.

The Planning Advisory Committee (PAC) held a Public Participation Meeting on February 27, 2023. There were no submissions for or against the proposed amendments. The following motion was approved:

Moved and seconded that the PAC recommends that Council proceeds with first reading of the proposed amendments to the Municipal Planning Strategy and Land Use By-law to delete the Architectural Control Areas and Schedule “F” Heritage Conservation District and Architectural Control Area Map as outlined in the Planner’s report.

Motion carried unanimously

Council approved first reading of the proposed amendments on October 10, 2023.

Discussion

The proposal involves the creation of a new HCD Plan and By-law and the deletion of the ACAs from the Town’s MPS and LUB. This enables the creation of one document focusing on architectural provisions and eliminates the need for cross-referencing with the Town’s MPS and LUB when it comes time to consider development proposals. Architectural provisions will be regulated through the HCD Plan and By-law through the issuance of a Certificate of Appropriateness. Registered Heritage Properties will be reviewed in light of the Heritage Property Act and the Alteration Guidelines for Municipally Registered Heritage Properties with regards to a Heritage Permit application.

The Municipal Planning Strategy (MPS):

Policy 6-9 of the MPS enables Council to consider an amendment to the text of the LUB if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. To ensure consistency and compatibility, the MPS will be amended to remove any inconsistencies with the new HCD Plan and By-law as well as ensuring that the LUB is consistent with the MPS.

Any amendment to the MPS and LUB must be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

Provincial Interest Statements	
Statement 1: Drinking Water Goal: To protect the quality of drinking water within municipal water supply watersheds.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 1.
Statement 2: Flood Risk Areas GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 2.

Statement 3: Agricultural Land GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 4.
Statement 5: Housing GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 5.

Any amendment should also be evaluated pursuant to accessibility in keeping with the Lunenburg County Accessibility Plan. To this end staff has reviewed as outlined in the table below:

Review amendment through an accessible lens	
Review amendment with a focus on equity, diversity, and inclusion.	This amendment is a deleting of the Architectural Control Area from the MPS/LUB and will not negatively impact issues pertaining to equity, diversity, and inclusion.

Strategic Plan Relevance

- Heritage: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.
- Urban Design: Direction to enhance residents' and visitors' experience of the built environment.
- Culture and Recreation: Direction to support community life and assets in Lunenburg, including cultural identity, heritage interpretation, and the arts sector, as well as parks, open spaces, sports, and other activities.
- Governance: Direction to enhance internal and external relations through policies, procedures and resources.

Relevant Legislation

The Municipal Government Act outlines the required process for amendments to planning documents.

Financial

The deletion of the ACAs and regulating architectural control provisions through a new HCD Plan and By-law will not have any financial impacts on the Town.

Communications

A Public Hearing will be advertised in the local newspaper and on the Town's website and social media.

Attachments

- A. Existing MPS and LUB Provisions
- B. Evaluation of Policy 6-19
- C. Amendments to MPS
- D. Amendments to LUB

Attachment A Existing MPS and LUB Provisions

Municipal Planning Strategy Provisions:

5.3 Heritage and Architectural Control

5.3.1 Introduction

Lunenburg has a distinct heritage rooted in the Germanic origins many of its first European settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment.

The Town's architectural character is perceived as being a particularly important component of its heritage and Council has taken a number of initiatives to conserve, maintain, and improve that character.

In 1981, the Heritage Property By-law was first adopted under the *Heritage Property Act*, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council.

In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.

5.3.2 Heritage Conservation District and Architectural Control Areas

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a **three-**fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property By-law.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use By-law. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference is 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.

- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. **Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.**

Policy 5-4: Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.

6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

Policy 6-9: Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.

Note: The review of the Implementation Policy 6-19 has been addressed in Attachment B.

Land Use By-law Provisions:

7.3. Architectural Control Area

New Buildings

7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

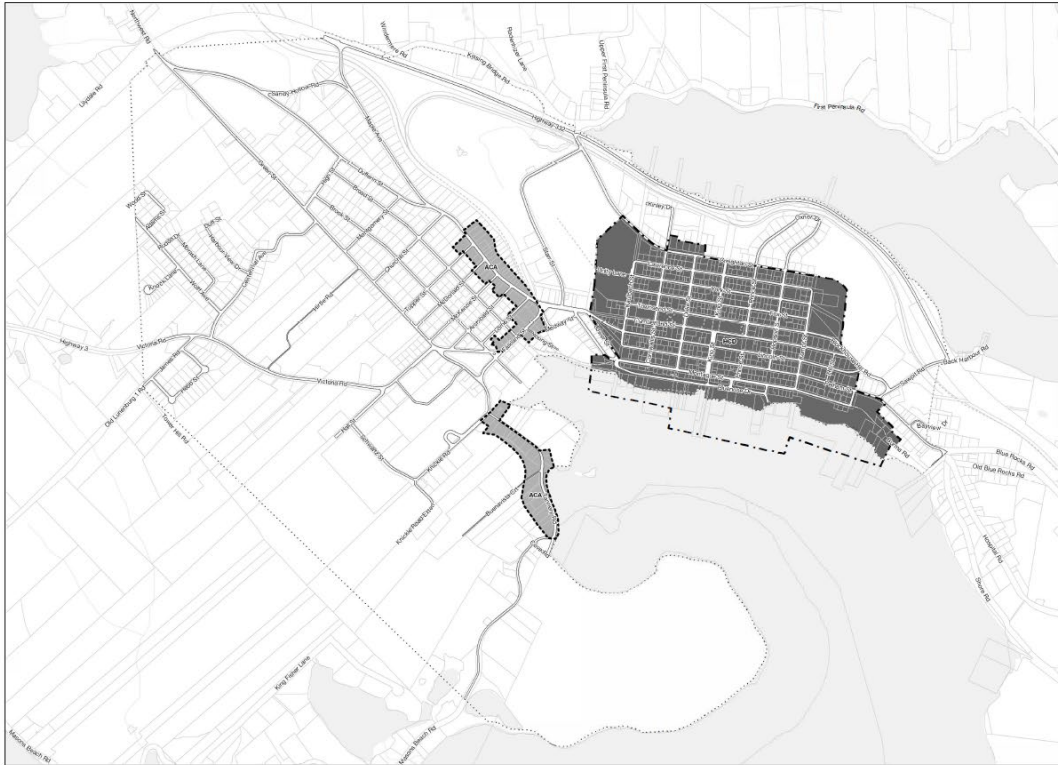
- (a) architectural style;
- (b) building length to width ratio;
- (c) height;
- (d) roof shape;
- (e) appearance of exterior cladding and roof materials;
- (f) architectural details and trim;
- (g) shape and size of porches, doors and windows;
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

7.3.2. New buildings located on corner lots may use either street as the street on which they front.

Additions and Alterations to Existing Buildings

7.3.3. In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.

Schedule "F" - Heritage Conservation District and Architectural Control Area Map



MAP
Heritage Conservation District and Architectural Control Area Map

SCHEMA F LAST UPDATED 2021.07.27

SCALE 1:10,000

- LEGEND
- HCD Heritage Conservation District
 - ACA Architectural Control Area
 - Town of Lunenburg

Attachment B

Evaluation of Policy 6-19

6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-19: Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
The proposal is to amend the MPS to ensure the deletion of the ACA's are consistent with the MPS. The amended LUB provisions will be consistent with the amended MPS policies.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;
The proposal is not premature or inappropriate due to the ability of the Town to absorb any public costs.
 - ii. impacts on existing drinking water supplies, both private and public;
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public.
 - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
The proposal is not premature or inappropriate due to the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services.
 - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
The proposed amendment is to delete ACA's from the MPS/LUB and incorporate architectural provisions under a new HCD Plan and By-law. The Dufferin Street ACA will be incorporated with the HCD. The Tannery Road ACA will be eliminated. The amendment will not directly impact traffic or congestion. Considering the above, the proposal does not seem to be premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.
 - v. the adequacy of fire protection services and equipment;
There is no specific site being proposed for development. The proposal does not seem to be premature or inappropriate due to the adequacy of fire protection services and equipment.
 - vi. the adequacy and proximity of schools and other community facilities;
It is difficult to assess this evaluation criteria as no specific site is being proposed.
 - vii. impacts on UNESCO World Heritage Site statements of outstanding value;

The development of a new HCD Plan and By-law will strengthen the Town's provisions for the protection and enhancement of the UNSECO World Heritage Site statements of outstanding value. The removal of the two ACA's (Dufferin Street and Tannery Road) from the MPS/LUB does not seem to be premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding value. These two areas are outside of the UNESCO World Heritage Site.

- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
The amendment will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;
The amendment will not cause or increase any site-specific climate risks.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
The amendment will not cause any flooding or drainage issues.
- xi. impacts on known habitat for species at risk;
The amendment will not cause any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;
The amendment will not cause any impact on navigation or environmental concerns on Lunenburg Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and
It is difficult to assess this evaluation criterion as no specific site is being proposed.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.
The amendment will not, by itself, cause any land use conflicts with existing businesses.

Attachment C Amendments to MPS

- 1) Amendment to the Municipal Planning Strategy thereby amending the Table of Contents under “Chapter 5 - Community Form & Heritage” by deleting “5.3 Heritage and Architectural Control” and substituting therefore “5.3 Heritage” and deleting “5.3.2 Heritage Conservation District and Architectural Control Areas” and substituting therefore “5.3.2 Heritage Conservation District”.
- 2) Amendment to the Municipal Planning Strategy thereby amending the Title “5.3 Heritage and Architectural Control” on page 32 and substituting therefore “5.3 Heritage”.
- 3) Amendment to the Municipal Planning Strategy thereby amending the subtitle “5.3.2 Heritage Conservation District and Architectural Control Areas” on page 34 and substituting therefore “5.3.2 Heritage Conservation District”.
- 4) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the last paragraph in Section “5.3.1 Introduction” on page 33 and substituted therefore the following paragraph:

“In 2023 Council approved a new Heritage Conservation District Plan and By-law. The former Dufferin Street and Falkland Street Architectural Control Areas were deleted from the Municipal Planning Strategy and Land Use By-law and incorporated within the new Old Town Lunenburg Heritage Conservation District. The Tannery Road Architectural Control Area was also deleted from the Municipal Planning Strategy and Land Use By-law but was not incorporated within the new District. The thought being that the Tannery Road area was distinct in its own right and did not contribute to the UNESCO World Heritage Site which is the main narrative of the new Old Town Heritage Conservation District. If properties wished to have heritage protection, they are encouraged to have their properties registered as municipal heritage properties under the Heritage Property Act. Council also retains the right to designate the Tannery Road are under its own Heritage Conservation District at a future date, if so desired.”

- 5) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the second paragraph of subsection 5.3.2 and substitute therefore the following:

“In order to ensure the protection of Lunenburg’s built heritage, Council has adopted a two-fold approach to architectural control:”
- 6) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the second bullet in subsection 5.3.2 on page 34.
- 7) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the third bullet in Subsection 5.3.2 on page 34 and substituting therefore the following:

- “
- Establishment of a Heritage Conservation District comprised of the Old Town National Historic Site and World Heritage Site and the Dufferin Street and Falkland Street historic areas, with architectural controls implemented through the policies and design guidelines of the Heritage Conservation District Plan and By-law.”

- 8) **Amendment to the Municipal Planning Strategy (MPS) thereby deleting Policy 5-4 and substituting therefore “Policy 5-4 “DELETED””.**

Attachment D Amendments to LUB

- 1) Amendment to the Land Use By-law by thereby deleting 7.3 from the Table of Contents on page “vii” in its entirety and substituting therefore “7.3 ‘DELETED’”.
- 2) Amendment to the Land Use By-law thereby deleting Section 7.3 in its entirety on Page 29 and substituting therefore “7.3 “DELETED””.
- 3) Amendment to the Land Use By-law thereby deleting “Schedule ‘F’ – Heritage Conservation District and Architectural Control Area Map” from the Table of Contents on page “viii” and substituting therefore “Schedule ‘F’ – “DELETED””.
- 4) Amendment to the Land Use By-law thereby deleting “Schedule ‘F’- Heritage Conservation District and Architectural Control Area Map” and substituting therefore a blank page with the words “Schedule ‘F’- “DELETED””.
- 5) Amendment to the Land Use By-law thereby deleting subsection 4.2.1.(b) and substituting therefore the following:

“(b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.”
- 6) Amendment to the Land Use By-law thereby deleting subsection 6.13.3. and substituting therefore the following:

“6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings.”
- 7) Amendment to the Land Use By-law thereby deleting subsection 7.2.3. and substituting therefore the following:

“7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Old Town Lunenburg Heritage Conservation District. This provision shall not apply above a height of 2.4 metres (7.9 feet).”
- 8) Amendment to the Land Use By-law thereby deleting subsection 7.8.2. and substituting therefore the following:

“7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is located in the Old Town Lunenburg Heritage Conservation District.”

Subject: Cornwallis Street Re-Naming

Prepared by: Michael Best, Communications Manager

Reviewed by: Jamie Doyle, CAO

Date: November 28, 2023



Recommendation

That Council approve _____ as the new name for Cornwallis Street.

Alternatives

- That Council put forward a new name for Cornwallis Street that has not yet been considered.
- That Council not approve a new name for Cornwallis Street.
- That Council defer the decision to another meeting.

Background

On December 13, 2022, Lunenburg Town Council approved recommendations from its Anti-Racism Special Committee to rename Cornwallis Street as well as two local parks.

Council approved the renaming recommended by its Anti-Racism Special Committee to honour African Nova Scotian and Mi'kmaw figures, place names and words from Lunenburg's history.

Edward Cornwallis, the controversial former governor of Nova Scotia issued a "scalping proclamation" bounty in 1749 to anyone who killed Mi'kmaw men, women, and children. A fresh look at our history has prompted other municipalities in the province, such as Bridgewater, Kentville, Halifax and Sydney, to change their Cornwallis Street names in recent years.

Several proposed names were brought forward by the Anti-Racism Special Committee and Council. An online and paper survey was launched in January of 2023, designed as a ranked ballot system where people were asked to submit three choices in their order of preference.

Proposed Name	1st Choice	2 nd Choice	3 rd Choice
E'se'katik (<i>AY-SAY-kateek</i>) Street: Original Mi'kmaw place name for Lunenburg; means "place of clams".			
Gta'n (<i>uk-dawn</i>) Street: Mi'kmaw word for "ocean".			

Kluscap (<i>gloos-cap</i>) Street: Named for a spiritual figure for Indigenous peoples located in Vermont, New Hampshire, Maine and Atlantic Canada.			
Matlot (<i>maduh-lot</i>) Street: Mi'kmaw word for "sailor".			
Merligueche Street: Mik'maw word for "whitecaps which topped the waves"; former Acadian place name for Lunenburg.			
Nitap (<i>knee-dub</i>) Street: Mi'kmaw word for "friend".			
Queen Street: Follows the naming convention of the nearby streets (Duke, King, Prince).			
Reconciliation Street: Named for the National Day of Truth & Reconciliation with Indigenous nations.			
Samqwan (<i>sam-hwan</i>) Street: The Mi'kmaw word for "water"; selected to represent the street's connection to the back and front harbours, and the community's overall ties to water.			

Residents were also asked to submit their own suggestions.

Discussion

It should be noted that all names were considered at the December meeting of the Anti-Racism Special Committee. The Committee voted to select one of three names: Reconciliation, Queen, and Samqwan. Reconciliation Street received two votes. Samqwan received three votes, and Queen Street received one vote. The Committee held a new vote for Reconciliation Street and Samqwan Street. Committee members voted unanimously for Samqwan Street.

Samqwan is the Mi'kmaq word for water. The name was suggested to represent the street's connection to the back harbour and front harbour.

The Anti Racism Special Committee has since been dissolved. A new Regional Anti-Racism and Anti-Discrimination is being formed with the Town of Lunenburg, Municipality of the District of Lunenburg, Town of Mahone Bay and the Municipality of Chester.

It is at Council's discretion to accept or not accept either committee or public recommendations.

SURVEY RESULTS

Using a ranked ballot system, these are the results after nine rounds of elimination:

See attached PowerPoint: TOWN OF LUNENBURG - Cornwallis Street Results Nov2023

Strategic Plan Relevance

- Expand heritage recognition beyond European colonial landscapes to include perspectives of Nova Scotia's First Nations and Black communities, and other cultural groups.
- Build relationships with local Mi'kmaq community members and organizations and Black Nova Scotian community members and organizations, to inform how best to broaden the historic narrative and commemoration of Lunenburg through an anti-racism and decolonization lens.

Relevant Legislation

[Nova Scotia Dismantling Racism and Hate Act 2022](#)

Financial

Canada Post mail forwarding service for one year for each resident of Cornwallis Street:
Approximately 70 residents x \$92.50 each = (approx.): \$ 6,475

New signage: The cost for new street signage has yet to be determined. However, the cost is not expected to be significant and will be aligned with the budget for this renaming project.

Due to competing priorities and staff capacity, an external consultant, Ignite Event Management, was hired in August 2023 to analyze the data and present the results.

Consultant: \$ 2,000

Communications

If Council decides on a new name for Cornwallis Street, residents of Cornwallis Street will be notified by mail.

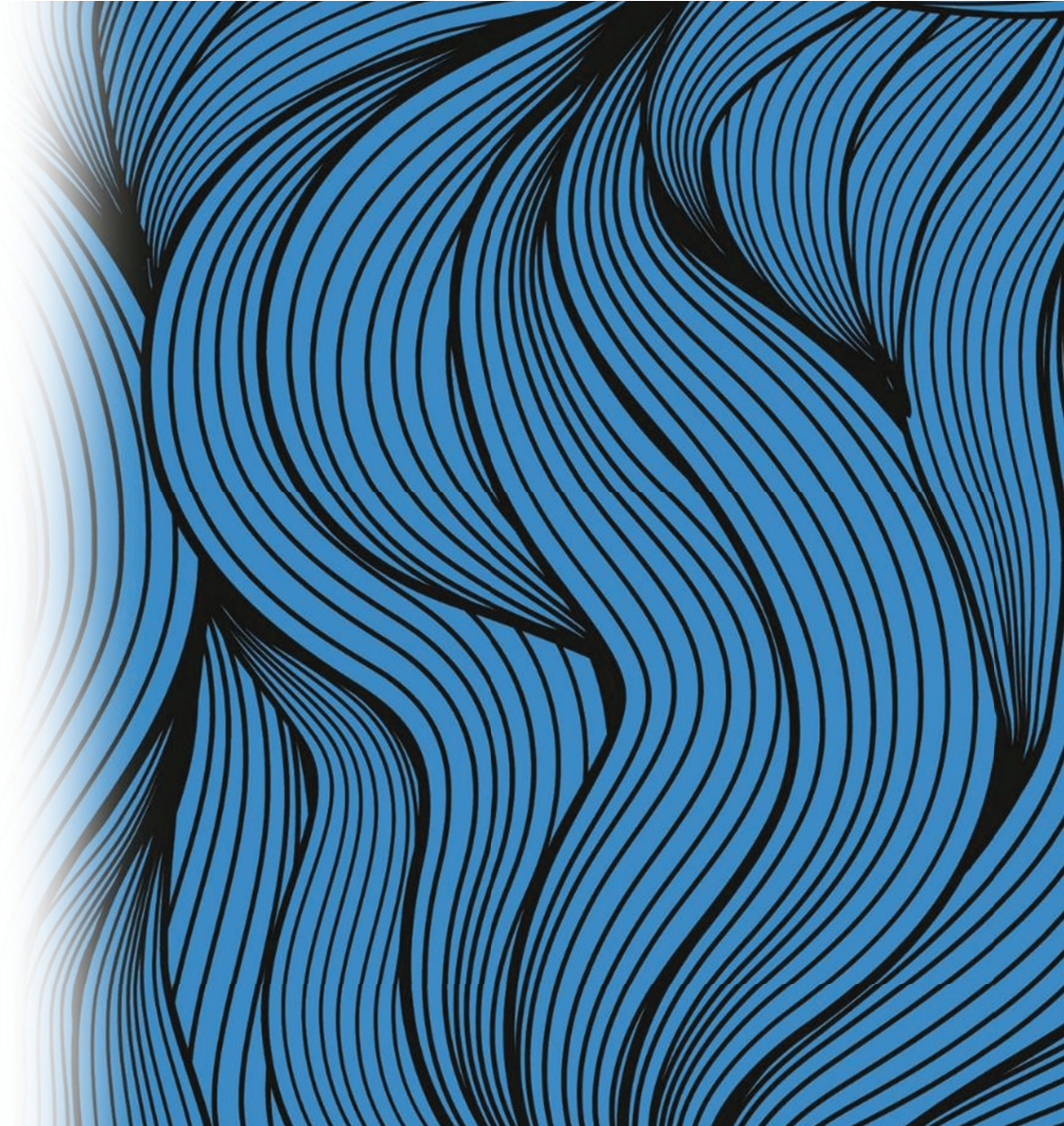
The change to the street name is done through the 911 Nova Scotia Civic Address File. This automatically updates all provincial databases, including emergency responders.

Attachments:

Cornwallis Street Results Nov 2023



TOWN OF LUNENBURG
Cornwallis Street Renaming Project

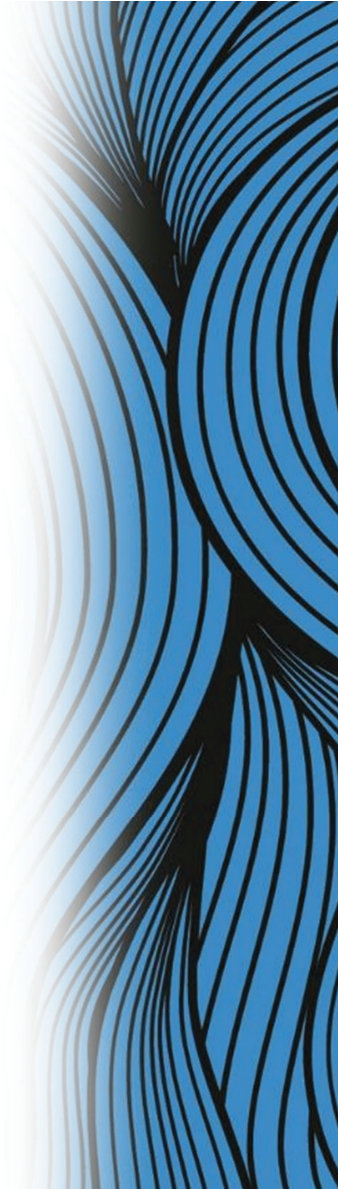




TOWN OF LUNENBURG
Cornwallis Street Renaming Project

The following charts represent data collected and how many people are included in each set of results:

1. All Results (342)
2. Town of Lunenburg (276)
3. Non-Residents (65)
4. Cornwallis Only (25)
5. Top 5 Other Suggestions
6. Cultural Identity (141)

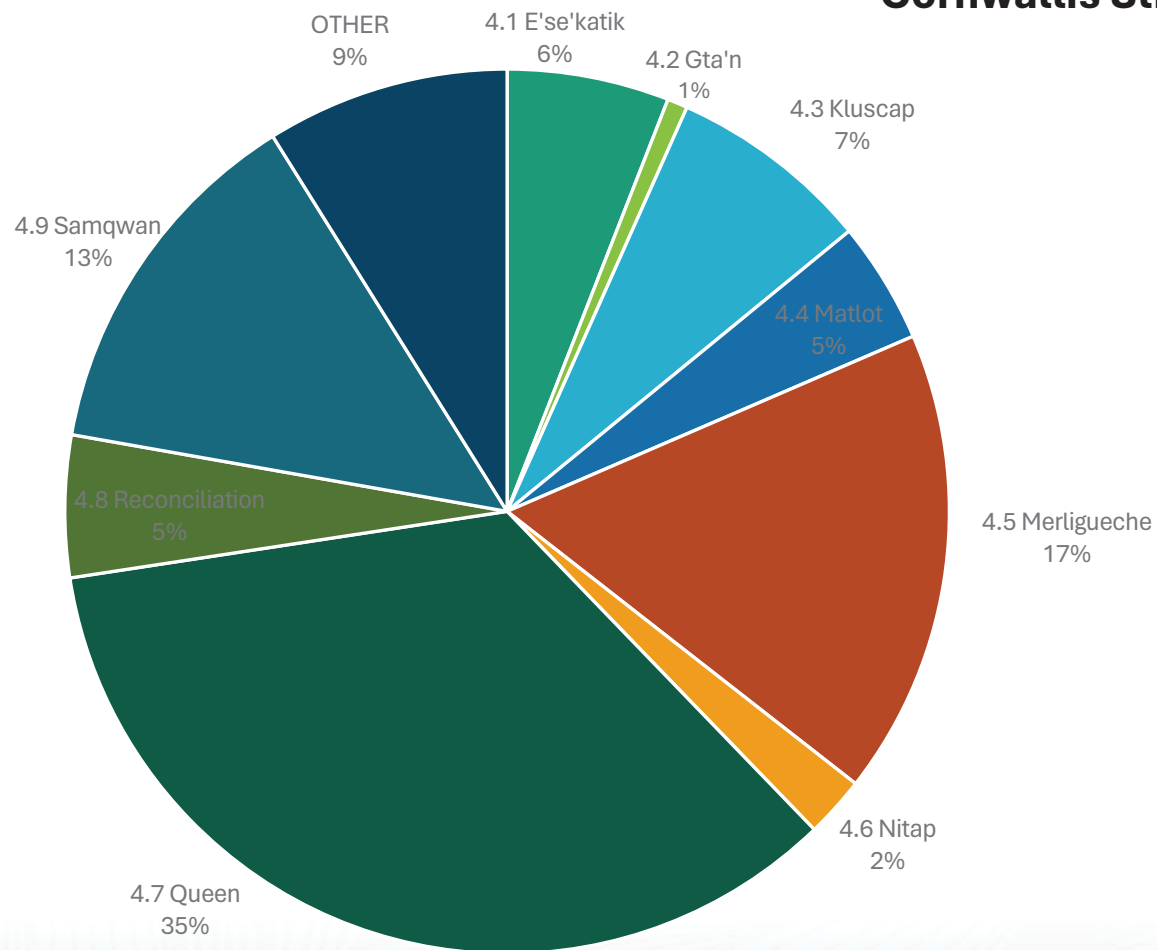




TOWN OF LUNENBURG

Cornwallis Street Renaming Project

ALL RESULTS (342)

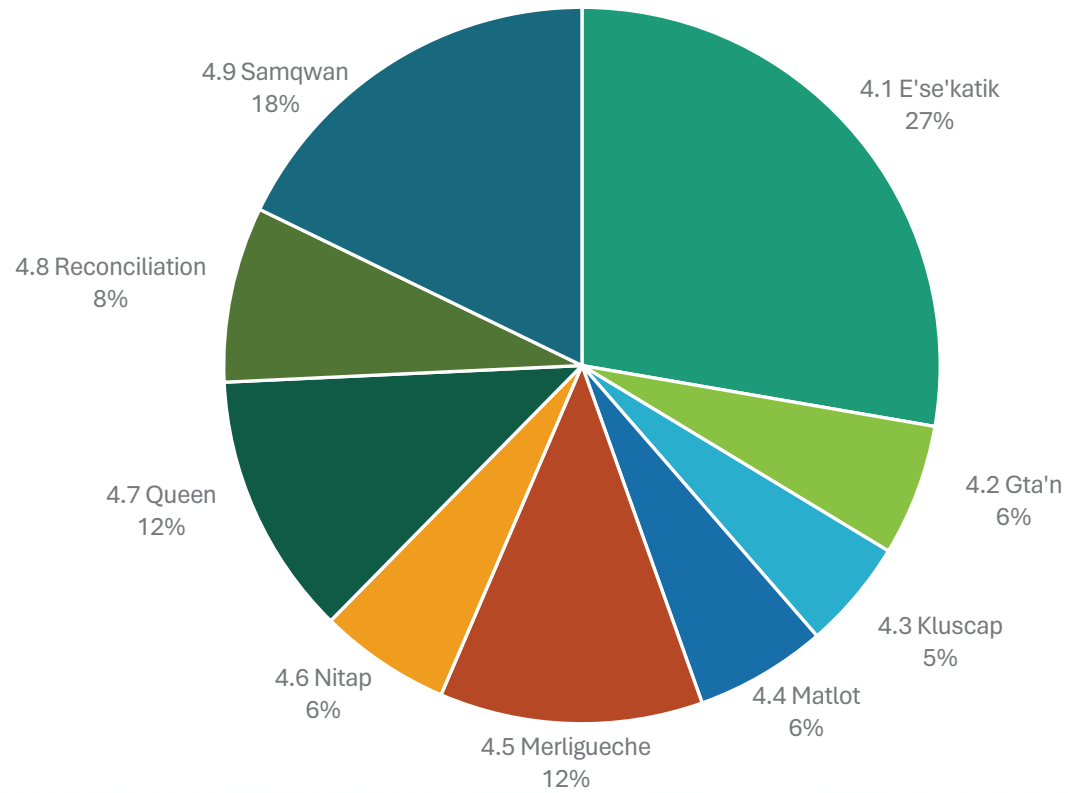




TOWN OF LUNENBURG

Cornwallis Street Renaming Project

NON-RESIDENTS (65)

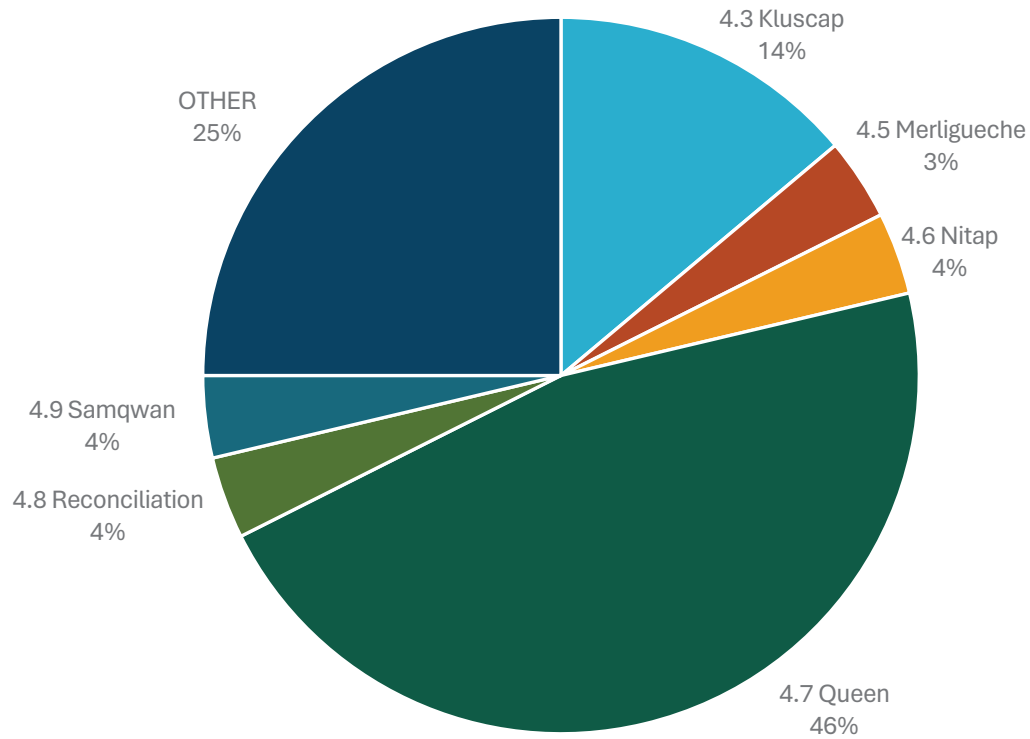




TOWN OF LUNENBURG

Cornwallis Street Renaming Project

CORNWALLIS ONLY (25)

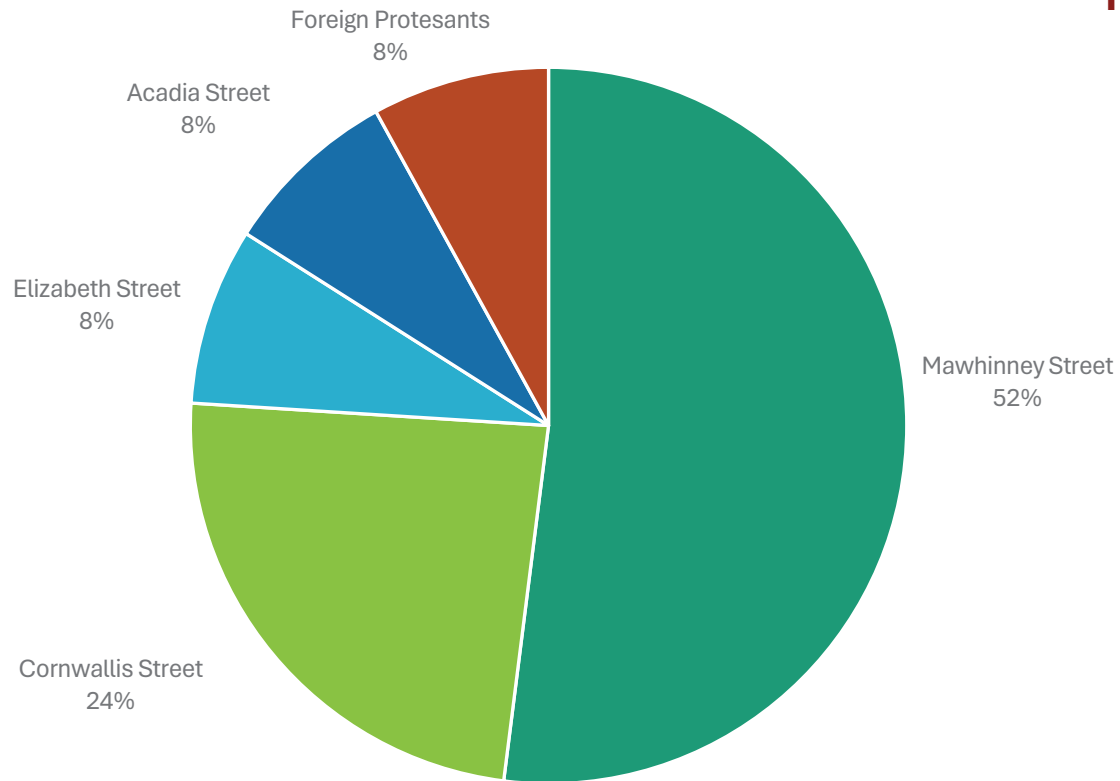




TOWN OF LUNENBURG

Cornwallis Street Renaming Project

TOP 5 "OTHER" SUGGESTIONS



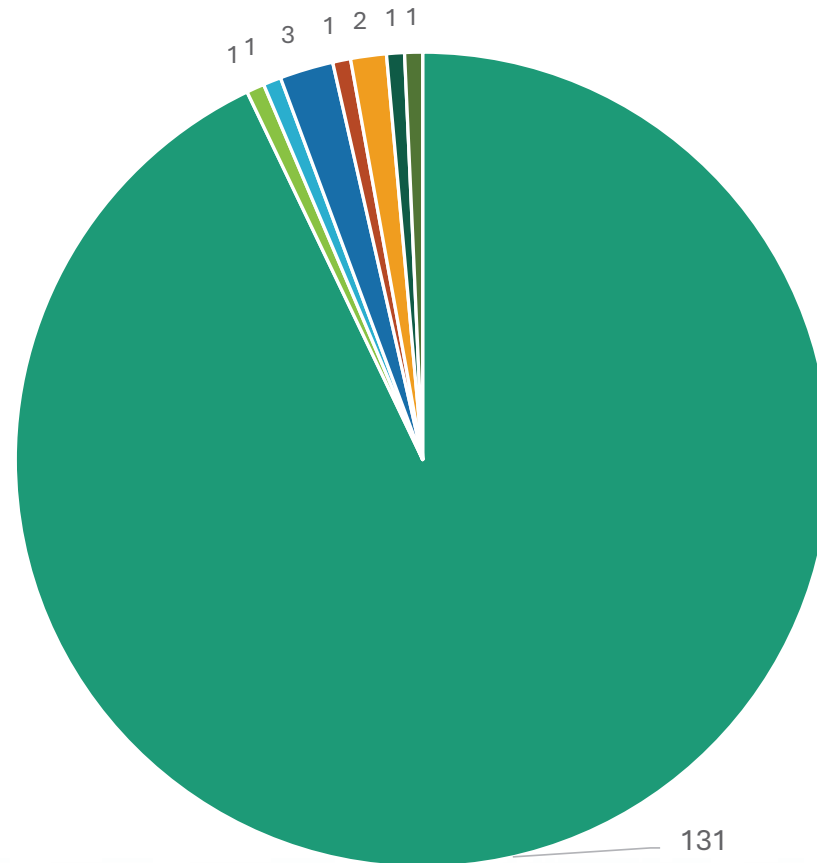


TOWN OF LUNENBURG

Cornwallis Street Renaming Project

IDENTIFY CULTURALLY (141)

- Caucasian
- Caucasian / NE Asian
- East Indian
- Indigenous / Caucasian
- Indigenous / Jamaican
- Korean
- native/acadian
- Western European / NE Asian
- (blank)



Subject: Purchasing Policy
From: Lisa Dagley, Finance Director
Reviewed by: Kayla Byrne, Municipal Clerk
Date: November 14, 2023 – notice
November 28, 2023 – decision



Recommendation

That Council repeal the current Purchasing Procedures Policy and replace it with the new Purchasing Policy as presented.

Alternate recommendations

- Approve the proposed policy with amendments provided by Council.
- Not approve the proposed policy.

Background

The current dollar limits for both the Limited Value (“Small”) Purchase Orders and when a Request for Quotation (RFQ) is required are creating operational inefficiencies.

While staff are conducting a review of all Town policies and bylaws, a change to these dollar limits is seen as a priority to improve operational effectiveness. Along with these changes in dollar limits, staff have taken this opportunity to bring the policy into current formatting standards and removed sections that were procedural in nature.

A fuller review of the Purchasing Policy is necessary and will be undertaken in the upcoming months.

Discussion

The current [Purchasing Procedures Policy](#) provides for Limited Value (“Small”) Purchase Orders of \$750 + HST. Staff recommend this amount be increased to \$2,500 + HST.

For the Request for Quotations (RFQ), staff recommend increasing the lower limit to \$5,000 + HST vs the \$2,000 + HST currently in the policy.

These dollar amounts were last changed in January 2019, and the cost for goods and services has increased significantly since that time.

Emergency Purchasing: The current policy states that Council approval is required for emergency spending over \$10,000. The proposed policy removes this limit, allowing the CAO to make emergency expenditures quickly and efficiently when deemed an absolute requirement. Reporting emergency expenditures to Council remains a requirement.

Strategic Plan Relevance

Internal Operations: Undertake a policy, procedure and bylaw review to enable implementation of CCP.

Relevant Legislation

Municipal Government Act (MGA): As per the MGA, there must be seven days' notice before a policy is approved or amended.

Public Procurement Act: The act outlines the rules government and public sector entities must follow to ensure tenders for all goods, services, construction, and facilities follow regional, national or international trade agreements.

Financial

There are no financial impacts related to repealing and replacing this policy. Both the existing policy and the proposed policy carry out the necessary procurement of the approved annual Operating and Capital Budgets for the Town.

Attachments

Proposed Policy

Purchasing Policy

Date adopted by Council: **TBD**



1. POLICY STATEMENT

The Town of Lunenburg is dedicated to transparent, efficient, and fair purchasing that delivers value to our taxpayers and supports our local community.

2. PURPOSE

The purpose of this policy is to ensure that all purchases of goods, services, and construction by the Town of Lunenburg are conducted in a manner that is transparent, competitive, and efficient while ensuring value for taxpayers' money.

3. SCOPE

The Town of Lunenburg will:

- Comply with all applicable regional, national and international agreements and acts.
- Avoid dishonesty, corruption and favouritism in the procurement of Goods, Services and Construction

4. APPLICABILITY

This policy applies to all Town of Lunenburg employees involved in purchasing.

5. DEFINITIONS

For this policy and administrative procedures, the following definitions are provided:

“Emergency” refers to an unforeseen situation or event that requires immediate action to prevent harm to individuals, significant damage to property, substantial financial loss, disruption of essential services, or any circumstance contrary to the public interest if not addressed promptly. This includes situations where failure to act quickly could reasonably cause economic disruption or other detrimental impacts to the Town of Lunenburg and its residents.

“Purchase Order (PO)” is a formal document issued by a buyer to a seller, indicating the type, quantity, and agreed prices for products or services.

“Requisition Form” details the items or services requested, the reason for the purchase, the requested delivery date, and any other pertinent information. Once approved, it serves as the basis for generating a Purchase Order to a supplier.

“Request for Proposals (RFP)” is a formal document issued to potential suppliers, inviting them to submit proposals for a specific project or service. Unlike a Request for Quotations, which focuses on price, an RFP typically emphasizes the solution, approach, and methodology.

“Request for Quotations (RFQ)” is a formal document issued by a buyer to potential suppliers, inviting them to submit a detailed price quote for specific goods or services.

“Tender or call for tenders” is a formal, structured invitation to suppliers to submit a bid to supply products or services.

6. TENDERING, QUOTES AND PURCHASING

Purchases under \$5,000: For purchases below \$5,000 + HST, there's no need for a written Request for Quotations (RFQ) or tender calls. However, if the Purchasing Agent knows of multiple suppliers that might benefit the Town, an RFQ can be requested.

Purchases of \$5,000 – under \$10,000: For purchases over \$5,000 +HST but under \$10,000, a request for quotation (RFQ) should be sent to all known suppliers within reasonable limits if the product or service can be described in a fashion that fair quotations can be obtained.

Purchases over \$10,000: For purchases exceeding \$10,000 + HST, a Tender or Request for Proposals (RFP) will be published on the Town's website or other relevant websites. Additionally, if deemed beneficial for the Town, the Tender or RFP can be directly sent to known suppliers.

Exceptions: In cases where specialized products are available from only one supplier, a single-source quotation may be pursued. However, the Town can advertise these purchases to ensure transparency.

7. AWARDING TENDERS AND QUOTATIONS

Tenders or quotations valued at \$100,000 + HST or more require approval from Council. However, if Council has passed a resolution granting authority to staff, staff can award such tenders or quotations.

The Purchasing Agent will approve tenders or quotations under \$100,000 + HST unless Council directs otherwise through a motion.

8. LOCAL PREFERENCE

When prices are identical and factors like a vendor's past performance, delivery time, quantity, servicing, and quality of goods and services are comparable, suppliers will be chosen based on the following order of priority:

- Suppliers located within the Town of Lunenburg.
- Suppliers within the County of Lunenburg.

- Suppliers within Nova Scotia.
- Suppliers within the Atlantic Provinces.
- Suppliers elsewhere in Canada.
- Suppliers from other locations.

In evaluating the purchase price of items, the costs and potential delays associated with servicing the product will be factored in, ensuring the Town achieves the best overall value.

9. EMERGENCY PURCHASING

In an emergency, the CAO, Finance Director or designate is authorized to make reasonable and informed procurement decisions which they determine to be necessary to protect and fulfill the obligations of the Town or which involve a situation where failure to act could reasonably cause economic disruption or would cause other detrimental impacts to the Town of Lunenburg and its residents. These expenditures must be reported to Council.

10. GENERAL

No purchases of unbudgeted items are permitted unless deemed emergency in nature.

11. ROLES AND RESPONSIBILITIES

Council

- Approves the Town's operating and capital budgets.
- Approves tenders or quotations valued at \$100,000 + HST or more.
- Reviews emergency procurement decisions.

Chief Administrative Officer (CAO)

- Designates roles for staff to administer this policy and administrative or operational procedures.
- Designates a Purchasing Agent and alternates for the Town of Lunenburg.

ADMINISTRATIVE PROCEDURES

Purchasing Policy

Date approved by CAO: **TBD**



1. STAFF ROLES AND RESPONSIBILITIES

Director of Finance

- Will ensure a complete set of Procurement Guidelines is maintained to guide municipal staff in procuring Goods, Services and Construction in compliance with the Public Procurement Act and related regulations, this policy and procedures, and industry standards.

Purchasing Agent:

- May, with the CAO's and/or Finance Director's approval, suspend or revoke any employee's purchasing authority for violating this policy and administrative procedures.

Employees engaged in purchasing activities

- All employees engaged in purchasing activities will ensure that their sole priority is the best interests of the Town of Lunenburg.
- All employees who receive items purchased by the Town which are inconsistent in quantity or other ordering specifications must immediately inform their manager so they may address the issue.

2. PURCHASING AUTHORITY

The Purchasing Agent, the CAO or the Finance Director is authorized to purchase all items in the Town's Budget once approved by resolution of Council in compliance with this policy.

3. PURCHASE ORDERS

The Town of Lunenburg issues two types of Purchase Orders: Small Purchase Orders and Large Purchase Orders. A Large Purchase Order is required for any purchase exceeding \$2,500 + HST. A Small Purchase Order is required for all purchases under \$2,500 + HST.

All purchases made by authorized personnel must be made using a Purchase Order.

Purchase Orders should be issued before goods or services are received by the Town.

Staff must issue a confirmatory Purchase Order if emergency purchases are made outside of regular Town Hall hours.

Splitting purchases of identical or similar items to bypass the necessary tendering or quotation process is prohibited.

4. REQUISITION FORMS

A completed Requisition Form must be submitted to the Purchasing Agent when a request to purchase supplies or services requires a Purchase Order over \$2,500 + HST.

5. TENDERS AND REQUESTS FOR PROPOSALS (RFPs)

5.1 Initiating the Process

When public tenders or RFPs are necessary or beneficial for the Town, as judged by the Purchasing Agent, these steps will be followed:

The relevant manager or designated person will supply the Purchasing Agent with adequate details to draft a Tender Form, RFP, and any associated advertisements.

When external consultants or engineers are involved, they might draft the tender/RFP package and related advertisements adhering to their industry standards.

If there's a specific timeline for delivery, it should be specified by the staff member overseeing the purchase.

The Purchasing Agent will publish the tender or RFP notice in appropriate media outlets, such as official websites or local/provincial newspapers.

Staff might directly send the tender or RFP to recognized suppliers if it benefits the Town.

5.2 Submission Guidelines

Adequate time will be provided for potential bidders to receive, fill, and return the forms within the specified period.

Bids or proposals arriving after the deadline will only be considered if all participants have been granted a prior extension.

Faxed submissions are acceptable. Upon receiving, faxed submissions will be timestamped, sealed, and delivered to the Purchasing Agent.

In specific scenarios, a deposit may accompany the bid or proposal.

Only submissions on the official Town of Lunenburg forms are accepted. Extra pages can be added for comprehensive information.

5.3 Review Process

Tenders and proposals will be unsealed after the closing period. The opening will involve the Purchasing Agent and at least one other staff member, who will sign and date each submission.

After opening, tenders and proposals are handed over to the respective department for evaluation and recommendations.

5.4 Exceptions

The Purchasing Agent, with the approval of the CAO or Finance Director, may deviate from the Tender and RFQ process if they believe an alternative procedure is in the Town's best interest. For purchases over \$10,000, excluding HST, any deviations from this policy will be reported to the Town Council in the Budget variance report.

5.5 Decision making

For Tenders, the lowest qualifying bid that offers the Town the best value is usually chosen. But the Town can override any irregularity and has the discretion to accept or decline any bid. The lowest or any bid will not necessarily be accepted.

For RFPs, the Town selects the proposal with the most overall value, reserving the right to waive inconsistencies and accept or decline any proposal. The lowest or any cost proposal will not necessarily be accepted.

6. APPROVAL FOR PAYMENT

Goods or services authorized for purchase under this policy and administrative procedures and received in acceptable quality and quantity may be approved for payment by the relevant Manager, Finance Director, and/or CAO.

7. BUDGET OVERRUNS AND AUTHORIZATION

If necessary for operational purposes, components of a Department's Operating budget may be exceeded if the total Departmental Operating budget is not exceeded. Should this occur, it will be noted in the following Budget variance report with supporting reasons.

If a fee estimate is exceeded for goods or services, such as per unit pricing construction contracts or hourly fees, that are not within an approved budget limit, the prior authorization of the Purchasing Agent and CAO or Finance Director must be obtained before proceeding and the over-expenditure reported in the following Budget variance report to Council.

Subject: Upper King Street - ZZAP Design Concepts
From: Arthur MacDonald, Director of Community Development
Reviewed by: Jamie Doyle, CAO
Date: November 28, 2023



Recommendation

That Council accept the deliverables from ZZAP as the completion of the Upper King Street Design Project.

That Council declare the lands of Upper King Street, including PID 60057460, PID 60057395, PID 60057387, PID 60057379, Upper Duke Street (north of Creighton Street), Upper King Street (north of Creighton Street with the exception of the first 42.5m beginning at Creighton Street heading North), as shown on Attachment F, as surplus lands.

Alternatives

- That Council direct staff to organize a Public Information Meeting to review design concepts for Upper King Street.
- That Council directs staff to develop amendments to the Municipal Planning Strategy and Land Use By-law to create a Comprehensive Development District complete with a draft Development Agreement for one of the four options and seek public input through the planning approval process.
- That Council maintains the status quo.
- That Council amends the recommended motion.

Background

ZZAP have submitted their final deliverables, completing their work on the Upper King Street Conceptual Design Project. The deliverables include Concept Plans for the four "In and Out" options, complete with Servicing Drawings and costing sheets, draft Development Agreements, a draft proposal for Municipal Planning Strategy and Land Use By-law amendments to enable the creation of a Comprehensive Development District (CCD) (**Attachment A**).

Discussion

Staff Recommendation

The consultant's recommendation for the "In and Out" design was not able to meet the desired outcomes with regards to connectivity and being compatible with the Old Town Lunenburg Street grid and the 1753 Town Plan. There are essentially two reasons for Staff's recommendation that Council maintain the status quo.

- *Lack of connectivity:* The consultants' analysis has shown that the "In and Out" cul-de-sac option is the only option that follows sound engineering practises in light of the site's steepness. It is also the most economically viable option. However, this approach does not support accessibility and connectivity with the surrounding areas and does not support a second means of access/egress.
- *Heritage Impact:* Upper King Street is within the UNESCO World Heritage Site (WHS) Buffer Zone and the Transition Area of the proposed Old Town Lunenburg Heritage Conservation District Plan and By-law. The proposed development could diminish Old Town Lunenburg's heritage value in two ways. First, the authenticity of Old Town Lunenburg is closely tied to its distinct separation between urban and non-urban areas. However, the proposed plan fails to maintain this separation, as it suggests constructing multi-story buildings right at the edge of Old Town Lunenburg and within the WHS Buffer without an open space to keep the distinction. Second, the height and location of these buildings, right behind the historic craftsman homes on Creighton Street, would dominate these historic properties (**Attachment E**). Consequently, this proposed development is incompatible with the town's historic character. While new housing could contribute to Old Town's vibrancy as a thriving community, which is also a crucial aspect of Old Town's World Heritage designation, Staff believe that this potential benefit does not outweigh the potential negative impact on Old Town's heritage value.

If Council proceeds the divestiture with the following steps are recommended:

- 1) Undertake existing survey plan complete with land description;
- 2) Formally close Upper Duke Street and Upper King Street as a Street;
- 3) Migrate the subject lands;
- 4) Undertake Subdivision of lands;
- 5) Proceed with divestiture of lands adjacent to Creighton Street under the [Town's Land Divestiture Policy](#) complete with appraisal.

It is recommended that a portion of Upper King Street as shown on Attachment F, be maintained in Town ownership to provide the opportunity to create a look-off park. This look-off park will also help emphasis the importance of King Street on the 1753 Town Plan.

Project to Date

On September 15, 2022, the Town awarded the Upper King Street Conceptual Design Project to ZZAP Consulting Inc (henceforth ZZAP). ZZAP initialized the project with a visioning exercise with the Town's management team and produced a Visioning Report (October 2022, **Attachment B**). The Town kept the public informed through Fact Sheets on May 11, 2022, and September 26, 2022 (**Attachment C**). ZZAP completed their Upper King Street Phase II Report (May 2023, **Attachment D**).

Cul-de-sac Design

The steepness of Upper King Street has been a considerable design challenge. ZZAP considered four (4) options for developing Upper King Street: "Complete the Grid"; "Creighton to Cornwallis"; "Cornwallis to Oxner"; and "In and Out".

The "In and Out" (cul-de-sac design) option was the only option that met engineering and safety standards. ZZAP also weighed the cost of building each option relative to the development potential each affords and found the "In and Out" (cul-de-sac design) option as the most cost-effective option.

ZZAP then created four (4) development schemes with different densities based on an "In and Out" cul-de-sac design, evaluating them for residential density yield, park and amenity space, neighbourhood compatibility and infrastructure cost offset (see page 16, Upper King Street Phase II Report (May 2023) (Attachment D)).

ZZAP received Council's direction to refine Options 4Biii and 4Biv during their Council meeting of June 13, 2023. The refined development options would consist of detailed site costing, construction costs per square foot, and four Development Agreements for the Council's consideration.

The Council motion of June 13, 2023 is provided below:

Moved and seconded that Council direct ZZAP Consulting Inc. to further refine its proposed development options 4Biii (High Density) and 4Biv (High Density Hybrid) as presented in its Upper King Street Phase II Report (Page 16) (Attachment C)* for Council's further consideration.

Motion carried unanimously

* Note that the Upper King Street Phase II Report is attached as Attachment D in this report.

The four "In and Out" options, extending a roadway from Cornwallis Street to the King Street Road right-of-way to create a cul-de-sac, are the only options that meets safety and engineering standards. They are also the most economically viable options, with the lowest roadway costs and maximum development potential. These options would also have the lowest ongoing maintenance costs. ZZAP analyzed different cul-de-sacs lengths and recommended keeping the distance as short as possible. Renderings of the proposed development are provided in **Attachment E**.

Development Options Explored

ZZAP provided four (4) development options for the "In and Out" cul-de-sac scheme.

- 1) Medium Density (duplexes) using the existing zoning;
- 2) Medium Density Hybrid (combination of duplex and multi-unit) through a proposed rezoning of a portion of the site to Residential High Density;*
- 3) High Density (multi-unit) through rezoning the entire site to Residential High Density;*
- 4) High-Density Hybrid (combination of multi-unit and duplexes with multiple buildings per lot) through rezoning the whole site to Residential High Density.*

* Rather than a typical rezoning it is contemplated that it would be best to undertake amendments to

the Municipal Planning Strategy and Land Use By-law to create a Comprehensive Development District (CDD) and implement the project through a Development Agreement process rather than a rezoning. A Development Agreement is a contractual agreement between parties that is filed at the Land Registration Office and runs with the title of the land (not the owner). It is acknowledged as the best means of ensuring the intent of the development scheme.

The dwelling yield for the four "In and Out" options are:

Scenario	Dwelling Yield
Option 4Bi - Option 1	27 Units
Option 4Bii - Option 2	48 Units
Option 4Biii - Option 3	79 Units
Option 4Biv - Option 4	66 Units

Planning Considerations

- Surveying, Land Migration and Divestiture: Council should be aware that the surveyors and lawyers working on transferring the land are facing challenges due to the site's complexity. Once a development plan is selected (following a public information session, if Council chooses that path), Staff feel Council should making changes to the *Municipal Planning Strategy* and *Land Use Bylaw* to establish a Comprehensive Development District (CDD) for Upper King Street. This would involve officially closing parts of Duke Street and King Street, a process that requires a survey, the closing of the streets, subdivision, migration and development of legal descriptions. Additionally, if Council decides to pursue a sale, Staff will follow the Town's Land Divestiture Policy, which stipulates holding a Public Information Meeting (PIM), declaring the land as surplus, and obtaining an appraisal of the property.
- Subdivision Specifications: The four "In and Out" options have a 175 metres long cul-de-sac. Under the Town's Specifications for Subdivision, culs-de-sac are limited to 152 metres with a walkway connecting to another street. Therefore, to enable these options, the proposed Development Agreement has included an "notwithstanding clause" (Subsection 3.4.4) that enables a 175 metres long cul-de-sac provided a 4.27 metres wide emergency exit lane to Oxner Drive is developed. This lane also serves as an active transportation connection to the Back Harbour Trail and is shown on the rendering for Option 3 in Attachment E.
- Development Agreement: A Development Agreement is the best way to ensure the development is built to Council's vision. A development agreement is a legally binding contract that establishes specific standards and conditions governing the development of a property. These conditions can encompass various aspects, such as land use, parking, heritage provisions, landscaping, and fencing. Notably, this agreement is registered on the property's title and remains in effect even if the property changes ownership. All future property owners are

obligated to adhere to the terms of the agreement. Moving forward with a development agreement would require an amendment to the Town's Municipal Planning Strategy to create a Comprehensive Community District (CCD). The Land Use By-law would also need to be amended to create a Comprehensive Community Use and Form Zone enabling a mixture of housing types by Development Agreement. This process is supported under the Comprehensive Community Plan's (CPP) "Housing Growth Areas" (page 55) provision "d) Enable medium density residential expansion through Comprehensive Development District (CCD) or Secondary Plan." The CCP identifies Upper King Street as a Residential Growth Area, as shown on page 45, Figure 3.1. Provisions of the MGA dealing with CDDs can be found in Sections 226 and 227.

Strategic Plan Relevance

- Economic Development: Direction to support economic development.
- Community Structure: Direction regarding how the Town will be structured and how land will be used.
- Housing: Direction to support different types of housing development, tenant structures, and affordability.
- Urban Design: Direction to enhance residents' and visitors' experience of the built environment.

Relevant Legislation

Development of Upper King Street is regulated under the Town's Municipal Planning Strategy, Land Use By-law and Subdivision By-law created under the Municipal Government Act.

The site is currently outside Old Town Lunenburg Heritage Conservation District but is within the Old Town Lunenburg World Heritage Site Buffer Zone. The site is also intended to be included as part of a Transitional Area under the revised Old Town Lunenburg Heritage Conservation District. The Town has contacted Parks Canada, Canada's Secretariat, to the World Heritage Committee and will seek their comments if a final design scenario is chosen and Council moves forward with divesting Upper King Street.

Provisions of the MGA dealing with CDDs can be found in Sections 226 and 227.

Financial

For any development of Upper King Street to proceed, it is anticipated that cost-sharing will be needed following the [Town's Street Services Extension Policy](#). Under Section 8.1 of the Policy, developers may request cost-sharing for the extension of street services to a maximum of 50% up to \$300,000.

As the Town currently owns the lands, cost-sharing could be leveraged to ensure affordable and accessible housing options as well as the development of open space areas and/or active transportation connections, particularly with the existing Back Harbour Trail.

Communications

A Fact Sheet will be created explaining Council's chosen course of action. No Fact Sheet will be made if Council chooses to maintain the status quo. It is recommended. In keeping with the Town's Land

Divestiture Policy, a Public Information Meeting (PIM) will be held before the sale of the lands.

Attachments

- A. ZZAP's Deliverables
- B. [Visioning Report – October 2022 - presented at the June 13, 2023 Council meeting](#)
- C. [Fact Sheets – included in the June 13, 2023 Council agenda package](#)
- D. [Upper King Street Report – May 2023 – presented at the June 13, 2023 Council meeting](#)
- E. Renderings of the Proposal
- F. Surplus Lands Map



PHASE 3: Final Report



UPPER KING STREET DEVELOPMENT OCT 2023

RFP # TOL2022016

Prepared for:

Town of Lunenburg
119 Cumberland St
Lunenburg, NS B0J 2C0
purchasing@townoflunenburg.ca



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REGULATORY CHANGES	... 8
SUPPORTING DOCUMENTS	... 11
Development Agreements	... 12
Servicing Schematic	... 89
Trail Cross-Section	... 98
Costing Spreadsheets	... 103

C O N T E N T S

01 BACKGROUND

zzap consulting inc. is pleased to present this final report to summarize the outcomes of the third phase of the Upper King Street Extension re-development project. This phase is the last of three in the creation of four development schemes for the currently vacant municipal properties located at the end of King Street, in the Town of Lunenburg.

Project Methodology:

- Phase 1: Project Kick-off
- Phase 2: Narrowing In
- **Phase 3: Finishing Touches**

As requested by the Municipality, this report includes:

1. Rendered views for two of the four development schemes.
2. Draft CDD policy to enable a development agreement on this site
3. Four draft Development Agreements
4. Servicing schematics and trail cross-section
5. Costing spreadsheets for each scheme

Sincerely,

Chris Markides MCIP, LPP

Project Manager

02 WORK TO DATE

This final report builds off of prior work, including the Initial Visioning Report and Concept Report.

PHASE 1

October 2022

Phase 1 included a review of background documentation, including planning documents, What We Heard reports prepared during Project Lunenburg, and consultation with municipal staff. An initial vision report established five community cornerstones:

1. We want a place that helps **SUSTAIN** the planet.
2. We want spaces that **BOND** us together.
3. We want trails that **CONNECT** us and lead us to new experiences.
4. We want places that **AMPLIFY** the natural beauty of the back harbour.
5. We want homes that **RESPECT** our shared heritage and diverse backgrounds.

A design charrette was held with Town staff and a SWOT analysis of the site was completed. A detailed summary can be found in the Phase 1 Initial Visioning Report.

PHASE 2

May 2023

Phase 2 built on the consultation and SWOT analysis to begin translating abstract ideas and visions into realized development schemes. Four road layouts were considered and compared. Given significant sloping and other site challenges, only one of the road options was considered economically and practically viable.

Once the road connection was determined, site plans and preliminary massing were developed for four development schemes. A comparison of these schemes was conducted to recommend two schemes to move forward to rendering. These schemes are shown below. A details summary of this work can be found in the Phase 2 Concept Report.



PHASE 3

October 2023

Phase 3 consolidated the work to date to create regulatory, costing, and servicing documentation to translate this project from imagined to reality. This included creating:

1. Two rendered views to envision forms, material choices, and designs that reflect Lunenburg's unique heritage as well as the beautiful natural assets present on the site and the potential for one-of-a-kind public spaces.
2. Costing spreadsheets for each of the four development options to contextualize the financial realities of this development and ensure a feasible project.
3. A servicing schematic to ensure the Town is capable of servicing new development and that the site is serviced in a manner that aligns with sustainable best practices and Lunenburg's goals for the future.
4. A trail cross-section to outline the importance of connection routes as public spaces and indicate key elements.
5. Amendments to the Town of Lunenburg's Municipal Planning Strategy and Land Use Bylaw to enable a development agreement that would guide development on this land and other sites of significance.
6. Four development agreements which correspond with each scheme, to ensure future development aligns with the work completed through this process.



DEVELOPMENT OPTION 4Biii RENDER: VIEW FROM BAY TO BAY TRAIL



DEVELOPMENT OPTION 4Biv RENDER: VIEW FROM PROPOSED CUL-DE-SAC

03 REGULATORY CHANGES

Draft Municipal Planning Strategy Amendments,
Land Use Bylaw Amendments



Municipal Planning Strategy Amendments

01

The following section should be inserted at the end of Chapter 4:

4.6 Comprehensive Development Districts

4.6.1 Introduction

In recent times, the Town of Lunenburg has been faced with significant development pressures. Meeting the needs of a growing community requires flexible and creative approaches, especially when responding to challenges such as housing shortages. For many years, several communities across Nova Scotia have created policies enabling the establishment of Comprehensive Development Districts (CDD's) and development agreements as a planning tool to better manage such challenges, especially for large tracts of land, or municipally owned lands, which requires a thoughtful and phased integration within the communities in which they are situated. For this reason, CDD's can be an attractive alternative to traditional zoning standards since roads, infrastructure, amenity space and active transportation routes can be carefully planned and integrated with surrounding neighborhoods. Given the detailed level of site-specific design, "as of right" zoning is replaced with a requirement for a development agreement that will guide future development with a high degree of certainty.

Due to the complexities associated with developing large tracts of land, Council wishes to utilize Comprehensive Development Districts as a means of reconciling localized needs with larger community and public infrastructure investments in stormwater systems, sanitary sewer collection and treatment, water distribution, waste collection, active transportation networks and

recreation space while being mindful of the form, function and impact new developments may impose on adjoining lands. A few areas where a CDD option could be relevant include Town own lands such as the Upper King Street Lands, and Blockhouse Hill Lands.

To facilitate orderly development in these areas, it shall be a policy of Council to:

- Policy 4-27 Create a Comprehensive Development District (CDD) Designation that enables the creation of Comprehensive Development District (CDD) Zones;
- Policy 4-28 Create a Comprehensive Development District (CDD) Use Zone and consider the establishment of low, medium, and high density residential, open space and institutional land uses by development agreement on lands owned by the Municipality.
- Policy 4-29 Create a Comprehensive Development District (CDD) Form Zone and consider the establishment of development forms generally consistent with the "Old Town/New Town 1" or "Old Town/New Town 2" Form Zones by development agreement on lands owned by the Municipality.
- Policy 4-30 Consider entering into a development agreement for land zoned CDD (Use Zone and Form Zone) subject to the applicable provisions of Policies 6-15, 6-16, and 6-19 of this Strategy.

Policy 4-31 When considering agreements pertinent to Policy 4-30 Council may require that the agreement contain provisions for the requirement of affordable housing.

Land Use Bylaw Amendments

02

Addition to Section 6:

XXX No development permit shall be issued in any CDD Use Zone except in accordance with a development agreement approved pursuant to policies contained in the MPS.

Addition to Section 7:

XXX No development permit shall be issued in any CDD Form Zone except in accordance with a development agreement approved pursuant to policies contained in the MPS.

04 SUPPORTING DOCUMENTS



d

DEVELOPMENT AGREEMENTS

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

BETWEEN:

[Insert Name of Corporation/Business LTD.]
body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

Town of Lunenburg
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 PIDs: 60057478, 60057460, 60057445, 60385903, 60057387, and 60057395, Lunenburg and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mix of multiple unit dwelling on the Lands pursuant to the provisions of the *Municipal Government Act* and pursuant to Policies **XX** of the Town of Lunenburg Municipal Planning Strategy and Section **XX** of the Town of Lunenburg Land Use By-law;

AND WHEREAS the Town of Lunenburg Municipal Council approved this request at a meeting held on **[Insert - Date]**, referenced as municipal case **XXXX**;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

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 Town of Lunenburg as Case Number **XXXX**:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Lot Plan
Schedule D	Heritage Design Requirements

3.2 Requirements Prior to Approval

- 3.2.1 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 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) applicable to a building or part thereof and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) An affordable housing agreement between the property owner and an appropriate affordable housing provider, as determined by the development officer, that stipulates the following:
 - i. That a minimum of 10% of the number of dwelling units proposed, rounded up to the nearest whole number, will be managed by the affordable housing provider;
 - ii. That the amount of monthly rent for each of the affordable housing units does not exceed 30% of the median income for the Town of Lunenburg, as determined by the most current census prepared by Statistic Canada, divided by twelve (12);
 - iii. That the monthly rent for each affordable housing unit may increase annually, at a rate no greater than five percent (5%), unless otherwise agreed upon by the Development Officer for the Town; and
 - iv. That the affordable housing agreement is in effect for a minimum of ten (10) years.

3.2.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter, inclusive of photographs, confirming that the requirements of Section 3.6 have been completed according to the terms of this Development Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mix of residential buildings as generally shown on Schedule B;
- (b) Grouped Dwellings; and
- (c) uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 The buildings' siting, bulk and scale shall generally comply with the Schedules and the provisions of the Old Town/New Town 2 (ONT2) Form Zone as outlined in the Town of Lunenburg Land Use Bylaw.

3.4.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.

3.4.3 New roads and driveways shall comply with the Town of Lunenburg Subdivision Bylaw and Specifications for Subdivisions

3.4.4 Notwithstanding subsection 3.4.3 the length of the cul-de-sac may be extended to a maximum of 175 metres in length provided a 4.27-metre-wide emergency exit lane is constructed to Oxner Drive in compliance with this Agreement.

3.4.5 Accessory uses, buildings and structures shall comply with the Land Use By-law.

3.5 Subdivision of the Lands

3.5.1 All subdivision of the Lands shall meet the requirements of the Subdivision Bylaw except where varied by this Agreement.

3.5.2 Subdivision applications shall be submitted to, and approved by the Development Officer in accordance with the following terms and conditions:

- (a) Applications for tentative subdivision approval shall encompass the entire development in accordance with Schedule C.
- (b) Final subdivision approval shall not be granted until final approval of the Parkland location has been granted.
- (c) Final Subdivision approval shall not be granted until final approval and registration of applicable "No Build Easements" and the "Active Transportation Connection Easement" have been registered with the Registry of Deeds or Land Registry Office.
- (d) Notwithstanding Subsection 3.5.2(a), The Development Officer may grant final subdivision approval for partial phases of the development.

3.5.3 Where any portion of a lot includes a "No Build Easement" delineated pursuant to this Agreement, the "No Build Easement" shall be shown on any tentative and final plan of subdivision and no development shall be permitted within the "No Build Easement" except for driveways and/or retaining walls or other landscape features as deemed acceptable by the Development Officer.

3.6 Active Transportation Connection

- 3.6.1 A pathway shall be provided in order to maintain an active transportation connection between the proposed cul-de-sac and the Bay-to-Bay Trail.
- 3.6.2 The active transportation connection shall be hard surfaced and constructed to meet the sufficient width and slope necessary to accommodate emergency vehicle access.
- 3.6.3 An easement agreement, license agreement or appropriate equivalent shall be entered for the active transportation connection with the Municipality prior to issuance of the first Occupancy Permit.
- 3.6.4 Notwithstanding the foregoing, if both the Developer and Municipality are in agreement that, based on detailed review, the Active Transportation connection cannot be established, Subsection 3.6.1 shall not apply.
- 3.6.5 Prior to issuance of the first Occupancy Permit the Developer shall confirm to the Development Officer that this section is satisfied, in accordance with Subsection 3.2.2 of this Agreement.

3.7 Architectural Requirements

- 3.7.1 The architectural design of the building shall comply with Schedule D of this Agreement.
- 3.7.2 Any exposed foundation in excess of 0.6 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.7.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.7.4 Ten percent (10%) of all units or the minimum required under the Nova Scotia Building Regulations, whichever is greater, shall be barrier free as defined by the Nova Scotia Building Regulations.

3.8 Screening

- 3.8.1 Refuse containers located outside any building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.2 Propane tanks, heat pumps and electrical transformers and generators shall be located on sites in such a way to ensure minimal visual impact from adjacent properties and from streets. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.3 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not located on the front façade of any building.
- 3.8.4 All roof mounted mechanical, or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.9 Parkland

- 3.9.1 Parkland dedication shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedule B with the final adjustments to configuration and grades of the site preparations areas to be agreed upon by the Municipality and the Developer prior to subdivision approval being granted. The Development Officer may permit variations to lot configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced, and the proposed parkland meets the requirements of the Municipality.

3.10 Signs

- 3.10.1 The sign requirements shall be in accordance with the applicable Land Use By-law
- 3.10.2 Signs depicting the name or corporate logo of the Developer shall be permitted but shall be removed prior to issuance of the first Occupancy Permit.

3.11 Outdoor Lighting

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

3.12 Maintenance

- 3.12.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, easements owned and maintained by the Developer, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.12.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.13 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 last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of service systems shall satisfy the most current edition of the Town of Lunenburg Specifications for Subdivision unless otherwise provided for in this Agreement and shall receive written approval from the Municipal 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 Municipal Engineer.

4.3 Solid Waste Facilities

- 4.3.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall submit an Erosion and Sedimentation Control Plan to the Municipal Engineer for approval.

5.3 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Municipal Government Act*:
- (a) Changes to the siting, bulk, or scale which, in the opinion of the Development Officer, do not conform with the Schedules and are minor in nature;
 - (b) Changes to the exterior architectural design of the building which are, in the opinion of the Development Officer, not minor nor consistent with the general architectural intent of the Schedules;
 - (c) Changes to the proposed lot lines in Schedule C which, in the opinion of the Development Office, are minor in nature;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
 - (e) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

- 7.1.1 The Developer shall enter into this agreement within one year of Council's approval of the agreement.
- 7.1.2 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 Bridgewater, 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 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the first proposed building.
- 7.3.2 In the event that development on the Lands has not commenced within ten (10) 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.
- 7.3.3 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 prior to the expiry of the commencement of development time period.

7.4 Completion of Development and Discharge

- 7.4.1 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.
- 7.4.2 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; or
 - (c) discharge this Agreement;
- 7.4.3 If the Developer fails to complete the development after ten (10) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:
 - (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer sixty (60) 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 *Municipal Government Act* 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: _____

Name/Position: _____

Date Signed: _____

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of:

Witness

Witness

TOWN OF LUNENBURG

Per: _____
MAYOR

Date Signed: _____

Per: _____
MUNICIPAL CLERK or CAO

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




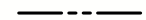
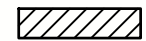

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that [Name of Mayor], Mayor and [Name of Clerk/CAO], Clerk or CAO of the Town of Lunenburg, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Schedule A
Legal Description of the Lands

Schedule B
Site Plan

LEGEND

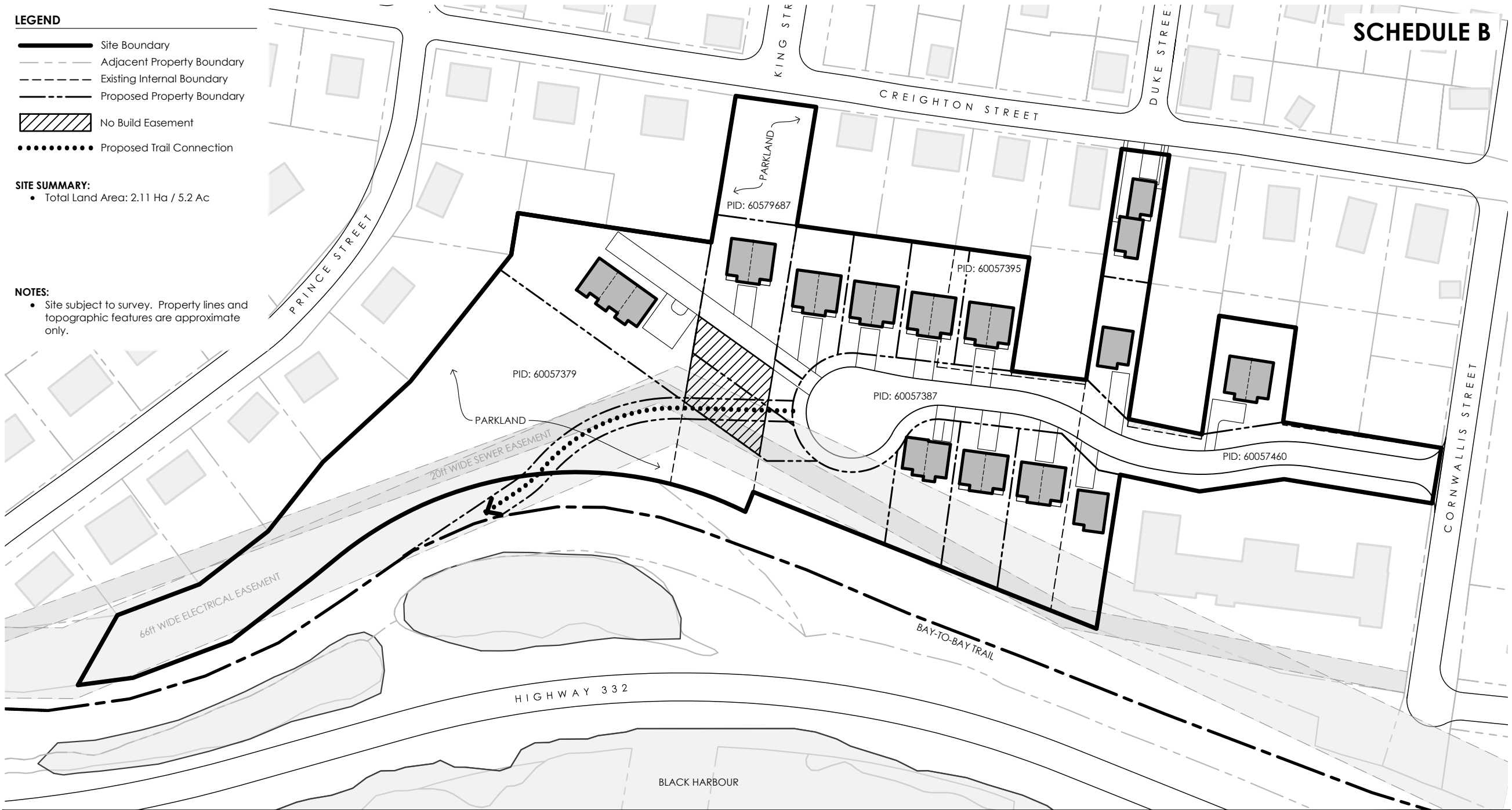
-  Site Boundary
-  Adjacent Property Boundary
-  Existing Internal Boundary
-  Proposed Property Boundary
-  No Build Easement
-  Proposed Trail Connection

SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac

NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.



SCALE:



Schedule C
Preliminary Lot Plan

LEGEND

- Site Boundary
- Adjacent Property Boundary
- Proposed Property Boundary

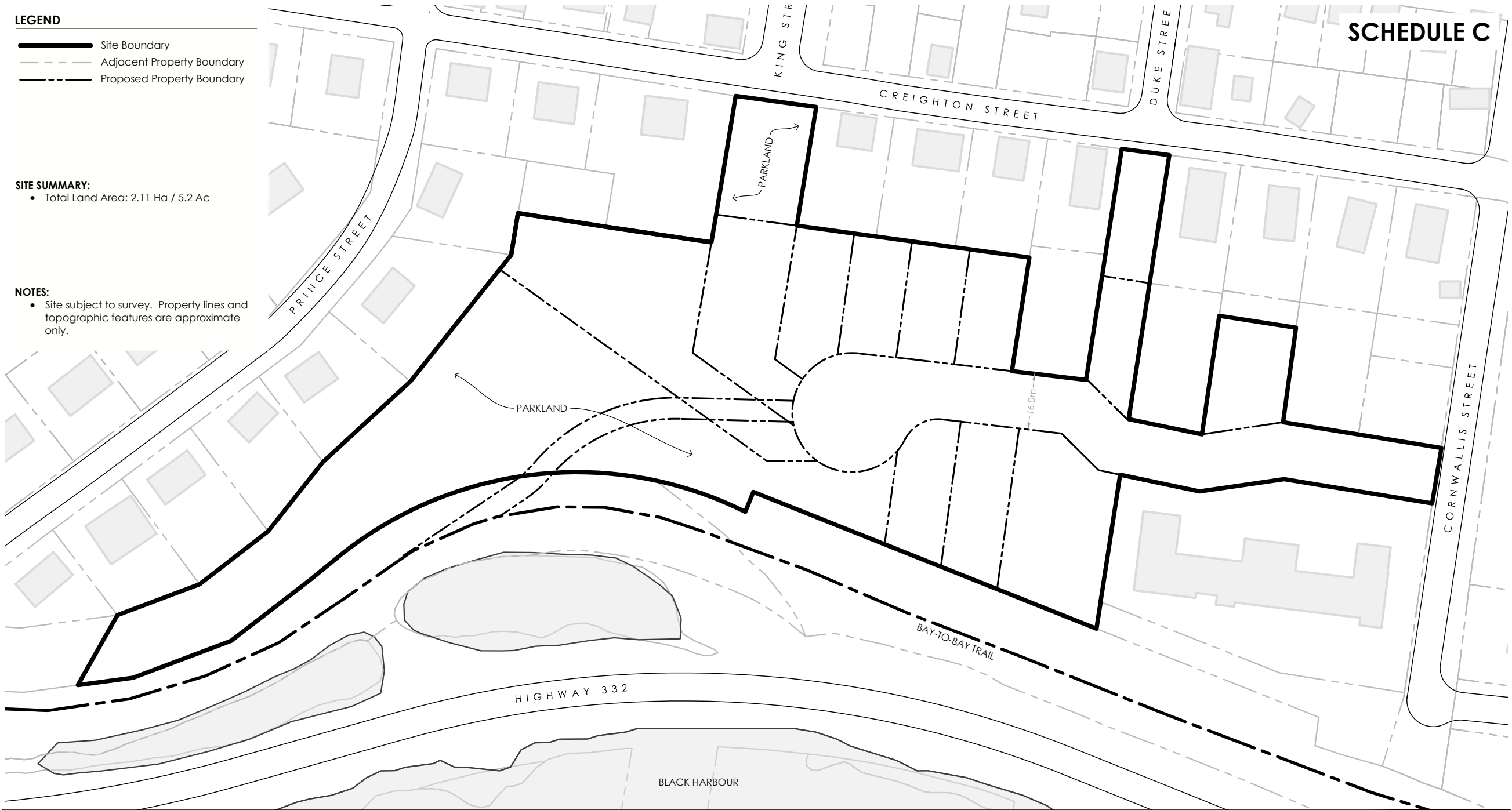
SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac

NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.

SCHEDULE C



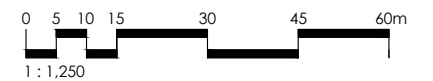
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UPPER KING STREET EXTENSION DEVELOPMENT : SUBDIVISION CONCEPT PLAN OPTION 2

Lunenburg, Nova Scotia



SCALE:



DATE: OCTOBER 23, 2023

Schedule D

Heritage Design Requirements

1. New Residential Buildings

New buildings should be assiduously documented, both in their design and construction. Everyone involved in residential development is strongly encouraged to document projects within the district and provide information to the Heritage Officer to inform future research and conservation efforts. The ten nearest residential character-defining structures in a 360-degree radius should be considered when designing new residential buildings, with special consideration given to those next-door and on the same block as the new residential building.

1.1. Form

- 1.1.1. New residential buildings must be physically, visually, and stylistically compatible with, subordinate to and distinguishable from the district's character-defining structures on the same block as the new residential building upon close inspection. Here, distinguishable upon close inspection means recognizable by a trained professional, such as an architect or architectural historian, as distinct from surrounding character-defining structures from the nearest street intersection.
- 1.1.2. The height and scale of new residential buildings must be less than or equal to the average height and scale of character-defining residential structures along the same side of the street of the same block.
- 1.1.3. New residential buildings must have the same setback and distance to neighbouring structures as residential character-defining structures on the same block as the new residential building.
- 1.1.4. A new residential building's roof must have a similar shape and pitch to character-defining residential buildings on the same block as the new residential building. Historic roof forms in Lunenburg include but are not limited to gable roofs, hipped roofs, hipped gable roofs, gambrel roofs, mansard roofs, hatch roofs, and complex Queen Anne forms with and without dormers. Flat roofs are prohibited for new residential buildings.
- 1.1.5. Dormers, including extended and overhanging dormers like the Lunenburg bump, are strongly encouraged for new residential development. Dormers must be inspired by historic examples found on residential character-defining structures, including but not limited to Gothic, Scottish, Peaked, Pedimented, Hipped, Round-headed and Shed dormers. Dormers must not exceed one-third (1/3) of the structure's total roof area.
- 1.1.6. Elaborate frontispieces inspired by residential character-defining structures are encouraged.
- 1.1.7. New houses with a footprint larger than 140 metres squared (1500 square feet) should have at least one projecting bay, ell, porch, veranda, dormer, frontispiece, or other variation in form.
- 1.1.8. Except for steps associated with a principal or secondary entrance, porch or veranda, exterior staircases shall be located on the side or rear of a new residential building.
- 1.1.9. Foundations must not have large areas of exposed concrete or stone. The height of any exposed foundation may not be greater than 0.305 metres (1 foot) from grade. On sloping

sites, cladding and trim must be stepped, and no exposed foundation may be taller than 0.305 metres (1 foot) from grade.

1.2. Principal Façade design

- 1.2.1. Principal façades should have a vertical emphasis through elements including, but not limited to, steeply pitched roofs, vertically proportioned windows, vertical trim boards, projecting bays, and pedimented porches and dormers.
- 1.2.2. Principle façades should be balanced through either bilateral symmetry or asymmetrical balancing. The former may be achieved by aligning similar elements, such as windows, doors, and trim.
- 1.2.3. The main entrance to new residential buildings must be in the principal façade facing the street.
- 1.2.4. Frontispieces inspired by residential character-defining structures are encouraged.
- 1.2.5. Dormers should be balanced with openings along the building's elevation. Generally, dormers should be centred on the roof or vertically aligned with window and door openings, but they may be offset from windows and doors if the façade is balanced overall. Dormers will be appropriately scaled to be approximately the same width as window and door openings. Again, dormers must not exceed one-third (1/3) of the structure's total roof area.

1.3. Windows and Doors

- 1.3.1. The area of any façade visible from the public realm occupied by window and door openings shall be no greater than 25%, other than sunrooms, where an area of up to 80% on one level may be approved.
- 1.3.2. Doors visible from the public realm should preferably be made of wood and rail and stile construction with recessed or raised panels or interpretations of panelling and glazing inspired by historic doors in residential character-designing structures.
- 1.3.3. Modern door styles which depart significantly from the historic doors found in residential character-defining structures are discouraged.
- 1.3.4. Windows visible from the public realm should be vertically oriented single- or double-hung, vertically sliding sash windows. However, round-headed, pointed, diamond-shaped, circular or any other shaped window modelled on historic examples found in residential character-defining structures are permitted, particularly under the gable ends of roof peaks.
- 1.3.5. Slider windows, picture windows and curved bow windows are prohibited.
- 1.3.6. Horizontal or square windows are only permitted in non-principal façades to accommodate internal functions related to, for example, bathrooms and kitchens.
- 1.3.7. Wide window openings may be achieved by combining windows in a mullioned frame.
- 1.3.8. Three and five-sided bay windows modelled on windows found in residential character-defining structures are permissible.
- 1.3.9. Four skylights are permitted. More than four skylights may be approved, provided the total

number of skylights on a roof slope does not exceed the total number of bays on the corresponding elevation.

1.4. Trim and Ornamentation

- 1.4.1. New residential construction must include some decorative elements, elaborate or plain, inspired by decorative elements found on Old Town Lunenburg's residential character-defining structures. New residential buildings must include at least four of the following:
- 1.4.1.1. Corner boards a minimum of 14 centimetres (5.5 inches) wide;
 - 1.4.1.2. Window trim a minimum of 9 centimetres (3.5 inches) wide, preferably consisting of a cap, head, jamb and sill;
 - 1.4.1.3. Door trim a minimum of 9 centimetres (3.5 inches) wide, preferably including a well-articulated cap;
 - 1.4.1.4. Bay window trim, preferably including a prominent cap and head, a well-articulated sill, moulded panels below each window and a baseboard or moulding to define the bottom edge;
 - 1.4.1.5. Porches, verandahs and/or balconies, preferably with upper and lower rails and vertical balusters nailed from the top and bottom based on the traditional design. Face nailing of balusters shall be prohibited;
 - 1.4.1.6. Decorative brackets, cornices, and/or eaves; and/or
 - 1.4.1.7. Any other decorative work found on residential character-defining structures.
- 1.4.2. Stair carriages must be constructed with closed risers and treads, with traditional handrails where the balusters are nailed from the top and bottom. Face nailing of balusters shall be prohibited.

1.5. Materials

- 1.5.1. New houses must be clad in wooden clapboard or shingles laid in horizontal courses approximately 11.5 centimetres (4.5 inches) to the weather.
- 1.5.2. Shingles, especially traditional wooden shingles, are favoured for roofs. However, any material is permissible, including metal roofs, if it does not detract from character-defining structures on the same block as the new commercial building. Dark colours are preferred. Bare metal is prohibited. Metal roof slopes within an edge within 1.5 metres (5 feet) of a public right-of-way must have snow guards. Corrugated metal roofs are prohibited. Wood is preferred, but non-wooden doors and windows are permitted.
- 1.5.3. Required decorative details inspired by the district's residential character-defining structures (see Section 2.3.4) must be wooden.
- 1.5.4. Porches, verandahs, and balustrades must be wooden.
- 1.5.5. Handrails must be wooden or wrought iron.
- 1.5.6. Wood is preferred, but non-wooden stairs and ramps, such as metal or stone, are permitted. On principal façades, non-wooden stairs must not exceed one step, and non-wooden ramps are prohibited. Plastic stairs are prohibited.
- 1.5.7. Fencing, outbuildings, retaining walls, signs, mechanical or electrical equipment, solar panels, or other alternative energy generation mechanisms, are subject to the specialized guidance under Section 6 of the Town of Lunenburg's Heritage Conservation District Design Guidelines.

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

BETWEEN:

[Insert Name of Corporation/Business LTD.]
body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

Town of Lunenburg
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 PIDs: 60057478, 60057460, 60057445, 60385903, 60057387, and 60057395, Lunenburg and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mix of multiple unit dwelling on the Lands pursuant to the provisions of the *Municipal Government Act* and pursuant to Policies **XX** of the Town of Lunenburg Municipal Planning Strategy and Section **XX** of the Town of Lunenburg Land Use By-law;

AND WHEREAS the Town of Lunenburg Municipal Council approved this request at a meeting held on **[Insert - Date]**, referenced as municipal case **XXXX**;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

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 Town of Lunenburg as Case Number **XXXX**:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Lot Plan
Schedule D	Heritage Design Requirements

3.2 Requirements Prior to Approval

- 3.2.1 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 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) applicable to a building or part thereof and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) An affordable housing agreement between the property owner and an appropriate affordable housing provider, as determined by the development officer, that stipulates the following:
 - i. That a minimum of 10% of the number of dwelling units proposed, rounded up to the nearest whole number, will be managed by the affordable housing provider;
 - ii. That the amount of monthly rent for each of the affordable housing units does not exceed 30% of the median income for the Town of Lunenburg, as determined by the most current census prepared by Statistic Canada, divided by twelve (12);
 - iii. That the monthly rent for each affordable housing unit may increase annually, at a rate no greater than five percent (5%), unless otherwise agreed upon by the Development Officer for the Town; and
 - iv. That the affordable housing agreement is in effect for a minimum of ten (10) years.

3.2.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter, inclusive of photographs, confirming that the requirements of Section 3.6 have been completed according to the terms of this Development Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mix of residential buildings as generally shown on Schedule B;
- (b) Grouped Dwellings; and
- (c) uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 The buildings' siting, bulk and scale shall generally comply with the Schedules and the provisions of the Old Town/New Town 2 (ONT2) Form Zone as outlined in the Town of Lunenburg Land Use Bylaw.

3.4.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.

3.4.3 New roads and driveways shall comply with the Town of Lunenburg Subdivision Bylaw and Specifications for Subdivisions

3.4.4 Notwithstanding subsection 3.4.3 the length of the cul-de-sac may be extended to a maximum of 175 metres in length provided a 4.27-metre-wide emergency exit lane is constructed to Oxner Drive in compliance with this Agreement.

3.4.5 Accessory uses, buildings and structures shall comply with the Land Use By-law.

3.5 Subdivision of the Lands

3.5.1 All subdivision of the Lands shall meet the requirements of the Subdivision Bylaw except where varied by this Agreement.

3.5.2 Subdivision applications shall be submitted to, and approved by the Development Officer in accordance with the following terms and conditions:

- (a) Applications for tentative subdivision approval shall encompass the entire development in accordance with Schedule C.
- (b) Final subdivision approval shall not be granted until final approval of the Parkland location has been granted.
- (c) Final Subdivision approval shall not be granted until final approval and registration of applicable "No Build Easements" and the "Active Transportation Connection Easement" have been registered with the Registry of Deeds or Land Registry Office.
- (d) Notwithstanding Subsection 3.5.2(a), The Development Officer may grant final subdivision approval for partial phases of the development.

3.5.3 Where any portion of a lot includes a "No Build Easement" delineated pursuant to this Agreement, the "No Build Easement" shall be shown on any tentative and final plan of subdivision and no development shall be permitted within the "No Build Easement" except for driveways and/or retaining walls or other landscape features as deemed acceptable by the Development Officer.

3.6 Active Transportation Connection

- 3.6.1 A pathway shall be provided in order to maintain an active transportation connection between the proposed cul-de-sac and the Bay-to-Bay Trail.
- 3.6.2 The active transportation connection shall be hard surfaced and constructed to meet the sufficient width and slope necessary to accommodate emergency vehicle access.
- 3.6.3 An easement agreement, license agreement or appropriate equivalent shall be entered for the active transportation connection with the Municipality prior to issuance of the first Occupancy Permit.
- 3.6.4 Notwithstanding the foregoing, if both the Developer and Municipality are in agreement that, based on detailed review, the Active Transportation connection cannot be established, Subsection 3.6.1 shall not apply.
- 3.6.5 Prior to issuance of the first Occupancy Permit the Developer shall confirm to the Development Officer that this section is satisfied, in accordance with Subsection 3.2.2 of this Agreement.

3.7 Architectural Requirements

- 3.7.1 The architectural design of the building shall comply with Schedule D of this Agreement.
- 3.7.2 Any exposed foundation in excess of 0.6 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.7.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.7.4 Ten percent (10%) of all units or the minimum required under the Nova Scotia Building Regulations, whichever is greater, shall be barrier free as defined by the Nova Scotia Building Regulations.

3.8 Screening

- 3.8.1 Refuse containers located outside any building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.2 Propane tanks, heat pumps and electrical transformers and generators shall be located on sites in such a way to ensure minimal visual impact from adjacent properties and from streets. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.3 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not located on the front façade of any building.
- 3.8.4 All roof mounted mechanical, or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.9 Parkland

- 3.9.1 Parkland dedication shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedule B with the final adjustments to configuration and grades of the site preparations areas to be agreed upon by the Municipality and the Developer prior to subdivision approval being granted. The Development Officer may permit variations to lot configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced, and the proposed parkland meets the requirements of the Municipality.

3.10 Signs

- 3.10.1 The sign requirements shall be in accordance with the applicable Land Use By-law
- 3.10.2 Signs depicting the name or corporate logo of the Developer shall be permitted but shall be removed prior to issuance of the first Occupancy Permit.

3.11 Outdoor Lighting

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

3.12 Maintenance

- 3.12.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, easements owned and maintained by the Developer, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.12.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.13 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 last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of service systems shall satisfy the most current edition of the Town of Lunenburg Specifications for Subdivision unless otherwise provided for in this Agreement and shall receive written approval from the Municipal 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 Municipal Engineer.

4.3 Solid Waste Facilities

- 4.3.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall submit an Erosion and Sedimentation Control Plan to the Municipal Engineer for approval.

5.3 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Municipal Government Act*:
- (a) Changes to the siting, bulk, or scale which, in the opinion of the Development Officer, do not conform with the Schedules and are minor in nature;
 - (b) Changes to the exterior architectural design of the building which are, in the opinion of the Development Officer, not minor nor consistent with the general architectural intent of the Schedules;
 - (c) Changes to the proposed lot lines in Schedule C which, in the opinion of the Development Office, are minor in nature;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
 - (e) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

- 7.1.1 The Developer shall enter into this agreement within one year of Council's approval of the agreement.
- 7.1.2 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 Bridgewater, 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 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the first proposed building.
- 7.3.2 In the event that development on the Lands has not commenced within ten (10) 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.
- 7.3.3 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 prior to the expiry of the commencement of development time period.

7.4 Completion of Development and Discharge

- 7.4.1 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.
- 7.4.2 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; or
 - (c) discharge this Agreement;
- 7.4.3 If the Developer fails to complete the development after ten (10) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:
 - (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer sixty (60) 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 *Municipal Government Act* 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: _____

Name/Position: _____

Date Signed: _____

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of:

Witness

Witness

TOWN OF LUNENBURG

Per: _____
MAYOR

Date Signed: _____

Per: _____
MUNICIPAL CLERK or CAO

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





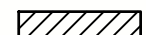

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that [Name of Mayor], Mayor and [Name of Clerk/CAO], Clerk or CAO of the Town of Lunenburg, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Schedule A
Legal Description of the Lands

Schedule B
Site Plan

LEGEND

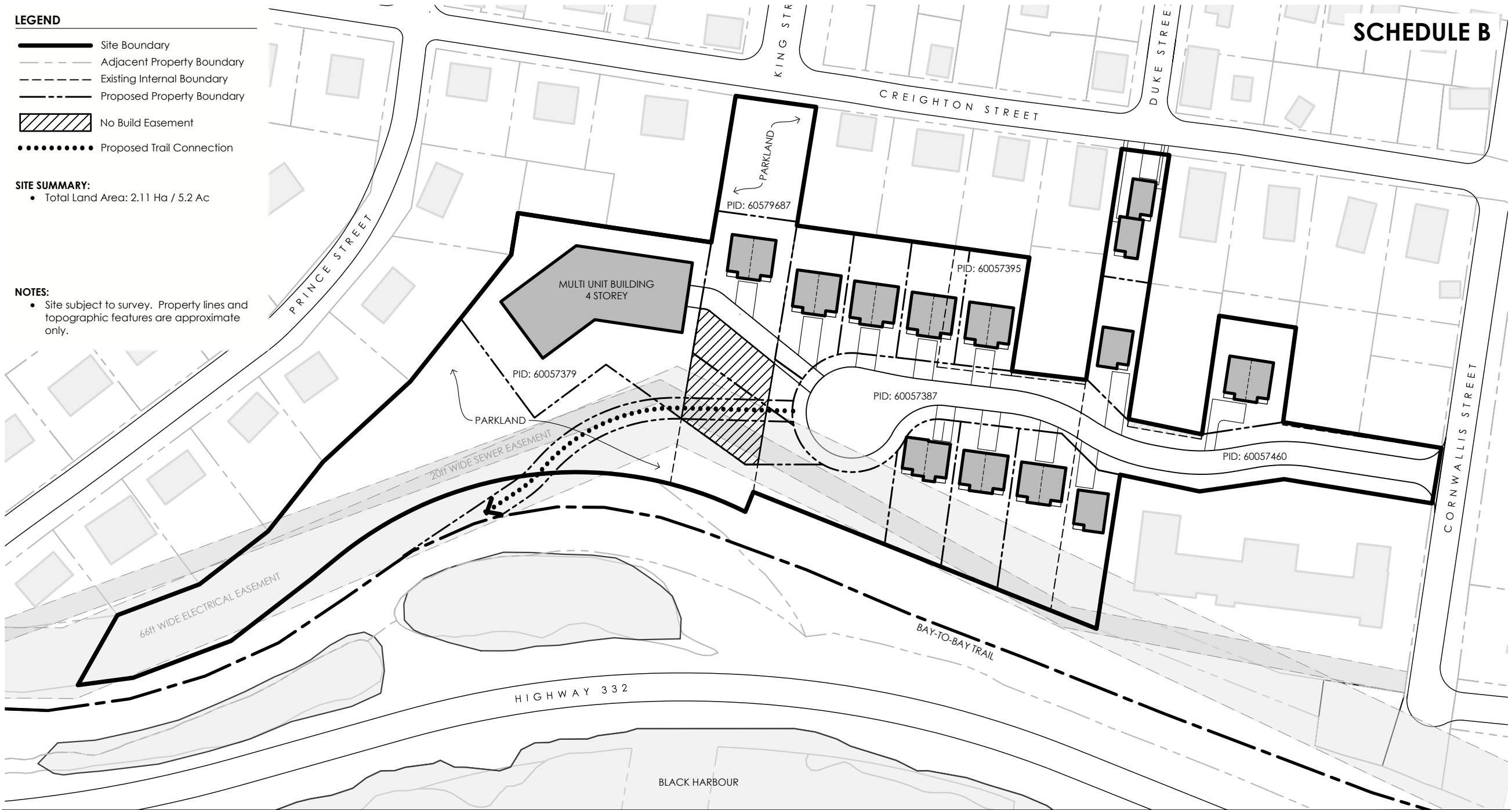
-  Site Boundary
-  Adjacent Property Boundary
-  Existing Internal Boundary
-  Proposed Property Boundary
-  No Build Easement
-  Proposed Trail Connection

SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac

NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.



SCALE:



Schedule C
Preliminary Lot Plan

LEGEND

- Site Boundary
- Adjacent Property Boundary
- Proposed Property Boundary

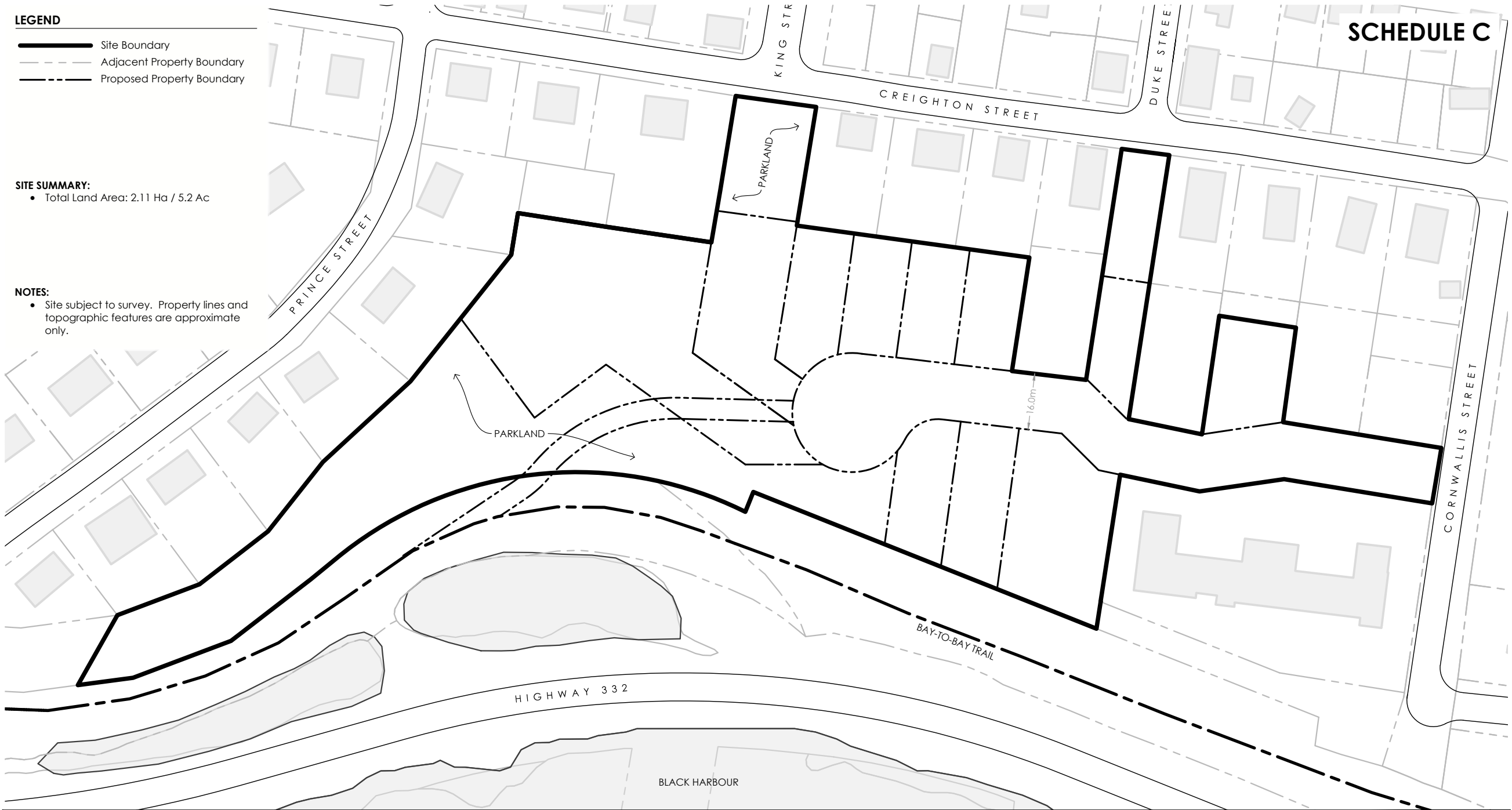
SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac

NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.

SCHEDULE C



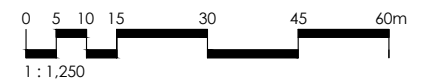
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UPPER KING STREET EXTENSION DEVELOPMENT : SUBDIVISION CONCEPT PLAN OPTION 2

Lunenburg, Nova Scotia



SCALE:



DATE: OCTOBER 23, 2023

Schedule D

Heritage Design Requirements

1. New Residential Buildings

New buildings should be assiduously documented, both in their design and construction. Everyone involved in residential development is strongly encouraged to document projects within the district and provide information to the Heritage Officer to inform future research and conservation efforts. The ten nearest residential character-defining structures in a 360-degree radius should be considered when designing new residential buildings, with special consideration given to those next-door and on the same block as the new residential building.

1.1. Form

- 1.1.1. New residential buildings must be physically, visually, and stylistically compatible with, subordinate to and distinguishable from the district's character-defining structures on the same block as the new residential building upon close inspection. Here, distinguishable upon close inspection means recognizable by a trained professional, such as an architect or architectural historian, as distinct from surrounding character-defining structures from the nearest street intersection.
- 1.1.2. The height and scale of new residential buildings must be less than or equal to the average height and scale of character-defining residential structures along the same side of the street of the same block.
- 1.1.3. New residential buildings must have the same setback and distance to neighbouring structures as residential character-defining structures on the same block as the new residential building.
- 1.1.4. A new residential building's roof must have a similar shape and pitch to character-defining residential buildings on the same block as the new residential building. Historic roof forms in Lunenburg include but are not limited to gable roofs, hipped roofs, hipped gable roofs, gambrel roofs, mansard roofs, hatch roofs, and complex Queen Anne forms with and without dormers. Flat roofs are prohibited for new residential buildings.
- 1.1.5. Dormers, including extended and overhanging dormers like the Lunenburg bump, are strongly encouraged for new residential development. Dormers must be inspired by historic examples found on residential character-defining structures, including but not limited to Gothic, Scottish, Peaked, Pedimented, Hipped, Round-headed and Shed dormers. Dormers must not exceed one-third (1/3) of the structure's total roof area.
- 1.1.6. Elaborate frontispieces inspired by residential character-defining structures are encouraged.
- 1.1.7. New houses with a footprint larger than 140 metres squared (1500 square feet) should have at least one projecting bay, ell, porch, veranda, dormer, frontispiece, or other variation in form.
- 1.1.8. Except for steps associated with a principal or secondary entrance, porch or veranda, exterior staircases shall be located on the side or rear of a new residential building.
- 1.1.9. Foundations must not have large areas of exposed concrete or stone. The height of any exposed foundation may not be greater than 0.305 metres (1 foot) from grade. On sloping

sites, cladding and trim must be stepped, and no exposed foundation may be taller than 0.305 metres (1 foot) from grade.

1.2. Principal Façade design

- 1.2.1. Principal façades should have a vertical emphasis through elements including, but not limited to, steeply pitched roofs, vertically proportioned windows, vertical trim boards, projecting bays, and pedimented porches and dormers.
- 1.2.2. Principle façades should be balanced through either bilateral symmetry or asymmetrical balancing. The former may be achieved by aligning similar elements, such as windows, doors, and trim.
- 1.2.3. The main entrance to new residential buildings must be in the principal façade facing the street.
- 1.2.4. Frontispieces inspired by residential character-defining structures are encouraged.
- 1.2.5. Dormers should be balanced with openings along the building's elevation. Generally, dormers should be centred on the roof or vertically aligned with window and door openings, but they may be offset from windows and doors if the façade is balanced overall. Dormers will be appropriately scaled to be approximately the same width as window and door openings. Again, dormers must not exceed one-third (1/3) of the structure's total roof area.

1.3. Windows and Doors

- 1.3.1. The area of any façade visible from the public realm occupied by window and door openings shall be no greater than 25%, other than sunrooms, where an area of up to 80% on one level may be approved.
- 1.3.2. Doors visible from the public realm should preferably be made of wood and rail and stile construction with recessed or raised panels or interpretations of panelling and glazing inspired by historic doors in residential character-designing structures.
- 1.3.3. Modern door styles which depart significantly from the historic doors found in residential character-defining structures are discouraged.
- 1.3.4. Windows visible from the public realm should be vertically oriented single- or double-hung, vertically sliding sash windows. However, round-headed, pointed, diamond-shaped, circular or any other shaped window modelled on historic examples found in residential character-defining structures are permitted, particularly under the gable ends of roof peaks.
- 1.3.5. Slider windows, picture windows and curved bow windows are prohibited.
- 1.3.6. Horizontal or square windows are only permitted in non-principal façades to accommodate internal functions related to, for example, bathrooms and kitchens.
- 1.3.7. Wide window openings may be achieved by combining windows in a mullioned frame.
- 1.3.8. Three and five-sided bay windows modelled on windows found in residential character-defining structures are permissible.
- 1.3.9. Four skylights are permitted. More than four skylights may be approved, provided the total

number of skylights on a roof slope does not exceed the total number of bays on the corresponding elevation.

1.4. Trim and Ornamentation

1.4.1. New residential construction must include some decorative elements, elaborate or plain, inspired by decorative elements found on Old Town Lunenburg's residential character-defining structures. New residential buildings must include at least four of the following:

- 1.4.1.1. Corner boards a minimum of 14 centimetres (5.5 inches) wide;
- 1.4.1.2. Window trim a minimum of 9 centimetres (3.5 inches) wide, preferably consisting of a cap, head, jamb and sill;
- 1.4.1.3. Door trim a minimum of 9 centimetres (3.5 inches) wide, preferably including a well-articulated cap;
- 1.4.1.4. Bay window trim, preferably including a prominent cap and head, a well-articulated sill, moulded panels below each window and a baseboard or moulding to define the bottom edge;
- 1.4.1.5. Porches, verandahs and/or balconies, preferably with upper and lower rails and vertical balusters nailed from the top and bottom based on the traditional design. Face nailing of balusters shall be prohibited;
- 1.4.1.6. Decorative brackets, cornices, and/or eaves; and/or
- 1.4.1.7. Any other decorative work found on residential character-defining structures.

1.4.2. Stair carriages must be constructed with closed risers and treads, with traditional handrails where the balusters are nailed from the top and bottom. Face nailing of balusters shall be prohibited.

1.5. Materials

1.5.1. New houses must be clad in wooden clapboard or shingles laid in horizontal courses approximately 11.5 centimetres (4.5 inches) to the weather.

1.5.2. Shingles, especially traditional wooden shingles, are favoured for roofs. However, any material is permissible, including metal roofs, if it does not detract from character-defining structures on the same block as the new commercial building. Dark colours are preferred. Bare metal is prohibited. Metal roof slopes within an edge within 1.5 metres (5 feet) of a public right-of-way must have snow guards. Corrugated metal roofs are prohibited. Wood is preferred, but non-wooden doors and windows are permitted.

1.5.3. Required decorative details inspired by the district's residential character-defining structures (see Section 2.3.4) must be wooden.

1.5.4. Porches, verandahs, and balustrades must be wooden.

1.5.5. Handrails must be wooden or wrought iron.

1.5.6. Wood is preferred, but non-wooden stairs and ramps, such as metal or stone, are permitted. On principal façades, non-wooden stairs must not exceed one step, and non-wooden ramps are prohibited. Plastic stairs are prohibited.

1.5.7. Fencing, outbuildings, retaining walls, signs, mechanical or electrical equipment, solar panels, or other alternative energy generation mechanisms, are subject to the specialized guidance under Section 6 of the Town of Lunenburg's Heritage Conservation District Design Guidelines.

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

BETWEEN:

[Insert Name of Corporation/Business LTD.]
body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

Town of Lunenburg
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 PIDs: 60057478, 60057460, 60057445, 60385903, 60057387, and 60057395, Lunenburg and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mix of multiple unit dwelling on the Lands pursuant to the provisions of the *Municipal Government Act* and pursuant to Policies **XX** of the Town of Lunenburg Municipal Planning Strategy and Section **XX** of the Town of Lunenburg Land Use By-law;

AND WHEREAS the Town of Lunenburg Municipal Council approved this request at a meeting held on **[Insert - Date]**, referenced as municipal case **XXXX**;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

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 Town of Lunenburg as Case Number **XXXX**:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Lot Plan
Schedule D	Heritage Design Requirements

3.2 Requirements Prior to Approval

- 3.2.1 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 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) applicable to a building or part thereof and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) An affordable housing agreement between the property owner and an appropriate affordable housing provider, as determined by the development officer, that stipulates the following:
 - i. That a minimum of 10% of the number of dwelling units proposed, rounded up to the nearest whole number, will be managed by the affordable housing provider;
 - ii. That the amount of monthly rent for each of the affordable housing units does not exceed 30% of the median income for the Town of Lunenburg, as determined by the most current census prepared by Statistic Canada, divided by twelve (12);
 - iii. That the monthly rent for each affordable housing unit may increase annually, at a rate no greater than five percent (5%), unless otherwise agreed upon by the Development Officer for the Town; and
 - iv. That the affordable housing agreement is in effect for a minimum of ten (10) years.

3.2.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter, inclusive of photographs, confirming that the requirements of Section 3.6 have been completed according to the terms of this Development Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mix of residential buildings as generally shown on Schedule B;
- (b) Grouped Dwellings; and
- (c) uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 The buildings' siting, bulk and scale shall generally comply with the Schedules and the provisions of the Old Town/New Town 2 (ONT2) Form Zone as outlined in the Town of Lunenburg Land Use Bylaw.

3.4.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.

3.4.3 New roads and driveways shall comply with the Town of Lunenburg Subdivision Bylaw and Specifications for Subdivisions

3.4.4 Notwithstanding subsection 3.4.3 the length of the cul-de-sac may be extended to a maximum of 175 metres in length provided a 4.27-metre-wide emergency exit lane is constructed to Oxner Drive in compliance with this Agreement.

3.4.5 Accessory uses, buildings and structures shall comply with the Land Use By-law.

3.5 Subdivision of the Lands

3.5.1 All subdivision of the Lands shall meet the requirements of the Subdivision Bylaw except where varied by this Agreement.

3.5.2 Subdivision applications shall be submitted to, and approved by the Development Officer in accordance with the following terms and conditions:

- (a) Applications for tentative subdivision approval shall encompass the entire development in accordance with Schedule C.
- (b) Final subdivision approval shall not be granted until final approval of the Parkland location has been granted.
- (c) Final Subdivision approval shall not be granted until final approval and registration of applicable "No Build Easements" and the "Active Transportation Connection Easement" have been registered with the Registry of Deeds or Land Registry Office.
- (d) Notwithstanding Subsection 3.5.2(a), The Development Officer may grant final subdivision approval for partial phases of the development.

3.5.3 Where any portion of a lot includes a "No Build Easement" delineated pursuant to this Agreement, the "No Build Easement" shall be shown on any tentative and final plan of subdivision and no development shall be permitted within the "No Build Easement" except for driveways and/or retaining walls or other landscape features as deemed acceptable by the Development Officer.

3.6 Active Transportation Connection

- 3.6.1 A pathway shall be provided in order to maintain an active transportation connection between the proposed cul-de-sac and the Bay-to-Bay Trail.
- 3.6.2 The active transportation connection shall be hard surfaced and constructed to meet the sufficient width and slope necessary to accommodate emergency vehicle access.
- 3.6.3 An easement agreement, license agreement or appropriate equivalent shall be entered for the active transportation connection with the Municipality prior to issuance of the first Occupancy Permit.
- 3.6.4 Notwithstanding the foregoing, if both the Developer and Municipality are in agreement that, based on detailed review, the Active Transportation connection cannot be established, Subsection 3.6.1 shall not apply.
- 3.6.5 Prior to issuance of the first Occupancy Permit the Developer shall confirm to the Development Officer that this section is satisfied, in accordance with Subsection 3.2.2 of this Agreement.

3.7 Architectural Requirements

- 3.7.1 The architectural design of the building shall comply with Schedule D of this Agreement.
- 3.7.2 Any exposed foundation in excess of 0.6 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.7.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.7.4 Ten percent (10%) of all units or the minimum required under the Nova Scotia Building Regulations, whichever is greater, shall be barrier free as defined by the Nova Scotia Building Regulations.

3.8 Screening

- 3.8.1 Refuse containers located outside any building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.2 Propane tanks, heat pumps and electrical transformers and generators shall be located on sites in such a way to ensure minimal visual impact from adjacent properties and from streets. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.3 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not located on the front façade of any building.
- 3.8.4 All roof mounted mechanical, or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.9 Parkland

- 3.9.1 Parkland dedication shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedule B with the final adjustments to configuration and grades of the site preparations areas to be agreed upon by the Municipality and the Developer prior to subdivision approval being granted. The Development Officer may permit variations to lot configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced, and the proposed parkland meets the requirements of the Municipality.

3.10 Signs

- 3.10.1 The sign requirements shall be in accordance with the applicable Land Use By-law
- 3.10.2 Signs depicting the name or corporate logo of the Developer shall be permitted but shall be removed prior to issuance of the first Occupancy Permit.

3.11 Outdoor Lighting

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

3.12 Maintenance

- 3.12.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, easements owned and maintained by the Developer, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.12.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.13 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 last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of service systems shall satisfy the most current edition of the Town of Lunenburg Specifications for Subdivision unless otherwise provided for in this Agreement and shall receive written approval from the Municipal 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 Municipal Engineer.

4.3 Solid Waste Facilities

- 4.3.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall submit an Erosion and Sedimentation Control Plan to the Municipal Engineer for approval.

5.3 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Municipal Government Act*:
- (a) Changes to the siting, bulk, or scale which, in the opinion of the Development Officer, do not conform with the Schedules and are minor in nature;
 - (b) Changes to the exterior architectural design of the building which are, in the opinion of the Development Officer, not minor nor consistent with the general architectural intent of the Schedules;
 - (c) Changes to the proposed lot lines in Schedule C which, in the opinion of the Development Office, are minor in nature;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
 - (e) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

- 7.1.1 The Developer shall enter into this agreement within one year of Council's approval of the agreement.
- 7.1.2 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 Bridgewater, 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 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the first proposed building.
- 7.3.2 In the event that development on the Lands has not commenced within ten (10) 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.
- 7.3.3 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 prior to the expiry of the commencement of development time period.

7.4 Completion of Development and Discharge

- 7.4.1 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.
- 7.4.2 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; or
 - (c) discharge this Agreement;
- 7.4.3 If the Developer fails to complete the development after ten (10) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:
 - (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer sixty (60) 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 *Municipal Government Act* 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: _____

Name/Position: _____

Date Signed: _____

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of:

Witness

Witness

TOWN OF LUNENBURG

Per: _____
MAYOR

Date Signed: _____

Per: _____
MUNICIPAL CLERK or CAO

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




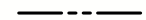

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that [Name of Mayor], Mayor and [Name of Clerk/CAO], Clerk or CAO of the Town of Lunenburg, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Schedule A
Legal Description of the Lands

Schedule B
Site Plan

LEGEND

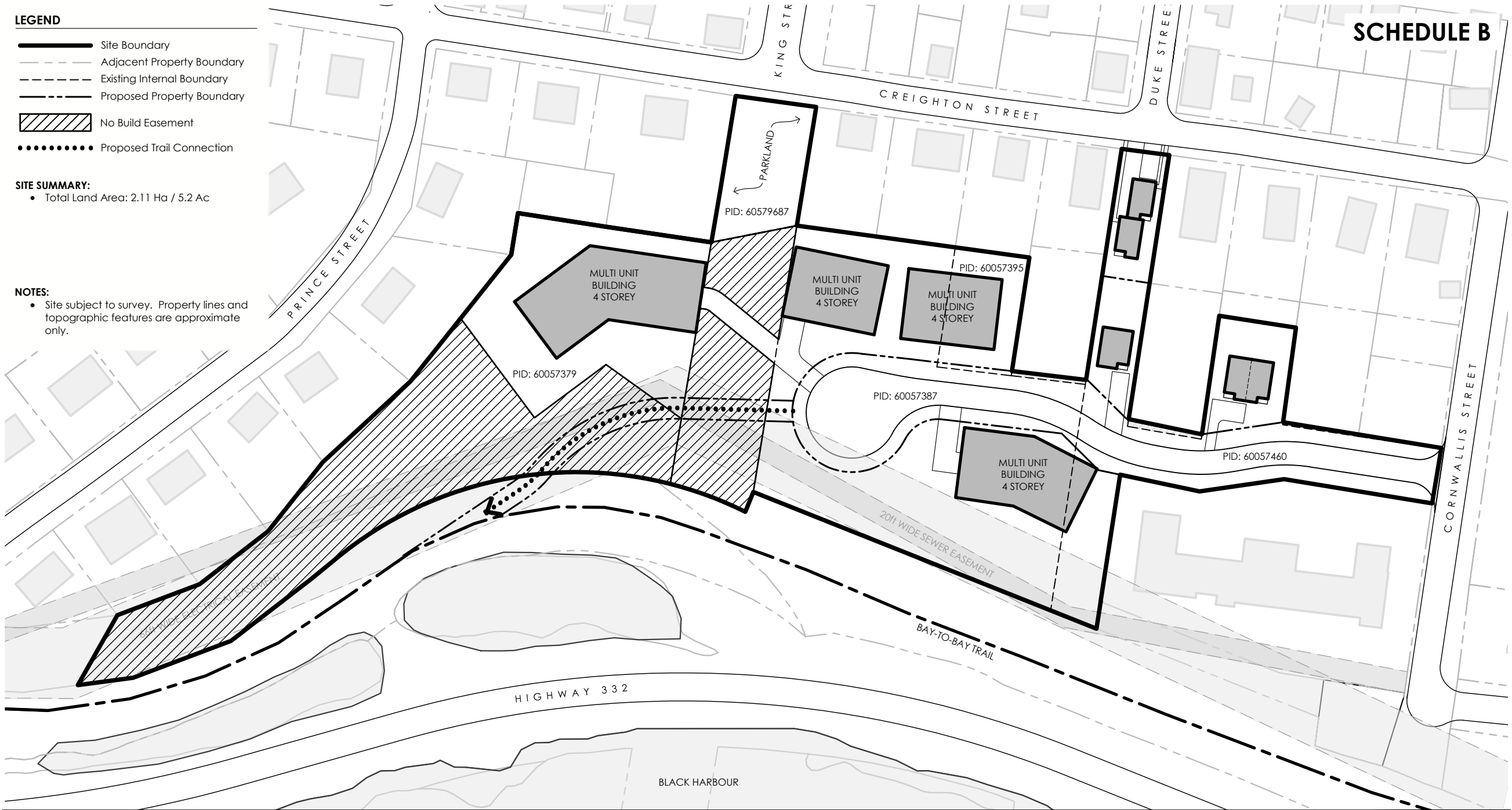
-  Site Boundary
-  Adjacent Property Boundary
-  Existing Internal Boundary
-  Proposed Property Boundary
-  No Build Easement
-  Proposed Trail Connection

SITE SUMMARY:

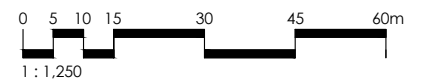
- Total Land Area: 2.11 Ha / 5.2 Ac

NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.






SCALE:



Schedule C
Preliminary Lot Plan

LEGEND

-  Site Boundary
-  Adjacent Property Boundary
-  Proposed Property Boundary

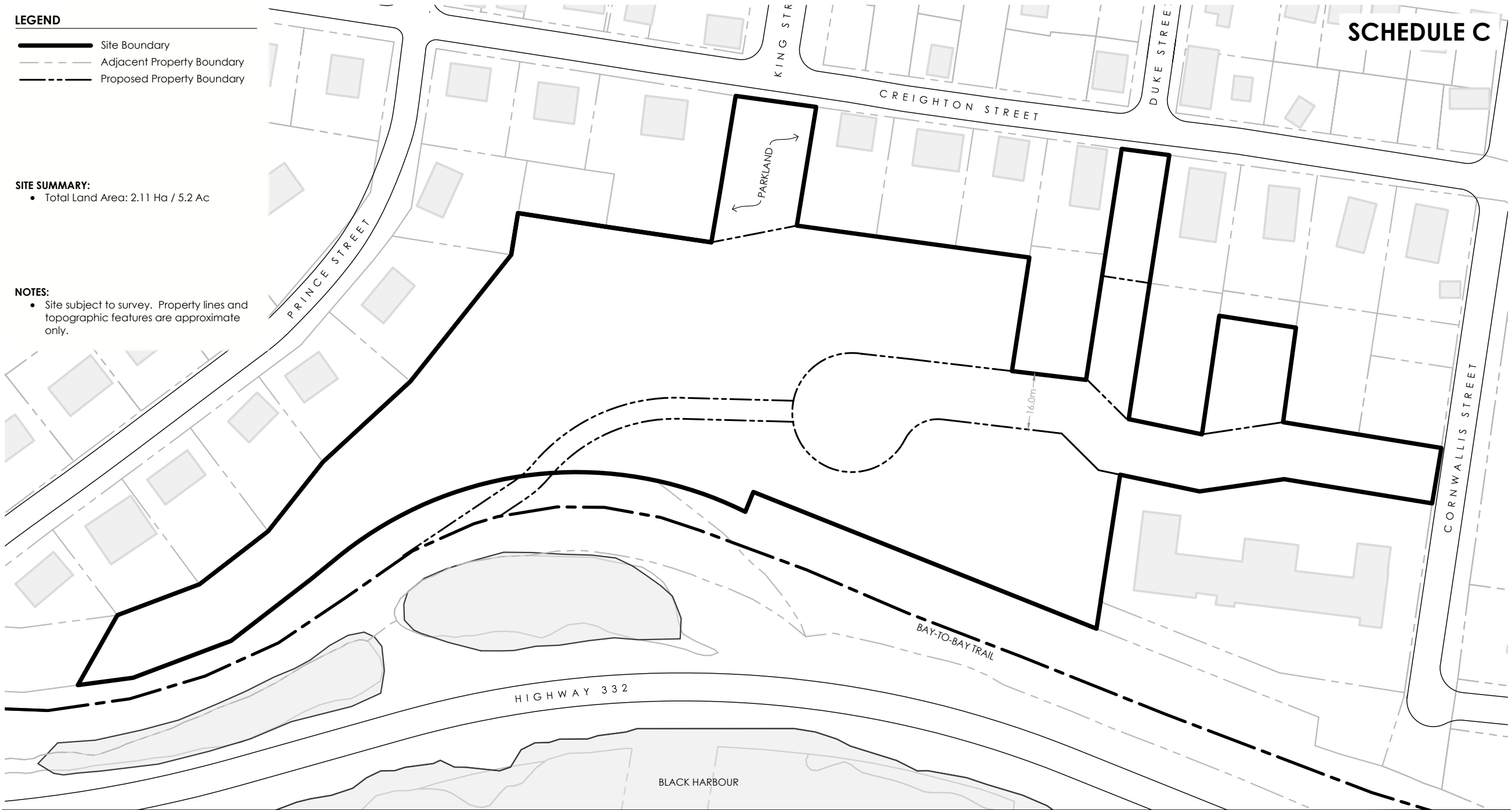
SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac

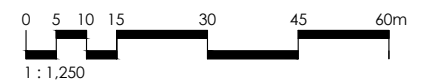
NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.

SCHEDULE C



SCALE:



Schedule D

Heritage Design Requirements

1. New Residential Buildings

New buildings should be assiduously documented, both in their design and construction. Everyone involved in residential development is strongly encouraged to document projects within the district and provide information to the Heritage Officer to inform future research and conservation efforts. The ten nearest residential character-defining structures in a 360-degree radius should be considered when designing new residential buildings, with special consideration given to those next-door and on the same block as the new residential building.

1.1. Form

- 1.1.1. New residential buildings must be physically, visually, and stylistically compatible with, subordinate to and distinguishable from the district's character-defining structures on the same block as the new residential building upon close inspection. Here, distinguishable upon close inspection means recognizable by a trained professional, such as an architect or architectural historian, as distinct from surrounding character-defining structures from the nearest street intersection.
- 1.1.2. The height and scale of new residential buildings must be less than or equal to the average height and scale of character-defining residential structures along the same side of the street of the same block.
- 1.1.3. New residential buildings must have the same setback and distance to neighbouring structures as residential character-defining structures on the same block as the new residential building.
- 1.1.4. A new residential building's roof must have a similar shape and pitch to character-defining residential buildings on the same block as the new residential building. Historic roof forms in Lunenburg include but are not limited to gable roofs, hipped roofs, hipped gable roofs, gambrel roofs, mansard roofs, hatch roofs, and complex Queen Anne forms with and without dormers. Flat roofs are prohibited for new residential buildings.
- 1.1.5. Dormers, including extended and overhanging dormers like the Lunenburg bump, are strongly encouraged for new residential development. Dormers must be inspired by historic examples found on residential character-defining structures, including but not limited to Gothic, Scottish, Peaked, Pedimented, Hipped, Round-headed and Shed dormers. Dormers must not exceed one-third (1/3) of the structure's total roof area.
- 1.1.6. Elaborate frontispieces inspired by residential character-defining structures are encouraged.
- 1.1.7. New houses with a footprint larger than 140 metres squared (1500 square feet) should have at least one projecting bay, ell, porch, veranda, dormer, frontispiece, or other variation in form.
- 1.1.8. Except for steps associated with a principal or secondary entrance, porch or veranda, exterior staircases shall be located on the side or rear of a new residential building.
- 1.1.9. Foundations must not have large areas of exposed concrete or stone. The height of any exposed foundation may not be greater than 0.305 metres (1 foot) from grade. On sloping

sites, cladding and trim must be stepped, and no exposed foundation may be taller than 0.305 metres (1 foot) from grade.

1.2. Principal Façade design

- 1.2.1. Principal façades should have a vertical emphasis through elements including, but not limited to, steeply pitched roofs, vertically proportioned windows, vertical trim boards, projecting bays, and pedimented porches and dormers.
- 1.2.2. Principle façades should be balanced through either bilateral symmetry or asymmetrical balancing. The former may be achieved by aligning similar elements, such as windows, doors, and trim.
- 1.2.3. The main entrance to new residential buildings must be in the principal façade facing the street.
- 1.2.4. Frontispieces inspired by residential character-defining structures are encouraged.
- 1.2.5. Dormers should be balanced with openings along the building's elevation. Generally, dormers should be centred on the roof or vertically aligned with window and door openings, but they may be offset from windows and doors if the façade is balanced overall. Dormers will be appropriately scaled to be approximately the same width as window and door openings. Again, dormers must not exceed one-third (1/3) of the structure's total roof area.

1.3. Windows and Doors

- 1.3.1. The area of any façade visible from the public realm occupied by window and door openings shall be no greater than 25%, other than sunrooms, where an area of up to 80% on one level may be approved.
- 1.3.2. Doors visible from the public realm should preferably be made of wood and rail and stile construction with recessed or raised panels or interpretations of panelling and glazing inspired by historic doors in residential character-designing structures.
- 1.3.3. Modern door styles which depart significantly from the historic doors found in residential character-defining structures are discouraged.
- 1.3.4. Windows visible from the public realm should be vertically oriented single- or double-hung, vertically sliding sash windows. However, round-headed, pointed, diamond-shaped, circular or any other shaped window modelled on historic examples found in residential character-defining structures are permitted, particularly under the gable ends of roof peaks.
- 1.3.5. Slider windows, picture windows and curved bow windows are prohibited.
- 1.3.6. Horizontal or square windows are only permitted in non-principal façades to accommodate internal functions related to, for example, bathrooms and kitchens.
- 1.3.7. Wide window openings may be achieved by combining windows in a mullioned frame.
- 1.3.8. Three and five-sided bay windows modelled on windows found in residential character-defining structures are permissible.
- 1.3.9. Four skylights are permitted. More than four skylights may be approved, provided the total

number of skylights on a roof slope does not exceed the total number of bays on the corresponding elevation.

1.4. Trim and Ornamentation

1.4.1. New residential construction must include some decorative elements, elaborate or plain, inspired by decorative elements found on Old Town Lunenburg's residential character-defining structures. New residential buildings must include at least four of the following:

- 1.4.1.1. Corner boards a minimum of 14 centimetres (5.5 inches) wide;
- 1.4.1.2. Window trim a minimum of 9 centimetres (3.5 inches) wide, preferably consisting of a cap, head, jamb and sill;
- 1.4.1.3. Door trim a minimum of 9 centimetres (3.5 inches) wide, preferably including a well-articulated cap;
- 1.4.1.4. Bay window trim, preferably including a prominent cap and head, a well-articulated sill, moulded panels below each window and a baseboard or moulding to define the bottom edge;
- 1.4.1.5. Porches, verandahs and/or balconies, preferably with upper and lower rails and vertical balusters nailed from the top and bottom based on the traditional design. Face nailing of balusters shall be prohibited;
- 1.4.1.6. Decorative brackets, cornices, and/or eaves; and/or
- 1.4.1.7. Any other decorative work found on residential character-defining structures.

1.4.2. Stair carriages must be constructed with closed risers and treads, with traditional handrails where the balusters are nailed from the top and bottom. Face nailing of balusters shall be prohibited.

1.5. Materials

1.5.1. New houses must be clad in wooden clapboard or shingles laid in horizontal courses approximately 11.5 centimetres (4.5 inches) to the weather.

1.5.2. Shingles, especially traditional wooden shingles, are favoured for roofs. However, any material is permissible, including metal roofs, if it does not detract from character-defining structures on the same block as the new commercial building. Dark colours are preferred. Bare metal is prohibited. Metal roof slopes within an edge within 1.5 metres (5 feet) of a public right-of-way must have snow guards. Corrugated metal roofs are prohibited. Wood is preferred, but non-wooden doors and windows are permitted.

1.5.3. Required decorative details inspired by the district's residential character-defining structures (see Section 2.3.4) must be wooden.

1.5.4. Porches, verandahs, and balustrades must be wooden.

1.5.5. Handrails must be wooden or wrought iron.

1.5.6. Wood is preferred, but non-wooden stairs and ramps, such as metal or stone, are permitted. On principal façades, non-wooden stairs must not exceed one step, and non-wooden ramps are prohibited. Plastic stairs are prohibited.

1.5.7. Fencing, outbuildings, retaining walls, signs, mechanical or electrical equipment, solar panels, or other alternative energy generation mechanisms, are subject to the specialized guidance under Section 6 of the Town of Lunenburg's Heritage Conservation District Design Guidelines.

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

BETWEEN:

[Insert Name of Corporation/Business LTD.]
body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

Town of Lunenburg
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 PIDs: 60057478, 60057460, 60057445, 60385903, 60057387, and 60057395, Lunenburg and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mix of multiple unit dwelling on the Lands pursuant to the provisions of the *Municipal Government Act* and pursuant to Policies **XX** of the Town of Lunenburg Municipal Planning Strategy and Section **XX** of the Town of Lunenburg Land Use By-law;

AND WHEREAS the Town of Lunenburg Municipal Council approved this request at a meeting held on **[Insert - Date]**, referenced as municipal case **XXXX**;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

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 Town of Lunenburg as Case Number **XXXX**:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Lot Plan
Schedule D	Heritage Design Requirements

3.2 Requirements Prior to Approval

- 3.2.1 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 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) applicable to a building or part thereof and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) An affordable housing agreement between the property owner and an appropriate affordable housing provider, as determined by the development officer, that stipulates the following:
 - i. That a minimum of 10% of the number of dwelling units proposed, rounded up to the nearest whole number, will be managed by the affordable housing provider;
 - ii. That the amount of monthly rent for each of the affordable housing units does not exceed 30% of the median income for the Town of Lunenburg, as determined by the most current census prepared by Statistic Canada, divided by twelve (12);
 - iii. That the monthly rent for each affordable housing unit may increase annually, at a rate no greater than five percent (5%), unless otherwise agreed upon by the Development Officer for the Town; and
 - iv. That the affordable housing agreement is in effect for a minimum of ten (10) years.

3.2.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter, inclusive of photographs, confirming that the requirements of Section 3.6 have been completed according to the terms of this Development Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mix of residential buildings as generally shown on Schedule B;
- (b) Grouped Dwellings; and
- (c) uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 The buildings' siting, bulk and scale shall generally comply with the Schedules and the provisions of the Old Town/New Town 2 (ONT2) Form Zone as outlined in the Town of Lunenburg Land Use Bylaw.

3.4.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.

3.4.3 New roads and driveways shall comply with the Town of Lunenburg Subdivision Bylaw and Specifications for Subdivisions

3.4.4 Notwithstanding subsection 3.4.3 the length of the cul-de-sac may be extended to a maximum of 175 metres in length provided a 4.27-metre-wide emergency exit lane is constructed to Oxner Drive in compliance with this Agreement.

3.4.5 Accessory uses, buildings and structures shall comply with the Land Use By-law.

3.5 Subdivision of the Lands

3.5.1 All subdivision of the Lands shall meet the requirements of the Subdivision Bylaw except where varied by this Agreement.

3.5.2 Subdivision applications shall be submitted to, and approved by the Development Officer in accordance with the following terms and conditions:

- (a) Applications for tentative subdivision approval shall encompass the entire development in accordance with Schedule C.
- (b) Final subdivision approval shall not be granted until final approval of the Parkland location has been granted.
- (c) Final Subdivision approval shall not be granted until final approval and registration of applicable "No Build Easements" and the "Active Transportation Connection Easement" have been registered with the Registry of Deeds or Land Registry Office.
- (d) Notwithstanding Subsection 3.5.2(a), The Development Officer may grant final subdivision approval for partial phases of the development.

3.5.3 Where any portion of a lot includes a "No Build Easement" delineated pursuant to this Agreement, the "No Build Easement" shall be shown on any tentative and final plan of subdivision and no development shall be permitted within the "No Build Easement" except for driveways and/or retaining walls or other landscape features as deemed acceptable by the Development Officer.

3.6 Active Transportation Connection

- 3.6.1 A pathway shall be provided in order to maintain an active transportation connection between the proposed cul-de-sac and the Bay-to-Bay Trail.
- 3.6.2 The active transportation connection shall be hard surfaced and constructed to meet the sufficient width and slope necessary to accommodate emergency vehicle access.
- 3.6.3 An easement agreement, license agreement or appropriate equivalent shall be entered for the active transportation connection with the Municipality prior to issuance of the first Occupancy Permit.
- 3.6.4 Notwithstanding the foregoing, if both the Developer and Municipality are in agreement that, based on detailed review, the Active Transportation connection cannot be established, Subsection 3.6.1 shall not apply.
- 3.6.5 Prior to issuance of the first Occupancy Permit the Developer shall confirm to the Development Officer that this section is satisfied, in accordance with Subsection 3.2.2 of this Agreement.

3.7 Architectural Requirements

- 3.7.1 The architectural design of the building shall comply with Schedule D of this Agreement.
- 3.7.2 Any exposed foundation in excess of 0.6 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.7.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.7.4 Ten percent (10%) of all units or the minimum required under the Nova Scotia Building Regulations, whichever is greater, shall be barrier free as defined by the Nova Scotia Building Regulations.

3.8 Screening

- 3.8.1 Refuse containers located outside any building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.2 Propane tanks, heat pumps and electrical transformers and generators shall be located on sites in such a way to ensure minimal visual impact from adjacent properties and from streets. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.8.3 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not located on the front façade of any building.
- 3.8.4 All roof mounted mechanical, or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.9 Parkland

- 3.9.1 Parkland dedication shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedule B with the final adjustments to configuration and grades of the site preparations areas to be agreed upon by the Municipality and the Developer prior to subdivision approval being granted. The Development Officer may permit variations to lot configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced, and the proposed parkland meets the requirements of the Municipality.

3.10 Signs

- 3.10.1 The sign requirements shall be in accordance with the applicable Land Use By-law
- 3.10.2 Signs depicting the name or corporate logo of the Developer shall be permitted but shall be removed prior to issuance of the first Occupancy Permit.

3.11 Outdoor Lighting

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

3.12 Maintenance

- 3.12.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, easements owned and maintained by the Developer, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.12.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.13 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 last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of service systems shall satisfy the most current edition of the Town of Lunenburg Specifications for Subdivision unless otherwise provided for in this Agreement and shall receive written approval from the Municipal 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 Municipal Engineer.

4.3 Solid Waste Facilities

- 4.3.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall submit an Erosion and Sedimentation Control Plan to the Municipal Engineer for approval.

5.3 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Municipal Government Act*:
- (a) Changes to the siting, bulk, or scale which, in the opinion of the Development Officer, do not conform with the Schedules and are minor in nature;
 - (b) Changes to the exterior architectural design of the building which are, in the opinion of the Development Officer, not minor nor consistent with the general architectural intent of the Schedules;
 - (c) Changes to the proposed lot lines in Schedule C which, in the opinion of the Development Office, are minor in nature;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
 - (e) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

- 7.1.1 The Developer shall enter into this agreement within one year of Council's approval of the agreement.
- 7.1.2 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 Bridgewater, 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 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the first proposed building.
- 7.3.2 In the event that development on the Lands has not commenced within ten (10) 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.
- 7.3.3 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 prior to the expiry of the commencement of development time period.

7.4 Completion of Development and Discharge

- 7.4.1 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.
- 7.4.2 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; or
 - (c) discharge this Agreement;
- 7.4.3 If the Developer fails to complete the development after ten (10) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:
 - (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer sixty (60) 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 *Municipal Government Act* 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: _____

Name/Position: _____

Date Signed: _____

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of:

Witness

Witness

TOWN OF LUNENBURG

Per: _____
MAYOR

Date Signed: _____

Per: _____
MUNICIPAL CLERK or CAO

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





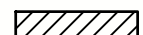

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that [Name of Mayor], Mayor and [Name of Clerk/CAO], Clerk or CAO of the Town of Lunenburg, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Schedule A
Legal Description of the Lands

Schedule B
Site Plan

LEGEND

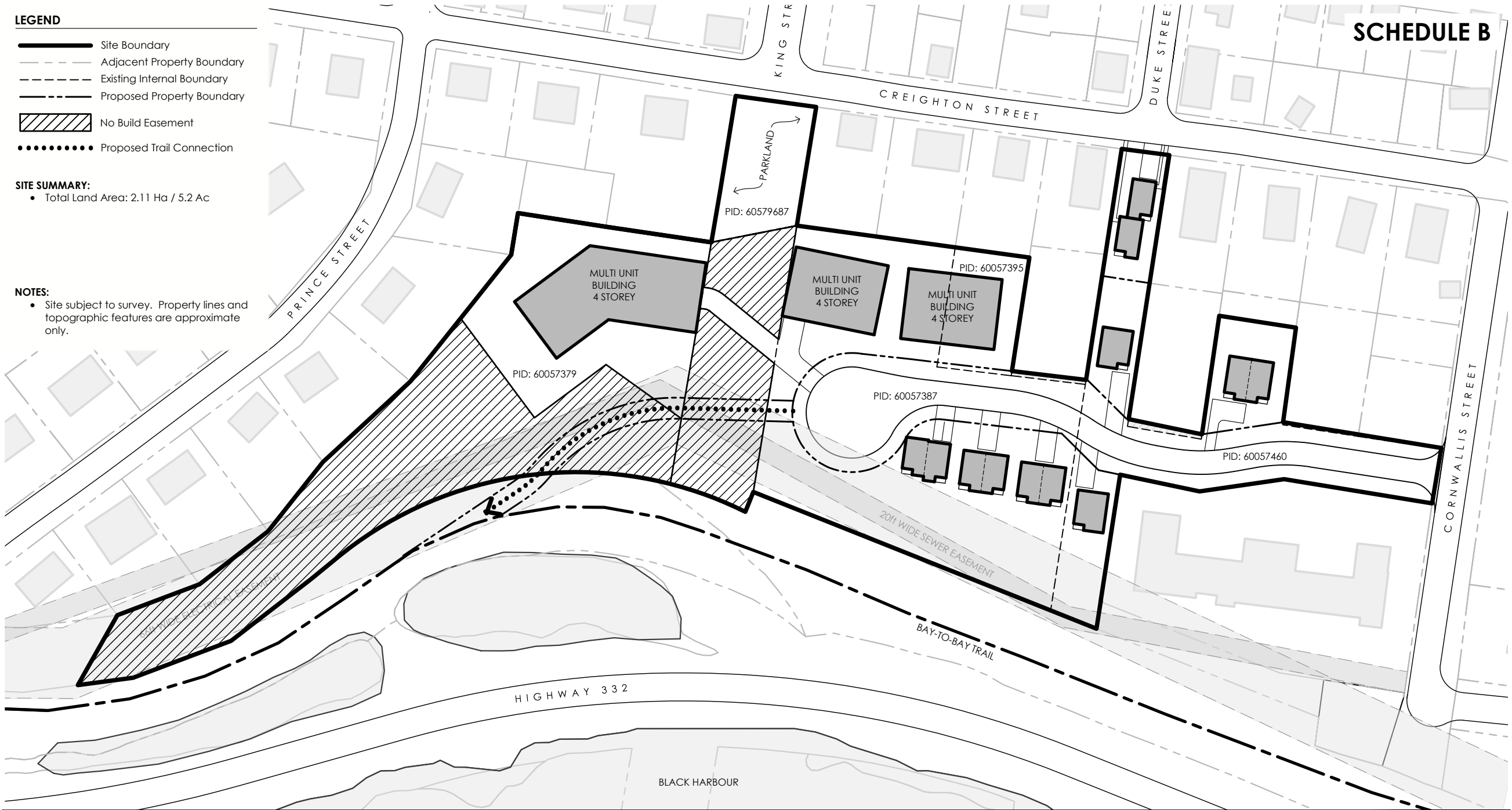
-  Site Boundary
-  Adjacent Property Boundary
-  Existing Internal Boundary
-  Proposed Property Boundary
-  No Build Easement
-  Proposed Trail Connection

SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac




NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.



Schedule C
Preliminary Lot Plan

LEGEND

-  Site Boundary
-  Adjacent Property Boundary
-  Proposed Property Boundary

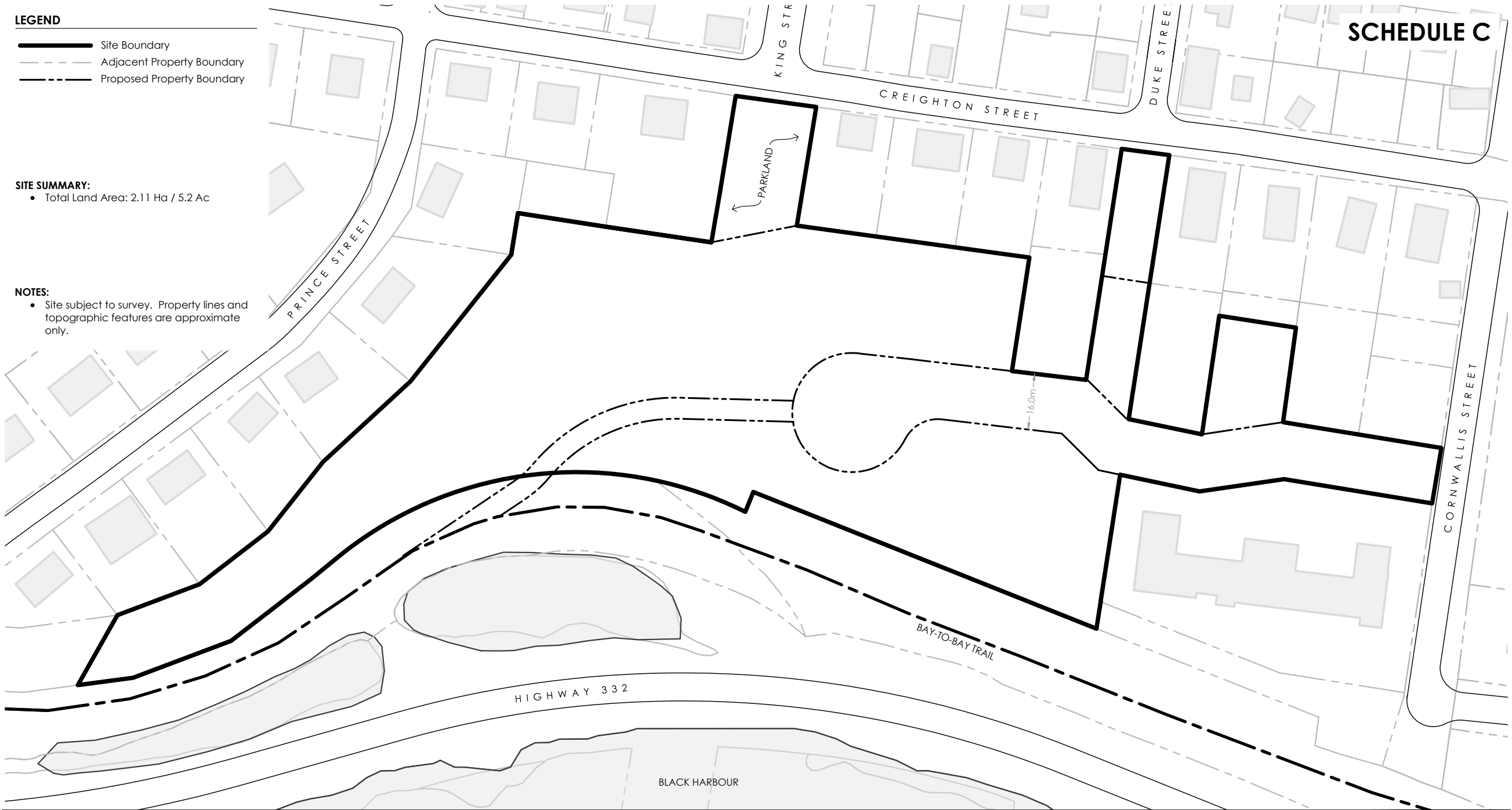
SITE SUMMARY:

- Total Land Area: 2.11 Ha / 5.2 Ac

NOTES:

- Site subject to survey. Property lines and topographic features are approximate only.

SCHEDULE C



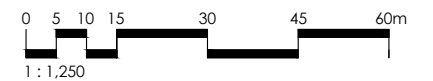
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UPPER KING STREET EXTENSION DEVELOPMENT : SUBDIVISION CONCEPT PLAN OPTION 4

Lunenburg, Nova Scotia



SCALE:



DATE: OCTOBER 23, 2023

Schedule D

Heritage Design Requirements

1. New Residential Buildings

New buildings should be assiduously documented, both in their design and construction. Everyone involved in residential development is strongly encouraged to document projects within the district and provide information to the Heritage Officer to inform future research and conservation efforts. The ten nearest residential character-defining structures in a 360-degree radius should be considered when designing new residential buildings, with special consideration given to those next-door and on the same block as the new residential building.

1.1. Form

- 1.1.1. New residential buildings must be physically, visually, and stylistically compatible with, subordinate to and distinguishable from the district's character-defining structures on the same block as the new residential building upon close inspection. Here, distinguishable upon close inspection means recognizable by a trained professional, such as an architect or architectural historian, as distinct from surrounding character-defining structures from the nearest street intersection.
- 1.1.2. The height and scale of new residential buildings must be less than or equal to the average height and scale of character-defining residential structures along the same side of the street of the same block.
- 1.1.3. New residential buildings must have the same setback and distance to neighbouring structures as residential character-defining structures on the same block as the new residential building.
- 1.1.4. A new residential building's roof must have a similar shape and pitch to character-defining residential buildings on the same block as the new residential building. Historic roof forms in Lunenburg include but are not limited to gable roofs, hipped roofs, hipped gable roofs, gambrel roofs, mansard roofs, hatch roofs, and complex Queen Anne forms with and without dormers. Flat roofs are prohibited for new residential buildings.
- 1.1.5. Dormers, including extended and overhanging dormers like the Lunenburg bump, are strongly encouraged for new residential development. Dormers must be inspired by historic examples found on residential character-defining structures, including but not limited to Gothic, Scottish, Peaked, Pedimented, Hipped, Round-headed and Shed dormers. Dormers must not exceed one-third (1/3) of the structure's total roof area.
- 1.1.6. Elaborate frontispieces inspired by residential character-defining structures are encouraged.
- 1.1.7. New houses with a footprint larger than 140 metres squared (1500 square feet) should have at least one projecting bay, ell, porch, veranda, dormer, frontispiece, or other variation in form.
- 1.1.8. Except for steps associated with a principal or secondary entrance, porch or veranda, exterior staircases shall be located on the side or rear of a new residential building.
- 1.1.9. Foundations must not have large areas of exposed concrete or stone. The height of any exposed foundation may not be greater than 0.305 metres (1 foot) from grade. On sloping

sites, cladding and trim must be stepped, and no exposed foundation may be taller than 0.305 metres (1 foot) from grade.

1.2. Principal Façade design

- 1.2.1. Principal façades should have a vertical emphasis through elements including, but not limited to, steeply pitched roofs, vertically proportioned windows, vertical trim boards, projecting bays, and pedimented porches and dormers.
- 1.2.2. Principle façades should be balanced through either bilateral symmetry or asymmetrical balancing. The former may be achieved by aligning similar elements, such as windows, doors, and trim.
- 1.2.3. The main entrance to new residential buildings must be in the principal façade facing the street.
- 1.2.4. Frontispieces inspired by residential character-defining structures are encouraged.
- 1.2.5. Dormers should be balanced with openings along the building's elevation. Generally, dormers should be centred on the roof or vertically aligned with window and door openings, but they may be offset from windows and doors if the façade is balanced overall. Dormers will be appropriately scaled to be approximately the same width as window and door openings. Again, dormers must not exceed one-third (1/3) of the structure's total roof area.

1.3. Windows and Doors

- 1.3.1. The area of any façade visible from the public realm occupied by window and door openings shall be no greater than 25%, other than sunrooms, where an area of up to 80% on one level may be approved.
- 1.3.2. Doors visible from the public realm should preferably be made of wood and rail and stile construction with recessed or raised panels or interpretations of panelling and glazing inspired by historic doors in residential character-designing structures.
- 1.3.3. Modern door styles which depart significantly from the historic doors found in residential character-defining structures are discouraged.
- 1.3.4. Windows visible from the public realm should be vertically oriented single- or double-hung, vertically sliding sash windows. However, round-headed, pointed, diamond-shaped, circular or any other shaped window modelled on historic examples found in residential character-defining structures are permitted, particularly under the gable ends of roof peaks.
- 1.3.5. Slider windows, picture windows and curved bow windows are prohibited.
- 1.3.6. Horizontal or square windows are only permitted in non-principal façades to accommodate internal functions related to, for example, bathrooms and kitchens.
- 1.3.7. Wide window openings may be achieved by combining windows in a mullioned frame.
- 1.3.8. Three and five-sided bay windows modelled on windows found in residential character-defining structures are permissible.
- 1.3.9. Four skylights are permitted. More than four skylights may be approved, provided the total

number of skylights on a roof slope does not exceed the total number of bays on the corresponding elevation.

1.4. Trim and Ornamentation

1.4.1. New residential construction must include some decorative elements, elaborate or plain, inspired by decorative elements found on Old Town Lunenburg's residential character-defining structures. New residential buildings must include at least four of the following:

- 1.4.1.1. Corner boards a minimum of 14 centimetres (5.5 inches) wide;
- 1.4.1.2. Window trim a minimum of 9 centimetres (3.5 inches) wide, preferably consisting of a cap, head, jamb and sill;
- 1.4.1.3. Door trim a minimum of 9 centimetres (3.5 inches) wide, preferably including a well-articulated cap;
- 1.4.1.4. Bay window trim, preferably including a prominent cap and head, a well-articulated sill, moulded panels below each window and a baseboard or moulding to define the bottom edge;
- 1.4.1.5. Porches, verandahs and/or balconies, preferably with upper and lower rails and vertical balusters nailed from the top and bottom based on the traditional design. Face nailing of balusters shall be prohibited;
- 1.4.1.6. Decorative brackets, cornices, and/or eaves; and/or
- 1.4.1.7. Any other decorative work found on residential character-defining structures.

1.4.2. Stair carriages must be constructed with closed risers and treads, with traditional handrails where the balusters are nailed from the top and bottom. Face nailing of balusters shall be prohibited.

1.5. Materials

1.5.1. New houses must be clad in wooden clapboard or shingles laid in horizontal courses approximately 11.5 centimetres (4.5 inches) to the weather.

1.5.2. Shingles, especially traditional wooden shingles, are favoured for roofs. However, any material is permissible, including metal roofs, if it does not detract from character-defining structures on the same block as the new commercial building. Dark colours are preferred. Bare metal is prohibited. Metal roof slopes within an edge within 1.5 metres (5 feet) of a public right-of-way must have snow guards. Corrugated metal roofs are prohibited. Wood is preferred, but non-wooden doors and windows are permitted.

1.5.3. Required decorative details inspired by the district's residential character-defining structures (see Section 2.3.4) must be wooden.

1.5.4. Porches, verandahs, and balustrades must be wooden.

1.5.5. Handrails must be wooden or wrought iron.

1.5.6. Wood is preferred, but non-wooden stairs and ramps, such as metal or stone, are permitted. On principal façades, non-wooden stairs must not exceed one step, and non-wooden ramps are prohibited. Plastic stairs are prohibited.

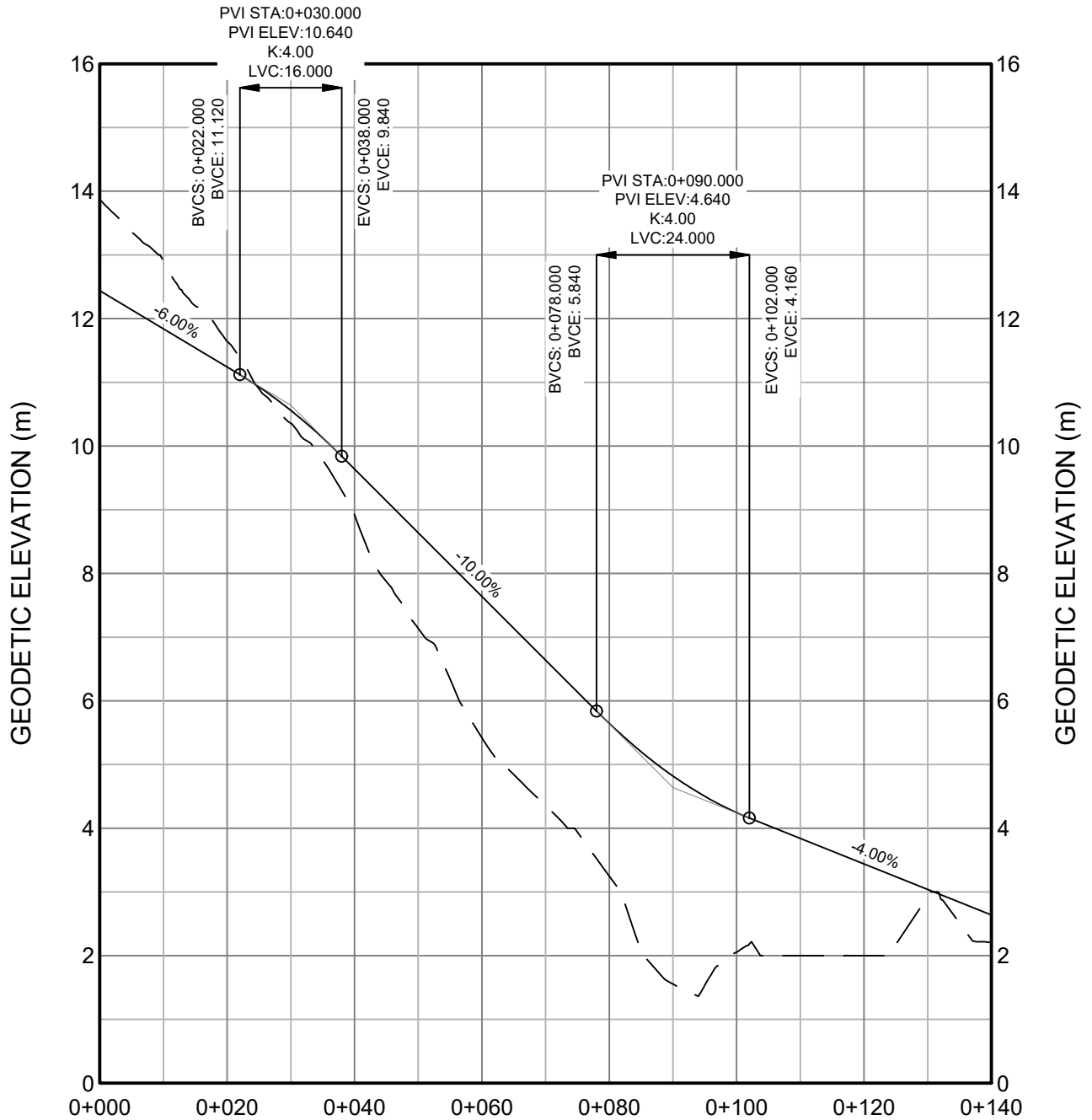
1.5.7. Fencing, outbuildings, retaining walls, signs, mechanical or electrical equipment, solar panels, or other alternative energy generation mechanisms, are subject to the specialized guidance under Section 6 of the Town of Lunenburg's Heritage Conservation District Design Guidelines.





b

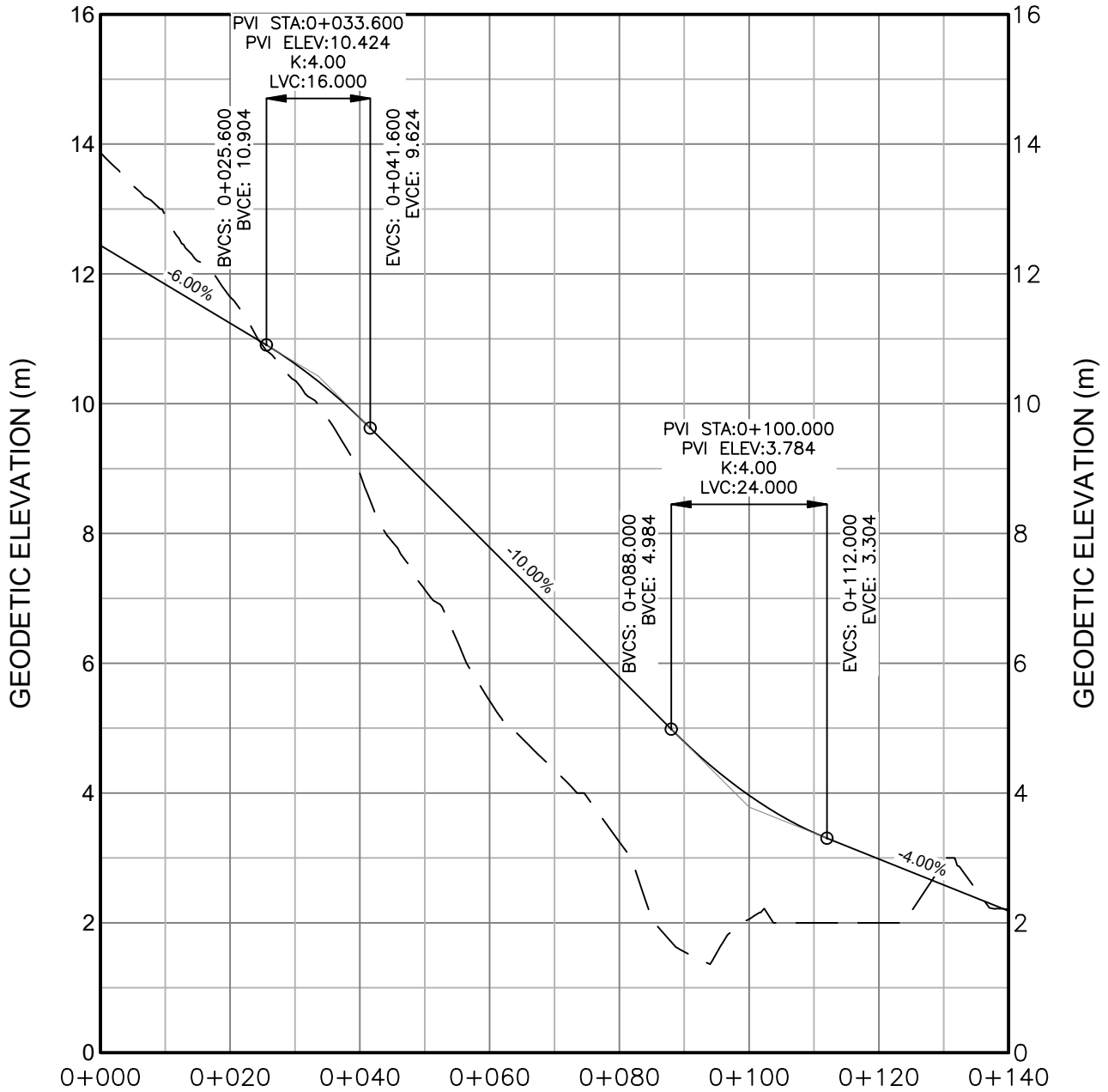
SERVICING SCHEMATICS



PROPOSED EMERGENCY EXIT PROFILE



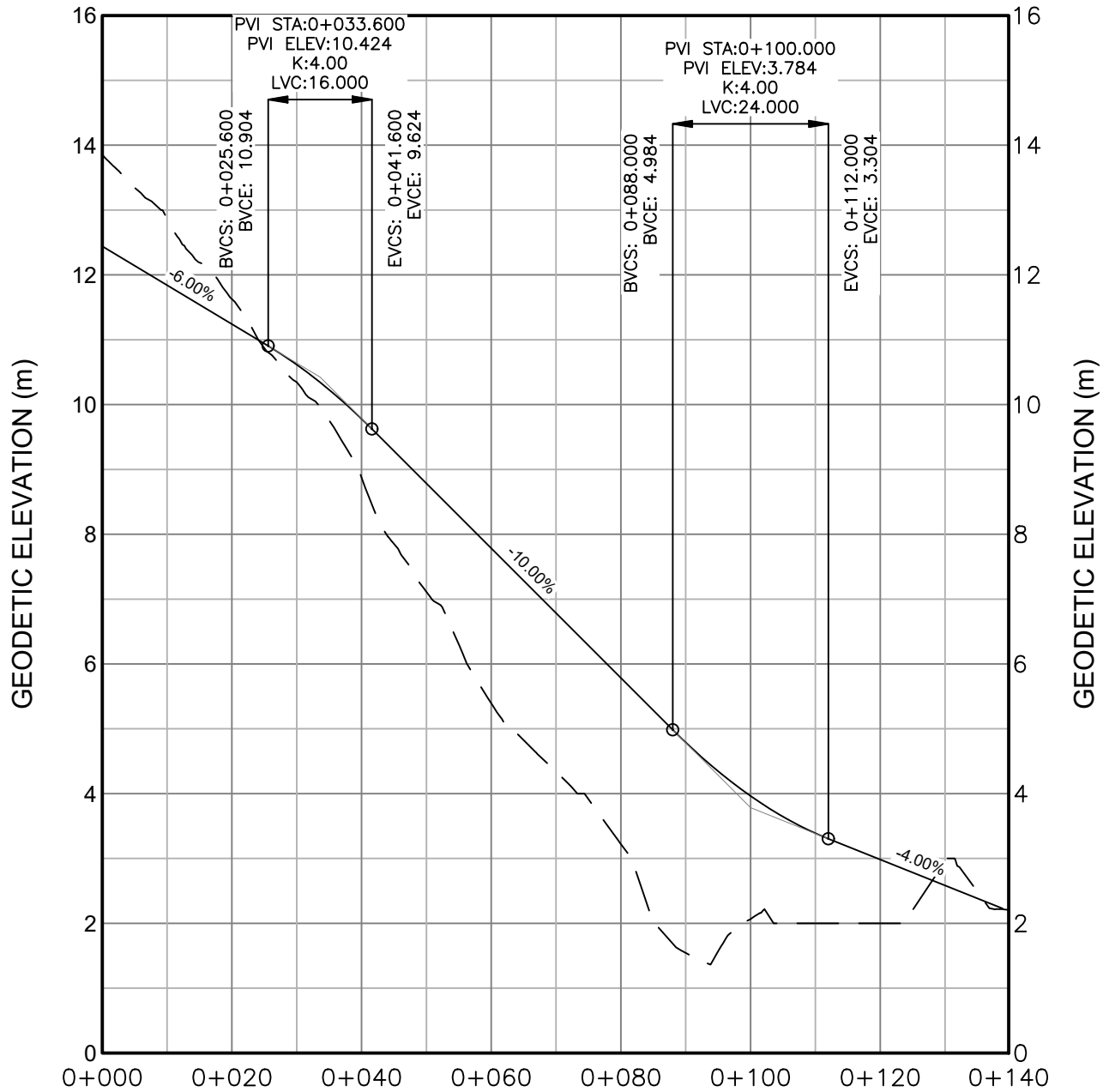
PREPARED BY	PROJECT DESCRIPTION	Engineer N. FOUGERE
 engineering • surveying • solutions 902.832.5597 designpoint.ca	UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Drawn S. LOPES
		Scale 1:1_1
PREPARED FOR	SHEET DESCRIPTION	Project No. 22-453
	PROPOSED OPTION 1 EMERGENCY EXIT PROFILE	Date Aug. 10, 2023
		Drawing No. C-02 2 OF 12



PROPOSED EMERGENCY EXIT PROFILE



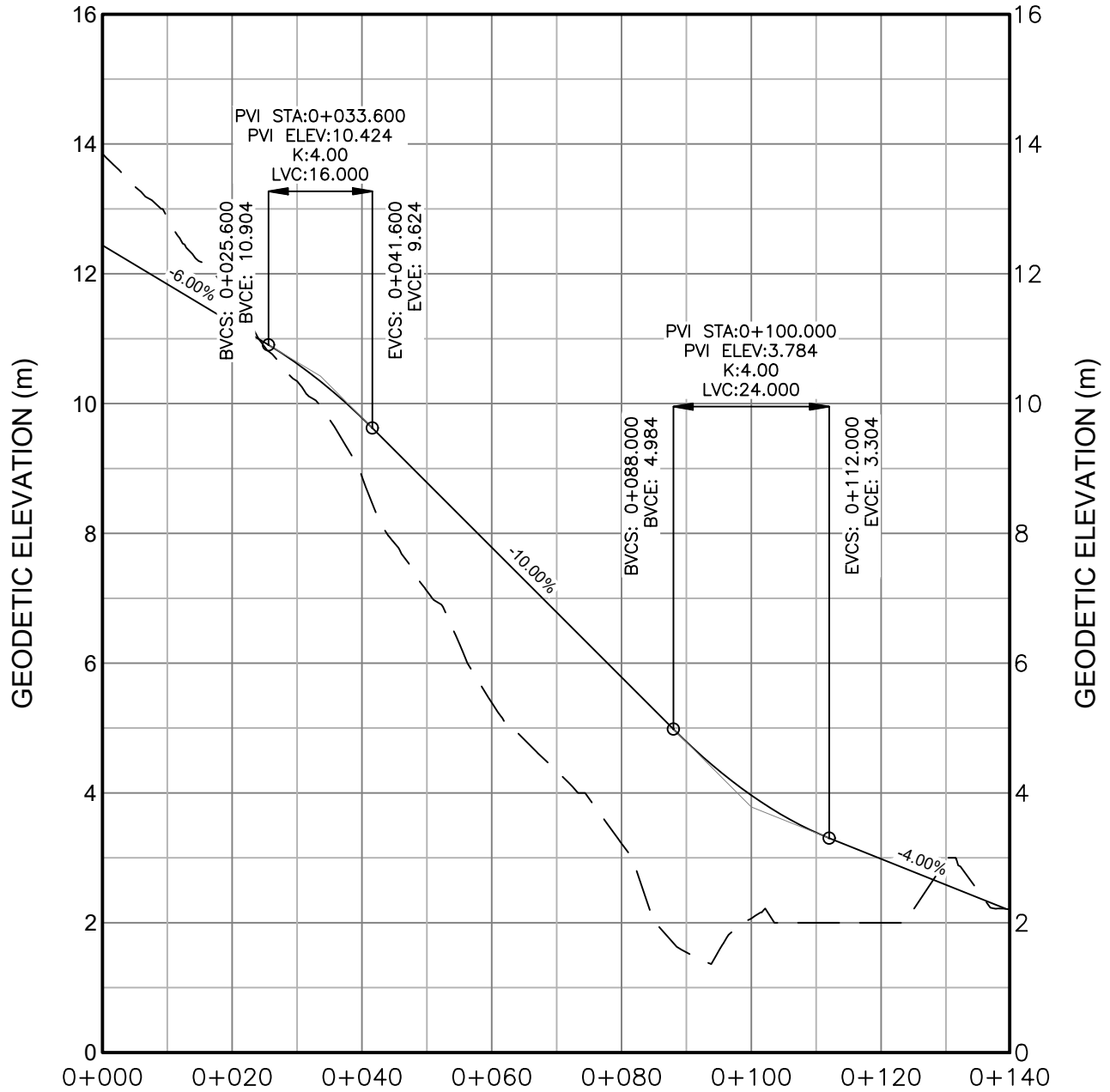
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 engineering • surveying • solutions 902.832.5597 designpoint.ca	UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Drawn S. LOPES
		Scale 1:1_1
PREPARED FOR	SHEET DESCRIPTION	Project No. 22-453
	PROPOSED OPTION 2 EMERGENCY EXIT PROFILE	Date Aug. 10, 2023
		Drawing No. C-05 5 OF 12

PROPOSED EMERGENCY EXIT PROFILE



PREPARED BY	PROJECT DESCRIPTION	Engineer N. FOUGERE
 engineering • surveying • solutions 902.832.5597 designpoint.ca	UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Drawn S. LOPES Scale 1:1_1
PREPARED FOR	SHEET DESCRIPTION	Project No. 22-453
	PROPOSED OPTION 3 EMERGENCY PROFILE	Date Aug. 10, 2023 Drawing No. C-08 8 OF 12

PROPOSED EMERGENCY EXIT PROFILE



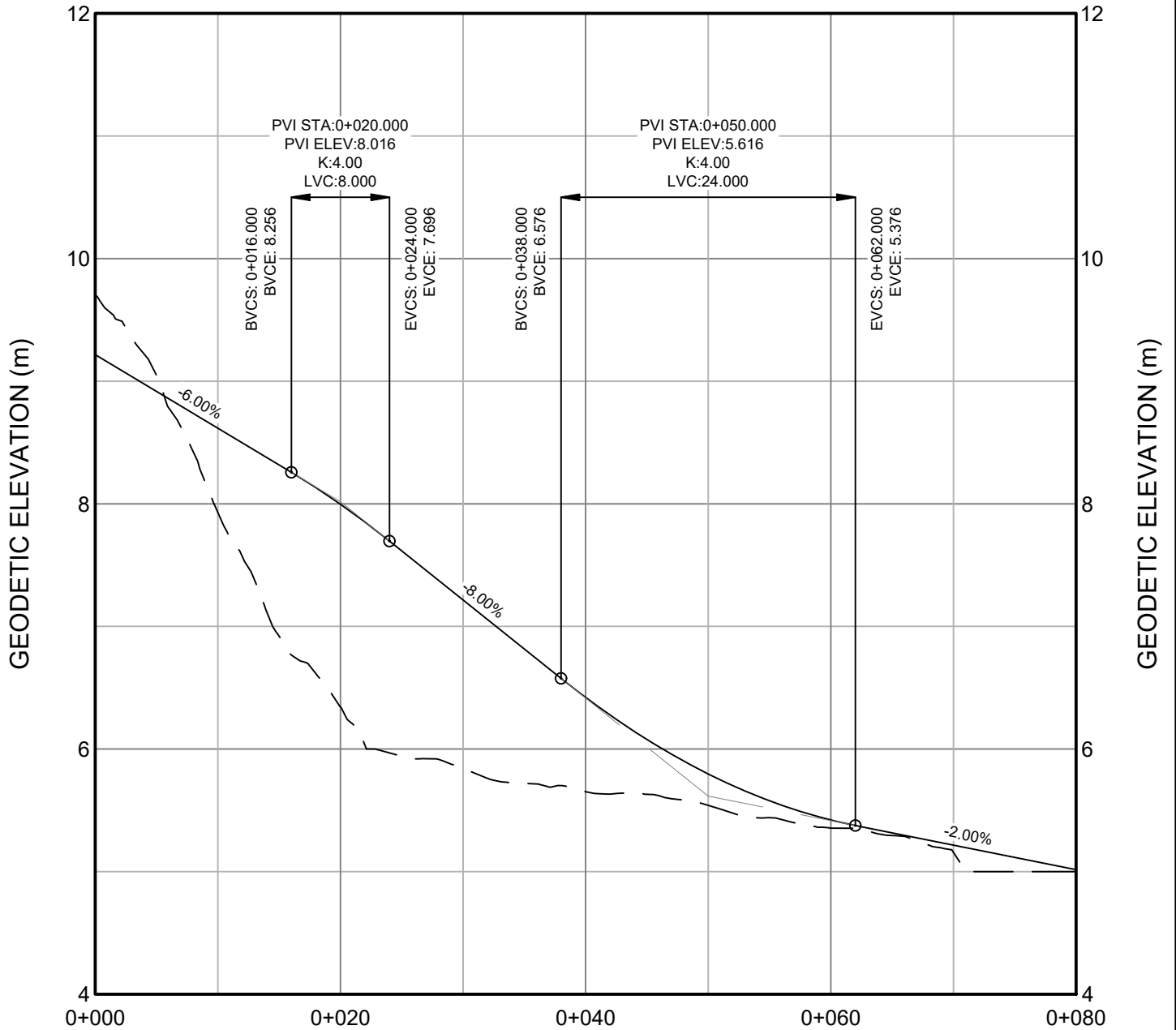
<p>PREPARED BY</p>	<p>PROJECT DESCRIPTION</p>	<p>Engineer N. FOUGERE</p>
<p>DESIGNPOINT engineering • surveying • solutions 902.832.5597 designpoint.ca</p>	<p>UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS</p>	<p>Drawn S. LOPES Scale 1:1_1</p>
<p>PREPARED FOR</p>	<p>SHEET DESCRIPTION</p>	<p>Project No. 22-453</p>
<p>ZZap</p>	<p>PROPOSED OPTION 4 EMERGENCY EXIT PROFILE</p>	<p>Date Aug. 10, 2023 Drawing No. C-11 11 OF 12</p>





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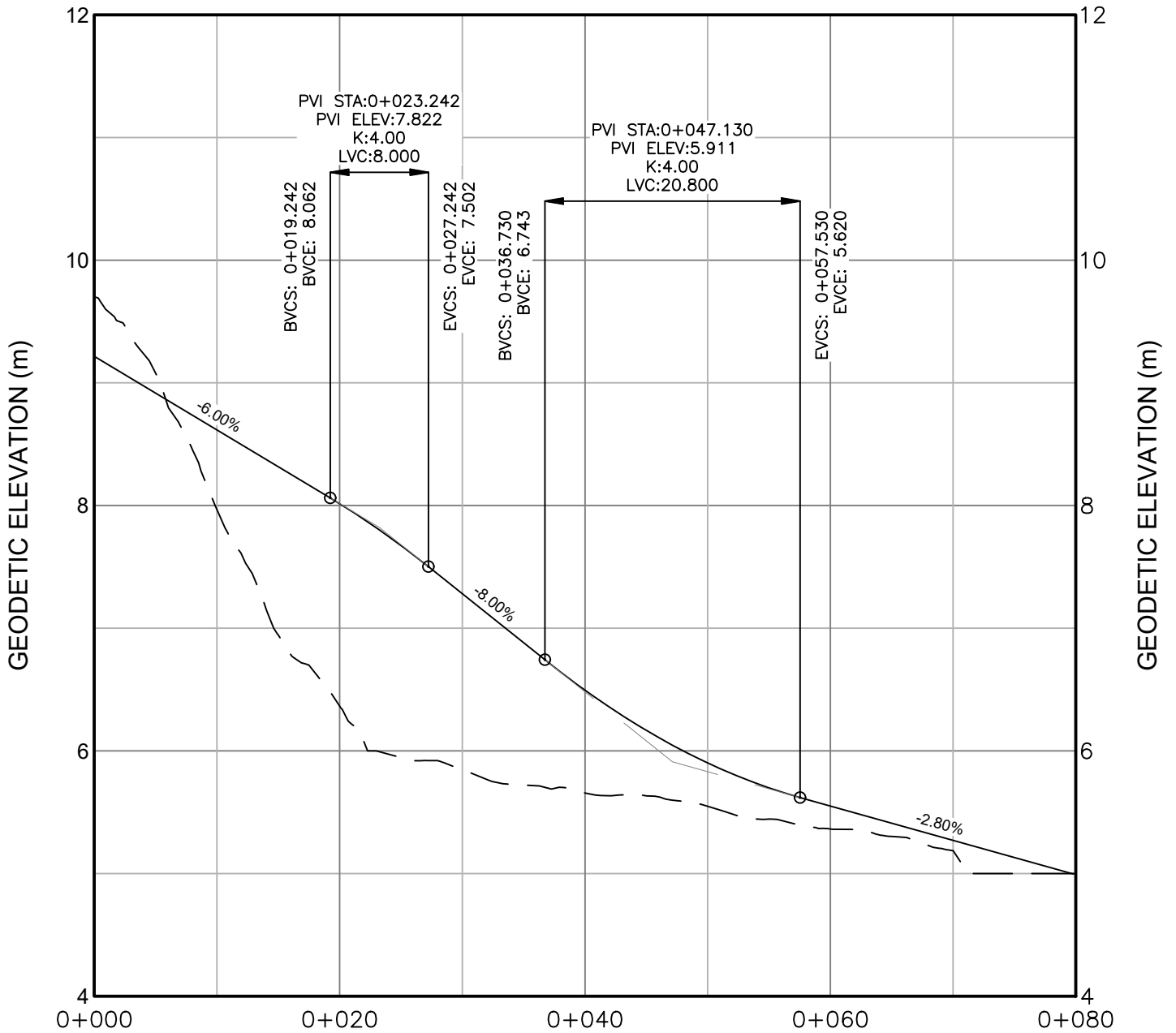
TRAIL CROSS- SECTIONS

PROPOSED TRAIL PROFILE



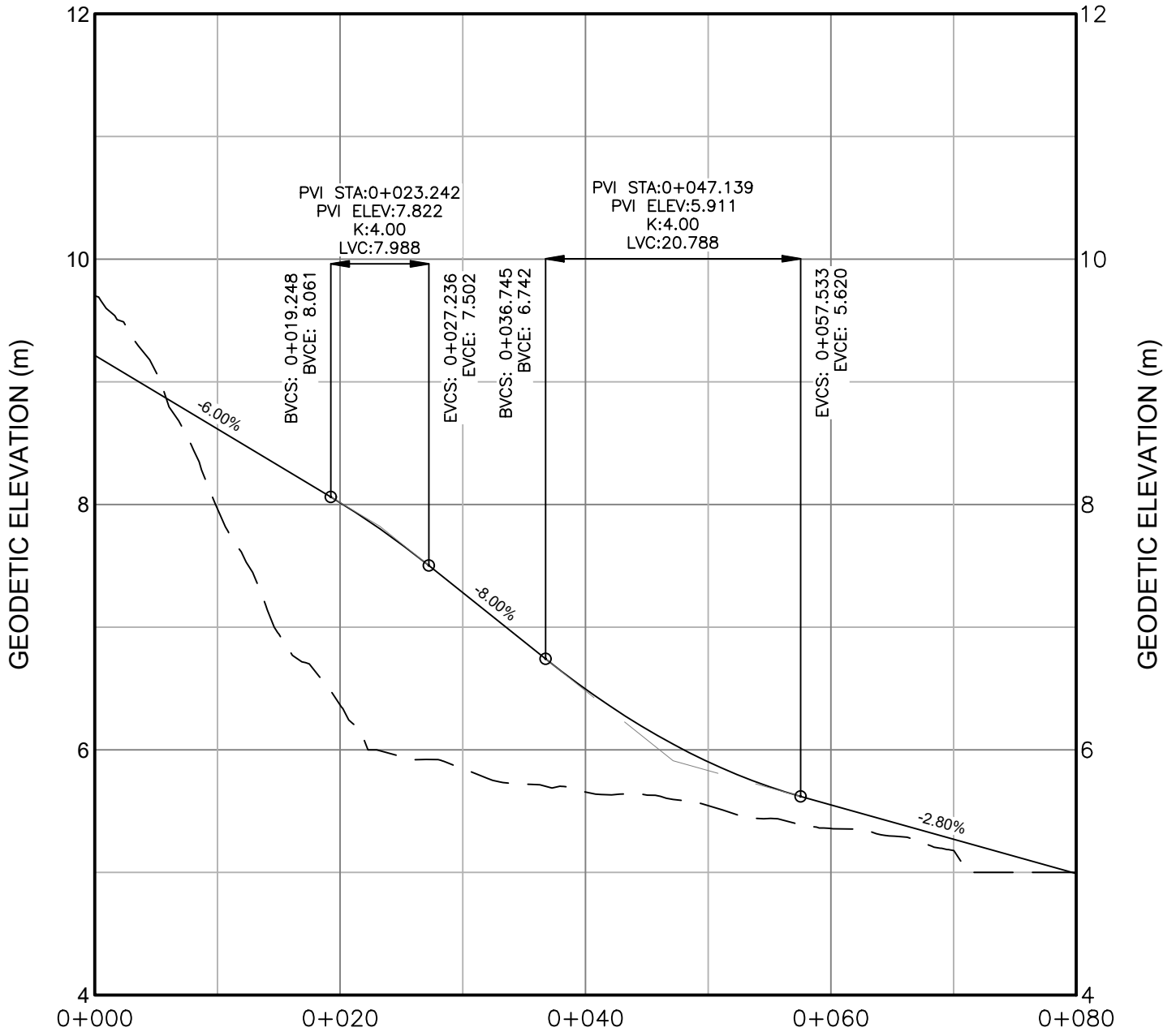
PREPARED BY	PROJECT DESCRIPTION	Engineer N. FOUGERE
 engineering • surveying • solutions 902.832.5597 designpoint.ca	UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Drawn S. LOPES
		Scale 1:500
		Project No. 22-453
PREPARED FOR	SHEET DESCRIPTION	Date Aug. 10, 2023
	PROPOSED OPTION 1 TRAIL PROFILE	Drawing No. C-03 3 OF 12

PROPOSED TRAIL PROFILE



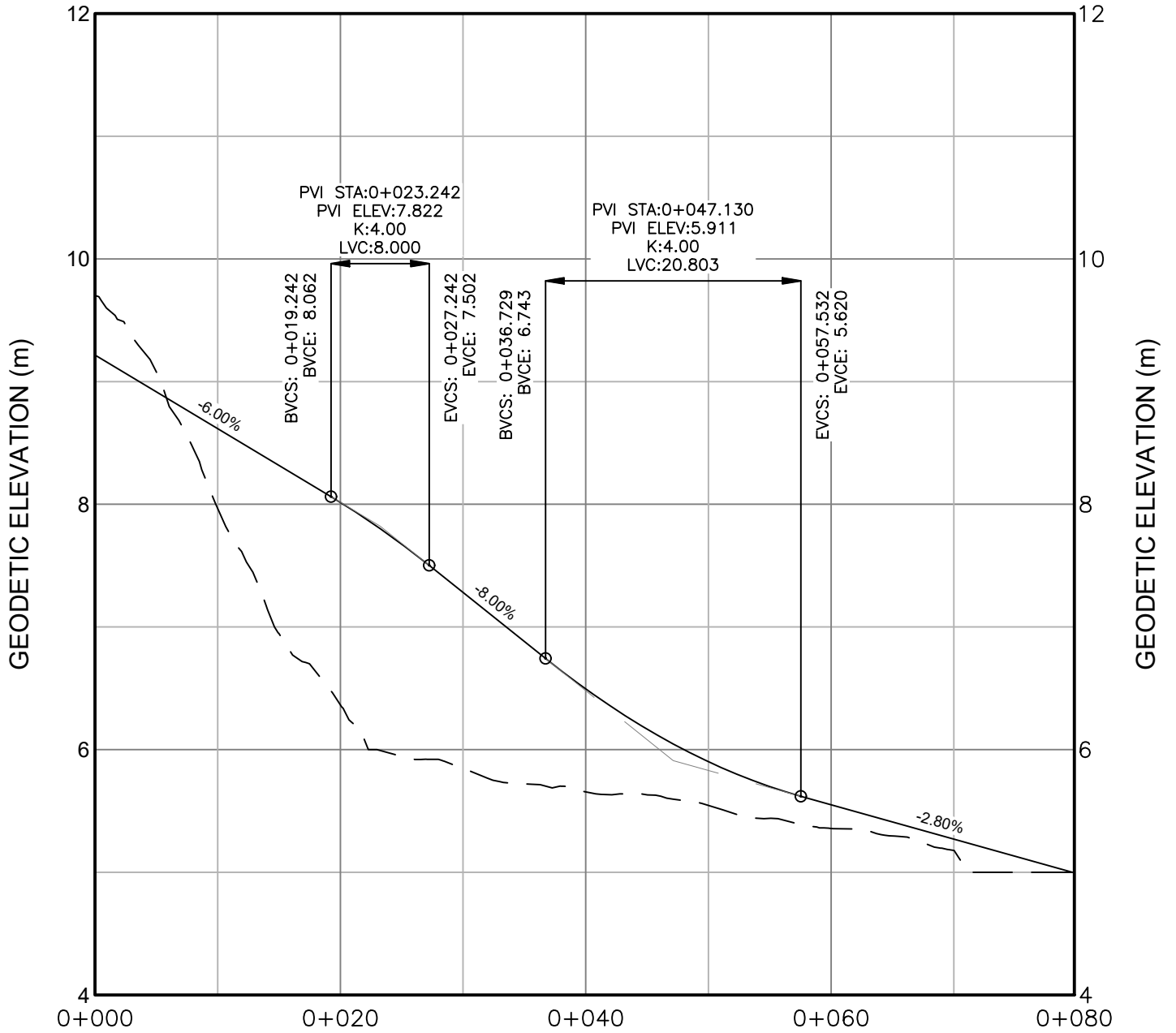
PREPARED BY DESIGNPOINT engineering • surveying • solutions 902.832.5597 designpoint.ca	PROJECT DESCRIPTION UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Engineer N. FOUGERE Drawn S. LOPES Scale 1:500
PREPARED FOR ZZap	SHEET DESCRIPTION PROPOSED OPTION 2 TRAIL PROFILE	Project No. 22-453 Date Aug. 10, 2023 Drawing No. C-06 6 OF 12



PROPOSED TRAIL PROFILE



PREPARED BY DESIGNPOINT engineering • surveying • solutions 902.832.5597 designpoint.ca	PROJECT DESCRIPTION UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Engineer N. FOUGERE
PREPARED FOR ZZap	SHEET DESCRIPTION PROPOSED OPTION 3 TRAIL PROFILE	Drawn S. LOPES
		Scale 1:500
		Project No. 22-453
		Date Aug. 10, 2023
		Drawing No. C-09 9 OF 12

PROPOSED TRAIL PROFILE



PREPARED BY	PROJECT DESCRIPTION	Engineer N. FOUGERE
 engineering • surveying • solutions 902.832.5597 designpoint.ca	UPPER KING STREET EXTENSION DEVELOPMENT LUNENBURG, NS	Drawn S. LOPES
		Scale 1:500
PREPARED FOR	SHEET DESCRIPTION	Project No. 22-453
	PROPOSED OPTION 4 TRAIL PROFILE	Date Aug. 10, 2023
		Drawing No. C-12 12 OF 12




d

COSTING SHEETS


ESTIMATE OF PROBABLE COST						
Project Upper King Street Extension Development						
Option 1						
Project Number: 22-453						
Date: November 03, 2023						
Drawings: Sheets C-01 to C-14, Rev 1, October 25, 2023						
<p>Note: This estimate of probable cost is prepared solely for use by the Town of Lunenburg. The estimate is based on unit rates obtained from previous tenders of similar work and represents a budget only. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.</p>						
No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
1.00 Earthworks						
1.01	Clearing	Ha	1.4	\$ 6,000.00	\$ 8,400.00	
1.01	Grubbing	Ha	1.4	\$ 25,000.00	\$ 35,000.00	
1.01	Mass Excavation - Common	m ³	3000	\$ 30.00	\$ 90,000.00	
1.01	Mass Excavation - Rock	m ³	500	\$ 300.00	\$ 150,000.00	
1.01	Environmental Measures	l.s.	1	\$ 10,000.00	\$ 10,000.00	
Subtotal					\$ 293,400.00	P1
2.00 Water System						
2.01	200mm DI CL52	m	400	\$ 800.00	\$ 320,000.00	
2.08	200mm Gate Valve	each	4	\$ 4,500.00	\$ 18,000.00	
2.16	Hydrant	each	1	\$ 13,000.00	\$ 13,000.00	
2.18	Connection to Existing	each	2	\$ 15,000.00	\$ 30,000.00	
Subtotal					\$ 381,000.00	P1
3.00 Sanitary System						
3.03	300mm PVC DR35	m	160	\$ 950.00	\$ 152,000.00	
3.04	1050mm Precast Manhole	each	6	\$ 8,500.00	\$ 51,000.00	
3.11	Connection to Existing	each	1	\$ 4,500.00	\$ 4,500.00	
Subtotal					\$ 207,500.00	P1
4.00 Storm System						
4.03	300mm PVC DR35	m	210	\$ 900.00	\$ 189,000.00	
4.14	1050mm Precast Manhole	each	5	\$ 7,000.00	\$ 35,000.00	
Subtotal					\$ 224,000.00	P1
5.00 Street System						
5.01	Type 1 Gravel	m ³	480	\$ 45.00	\$ 21,600.00	P2
5.02	Type 2 Gravel	m ³	460	\$ 45.00	\$ 20,700.00	P2
5.03	Type 1s Gravel	m ³	40	\$ 45.00	\$ 1,800.00	P2
5.04	Asphalt Concrete Type C-HF	m ³	80	\$ 450.00	\$ 36,000.00	S
5.05	Asphalt Concrete Type B-HF	m ³	100	\$ 450.00	\$ 45,000.00	P2
5.06	100mm Concrete Sidewalk	m ²	290	\$ 160.00	\$ 46,400.00	S
5.08	Concrete Curb	m	380	\$ 150.00	\$ 57,000.00	P2
5.09	Street Trees	each	10	\$ 825.00	\$ 8,250.00	S
5.10	100mm Topsoil and Sod	m ²	1100	\$ 22.00	\$ 24,200.00	S
5.13	1.2m high Chain Link Fence	m	360	\$ 100.00	\$ 36,000.00	S
5.14	Bark Mulch	m ²	200	\$ 15.00	\$ 3,000.00	
Subtotal					\$ 299,950.00	
Total					\$ 1,405,850.00	
Contingency (25%)					\$ 351,462.50	
Total					\$ 1,757,312.50	
ESTIMATE OF PROBABLE BUILDING COST						
Project Upper King Street Extension Development						
Option 1						
<p>Note: This estimate of probable cost is prepared based on the Altus Group Canadian Cost Guide 2023 for Halifax. As the Altus Cost Guide does not cover all forms of construction, the closest development type was selected for price estimates. Due to rapid cost increases in construction, the highest estimates for each construction type was used. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.</p>						
No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
6.00 Building Construction						
6.01	Row Townhouse with Unfinished Basement	ft ²	60,795	\$ 150.00	\$ 9,119,250.00	
Total					\$ 9,119,250.00	
Contingency (25%)					\$ 2,279,812.50	
Total					\$ 11,399,062.50	
Overall Cost					\$ 13,156,375.00	



ESTIMATE OF PROBABLE COST		
Project Upper King Street Extension Development		
Option 2		
Project Number: 22-453		
Date: November 03, 2023		
Drawings: Sheets C-01 to C-14, Rev 1, October 25, 2023		

Note: This estimate of probable cost is prepared solely for use by the Town of Lunenburg. The estimate is based on unit rates obtained from previous tenders of similar work and represents a budget only. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.

No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
1.00 Earthworks						
1.01	Clearing	Ha	1.4	\$ 6,000.00	\$ 8,400.00	
1.01	Grubbing	Ha	1.4	\$ 25,000.00	\$ 35,000.00	
1.01	Mass Excavation - Common	m ³	3000	\$ 30.00	\$ 90,000.00	
1.01	Mass Excavation - Rock	m ³	500	\$ 300.00	\$ 150,000.00	
1.01	Environmental Measures	l.s.	1	\$ 10,000.00	\$ 10,000.00	
	Subtotal				\$ 293,400.00	P1
2.00 Water System						
2.01	200mm DI CL52	m	400	\$ 800.00	\$ 320,000.00	
2.08	200mm Gate Valve	each	4	\$ 4,500.00	\$ 18,000.00	
2.16	Hydrant	each	1	\$ 13,000.00	\$ 13,000.00	
2.18	Connection to Existing	each	2	\$ 15,000.00	\$ 30,000.00	
	Subtotal				\$ 381,000.00	P1
3.00 Sanitary System						
3.03	300mm PVC DR35	m	160	\$ 950.00	\$ 152,000.00	
3.04	1050mm Precast Manhole	each	6	\$ 8,500.00	\$ 51,000.00	
3.11	Connection to Existing	each	1	\$ 4,500.00	\$ 4,500.00	
	Subtotal				\$ 207,500.00	P1
4.00 Storm System						
4.03	300mm PVC DR35	m	210	\$ 900.00	\$ 189,000.00	
4.14	1050mm Precast Manhole	each	5	\$ 7,000.00	\$ 35,000.00	
	Subtotal				\$ 224,000.00	P1
5.00 Street System						
5.01	Type 1 Gravel	m ³	480	\$ 45.00	\$ 21,600.00	P2
5.02	Type 2 Gravel	m ³	460	\$ 45.00	\$ 20,700.00	P2
5.03	Type 1s Gravel	m ³	40	\$ 45.00	\$ 1,800.00	P2
5.04	Asphalt Concrete Type C-HF	m ³	80	\$ 450.00	\$ 36,000.00	S
5.05	Asphalt Concrete Type B-HF	m ³	100	\$ 450.00	\$ 45,000.00	P2
5.06	100mm Concrete Sidewalk	m ²	290	\$ 160.00	\$ 46,400.00	S
5.08	Concrete Curb	m	380	\$ 150.00	\$ 57,000.00	P2
5.09	Street Trees	each	10	\$ 825.00	\$ 8,250.00	S
5.10	100mm Topsoil and Sod	m ²	1100	\$ 22.00	\$ 24,200.00	S
5.13	1.2m high Chain Link Fence	m	360	\$ 100.00	\$ 36,000.00	S
5.14	Bark Mulch	m ²	200	\$ 15.00	\$ 3,000.00	
	Subtotal				\$ 299,950.00	
				Total	\$ 1,405,850.00	
				Contingency (25%)	\$ 351,462.50	
				Total	\$ 1,757,312.50	


ESTIMATE OF PROBABLE BUILDING COST		
Project Upper King Street Extension Development		
Option 2		

Note: This estimate of probable cost is prepared based on the Altus Group Canadian Cost Guide 2023 for Halifax. As the Altus Cost Guide does not cover all forms of construction, the closest development type was selected for price estimates. Due to rapid cost increases in construction, the highest estimates for each construction type was used. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.

No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
6.00 Building Construction						
6.01	Row Townhouse with Unfinished Basement	ft ²	53,535	\$ 150.00	\$ 8,030,250.00	
6.02	Up to 6 Storey Wood Framed Condo	ft ²	44,800	\$ 195.00	\$ 8,736,000.00	
6.03	Underground Parking Garage	ft ²	11,000	\$ 175.00	\$ 1,925,000.00	
	Total				\$ 18,691,250.00	
				Contingency (25%)	\$ 4,672,812.50	
				Total	\$ 23,364,062.50	
				Overall Cost	\$ 25,121,375.00	


ESTIMATE OF PROBABLE COST						
Project Upper King Street Extension Development						
Option 3						
Project Number: 22-453						
Date: November 03,2023						
Drawings: Sheets C-01 to C-14, Rev 1, October 25, 2023						
<p>Note: This estimate of probable cost is prepared solely for use by the Town of Lunenburg. The estimate is based on unit rates obtained from previous tenders of similar work and represents a budget only. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.</p>						
No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
1.00 Earthworks						
1.01	Clearing	Ha	1.4	\$ 6,000.00	\$ 8,400.00	
1.01	Grubbing	Ha	1.4	\$ 25,000.00	\$ 35,000.00	
1.01	Mass Excavation - Common	m ³	3000	\$ 30.00	\$ 90,000.00	
1.01	Mass Excavation - Rock	m ³	500	\$ 300.00	\$ 150,000.00	
1.01	Environmental Measures	l.s.	1	\$ 10,000.00	\$ 10,000.00	
Subtotal					\$ 293,400.00	P1
2.00 Water System						
2.01	200mm DI CL52	m	400	\$ 800.00	\$ 320,000.00	
2.08	200mm Gate Valve	each	4	\$ 4,500.00	\$ 18,000.00	
2.16	Hydrant	each	1	\$ 13,000.00	\$ 13,000.00	
2.18	Connection to Existing	each	2	\$ 15,000.00	\$ 30,000.00	
Subtotal					\$ 381,000.00	P1
3.00 Sanitary System						
3.03	300mm PVC DR35	m	160	\$ 950.00	\$ 152,000.00	
3.04	1050mm Precast Manhole	each	6	\$ 8,500.00	\$ 51,000.00	
3.11	Connection to Existing	each	1	\$ 4,500.00	\$ 4,500.00	
Subtotal					\$ 207,500.00	P1
4.00 Storm System						
4.03	300mm PVC DR35	m	210	\$ 900.00	\$ 189,000.00	
4.14	1050mm Precast Manhole	each	5	\$ 7,000.00	\$ 35,000.00	
Subtotal					\$ 224,000.00	P1
5.00 Street System						
5.01	Type 1 Gravel	m ³	480	\$ 45.00	\$ 21,600.00	P2
5.02	Type 2 Gravel	m ³	460	\$ 45.00	\$ 20,700.00	P2
5.03	Type 1s Gravel	m ³	40	\$ 45.00	\$ 1,800.00	P2
5.04	Asphalt Concrete Type C-HF	m ³	80	\$ 450.00	\$ 36,000.00	S
5.05	Asphalt Concrete Type B-HF	m ³	100	\$ 450.00	\$ 45,000.00	P2
5.06	100mm Concrete Sidewalk	m ²	290	\$ 160.00	\$ 46,400.00	S
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5.09	Street Trees	each	10	\$ 825.00	\$ 8,250.00	S
5.10	100mm Topsoil and Sod	m ²	1100	\$ 22.00	\$ 24,200.00	S
5.13	1.2m high Chain Link Fence	m	360	\$ 100.00	\$ 36,000.00	S
5.14	Bark Mulch	m ²	200	\$ 15.00	\$ 3,000.00	
Subtotal					\$ 299,950.00	
Total					\$ 1,405,850.00	
Contingency (25%)					\$ 351,462.50	
Total					\$ 1,757,312.50	
ESTIMATE OF PROBABLE BUILDING COST						
Project Upper King Street Extension Development						
Option 3						
<p>Note: This estimate of probable cost is prepared based on the Altus Group Canadian Cost Guide 2023 for Halifax. As the Altus Cost Guide does not cover all forms of construction, the closest development type was selected for price estimates. Due to rapid cost increases in construction, the highest estimates for each construction type was used. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.</p>						
No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
6.00 Building Construction						
6.01	Row Townhouse with Unfinished Basement	ft ²	12,750	\$ 150.00	\$ 1,912,500.00	
6.02	Up to 6 Storey Wood Framed Condo	ft ²	122,800	\$ 195.00	\$ 23,946,000.00	
6.03	Underground Parking Garage	ft ²	24,000	\$ 175.00	\$ 4,200,000.00	
Total					\$ 30,058,500.00	
Contingency (25%)					\$ 7,514,625.00	
Total					\$ 37,573,125.00	
Overall Cost					\$ 39,330,437.50	



ESTIMATE OF PROBABLE COST		
Project Upper King Street Extension Development		
Option 4		
Project Number: 22-453		
Date: November 03, 2023		
Drawings: Sheets C-01 to C-14, Rev 1, October 25, 2023		

Note: This estimate of probable cost is prepared solely for use by the Town of Lunenburg. The estimate is based on unit rates obtained from previous tenders of similar work and represents a budget only. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.

No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
1.00 Earthworks						
1.01	Clearing	Ha	1.4	\$ 6,000.00	\$ 8,400.00	
1.01	Grubbing	Ha	1.4	\$ 25,000.00	\$ 35,000.00	
1.01	Mass Excavation - Common	m ³	3000	\$ 30.00	\$ 90,000.00	
1.01	Mass Excavation - Rock	m ³	500	\$ 300.00	\$ 150,000.00	
1.01	Environmental Measures	l.s.	1	\$ 10,000.00	\$ 10,000.00	
	Subtotal				\$ 293,400.00	P1
2.00 Water System						
2.01	200mm DI CL52	m	400	\$ 800.00	\$ 320,000.00	
2.08	200mm Gate Valve	each	4	\$ 4,500.00	\$ 18,000.00	
2.16	Hydrant	each	1	\$ 13,000.00	\$ 13,000.00	
2.18	Connection to Existing	each	2	\$ 15,000.00	\$ 30,000.00	
	Subtotal				\$ 381,000.00	P1
3.00 Sanitary System						
3.03	300mm PVC DR35	m	160	\$ 950.00	\$ 152,000.00	
3.04	1050mm Precast Manhole	each	6	\$ 8,500.00	\$ 51,000.00	
3.11	Connection to Existing	each	1	\$ 4,500.00	\$ 4,500.00	
	Subtotal				\$ 207,500.00	P1
4.00 Storm System						
4.03	300mm PVC DR35	m	210	\$ 900.00	\$ 189,000.00	
4.14	1050mm Precast Manhole	each	5	\$ 7,000.00	\$ 35,000.00	
	Subtotal				\$ 224,000.00	P1
5.00 Street System						
5.01	Type 1 Gravel	m ³	480	\$ 45.00	\$ 21,600.00	P2
5.02	Type 2 Gravel	m ³	460	\$ 45.00	\$ 20,700.00	P2
5.03	Type 1s Gravel	m ³	40	\$ 45.00	\$ 1,800.00	P2
5.04	Asphalt Concrete Type C-HF	m ³	80	\$ 450.00	\$ 36,000.00	S
5.05	Asphalt Concrete Type B-HF	m ³	100	\$ 450.00	\$ 45,000.00	P2
5.06	100mm Concrete Sidewalk	m ²	290	\$ 160.00	\$ 46,400.00	S
5.08	Concrete Curb	m	380	\$ 150.00	\$ 57,000.00	P2
5.09	Street Trees	each	10	\$ 825.00	\$ 8,250.00	S
5.10	100mm Topsoil and Sod	m ²	1100	\$ 22.00	\$ 24,200.00	S
5.13	1.2m high Chain Link Fence	m	360	\$ 100.00	\$ 36,000.00	S
5.14	Bark Mulch	m ²	200	\$ 15.00	\$ 3,000.00	
	Subtotal				\$ 299,950.00	
				Total	\$ 1,405,850.00	
				Contingency (25%)	\$ 351,462.50	
				Total	\$ 1,757,312.50	

ESTIMATE OF PROBABLE BUILDING COST		
Project Upper King Street Extension Development		
Option 4		

Note: This estimate of probable cost is prepared based on the Altus Group Canadian Cost Guide 2023 for Halifax. As the Altus Cost Guide does not cover all forms of construction, the closest development type was selected for price estimates. Due to rapid cost increases in construction, the highest estimates for each construction type was used. The actual construction cost will be subject to various factors that are not known at the time of estimate preparation, including market conditions, industry workload, and changes to the design through the approval process. The actual cost cannot be known until the project is tendered and a contract is awarded. This estimate should be used with caution if using for business budgeting purposes.


No.	Unit Description	Unit	Quantity	Unit Rate	Estimated Cost	
6.00 Building Construction						
6.01	Row Townhouse with Unfinished Basement	ft ²	29,535	\$ 150.00	\$ 4,430,250.00	
6.02	Up to 6 Storey Wood Framed Condo	ft ²	91,200	\$ 195.00	\$ 17,784,000.00	
6.03	Underground Parking Garage	ft ²	24,000	\$ 175.00	\$ 4,200,000.00	
	Total				\$ 26,414,250.00	
				Contingency (25%)	\$ 6,603,562.50	
				Total	\$ 33,017,812.50	
				Overall Cost	\$ 34,775,125.00	

A decorative graphic of several parallel, light gray diagonal lines is positioned to the left of the main title.

UPPER KING STREET EXTENSION DEVELOPMENT

RFP #TOL2022016

CONTACT US

 1 Canal St
Dartmouth, NS B2Y 2W1

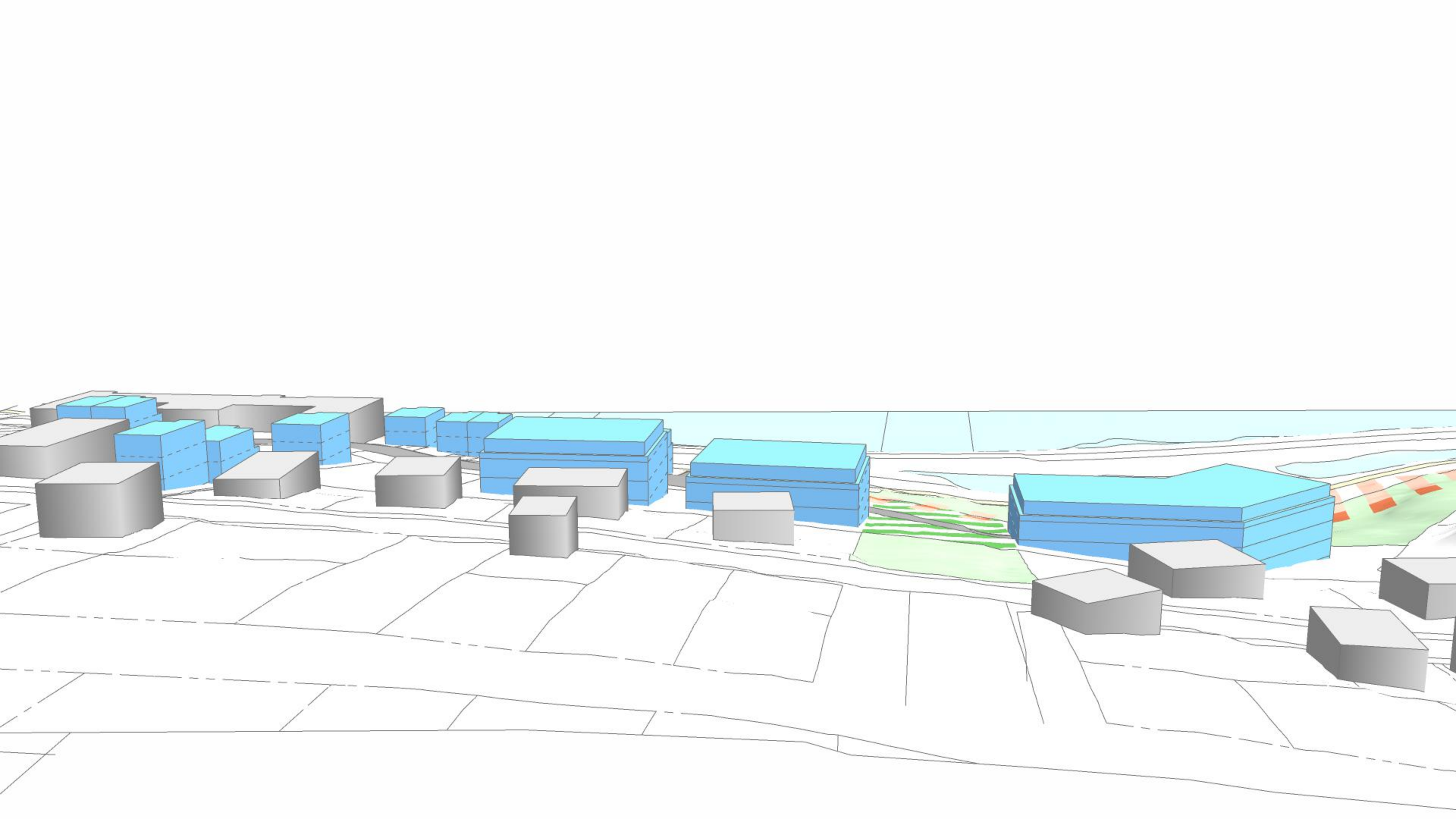
 Telephone: 902 266-2408

 E-mail: chris@zzap.ca

 www.zzap.ca



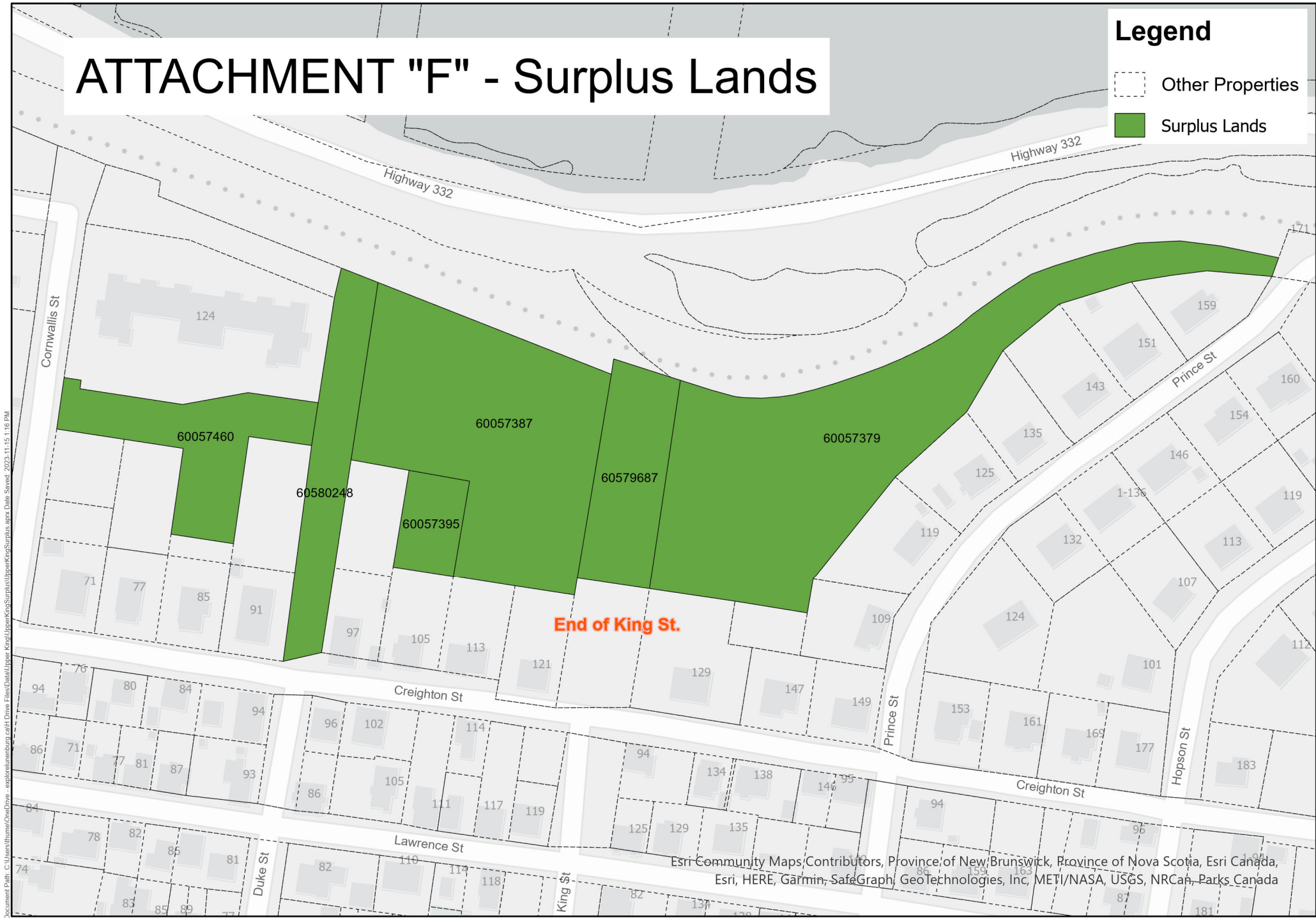




ATTACHMENT "F" - Surplus Lands

Legend

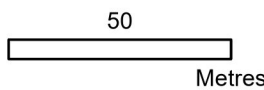
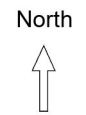
- Other Properties
- Surplus Lands



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Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, the Town of Lunenburg cannot assume liability for any damages caused by any errors or omissions in the data. Users of our maps and other analysis products are solely responsible for interpretations made from these products.

TOWN OF LUNENBURG Surplus Lands - Upper King Street



Accessibility Quarterly Update: July-September 2023

Completed by Ellen Johnson, Regional Accessibility Coordinator, November 7, 2023

Summary

The work on the individual accessibility implementation plans continued over the summer and into September. The Lunenburg County Accessibility Advisory Committee (LCAAC) completed their review of the first of these plans, the Town of Mahone Bay Accessibility Implementation Plan, and provided feedback to the Town of Mahone Bay Council. Draft plans were also provided to the Municipality of Chester and Town of Lunenburg for initial review by senior management.

The LCAAC has been meeting regularly and continues to attract multiple applicants when vacancies arise. One call for volunteers arose this summer following the resignation of one community member.

The Accessibility Directorate released the Proposed Built Environment Accessibility Standard for public review and staff from all five municipalities provided feedback to the Accessibility Coordinator on the draft. These questions were either answered, forwarded to the Accessibility Directorate, or compiled to be part of the submission to be made through the public engagement website before the submission deadline on October 30. The LCAAC also chose to provide a letter with their feedback.

The Accessibility Coordinator continues to support projects in individual municipalities to bring an accessibility lens to the work. Examples of this include reviews of documents such as reports, requests for proposals, accessibility audit reports, a Land Use Bylaw, Secondary Planning Strategy, and Personnel Policy. In addition, visits to parks, trails, accessible washrooms, building entrances, and other site visits allowed for recommendations to be made about how to identify, plan, modify, or prioritize changes to increase accessibility.

Municipal staff continue to participate in opportunities to learn about accessibility as opportunities for training arise and are shared with them. Several staff have committed to participating in the Train-the-Trainer sessions to facilitate the Accessibility Foundations training that will be offered to their colleagues later this fiscal year.

Connections continue to be made with other organizations to support increasing accessibility in the region and across the province. For example, the Accessibility Coordinator continues to participate in the Bluenose II Accessibility Advisory Committee, the Nova Scotia Public Housing Agency Accessibility Advisory Committee, and the Nova Scotia Community Transportation Network Board of Directors. Participation in the Evacuation and Persons with Disabilities Advisory Committee through the McEachern Institute for Public Policy and Governance has wrapped up.

Lunenburg County Accessibility Advisory Committee (LCAAC)

Coordinating LCAAC, ensuring committee is fully appointed and meeting its mandate.

- The LCAAC continues to meet monthly and has an engaged Chair and Vice Chair to help shape the direction of the committee.
- One community member resigned from the committee and the process to fill that vacancy was initiated.
- The LCAAC completed its review of the Town of Mahone Bay Accessibility Implementation Plan and forwarded it to the Town of Mahone Bay Council with a recommendation that it be accepted.
- The revision of the LCAAC TOR has paused as the committee explores how to ensure remuneration for community committee members is appropriately reflected. This may require waiting for policies to be revised at the Municipality of Chester as that is where this committee is hosted.

Accessibility Act Obligations and Involvement with the Accessibility Directorate

Supporting municipal units to plan and implement actions to meet commitments presented in the Lunenburg County Accessibility Plan and to meet obligations under the Accessibility Act (2017).

- The Accessibility Act has undergone an independent review, which is a requirement of the Act. The reviewer consulted with impacted individuals and sectors across the province and produced a comprehensive report with 48 recommendations covering six themes: culture, intersectionality, capacity, accountability, autonomy, and timelines. Many of the recommendations appear intended to strengthen the Act and ensure that the public is more aware of its contents and progress. The full review report can be found on the [Accessibility Directorate Accessibility Act Review website](#).

Accessibility Standards

The Proposed Built Environment Accessibility Standard was released for public review on August 31, 2023, with a deadline of October 30 to provide feedback. Following the review period, any changes will be made, and the expected enactment is early 2024. The proposed standard is composed of five categories:

- Regulations: Laws that organizations must follow with a compliance date of April 1, 2026. This applies to newly constructed or redeveloped aspects of the built environment (after the compliance date).
- Guidelines: Recommendations for best practice. These are non-mandatory with no associated timelines.
- Government Actions: Actions the provincial government will commit to taking to increase accessibility in the built environment.
- Building Code Amendments: These are amendments to the Nova Scotia Building Code Regulations (Section 3.8). The update to the building code follows a separate legislative process and will require compliance as soon as it is in effect (anticipated early 2024).
- Fire Code Amendments: Like the amendments to the building code, the changes to the fire code follow their own legislative process and will require immediate compliance when they come into effect (anticipated early 2024).

The Accessibility Coordinator will work with staff to compile a response to the proposed standard and support the LCAAC to draft a letter with their feedback.

The remaining five standards are as follows:

- Education: Expected to be enacted in 2025.
- Employment: Expected to have public engagement for the initial recommendations in late 2023 before the provincial government converts the recommendations into a proposed standard for additional public review.
- Goods and Services: In initial stages of developing recommendations.
- Public Transportation: In preparation for selection of Standard Development Committee members.
- Information and Communications: Not started.

Lunenburg County Accessibility Plan

The Accessibility Coordinator continued working on developing the accessibility implementation plans for each municipality. The plan for the Town of Mahone Bay is complete and those for Town of Lunenburg and Municipality of Chester have been forwarded for review by senior management.

Specific implementation plan progress for the five municipal units is as follows:

Category	MODC	MODL	TOB	TOL	TOMB
Goods and Services	Draft Complete	Draft Complete	Draft Complete	Draft Complete	Draft Complete
Information & Communications	Draft Complete	Draft Complete	Draft Complete	Draft Complete	Draft Complete
Transportation	Draft Complete	In Progress	Draft Complete	Draft Complete	Draft Complete
Employment	Draft Complete	Draft Complete	-	Draft Complete	Draft Complete
Built Environment	Draft Complete	-	In Progress	Draft Complete	Draft Complete

Status: The Town of Mahone Bay Accessibility Implementation Plan is with Town Council following review and feedback from the LCAAC. The Town of Lunenburg and Municipality of Chester plans are being reviewed by senior staff.

Accessibility Directorate involvement

Communicating with the Accessibility Directorate and participating in information and training sessions as appropriate.

- Are You Ready? Emergency Preparedness for Persons with Disabilities: This webinar was offered by the Accessibility Directorate based on the [“Emergency Preparedness Guide for Persons with Disabilities and Older Adults in Nova Scotia”](#) from 2021 and was attended by the Accessibility Coordinator and several staff members from the five Lunenburg County municipalities.

- **Accessibility Foundations Workshop:** The Accessibility Coordinator is planning to offer this training, which Councillors, CAO's and Deputy CAO's participated in on April 5, to municipal staff and remaining Councillors in the Fall/Winter. Several staff members from the 5 municipalities are registered to participate in the train the trainer sessions this Fall, increasing the number of people who can support offering this training in-house.

General and Joint Projects/Activities

Actions related to accessibility in general or joint actions involving multiple municipal units.

- **Social Media Accessibility:** Following the Accessibility Directorate's workshop on social media accessibility in June, the Municipality of Chester approached the Accessibility Coordinator to support development and delivery of a similar workshop for community groups. As the municipality is often asked to share social media posts from these groups, it is important that they understand what is required for accessibility. When the municipality receives accessible social media posts from the community groups, it is easier to share them on municipal social media accounts in accessible formats, increasing the proportion of accessible posts produced by the municipality. The workshop will be offered to community groups in Chester in mid-October. Following these workshops, the Accessibility Coordinator will approach the other four municipalities to determine if it will also be offered elsewhere.
- **Emergency Preparedness:** The Accessibility Coordinator participated in a wrap-up meeting of the advisory committee for the MacEachen Institute for Public Policy and Governance Accessibility Standards Canada funded research on Evacuation and Persons with Disabilities. This research focused on vulnerable people and communication, evacuation, sheltering, and return following emergencies. The meeting summarized the research results and outlined plans for future research, which includes exploring vulnerable persons registries.
- **Heritage and Accessibility:** The Accessibility Coordinator has continued to work with staff at the Town of Lunenburg as they explore how heritage and accessibility can both be maintained/achieved. This has resulted in providing support to the province in their work to produce appropriate educational materials on this topic and collaboration to define the challenges related to restaurant accessibility resulting from the Human Rights decision that requires all new restaurants in Nova Scotia to provide a barrier free path of travel to enter the restaurant and access an accessible washroom. The proposed built environment standard contains a commitment that the province will work to clarify this topic as well.
- **Community Outreach/Consultation:** Recognizing the importance of engaging the community of people impacted by accessibility work, efforts have continued to build and maintain connections with the community.
 - Continued participation in Community Links Aging Well Together Coalition, which brings together organizations and individuals concerned with seniors' health and wellbeing. This group provides a means to learn about issues relevant to seniors in our communities and to disseminate information through the coalition members when appropriate.

- Continued to add to a contact list of people interested in accessibility in Lunenburg County in share information relevant to accessibility, including consultations and events.
- Continued speaking with individual community members about accessibility-related concerns and involving appropriate staff where necessary.
- Funding Opportunities: The Accessibility Coordinator continues to update the spreadsheet of available funding related to accessibility and to attend regular meetings with staff responsible for grant applications in each municipal unit to support any applications related to accessibility and encourage the inclusion of accessibility into other projects.
- South Shore Sustainability Summit: The Accessibility Coordinator presented at one of the sessions for municipalities at the summit on the topic of joint services.
- Continued to participate in REMO Planning Committee, bringing an accessibility lens to discussions.
- Nova Scotia Provincial Housing Authority Accessibility Advisory Committee (NSPHA-AAAC): Continued to participate in meetings of the NSPHA-AAC and met with a small group of staff from that organization to explore how they might approach creating their accessibility plan.
- Bluenose II Accessibility Advisory Committee: The Accessibility Coordinator continued to participate in this committee in partnership with the Nova Scotia Department of Communities, Culture, Tourism and Heritage, the Bluenose II Captain and staff, and other stakeholders. Participated in one-hour training of ship crew on the topic of accessibility and disability.
- Nova Scotia Community Transportation Network (NSCTN): As a board member, the Accessibility Coordinator brings an accessibility lens as well as a municipal perspective to this organization, which aims to facilitate the development of an inclusive and integrated community transportation network across the province. Examples of recent projects are the development of resources on insurance for volunteer drivers and management guides for rural transportation providers and managing a project for the provincial government to develop dispatch software that will be used by all community transportation providers across the province, including those in Lunenburg County.

Specific Projects and Activities in Each Municipal Unit

Participating in projects and activities that support integration of accessibility into everyday practices and increase accessibility in the five areas addressed in the Lunenburg County Accessibility Plan (Goods and Services, Information and Communications, Transportation, Employment, and Built Environment).

Town of Bridgewater

- Met with Energize Bridgewater staff to support incorporation of accessibility into information and communications practices.
- Answered questions from staff related to accessibility.
- Met with TOB Community Navigator to identify shared issues and discuss accessibility.

- Provided feedback on Kinsman Field accessibility questions.
- The Dalhousie School of Planning PEACH Research Unit's Rural Accessibility and Age Friendly Infrastructure Assessment (RAAFIA) Project consultations with persons with disabilities in partnership with the Town of Bridgewater took place in June and the team has provided a [preliminary report](#) summarizing the engagement. They will follow up with an additional, more detailed report.
- Focus will return to finalizing the TOB Accessibility Implementation Plan this Fall.

Town of Mahone Bay

- Accessibility Planning: The LCAAC has reviewed and forwarded the Town of Mahone Bay Accessibility Implementation Plan with their feedback to Mahone Bay Town Council.
- Met with new Deputy CAO regarding accessibility work and coordinator role.
- Answered questions from staff about accessibility, especially built environment related.

Town of Lunenburg

- Participating in Civic Square Compatibility and Accessibility project, including supporting the planning of a public engagement session for persons with disabilities.
- Continued to work with TOL staff and the province to address issues of accessibility and heritage.
- Reviewed and provided feedback to staff on the Lunenburg Community Centre Accessibility Audit report.
- Supported washrooms mapping project by helping to identify accessible washroom facilities in the Town.
- Reviewed Town of Lunenburg Accessibility Implementation Plan draft with Community Development staff and forwarded to senior staff for feedback. Next step to meet to discuss before forwarding to the LCAAC for additional review.

Municipality of the District of Lunenburg

- Continued to support staff to apply an accessibility lens to work through participation in the Active Transportation plan development, Parks Accessibility Audits, Pickle Ball Court planning, recreational spaces design and accessible equipment loan program.

Municipality of the District of Chester

- Continued to support accessibility improvements to the Municipal buildings and Wild Rose Park.
 - Provided recommendations related to upgrades to Council Chambers communications technology.
- Reviewed proposed Personnel Policy using an accessibility lens.
- Contributed an article on service dogs to the municipal newsletter.
- Reviewed and provided feedback on the draft Village of Chester Secondary Planning Strategy and Land Use By-law.

Subject: Waiving Fees in Support of Housing
From: Lauren Isabelle, Planner & Development Officer
Reviewed by: Arthur MacDonald, Director of Community Development
Date: November 28, 2023



Recommendation

That Council waive, for all future development projects by registered non-profits and charitable organizations that are creating new residential units, the following Town of Lunenburg Development Cost Charges:

Development Cost Charge Type	Source	Fee (\$)
Land Use By-law Amendment Application	Planning	839.30
Municipal Planning Strategy Amendment Application	Planning	839.30
Subdivision By-law Amendment Application	Planning	839.30
Development Agreement Application Fee	Planning	839.30
Zoning Confirmation Letter	Planning	58.55
Subdivision (for first five lots)	Planning	146.90
Subdivision (for additional lots after first five)	Planning	37.05

Alternatives

- Approve recommendation with amendments.
- Refuse recommendation.
- Defer a decision.

Background

On September 6, 2023, Staff received a request from a newly formed non-profit co-operative housing organization asking the Town to waive or lower associated permit fees for potential housing developments.

In order to provide incentives for non-profit housing development, staff recommend not charging registered non-profit and charitable organizations development fees (**Attachment A** – highlighted sections) when increasing Lunenburg's housing stock. These fees relate to creating new places to live, whether by building new homes, converting non-residential buildings into homes, or adding more housing units to existing buildings.

As outlined in Attachment A, the intent is to waive only the Town’s application fees. Fees associated with advertising Municipal Planning Strategy, Land Use By-law and Subdivision By-law amendments as well as fees associated with the Registry of Deeds (Land Registration Office fees) will still apply.

To be eligible for the waiver:

- (a) The entity requesting the waiver must be a registered non-profit (types include societies, co-operatives, and community lands trusts, etc.) or a registered Canadian charitable organization;
- (b) The organization must be acting alone or in partnership with another eligible group or government, but not in partnership with a private enterprise; and
- (c) The project is for a new residential development or redevelopment of a property into a residential use or otherwise increasing housing on land owned by a registered non-profit or registered charitable organization.

Discussion

Rationale

Lunenburg faces a housing crisis marked by a lack of housing and unaffordable housing (**Attachment B**). Canada Mortgage and Housing Corporation's (CMHC) *Local Government Levers for Housing Affordability* toolkit advises that development costs like fees, charges and taxes can disincentivize new residential development and exacerbate unaffordability (p.16). Accordingly, "waiving development fees can have a significant impact on reducing the cost of creating new non-market housing or market rental housing" (p.16).

On October 12, 2023, the provincial government announced a temporary freeze on all municipal permit and development fees for two years in the Halifax Regional Municipality (Bill 329). Staff recommend the Town follow the progressive examples set elsewhere and demonstrate their commitment to addressing Lunenburg's housing crisis and supporting non-profit housing initiatives.

Alternatives

Council may wish to go beyond the current recommendation by:

- Waiving fees for any applicant creating new housing units;
- Waiving fees for other types of applicants, such as Community Interest Companies or Social Enterprises;
- Waiving additional fees, such as advertising costs.

Staff do not recommend waiving advertising costs since advertising would be a new and potentially substantial out-of-pocket expense for the Town.

Council may wish to lessen the potential financial impact of the current recommendation by:

- Lowering rather than waiving fees; or
- Waiving only some of the recommended fees.

Strategic Plan Relevance

Community Structure: Direction regarding how the Town will be structured and how land will be used.

Housing: Direction to support different types of housing development, tenant structures, and affordability.

Relevant Legislation

Municipal Government Act

Municipal Planning Strategy, Land Use By-law and Subdivision By-law

Financial

This approach will result in lost revenue for the Town. Since Development Cost Charge revenue varies from year to year depending on the amount and types of development undertaken, it is difficult to estimate how much revenue might be lost, though the revenue is typically nominal. For example, for the fiscal period from April 1, 2022, to March 31, 2023, the Town charged a cumulative total of \$2,201.95 in Development Cost Charges.

Communications

Staff plan to promote this housing initiative via social media and on the Town's website. Staff will also inform eligible organizations upon receipt of applications meeting the necessary criteria.

Attachments

Attachment A – Table of Development Cost Charge Types with Proposed Waived Fees Highlighted

Attachment B – [2023 Town of Lunenburg Municipal Housing Needs Report](#)

Attachment A
Table of Development Cost Charge Types with Proposed Waived Fees Highlighted

Development Cost Charge Type	Source	Fee (\$)
Land Use By-law Amendment Application	Planning	839.30
Land Use By-law Amendment Advertising Deposit	Planning	700.00
Municipal Planning Strategy Amendment Application	Planning	839.30
Municipal Planning Strategy Amendment Advertising Deposit	Planning	700.00
Development Agreement Application Fee	Planning	839.30
Development Agreement Advertising Deposit	Planning	700.00
Subdivision By-law Amendment Application	Planning	839.30
Subdivision By-law Amendment Application Deposit	Planning	700.00
Encroachment License Agreement	Planning	100.00
Variance of the Land Use By-law (includes postage for mail outs)	Planning	55.95
Zoning Confirmation Letter	Planning	58.55
Subdivision (for first five lots)	Planning	146.90
Subdivision (for additional lots after first five)	Planning	37.05