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**Item No. 13.1.1**  
**Halifax and West Community Council**  
**June 12, 2018**  
**Joint Public Hearing July 17, 2018**  
**August 7, 2018**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:** Original Signed

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Kelly Denty, Acting Director, Planning and Development

Original Signed

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Jane Fraser, A/Chief Administrative Officer

**DATE:** June 1, 2018

**SUBJECT:** **Case 19514: Amendments to the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law and associated development agreements for the former Motherhouse Lands, Bedford Highway, Halifax**

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**ORIGIN**

- Application by Southwest Properties Limited
- October 7, 2014, Regional Council initiation of the MPS amendment process when the following motion was put and passed:

*“That Halifax Regional Council direct staff to initiate the process to consider amending the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law:*

- 1. For a mixed use development pursuant to an application from Southwest Properties, for 47 acres of the former Motherhouse lands in Halifax, as identified on Map 1 of the September 28, 2014 staff report;*
- 2. For the Shannex lands and the Mount Saint Vincent University lands, as identified on Map 1 of the September 28, 2014 staff report, to enable a comprehensive and integrated development approach for the whole of the motherhouse lands; and*
- 3. Direct staff to follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.”*

**LEGISLATIVE AUTHORITY**

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

## **RECOMMENDATION**

### **It is recommended that Halifax and West Community Council recommend that Regional Council:**

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Mainland Halifax Land Use By-law (LUB), as set out in Attachments A and B of this report, to allow the development of a mixed-use community on the former Motherhouse lands in Halifax, and schedule a public hearing; and
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Mainland Halifax Land Use By-law (LUB), as set out in Attachments A and B of this report, to allow the development of a mixed-use community on the former Motherhouse lands in Halifax.

### **It is further recommended that Halifax and West Community Council:**

3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of this report, to permit the development of a mixed-use community on the 47 acre portion of the former Motherhouse lands in Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.
4. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment D of this report, to permit the development of a mixed-use community on the 26 acre portion of the former Motherhouse lands in Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

### **Contingent upon the amendment to the Halifax Municipal Planning Strategy being approved by Regional Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:**

5. Approve the proposed development agreement for the development of a mixed-use community on the 47 acre portion of the former Motherhouse lands in Halifax, which shall be substantially of the same form as contained in Attachment C of this report.
6. Require the agreement, contained in Attached C, be signed by the property owner within 180 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;
7. Approve the proposed development agreement for the development of a mixed-use community on the 26 acre portion of the former Motherhouse lands in Halifax, which shall be substantially of the same form as contained in Attachment D of this report.
8. Require the agreement, contained in Attached D, be signed by the property owner within 180 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;

## **EXECUTIVE SUMMARY**

Southwest Properties and Shannex propose to develop a new high density, mixed-use neighbourhood in Mainland North, Halifax (Map 1), on a 73 acre site that is commonly referred to as the former Motherhouse Lands. A total of 3,000 residential and assisted living units are proposed within a mix of multi-unit and low-density buildings together with a range of commercial and institutional uses. At full build out, the proposed neighbourhood is expected to contain approximately 7,000 residents.

This report recommends MPS and LUB amendments and two related development agreements to enable the development of the new mixed-use neighbourhood. Reasons for supporting the proposal include the site's strategic location near two high frequency transit corridors, Mount Saint Vincent University (MSVU), the Canada Games Centre and a variety of shops and services. Located close the Regional Centre, the unique infill development opportunity also supports planned investments in transit services and the municipal emphasis on encouraging transit oriented developments.

Several features of the new community include clustering buildings between 16-6 storeys towards the centre of the subject site and ensuring areas adjacent to the surrounding low-density neighbourhoods are developed with a similar built form. A collector road that is designed to accommodate pedestrian, cyclist, on-street parking and transit service is required to run through the centre of the community between the Bedford Highway and Lacewood Drive. In addition, an innovative heated pavement system using excess heat from MSVU is proposed to help mitigate the challenges associated with steep grades. Three fully developed public parks are required to meet the recreation needs of residents and four pedestrian walkways connect the new community to surrounding neighbourhoods.

## **BACKGROUND**

Southwest Properties and Shannex propose to develop a new high density, mixed-use neighbourhood in Mainland North, Halifax (Map 1), on a 73 acre site that is commonly referred to as the former Motherhouse Lands. A total of 3,000 residential and assisted living units are proposed within a mix of multi-unit and low density buildings together with a range of commercial and institutional uses. At full build out, the proposed new neighbourhood is expected to contain approximately 7,000 residents. The proposal cannot be considered under the existing MPS policies and, therefore, MPS amendments are needed to enable the proposed development. As directed by Council, the planning review considers the entire Motherhouse lands and the subject site's relationship to Mount Saint Vincent University (MSVU).

<b>Subject Site</b>	Comprised of two parcels that stretch from Bedford Highway to Lacewood Drive: <ul style="list-style-type: none"><li>• 47 acre parcel owned by the Sisters of Charity</li><li>• 26 acre parcel owned by Shannex SC Limited</li></ul>
<b>Location</b>	Halifax Mainland adjacent to Mount Saint Vincent University and the residential neighbourhood of Rockingham
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 2)</b>	Institutional-University  A small area extending from Lacewood Drive is within the Residential Designation

<b>Zoning (Map 3)</b>	Park and Institutional (P)  A small area extending from Lacewood Drive is zoned Single Family Dwelling (R-1).
<b>Size of Site</b>	73 acres
<b>Street Frontage</b>	Approximately 31.5 metres along Bedford Highway and approximately 31.5 metres along Lacewood Drive
<b>Current Land Use(s)</b>	The 47 acre parcel is vacant, but was formally the site of the 350,000 square foot residence for the Sisters of Charity  The 26 acre parcel is developed with a 5 storey assisted care facility. This is the current residence of the Sisters of Charity.
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"><li>• Mount Saint Vincent University lies to the north-east of the site and is largely characterized by low-rise buildings, with the exception of an 11 storey residence (Assisi Hall).</li><li>• The Church Jesus Christ of Latter-day Saints is situated alongside Lacewood Drive, adjacent to the site.</li><li>• The remainder of the surrounding lands contain single detached dwellings.</li></ul>

### Proposal Details

The subject site is composed of two properties (Map 1):

1. a 47 acre parcels owned by the Sisters of Charity, who have an agreement with Southwest Properties for its development; and
2. a 26 acre parcel owned by Shannex, who also have an agreement with the Sisters of Charity to develop a 10 acre portion as a residential care campus development, with the remaining 16 acres intended to be transferred back to the Sisters of Charity and developed by Southwest Properties.

The following describes both the Southwest Properties and Shannex portions of the proposed development.

#### Southwest Properties

Southwest Properties is proposing to develop a total of 63 acres of the subject site, beginning with the 47 acre property that is currently owned by the Sisters of Charity. The major aspects of the proposal are as follows:

- the development of a mixed-use community containing up to 2,500 residential units;
- the development of Seton Road, a new collector road extending from the Bedford Highway to Lacewood Drive;
- low density residential areas located adjacent to the existing low density residential neighbourhoods;
- pedestrian oriented, high density mixed residential and commercial buildings located towards the centre of the subject site;
- multi-unit building heights that range from 6 to 16 storeys, with taller buildings clustered towards the centre of the subject site; and
- three public parks including one in the centre of the development, one adjacent to Mount Saint Vincent University, and the last associated with the existing pond.

### Shannex

Shannex is proposing to develop a total of 10 acres of the subject site for a residential care campus development. The major aspects of the proposal are as follows:

- the development of up to 500 residential units/suites, consisting of rental units designed for seniors and assisted living facilities;
- the retention of the Caritas Residence, the existing 5 storey residential building that is the current residence of the Sisters of Charity;
- the development of several interconnected residential and care facility buildings containing a range of housing options and care services, including dining areas and medical care; and
- buildings heights that range from 6 to 14 storeys, with the taller buildings clustered toward the centre of the subject site.

### **History**

The following summarizes the history of development of the subject site.

- The Sisters of Charity acquired the Motherhouse Lands in 1873.
- In the 1950's, the Sisters of Charity constructed the "Motherhouse", a 350,000 square foot residence, towards the centre of the subject site.
- In the early 2000's, the Sisters of Charity decided to sell the subject site for development while retaining a smaller residential presence.
- In the mid-2000s, a development plan from United Gulf Developments was selected by the Sisters of Charity. The plan included the demolition of the 1950s Motherhouse and a replacement residence. However, the arrangement with United Gulf came to an end when the demolition was underway.
- In 2008, the Sisters of Charity engaged Shannex to construct the Caritas Residence. To enable this, the 26 acre lot that contains the residence was subdivided and transferred to Shannex. This lot does not have public street frontage.<sup>1</sup> A further arrangement between the Sisters of Charity and Shannex allows Shannex to retain up to 10 acres of the 26 acres property and specifies that these lands are ultimately to be provided with street frontage.
- In 2011, the Sisters of Charity issued a new call for proposals to develop the lands and selected the proposal submitted by Southwest Properties. The plan includes the complete development of 63 acres of the 73 acre subject site to reflect the 10 acres to be retained by Shannex.
- In 2012 and 2013, HRM carried out traffic and sewer capacity studies to consider the cumulative impact of development proposals along the Bedford-Halifax Mainland North Corridor.
- In late 2013, Regional Council considered a staff report<sup>2</sup> regarding the results of the *Bedford-Halifax Mainland North Corridor Transportation Study*. The report included a recommendation to initiate MPS amendments to allow for the consideration of the Southwest Properties proposal.
- On October 7, 2014 Regional Council initiated this project to comprehensively plan the subject site, including both the Southwest Properties and Shannex lands, to enable a comprehensive and integrated development approach for the entire subject site.

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<sup>1</sup> The HRM Charter and the Municipal Government Act contain provisions that allow for lots that are a minimum of 25 acres in size to be created without municipal approval.

<sup>2</sup> See report at <http://legacycontent.halifax.ca/council/agendasc/documents/131210ca1131.pdf>

## **Regional Plan, MPS and LUB Context**

### Regional Plan

The subject site is located within the Urban Settlement Designation of the Regional Plan, which identifies areas intended for serviced (water and sewer) development. In addition, the subject site is located adjacent to a 'Growth Centre', which are generalized areas intended for mixed-use development with higher densities than their surroundings. The Growth Centre, represented by a generalized circle, is centered on Clayton Park West. However, the Regional Plan does not preclude higher intensity development outside of an identified Growth Centre and there is policy context that supports compact and efficient development.

### Halifax MPS and LUB

The majority of the subject site is located within the Bedford Highway Secondary Municipal Planning Strategy plan area. The subject site is designated Institutional-University and zoned Park and Institutional (P) (Maps 2 and 3). This designation and zoning allows for institutional uses, such as schools and community facilities, with few regulations. There are, for example, no maximum height requirements and limited conditions over building setbacks. However, the residential and commercial uses that are envisioned by Southwest Properties and Shannex are not permitted and, therefore, amendments to the MPS and LUB are required to consider the proposed development.

A small area of the subject site, extending from Lacewood Drive, is within the Residential Designation and zoned Single Family Dwelling (R-1). The Residential designation envisions a variety of residential uses with an emphasis on encouraging compatibility and integration with existing neighbourhoods. The R-1 Zone permits single unit dwellings.

### **Bedford-Halifax Mainland North Corridor Transportation Study**

The Bedford-Halifax Mainland North Corridor Transportation study was completed in 2013 and considered the cumulative impact of various development proposals on the area's transportation infrastructure. The study considered low, medium and high growth scenarios and found that the higher population scenario would, in the broad regional context, not have significantly more impact on the road network performance than the low growth scenario. This is due to the finding that higher density developments, particularly when planned as mixed-use walkable projects, have the potential to support more cost-effective investments in the transit system in the long run.

### **Integrated Mobility Plan (IMP)**

On December 5, 2017, Regional Council approved the Integrated Mobility Plan (IMP) including authorizing the direction contained in the plan as a framework for amending the existing Regional Plan and developing new planning documents. The IMP makes a number of recommendations concerning the development of transit oriented communities and recognizes both Lacewood Drive and the Bedford Highway as potential transit priority corridors. In addition, the IMP provides direction to study the feasibility of commuter rail and bus rapid transit services and identifies MSVU as a potential commuter rail station.

### **Approval Process**

The approval process for this application involves two steps:

- a) First, Regional Council must consider and, if deemed appropriate, approve proposed amendments to the MPS and LUB; and
- b) Secondly, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed development agreements.

A public hearing, which is required prior to a decision on both matters, may be held at the same time for both MPS and LUB amendments and the proposed development agreements. In the event Regional Council approves MPS amendments, Halifax and West Community Council may only make a decision on the proposed development agreements following the amendments to the MPS coming into effect. A decision on proposed MPS amendments is not appealable to the Nova Scotia Utility and Review Board (Board). However, the decision on the proposed development agreements is appealable to the Board.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on May 20, 2016. Attachment E contains a copy of the minutes from the meeting. The public comments received include the following topics:

- impacts to the surrounding neighbourhoods, especially in regards to traffic, timeline of construction and overall density;
- impacts on the environment, including a large treed area and wetlands;
- potential flooding on neighbouring properties; and
- the height of proposed buildings.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 3 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that the Halifax MPS should be amended to enable the development of the proposed high density, mixed-use neighbourhood given the site's strategic location near two high frequency transit corridors, MSVU, the Canada Games Centre and a variety of shops and services. Located close the Regional Centre, the unique infill development opportunity also supports planned investments in transit services and the Municipal emphasis on encouraging transit oriented developments. The following sections review the rationale and content of the proposed MPS and LUB amendments, and associated development agreements.

### **Proposed MPS Amendments**

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB amendments found in Attachments A and B. A summary of the proposed amendments are as follows:

- amendments to the Bedford Highway Secondary Municipal Planning Strategy that establishes a comprehensive policy set, entitled the Seton Ridge Neighbourhood Plan, and applies to the entire subject site to guide the overall development of the new mixed-use community;
- requiring a collector road between the Bedford Highway and Lacewood Drive as well as pedestrian walkways that connect to surrounding neighbourhoods;
- the identification of three strategically located areas for future public parks;
- limiting development on the periphery of the subject site to low density forms of residential development to match the adjacent development form;
- enabling the development of high density, mixed-use buildings towards the centre of the site;
- enabling the development of an integrated residential care campus development on the Shannex lands; and.
- establishing a comprehensive development district and zone that only permits comprehensively planned development by development agreement and that anticipates discharging and replacing the agreements with appropriate zones.

Of the matters addressed by the proposed MPS and LUB amendments, the following matters have been identified for detailed discussion.

#### High Density, Mixed Use neighbourhood

As previously noted, the subject site is strategically located near two high frequency transit corridors, MSVU and a variety of shops and services. Halifax Water indicates that there are no significant constraints from a regional sewer and water systems perspective. In addition, the subject site represents the only large tract of land with significant development potential that is located near the potential commuter rail station identified in the IMP. Should commuter rail not be feasible, the Bedford Highway corridor would continue to be strong candidate for other types of transit infrastructure investments, such as bus rapid transit services. Given these site characteristics, staff support high density development on the site as a means of making efficient use of serviced lands and supporting future investments in transit service in the area. The efficient development of the subject site, which is surrounded by existing urban development, also helps to reduce the potential future need to consider urban expansions into greenfield sites located on periphery of the Urban Service Area.

#### Natural Features

The subject site contains a number of natural features that were considered in preparing MPS policies. The following describes these natural features and the MPS policy response.

- *Pond*: The subject site contains a picturesque pond that is surrounded by natural vegetation. The proposed Seton Road Neighbourhood Plan identifies the pond as a feature to retain and incorporate into a future public park.
- *Steep slopes*: The subject site contains significant slopes that slope down towards the Bedford Basin. In recognition of these slopes, high density development is directed towards the plateau located at the centre of the site. In addition, a sloped area located towards the centre of the site, is proposed to be developed into a public park to provide views of the Bedford Basin and beyond.



Like all areas of the Municipality, storm drainage is a concern and must be effectively managed on site.

- *Wooded area:* The subject site contains a relatively large wooded area towards the southeast corner of the site. While staff considered policies to preserve the wooded area, parkland policies instead focus on ensuring an adequate supply of useable parkland close to high density areas that can be used for a variety of recreation purposes. In addition, since the scenic and ecological value of the wooded area rests in its relatively large size, retaining a smaller portion as a buffer would not maintain its main value. Preserving only a narrow strip would be difficult during the construction phase and may result in the future loss of trees due to exposure to winds and earth works. For these reasons, the proposed MPS policies do not recognize the wooded area and enable its development for low density housing.

### Transportation

The Seton Ridge Neighbourhood Plan prioritizes walking, cycling and transit services in several ways. First, the proposed MPS policies require the development of a collector road between the Bedford Highway and Lacewood Drive, which is essential for establishing road network connections and enabling transit service through the site. The MPS policies also require the development of a walkable street and walkway grid to enable people to easily walk within the site. Mixed use buildings must also be oriented towards the street and contribute to a safe and esthetically pleasing pedestrian experience. Lastly, while there are no proposed local road connections to the surrounding low-density neighbourhoods, four walkways are required to enable pedestrian to walk or bike to and from surrounding neighbourhoods.

### Parkland

The Seton Ridge Neighbourhood Plan identifies three future public park locations that are intended to meet the outdoor recreation needs of residents. The proposed Park A, located next to MSVU, is strategically located to transition to the university and complement the University's plans to develop recreation facilities on adjacent lands. Park B, located towards the centre of the subject site, is intended to provide views of the Bedford Basin and create a space for social gathering and passive recreation next to the commercial centre of the site. Lastly, Park C, which contains the existing pond, is intended to preserve and integrate this scenic feature into a park setting.

### Compatibility with Surrounding Areas

The proposed Neighbourhood Plan considers the surrounding context in a number of ways. As noted above, one of the three proposed park spaces is strategically located next to MSVU to provide a transition to the University. In addition, low density housing is directed to the periphery of the subject site to ensure the proposed development is compatible with the surrounding low-density subdivisions. Higher density buildings are directed towards the centre. As previously noted, the subject site is connected to the surrounding areas through the proposed collector road, and four required pedestrian walkways.

### **Proposed Development Agreement for 47 acre property (Southwest Properties)**

Attachment C contains the proposed development agreement for the 47 acre portion of the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- the location and design of a collector road, parkland dedication and pedestrian walkways;
- the development and phasing of proposed public parks;
- privately maintained pedestrian plazas that connect to public parkland and contribute to the walkability of the planned neighbourhood;

- built form controls for multi-unit buildings that ensure a pedestrian oriented building design and heights that transition to existing and planned low density residential uses;
- flexible low density residential building controls that allow a variety of ground entry building forms and ensure that only single and two unit dwellings abut existing single unit dwellings;
- the ability to discharge the agreement and apply zoning after all subdivision and related infrastructure requirements are met; and
- non-substantive amendments, which do not require a public hearing, include changes to local road, walkways and private pedestrian plazas provisions, as well as minor changes to the heights framework.

The attached development agreement will permit the development of a high density, mixed-use community subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the proposed MPS policies as shown in Attachment A, the following have been identified for detailed discussion.

#### Transportation network

The proposed agreement supports the MPS policy emphasis on transit and active transportation. The collector road is required to be designed to accommodate transit, bike lanes and on-street parking. While the agreement is not specific about the location of local roads, block lengths are limited to a maximum of 200 metres and no cul-de-sacs are permitted to ensure the development of a walkable grid pattern. Required walkways and pedestrian easements further link the development with surrounding neighbourhoods and support pedestrian shortcut routes.

As previously noted, the subject site slopes steeply down in areas towards the Bedford Basin. While the Municipal Design Guidelines allow for grades of up to 8% on collector roads, the existing private driveway has a grade in excess of 12%. This steep grade creates significant challenges for designing a collector road that can be safely used by transit, solid waste, and passenger vehicles as well as pedestrians and cyclists. The design of the collector road is made further challenging due to the narrow shape of the subject site leading to the Bedford Highway, existing driveway accesses to MSVU, and nearby buildings. For context, the maximum slope of Larry Uteck Drive and Flamingo Drive is 10% and 13.2%, respectively.

In order to address grade issues, the proposed agreement indicates that the principle of a heated concrete paving system using waste heat from the MSVU heating system will form the basis of a design solution needed to mitigate operational and maintenance challenges. Several terms and conditions are established, including:

- limiting the maximum grade that may be considered to 11.8%;
- requiring the construction of an active transportation (AT) pathway alongside the collector road that includes a curvilinear design with rest and transition areas to reduce the overall grade of the pathway;
- requiring the developer to cover all costs associated with designing and constructing the heated pavement system;
- requiring the developer to warranty the heated pavement system for 7 years;
- requiring the developer to secure the rights and use of the waste heat from MSVU in perpetuity at no cost to the Municipality and that the rights must be assignable to the Municipality; and
- acknowledging that the heated pavement system is the only design solution that must be considered and other design solutions must meet the Municipal Design Guidelines.

The heated pavement system is a creative solution to address grade challenges. Grades at or close to 8% were shown to require deep cuts of up to 5-8 metres, resulting in large retaining walls that would be costly to maintain, cut off access to MSVU, lead to drainage, debris and icing challenges, and create an intimidating pedestrian experience. Meanwhile, the Municipality's experience with collector road grades of between 10-13% have been shown to cause on-going servicing and operational challenges, such as those associated with winter maintenance, operating transit vehicles and maneuvering multi-purpose fire trucks. The proposed heated pavement system is a compromise solution that is intended to avoid the negative impacts associated with deep cuts, while mitigating the servicing and operational challenges associated with the 11.8% slope in winter weather. For example, the heated pavement system is intended to reduce or prevent the need for transit services to switch to snow routes during snow/ice conditions. The system will be considered as a pilot project until the benefits, constraints and management of the system have been fully studied and the performance of the system is understood by the Municipality.

#### Permitted Density

The total permitted density of development on the subject site is controlled through the form and height of permitted buildings. For multi-unit buildings, specific controls include maximum building dimensions, setback requirements and maximum buildings heights. For low density areas, density is primarily controlled through minimum road frontage requirements. This approach to controlling density focuses on ensuring an appropriate built form that also provides the flexibility needed by the development industry to adjust to changing market conditions as the site develops over the next several years. Based on built form controls, staff estimate that up to 2,350 units could be developed on the 47 acre portion of the subject site.

#### Pedestrian oriented building designs

The proposed agreement contains a number of controls to ensure that buildings are oriented to pedestrians. These controls include:

- requiring buildings to be constructed close to the street;
- limiting surface parking to 20% of the lot and to the side or rear of buildings;
- streetwall heights and stepbacks that reflect street width and ensure sunlight reaches sidewalks and public parks;
- providing commercial and institutional development opportunities on the first and second floors of buildings to help activate the street and provide opportunities for residents to access shops and services close to home; and
- architectural requirements that ensure a variable and aesthetically pleasing building façade.

#### Compatibility with Surrounding low-density neighbourhoods

The proposed agreement contains a number of provisions aimed at ensuring the development is compatible with surrounding uses. These controls include:

- maximum heights that cluster buildings up to 16 storeys in height towards the centre of the site, and transition to 8 and 6 storeys near to planned or existing low-density neighbourhoods.
- limiting commercial uses to primarily neighborhood commercial uses, such as restaurants and retail stores, that serve residents in new neighbourhood and limit the potential development of large scale office buildings or other large scale commercial uses that would depend on attracting visitors from other areas; and
- limiting development on lands that abut existing single unit dwellings to single unit dwellings, semi-detach dwellings or duplexes.

### Parkland

Parkland dedication provisions contained within the proposed agreement are consistent with the parkland policies contained in the proposed Seton Ridge Neighbourhood Plan. One of the three proposed public parkland locations is located entirely within the 47 acre site and the developer has agreed to fully develop this park prior to transferring the land to the Municipality. Park A, located adjacent to MSVU, is partially located within the 47 acre site and is intended to be combined with the parkland required on the 26 acre portion of the subject site.

### Phasing

The proposed development agreement requires the developer to fully construct the collector road as part of the first phase of subdivision together with a local road needed to provide access to the adjacent 26 acre property. In addition, all parkland dedication requirements must be met in the first phase of subdivision to ensure that adequate parkland is provided in early stages of the development.

### **Proposed Development Agreement for 26 acre property (Shannex)**

Attachment D contains the proposed development agreement for the 26 acre portion of the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- the development of a 10 acre residential care campus, including a multi-unit residential, and assisted living services together with a range of institutional and local commercial uses on the ground floor of buildings;
- land use and built form controls for remaining 16-acre portion that are consistent with the controls contained in the agreement for the 47 acre property;
- pedestrian-oriented building design requirements that include the flexibility needed to accommodate the residential care campus form of development;
- building heights of up to 14 storeys towards the centre of the subject site that transition to 6 and 8 storeys adjacent to the existing and planned low density development;
- the development of proposed public parks;
- non-substantive amendments, which do not require a public hearing, include changes to walkways, gross floor areas requirements, minor changes to the heights framework and changes to the agreement needed to consider additional development prior to the development of local roads.

The attached development agreement will permit the development of the 26 acre portion of the subject site in coordination with the development of the adjacent 47 acre property. Of the matters addressed by the proposed development agreement to satisfy the proposed MPS criteria as shown in Attachment A, the following have been identified for detailed discussion.

### Parkland

Parkland dedication provisions contained within the proposed agreement are consistent with the Parkland policies contained in the proposed Seton Ridge Neighbourhood Plan. Park A, located adjacent to MSVU, is mostly located within the 26 acre portion and is intended to be combined with the parkland required for the 47 acre portion of the subject site. Park C, which contains the existing pond, is entirely located within the 26 acre site and is required to maintain the pond and surrounding natural vegetation. The developer has agreed to fully develop both Park A and Park C.

### Pedestrian Oriented Building Designs

The building form and height controls are intended to enable the development of a residential care campus consisting of several interconnected buildings located on one or more lots. Similar to the provisions for the

47 acre portion of the subject site, pedestrian-oriented design controls include requirements related to streetwalls, setback and façade expression that support a walkable and pleasant pedestrian experience at the street. However, specific building dimension and height requirements are varied to accommodate care services, which often require wider hallways and more space for amenities and service providers.

#### Permitted land uses

The proposed agreement permits a variety of commercial and institutional uses on the ground floor of buildings. However, in comparison to the agreement for the neighbourhood centre portion of the 47 acre property, the range of permitted commercial uses is reduced to those uses that complement the residential care campus development. Within the residential care campus area, commercial uses are also limited to the ground floor of buildings to reduce the potential for the area to draw activity away the collector road.

#### Phasing

The proposed agreement enables the 10-acre Residential Care Campus (RCC) area to be subdivided from the 26 acre property without meeting street frontage requirements or triggering parkland dedication requirements. This flexibility will allow for the intended change in property ownership before development begins. In addition, the agreement enables the development of one additional building within the RCC area prior to road frontage being brought to these lands. This flexibility is intended to enable a limited amount of development before the full collector road, required as part of the development agreement for the adjacent 47 acre property, and needed local roads are constructed and accepted by the Municipality. Following this, the first phase of subdivision must include the construction of local roads and the fulfillment of all parkland dedication requirements.

#### **Conclusion**

Staff have reviewed the development proposals as well as the existing policy context and advise that the MPS should be amended to enable the development of the proposed high density, mixed-use neighbourhood. The subject site is strategically located near two high frequency transit corridors and existing shops and services. Located close to the Regional Centre, the unique infill development site also supports proposed transit investments and the Municipal emphasis on encouraging transit oriented developments. Land use controls will guide the development of a complete community, including a mix of housing choices, unique public parks, local shops and services and a walkable street and walkway grid. Meanwhile, proposed built form controls will help to minimize the impact of taller buildings on the surrounding neighbourhood while ensuring the buildings are oriented to the street and allow light and air to reach public streets and parks. Therefore, staff recommend approvals of the proposed MPS and LUB amendments and the associated development agreements.

#### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2018/19 operating budget.

#### **RISK CONSIDERATION**

There are risks associated with accepting a collector street with grades that exceed the maximum allowed under the Municipal Design Guidelines. The Municipal Engineer has advised that the proposed heated pavement design solution satisfactorily addresses these risks. However, as with all mechanical systems,

there is a risk of failure. Such instances, should they occur during the winter months, are expected to be infrequent and isolated, and result in increased maintenance costs and/or service disruption until repaired. In the unlikely event of a failure of the full mechanical system for an extended period of time, the resulting condition will be similar to existing nearby collector streets (Bayview and Flamingo) whereby transit interruptions occur during snow/ice conditions.

There are no significant risks associated with the MPS and LUB amendments contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

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

### **ALTERNATIVES**

The Halifax and West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Mainland Halifax Land Use By-law (LUB), as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Mainland Halifax Land Use By-law (LUB). A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

The Halifax and West Community Council may choose to:

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

**ATTACHMENTS**

Map 1:	Context
Map 2:	Generalized Future Land Use
Map 3:	Zoning and Notification Area
Attachment A:	Proposed MPS Amendments
Attachment B:	Proposed LUB Amendments
Attachment C:	Proposed Development Agreement – 47 acre property (Southwest Properties)
Attachment D:	Proposed Development Agreement – 26 acre property (Shannex)
Attachment E:	Public Information Meeting (PIM) Notes

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Ben Sivak, Principal Planner, Planning and Development, 902.490.6573

Original Signed



Report Approved by: Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

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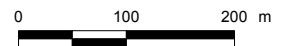
### Map 1 - Context

Lands off Seton Road  
Halifax

-  Motherhouse lands
-  Area (approx. 16 acres) to be transferred to Sisters of Charity

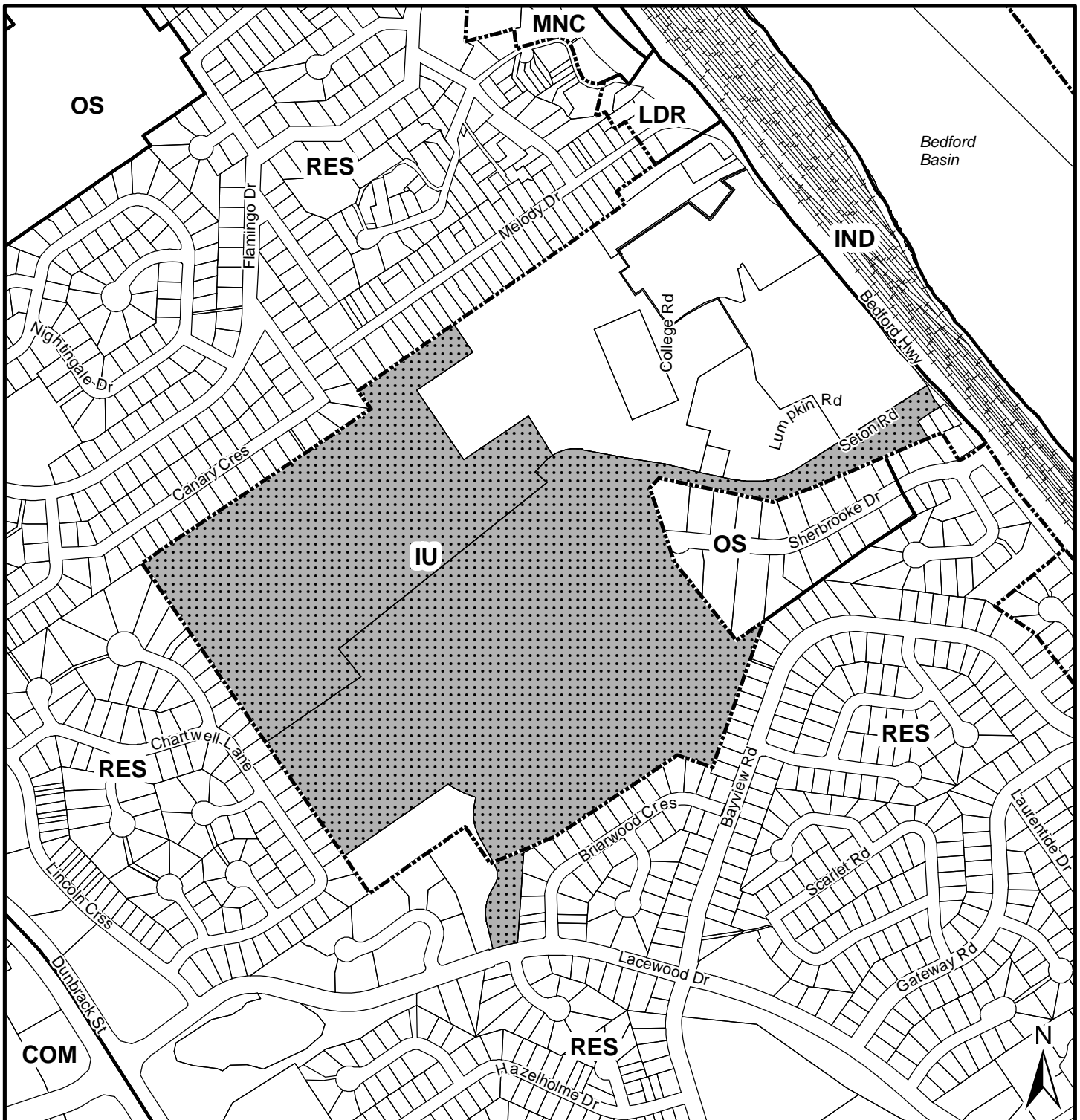
Halifax Plan Area  
Bedford Highway Secondary Plan Area

**HALIFAX**





The accuracy of any representation on this plan is not guaranteed.





**Map 2 - Generalized Future Land Use**

Lands off Seton Road  
Halifax

-  Subject Site
-  Bedford Highway Secondary Plan Area Boundary

Halifax Plan Area  
Bedford Highway Secondary Plan Area

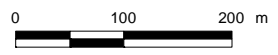
**Designation - Bedford Highway**

- LDR Low Density Residential
- MNC Minor Commercial
- IND Industrial
- IU Institutional - University

**Designation - Halifax**

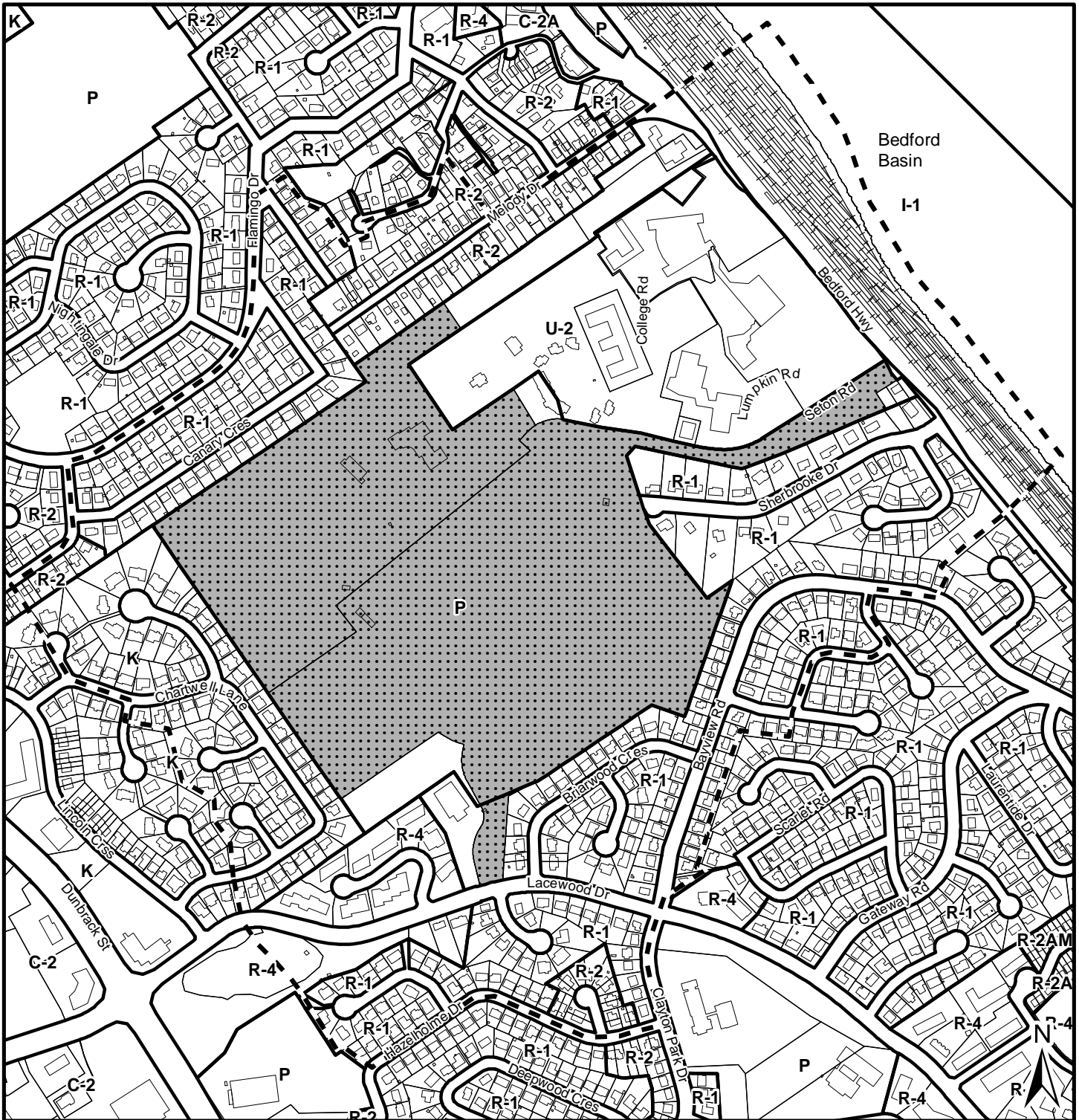
- RES Residential Environments
- COM Commercial
- OS Major Community Open Spaces

**HALIFAX**





This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



### Map 3 - Zoning & Notification

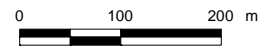
Lands off Seton Road  
Halifax

-  Subject Site
-  Area of notification

Halifax Mainland  
Land Use By-Law Area

Zone	
R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-2AM	General Residential Conversion
R-4	Multiple Dwelling
C-2A	Minor Commercial
C-2	General Business
I-1	General Industrial
P	Park and Institutional
U-2	High Density University
K	Schedule K

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

**Attachment A**  
**Proposed Amendments to the Municipal Planning Strategy for Halifax**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. Within the Table of Contents, under Section VIII Bedford Highway Secondary Planning Strategy, insert subsection 8A – Seton Ridge Neighbourhood Plan, following subsection 8 and renumber page references accordingly.
2. Within Section VIII, Bedford Highway Secondary Planning Strategy, insert sub-section 8A following section 8 as follows.

**8A. SETON RIDGE NEIGHBOURHOOD PLAN**

**Objectives**

Seton Ridge is a 72 acre site that slopes down towards the Bedford Basin. Historically known as the Motherhouse property, the site was initially developed as a residence for the Sisters of Charity, a religious order that acquired the lands in 1873. The Motherhouse residence was demolished in the early 2000's and provides a unique redevelopment opportunity. The strategically located site is located next to Mount St. Vincent University, and close to a variety of shops, services, public facilities and transit corridors.

The objectives for this plan support the development of a compact mixed-use neighbourhood that:

1. provides a variety of housing options that are integrated with supporting services within walking distance;
2. contains streets that allow walking and cycling to be a pleasant and safe experiences, and supports efficient transit service;
3. includes mixed use buildings on a central street with an architectural style that is pedestrian friendly and contains visual variation;
4. contains public and semi-public spaces that provide the neighbourhood infrastructure needed to offer opportunities for outdoor recreation and social interaction; and
5. integrates with Mount St. Vincent University and the surrounding neighbourhoods through the scale and type of development and by establishing pedestrian connections.

### **Neighbourhood Design**

- 8A.1 The Seton Ridge Neighbourhood Plan, presented as Map 9Df, shall form the framework for land use allocation, public parkland locations and transportation planning and all policies and actions taken by the Municipality shall conform with the intent of this plan and the policies contained herein.

### **Neighbourhood Centre**

- 8A.2 Lands identified as Neighbourhood Centre on Map 9Df are intended to support a mixed-use high density residential environment including multi-unit dwellings, community facilities, and commercial uses that serve the neighbourhood, such as offices, restaurants, retail and personal service uses. Uses that serve the broader community that are compatible with a mixed-use environment, such as educational facilities and hotels, shall also be permitted.
- 8A.3 The scale and design of development within the Neighbourhood Centre shall be controlled to support a high-density pedestrian oriented neighbourhood including standards regarding building form, appearance, allowable height, landscaping and amenity areas. Specific controls will ensure that building heights and scale transition to surrounding low density areas and allow sufficient light and air to reach public streets and spaces. Surface parking shall be limited and only permitted to the side or rear of buildings.

### **Low Density Residential Neighbourhoods**

- 8A.4 Land identified as Low Density Neighbourhood on Map 9Df encompasses those areas where a low density residential environment is supported. Single unit dwellings, auxiliary dwelling units, row houses, double stacked row houses and home occupations shall be permitted. Multi-unit dwellings, institutional uses and commercial uses shall not be permitted.

### **Residential Care Campus**

- 8A.5 Lands identified as Residential Care Campus on Map 9Df are intended to accommodate the development of an integrated residential facility that provides a wide range of housing options together with medical, supervisory or personal care. Associated commercial uses are also permitted, such as medical offices, restaurants and personal service shops.
- 8A.6 The scale and design of development within the Residential Care Campus area shall be controlled to support a high-density pedestrian oriented neighbourhood similar in form to the Neighbourhood Centre area. However, specific land use and built form controls may be tailored to the unique site layout and building form needs associated with a residential care campus form of development.

## **Parks**

- 8A.7 High quality public parks are an essential component of the Seton Ridge Neighbourhood that are important to meeting the diverse recreation needs of residents. The public park locations shown on Map 9Df identifies the approximate locations of lands that shall be dedicated to the Municipality for public recreation uses through the subdivision process. The specific size and shape of the three proposed public parks shall be consistent with the following park descriptions.
- (a) Park A, located adjacent Mount St. Vincent University, has a topography and configuration that is suitable for a play lawn, playgrounds, and sport courts;
  - (b) Park B, located towards the centre of the Neighbourhood, is a sloped site that may exceed standard parkland requirement that is suitable for passive recreation features and playgrounds and is intended to provide views and recreation opportunities next to the Neighbourhood's commercial core; and
  - (c) Park C, located to the northwest corner of the Neighbourhood, is intended to retain the existing pond and surrounding natural vegetation, facilitate pedestrian connections, and provide passive recreation opportunities for residents.

## **Transportation**

- 8A.8 The Seton Ridge Neighbourhood shall prioritize walking, cycling and transit use. The transportation network shall consist of:
- (a) a collector road, shown on Map 9Df, that is designed to accommodate cycling and transit service through the site;
  - (b) short local streets that are arranged in a general grid pattern;
  - (c) pedestrian walkways, shown on Map 9Df, that connect the development with surrounding neighbourhoods.

## **Implementation**

- 8A.9 The Seton Ridge Neighbourhood Designation shall be applied to the Seton Ridge site and shall only permit new comprehensively planned development by development agreement.
- 8A.10 The Seton Ridge Comprehensive Development District (SRCDD) Zone shall be applied to the Seton Ridge Neighbourhood and shall limit as-of-right development to existing uses and public parks.
- 8A.11 In considering a development agreement within the Seton Ridge Neighbourhood Designation Council shall be satisfied that the proposal meets the following criteria:
- (a) the proposal meets the objectives of this neighbourhood plan and is consistent with the policies established for this neighbourhood plan and any other applicable policies established by the Halifax Municipal Planning Strategy and the Regional Planning Strategy;

- (b) the phasing of development ensures that the collector road, local road connections, transit supportive infrastructure, and public parkland dedications are provided in early phases of the development;
- (c) the phasing of development may allow for limited subdivision and development without street frontage and deferred parkland dedication provided street frontage and parkland dedications are provided in later phases; and
- (d) the development agreement is designed to be discharged by Council upon the completion of public roads, parks and other public infrastructure.

8A.12 Zoning shall be applied to the Seton Ridge Neighbourhood prior to discharging the development agreement enabled in Policy 8A.11. In considering amendments to the Land Use By-law to apply or adjust new or existing zones within the Seton Ridge Neighbourhood, Council shall be satisfied that the proposal meets the following criteria:

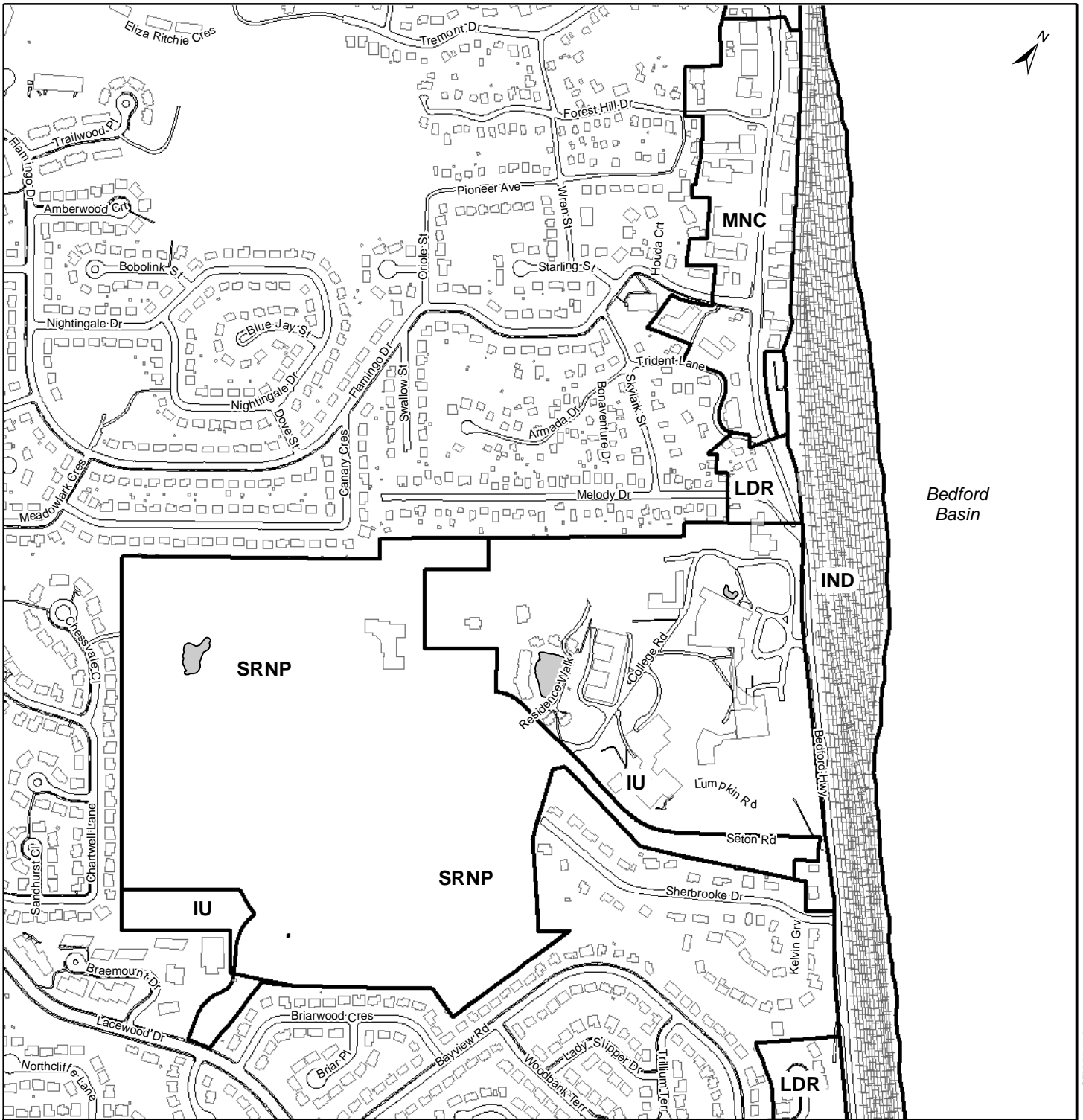
- (a) The proposed zoning achieves the objectives and policies of the Seton Ridge Neighbourhood Plan and are consistent with any other applicable policies established by the Halifax Municipal Planning Strategy and the Regional Municipal Planning Strategy.

3. Delete Map 9Dd, Bedford Highway Secondary Planning Strategy Generalized Future Land Use, and replace it with the attached Map 9Dd.

4. Insert the attached Map 9Df, Seton Ridge Neighbourhood Plan, following Map 9De.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the day of \_\_\_\_\_, 20\_\_.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

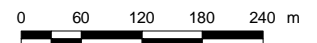


**Bedford Highway Secondary Planning Strategy  
Map 1d (Map 9Dd) - Generalized Future Land Use**

**HALIFAX**

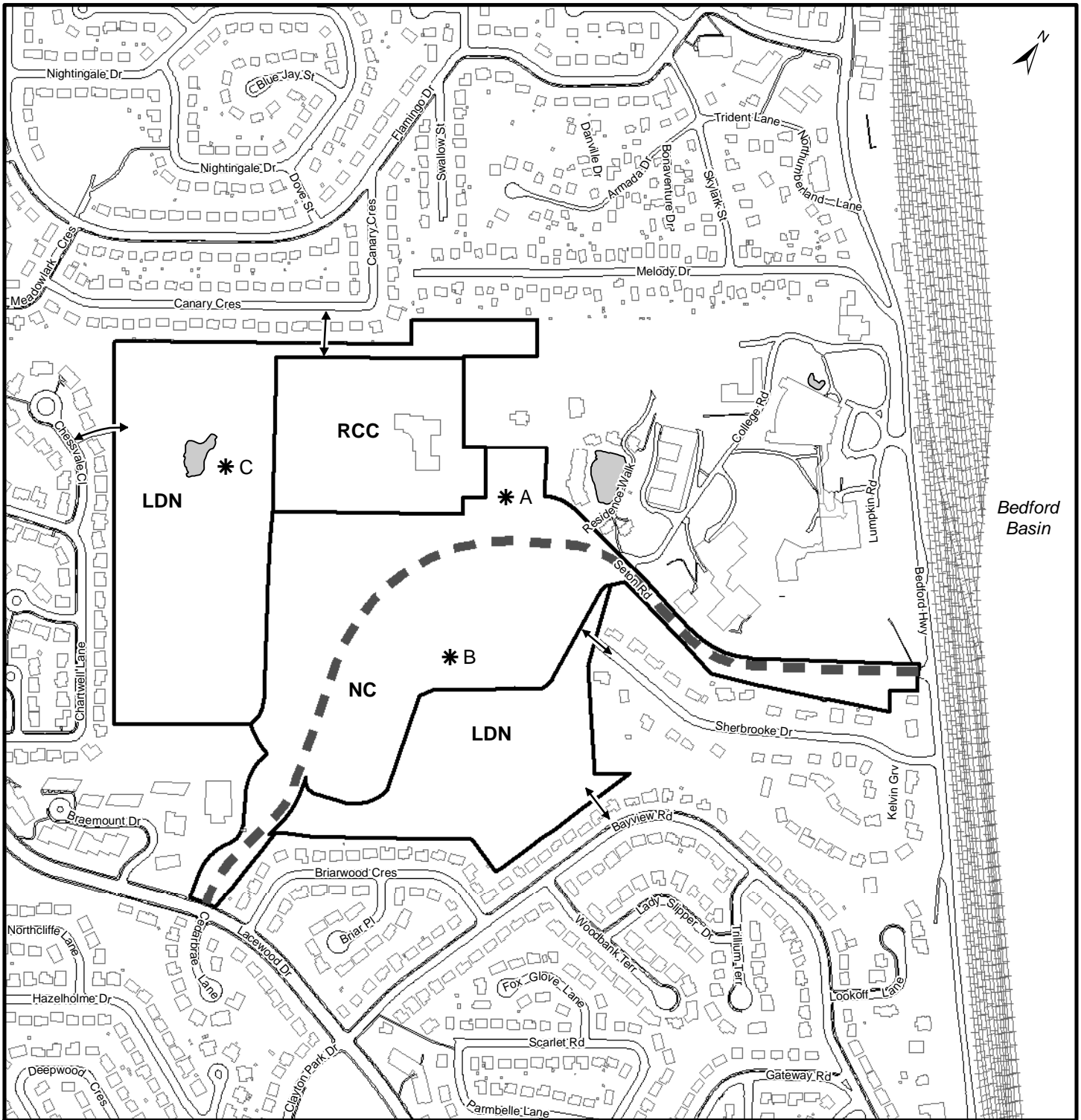
**Designation**

- LDR Low Density Residential
- MNC Minor Commercial
- IND Industrial
- IU Institutional
- SRNP Seton Ridge Neighbourhood Plan



Approved: 28 May 1985  
Ammended: dd mmm yyyy




The accuracy of any representation on this plan is not guaranteed.



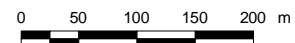
Bedford Basin

**Bedford Highway Secondary Planning Strategy  
Map 9Df – Seton Ridge Neighbourhood Plan**



-  Proposed Collector Road
-  Walkways
-  Public Park Location (Approx.)

- Land Uses**
- NC Neighbourhood Centre
  - LDN Low Density Neighbourhood
  - RCC Residential Care Campus



The accuracy of any representation on this plan is not guaranteed.

Approved: dd mmm yyyy



**Attachment B**  
**Proposed Amendments to the Land Use By-laws for Halifax Mainland**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

1. Within the Table of Contents, insert the SRCDD Zone following the BWCDD Zone and renumber page number references accordingly.
2. Amend Map ZM-1 Zoning of the Land Use By-law for Halifax Mainland by rezoning the former Motherhouse lands from Park and Institutional (P) and Single Family Dwelling (R-1) to the Seton Ridge Comprehensive Development District (SRCDD) Zone, as shown on Schedule B; and
3. Insert Section 62AE following Section 62AD as follows.

**SRCDD ZONE**  
**SETON RIDGE COMPRENSIVE DEVELOPMENT DISTRICT ZONE**

62AE(1) The following uses shall be permitted in any SRCDD Zone:

- (a) Existing uses
- (b) Public Parks

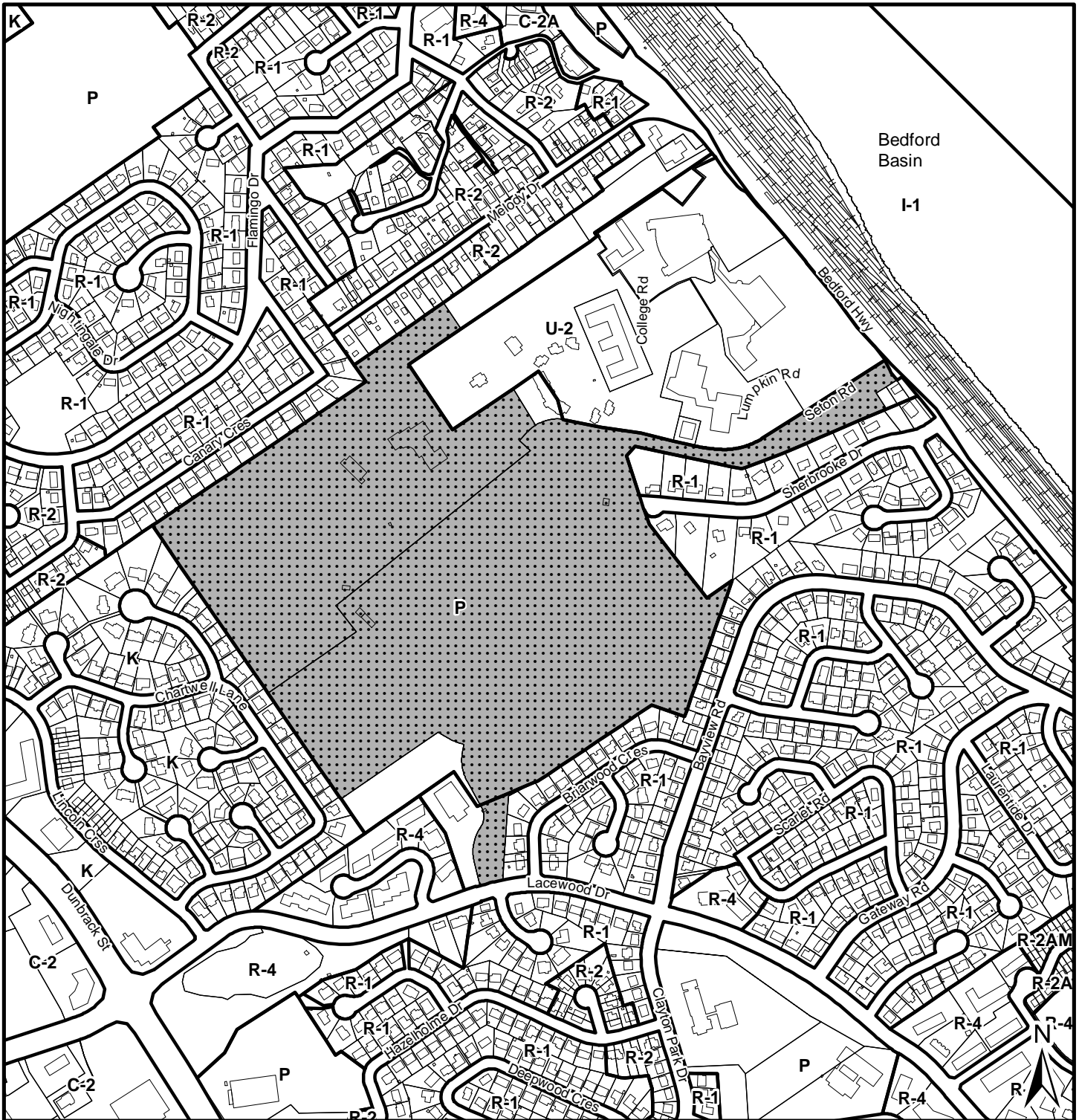
62AE(2) With the exception of permitted uses, no development permit shall be issued for a development within a Seton Ridge Comprehensive Development District (SRCDD) Zone except in accordance with a development agreement approved pursuant to policy 8A.11 of the Bedford Highway Secondary Planning Strategy.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the day of \_\_\_\_\_, 20\_\_.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

---


Municipal Clerk



Bedford Basin  
I-1

**Schedule B**

Lands off Seton Road  
Halifax

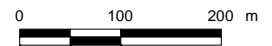
 Lands to be rezoned from P (Park and Institutional) and R-1 (Single Family Dwelling) to SRCDD (Seton Ridge Comprehensive Development District)

Halifax Mainland  
Land Use By-Law Area

**Zone**

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2AM General Residential Conversion
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- C-2 General Business
- I-1 General Industrial
- P Park and Institutional
- U-2 High Density University
- K Schedule K

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

## Attachment C

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

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located to the south of Mount Saint Vincent University in Halifax and which said lands are more particularly described in Schedule C1 hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for subdivision and development of the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 8A.11 of the Halifax Municipal Planning Strategy and Subsection 62AF(2) of the Mainland Halifax Land Use By-law;

AND WHEREAS the Halifax West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 19514;

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**

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**

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Mainland Halifax and the Regional Subdivision By-law, as may be amended from time to time.

#### **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 and 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**

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**

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.

### **PART 2: DEFINITIONS**

#### **2.1 Words Not Defined under this Agreement**

All words unless otherwise specifically defined herein shall be as defined in the *Halifax Regional Municipality Charter*, the applicable Land Use By-law, and Regional 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**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to and forming part of this Agreement and filed in the Halifax Regional Municipality as Case Number 19514:

Schedule C1    Legal Description of the Lands  
Schedule C2    Site Plan

Schedule C3	Land Use Areas
Schedule C4	Neighbourhood Centre
Schedule C5	Seton Ridge Low Density
Schedule C6	Heights Framework
Schedule C7	Collector Road Terms and Conditions

### 3.3 General Description of Land Use

- (a) The development and use of the Lands permitted by this Agreement shall conform to the requirements contained in Schedules C2, C3, C4, C5 and C6.
- (b) The approximate boundary between the Neighbourhood Centre and Low Density Residential areas shown on Schedule C3 shall be interpreted by the Development Officer to follow the nearest centre line of roads or property lines, as appropriate, following final subdivision approval.

### 3.4 Subdivision

Subdivision applications shall be submitted to the Development Officer in accordance with Schedule C2 and the Development Officer shall grant subdivision approvals subject to and in accordance with the Regional Subdivision By-law and the following terms and conditions:

- (a) The Developer shall follow the full subdivision application process set out in the Regional Subdivision By-law, beginning with a complete concept subdivision application.
- (b) A collector road, designed to accommodate transit service, on-street parking, and bike lanes, shall be constructed in the general location shown on Schedule C2.
- (c) For the portion of the collector road identified on Schedule C2 as "Potential Steep Grades", the terms and conditions set out in Schedule C7 shall be met to the satisfaction of the Engineer, unless otherwise approved by the Engineer.
- (d) Eight transit shelters located on the collector road shown on Schedule C2, shall be constructed and located in manner that is acceptable to the Engineer.
- (e) Walkways shall be constructed in the general locations shown on Schedule C2.
- (f) A local street, designed to provide vehicle and pedestrian access to adjacent lands, shall be constructed in the general location of local street 1 shown on Schedule C2.
- (g) Two or more local streets, designed to provide vehicle and pedestrian access to adjacent lands, shall be constructed in the general area labeled as 'local street connections' shown on Schedule C2.
- (h) The location of local streets may vary from the location of local streets shown on Schedule C2 provided that:
  - i. the maximum length of any local street between intersections is no greater than two hundred (200) metres as measured from street centre line to centre line;
  - ii. the location of local streets meet the requirements to provide connections to adjacent lands, as detailed in Sections 3.4(f) and (g); and
  - iii. no cul-de-sacs are permitted.

- (i) Two 24 metre wide pedestrian easements in favour of the public located in the general location shown Schedule C2 shall be shown on the final plan of survey that enables year round ground level pedestrian access through all portions of the easements. The Developer is responsible for snow clearing and maintaining all development located within the pedestrian easement. Development within the pedestrian easements may include art and water features and shall include the following:
- i. Pathways, ramps and stairs that enable pedestrians, cyclist and persons with mobility challenges to pass through the length of the easements;
  - ii. 25% soft landscaping;
  - iii. a minimum of one tree (minimum of 60mm caliper) per 300 square metre of pedestrian easement area; and
  - iv. benches or other forms of seating that are designed to provide seating for a minimum of 25 persons.

### 3.5 Parkland

- (a) Parkland dedicated in all phases of development shall include land located in the general location of Park A and B shown on Schedule C2 and must meet the parkland requirements contained in the Regional Subdivision By-law and the requirements outlined in Table 1, below.

Park	Minimum Continuous Road Frontage	Minimum Lot Size
Park A	60 metres on the Collector Road	1,600 square metres
Park B	100 metres	6,000 square metres

- (b) Park B shall be exempt from the Topography requirements of Table B of the Regional Subdivision By-law.
- (c) Where the provision of parkland does not meet the minimum land area requirements of section 82 of the Regional Subdivision By-law, the provision of cash or equivalent value or a combination of cash and equivalent value, as determined by the Development Officer, shall apply.
- (d) The Developer agrees to develop Park B to a finished state prior to conveying the parkland to the Municipality. Specific parkland improvements shall include a combination of at least two of the following features:
- i. furnishings and lighting;
  - ii. pathways;
  - iii. recreation equipment;
  - iv. outdoor art;
  - v. heritage interpretation;
  - vi. seating;
  - vii. gardens; and
  - viii. landscaped park gateways or entranceways.
- (e) Pursuant to 3.5(d) above, the development of Park B shall be the subject to the approval of the Development Officer in consultation with the Parkland Planner, with consideration to matters including the suitability of the proposed parkland development for the lands, the need for proposed facilities, and operation and maintenance requirements.

### 3.6 Phasing

The first phase of subdivision approval shall include:

- (a) construction of the full collector road shown on Schedule C2 from the intersection with the Bedford Highway to Lacewood Drive;
- (b) construction of local street 1 as shown on Schedule C2; and
- (c) the fulfilment of all parkland dedication requirements.

## **PART 4: ENVIRONMENTAL PROTECTION MEASURES**

### **4.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

## **PART 5: AMENDMENTS**

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

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Changes to the local road, walkway and pedestrian easement requirements as detailed in Section 3.4 and Schedule C2;
- (b) Minor changes to the heights framework as detailed in Schedule C6;
- (c) The granting of an extension to the date of commencement of construction as identified in Section 6.3.3 of this Agreement; and
- (d) The length of time for the completion of the development as identified in Section 6.5 of this Agreement.

### **5.2 Substantive Amendments**

Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

## **PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **6.1 Registration**

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

### **6.2 Subsequent Owners**

- 6.2.1 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 Council.
- 6.2.2 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).

### **6.3 Commencement of Development**

- 6.3.1 In the event that development on the Lands has not commenced within seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.
- 6.3.2 For the purpose of this section, commencement of development shall mean the acceptance by the Municipality of the collector road.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1(c), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

### **6.4. Completion of Development and Discharge of Agreement**

This Agreement shall be discharged from the Lands, without the concurrence of the property owner, provided:

- (a) final subdivision has been granted for all items set out in Section 3.4 and 3.5; and
- (b) appropriate zoning has been applied to the lands, consistent with the development permitted by this Agreement.

### **6.5 Incomplete Development and Discharge of Agreement**

- 6.5.1 If the Developer fails to obtain an occupancy permit for the first building constructed within ten (10) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council 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 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**



**7.1 Enforcement**

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.

**7.2 Failure to Comply**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 14 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 defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

**SIGNED, SEALED AND DELIVERED** in the presence of:

Per: \_\_\_\_\_

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

\_\_\_\_\_

Witness

\_\_\_\_\_

Witness

Per: \_\_\_\_\_

**HALIFAX REGIONAL MUNICIPALITY**

Per: \_\_\_\_\_

**MAYOR**

Per: \_\_\_\_\_

**MUNICIPAL CLERK**

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.

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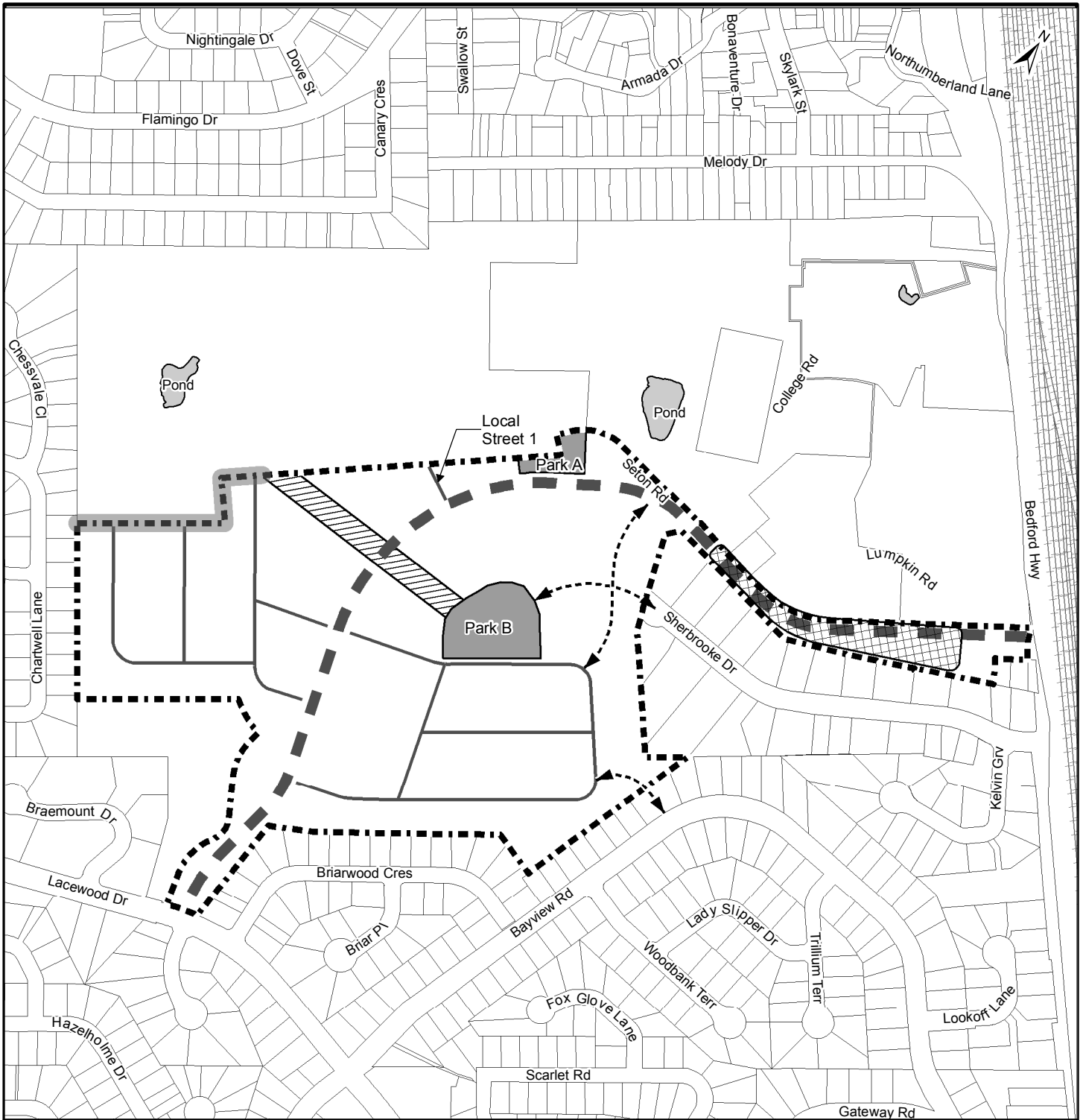
A Commissioner of the Supreme Court  
of Nova Scotia

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 Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

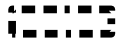




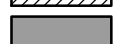


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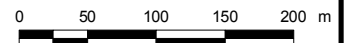
A Commissioner of the Supreme Court  
of Nova Scotia



**Schedule C2**

**HALIFAX**

-  Subject Lands
-  Walkways
-  Local Road Proposed
-  Collector Road Proposed
-  Pedestrian Easement Proposed
-  Park Proposed (Approx.)
-  Potential Steep Grades
-  Local Street Connections



The accuracy of any representation on this plan is not guaranteed.

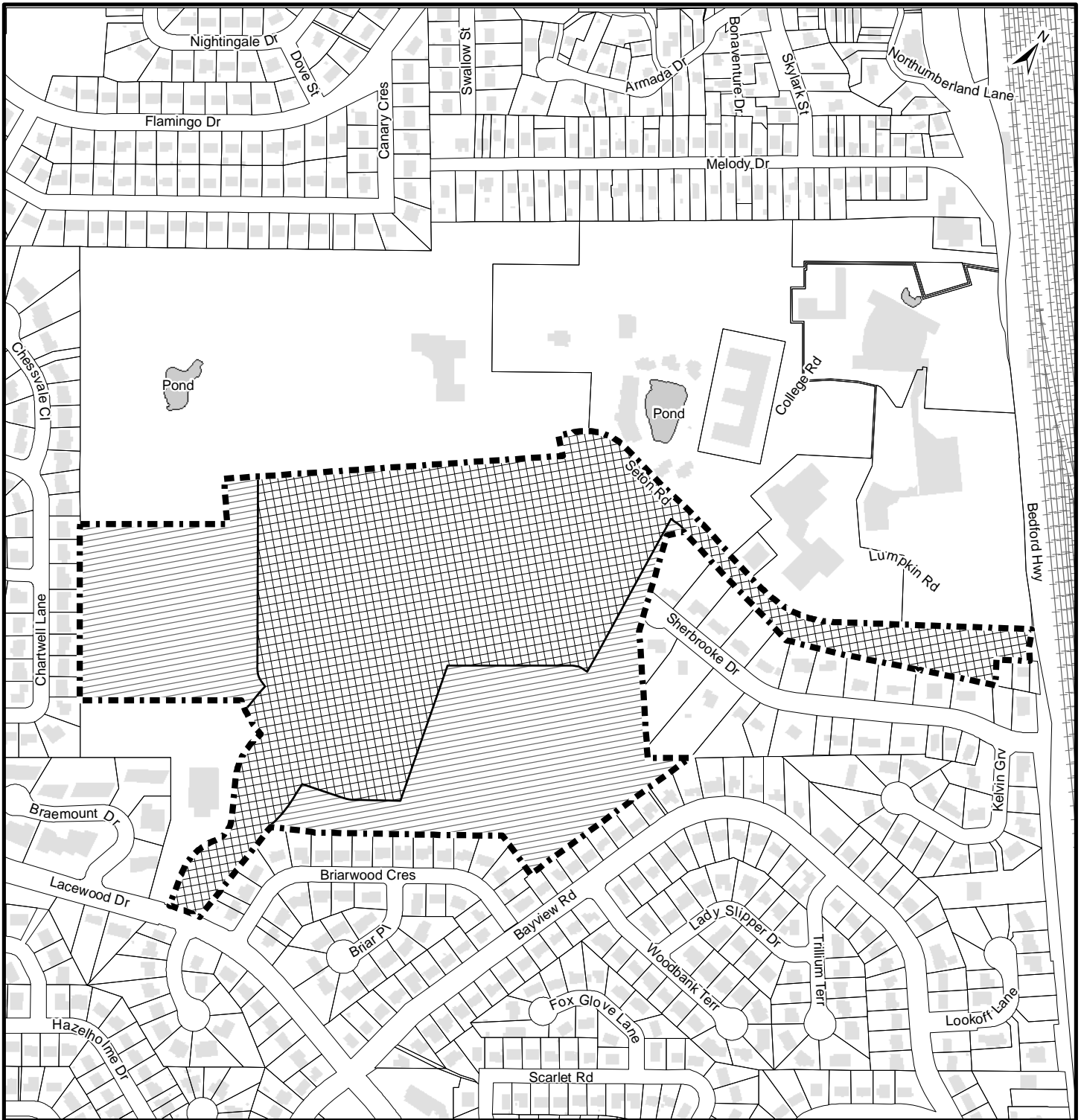
Halifax Plan Area

31 May 2018

Case 19514




IAHG

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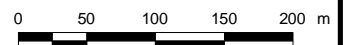


**Schedule C3**

**HALIFAX**

-  Subject Lands
-  Lands Subject to Schedule C4 – Neighbourhood Centre
-  Lands Subject to Schedule C5 – Seton Ridge Low Density Residential

Halifax  
Plan Area



The accuracy of any representation on this plan is not guaranteed.

## Schedule C4

### NEIGHBOURHOOD CENTRE (NC)

#### Permitted Uses:

1. Only the following uses shall be permitted in the NC area:
  - (a) apartment houses;
  - (b) home occupations
  - (c) retail and rental stores excluding:
    - (i) motor vehicle dealers;
    - (ii) motor vehicle repair shops, providing such shops are not primarily engaged in providing service station facilities; and
    - (iii) adult entertainment uses
  - (d) offices;
  - (e) hotels;
  - (f) banks and other financial institutions, excluding drive-throughs;
  - (g) restaurants, excluding drive-throughs;
  - (h) community facilities;
  - (i) institutional uses
  - (j) health clinics;
  - (k) appliance and small scale repair shops;
  - (l) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;
  - (m) day care facilities;
  - (n) commercial recreation uses;
  - (o) amusement centres;
  - (p) micro breweries;
  - (q) coffee roasteries;
  - (r) ferment-on-premises facilities, as defined by the Province of Nova Scotia *Liquor Control Act*;
  - (s) brew pubs
  - (t) public park
  - (u) special care homes
  - (v) government and public buildings
2. Only hotels, apartment houses, special care homes and home occupations are permitted above the second storey of a building.
3. Home occupations are not subject to the requirements of Section 14B of the Land Use By-law for the Halifax Mainland, but shall comply with the following:
  - (a) the business operator must reside in the dwelling unit;
  - (b) the home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
  - (c) there shall be no display of goods visible from the outside, or outside storage

- of equipment or material;
- (d) the home occupation shall not include adult entertainment or escort services or the retail sale of products other than those incidental to the home occupation; and
- (e) the home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling.

#### Site Design and Landscaping

4. Every lot shall have a minimum of 6.0 metres of frontage on a street.
5. Section 7(1) of the Land Use By-law for the Halifax Mainland shall not apply and more than one building may be located on a lot.
6. The parking requirements under the General Provisions of the Land Use By-law for the Halifax Mainland shall not apply in the NC area. However, the following parking and access requirements shall apply:
  - (a) any surface parking shall cover no more than 20% of a lot. For the purpose of this clause, parking on the top of a parking structure over 3 metres in height shall not be considered surface parking;
  - (b) no parking shall be located between a building and a street;
  - (c) a maximum of one driveway access per lot is permitted to a collector road; and
  - (d) parking structures located above grade shall not be located within 20 metres of a collector road.
7. Any outdoor area used for solid waste management shall be located in a side or rear yard and shall be fully enclosed by an opaque fence or wall at least 2.0 metres high, except for an opening or gate required for access. Any such area shall not be located within 3.5 metres of any lot line.
8. Landscaping shall be required between the building and any public sidewalk. A driveway may be permitted across this landscaped area.
9. A minimum of 25% of a lot shall be covered with soft landscaping. Soft landscaping located on a building rooftop may be counted toward up to 15% of this requirement.
10. Where a side or rear yard is required, it shall contain landscaped open space in accordance with the following requirements:
  - (a) trees shall be planted at a rate of one (1) tree (minimum of 60mm caliper) and three (3) shrubs per 4.6 metres as measured along the side or rear lot line; or
  - (b) existing trees (minimum of 60mm caliper) and shrubs may be incorporated into the landscaped setback, and may be calculated as part of the above one (1) tree and three (3) shrubs per 4.6 metres requirement providing the existing trees and shrubs remain intact following the completion of development.

11. All required soft landscaping shall:
  - (a) conform to the latest edition of the *Canadian Landscape Standard*; and
  - (b) be maintained in healthy condition and any soft landscaping that dies shall be replaced within one year or at the beginning of the next growing season, whichever is sooner.
12. All required landscaped areas shall not be used for storage, loading, unloading, or the movement or parking of motor vehicles.
13. In addition to all other requirements, a development permit application for the development of a main building shall include a landscape plan prepared by a registered landscape architect. The landscape plan shall depict the design of all hard and soft landscaping in the development, and shall contain:
  - (a) the current and proposed site topography, including the location of any significant gradients;
  - (b) planting areas and details for all new vegetation and groundcover, including location, quantity, size, and names (common and botanical, including species and variety if known);
  - (c) the location and identification of existing vegetation that will be used to meet all landscaping requirements;
  - (d) protection measures, such as hoardings, for any existing landscaping that is to be maintained;
  - (e) construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
  - (f) manufacturers' specifications (such as model and colour) for all seating, light standards and fixtures, waste receptacles, bicycle racks, tree grates/guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management enclosures, railings, and fencing; and
  - (g) boundaries and access points for all publicly accessible space.
14. Subject to Subsection 13, before being issued an occupancy permit, the applicant shall submit to the Development Officer a letter from a landscape architect certifying that all landscaping has been completed according to the approved landscape plan.
15. Notwithstanding Section 14, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the



work and its certification.

#### General Building Design Requirements

16. Balconies and landscaped roof terraces shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of encroaching balconies per level does not exceed 50% of the horizontal width of that building face.
17. The following external cladding materials shall not be permitted:
  - (a) Vinyl;
  - (b) Plywood;
  - (c) Concrete masonry units;
  - (d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and
  - (e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.
18. Any roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened and shall not be visible from any abutting public street.
19. Any exposed foundation or parking structure in excess of 0.6 metres in height shall be faced with external cladding materials or architecturally detailed in a manner that is complementary with external cladding materials of the main building.
20. All vents, downspouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design.
21. Loading and service areas are required to be concealed with automatic overhead doors that are a maximum width of 6.0 metres.

#### Podium and Streetwall Requirements

22. The streetwall façade facing a public street shall conform to the following specifications:
  - (a) any portion of the streetwall above the ground floor may project horizontally no more than 2.0 metres towards the street; and
  - (b) if the horizontal length exceeds 17 metres, the façade shall be broken into horizontal compartments with a distinct change in vertical architectural articulation using different façade materials, projections, roof changes or colours.
23. With the exception of apartment houses, the ground floor of the streetwall shall:

- (a) be comprised of a minimum 60 percent glazing of clear glass; and
- (b) have a height of at least 4.5 metres as measured between the finished slabs of the ground and second floors, except that up to 30% of the ground floor may be reduced to 3.0 metres in height.

24. For apartment houses, the ground floor of the streetwall shall have separate exterior entrances for all at grade residential units.

25. Any awnings are required to:

- (a) have at least 2.7 metres of vertical clearance; and
- (b) project horizontally a minimum of 1.5m or 2/3 the width of the sidewalk, whichever is less.

Moderate and Tall Building Design Requirements

26. The top one or two storeys of a building shall be distinguished from the rest of the building using one or more of the following: different materials; projections; types, quantities or articulation of windows; roof changes; floor heights; or colours.

Building Requirements

27. All buildings shall conform with the following requirements:

<b>Building Requirement</b>	<b>Streetwall and Podium</b>	<b>Moderate (above podium)</b>	<b>Tall (above podium)</b>
Maximum front yard setback*	3 m along 65% of the street line	None	None
Minimum side and rear yard setback a) abutting NC Zone b) abutting public parks or any other zone	None 6m	5 m 10 m	15 m 20 m
Minimum stepback above streetwall facing a public street or park	NA	3 m along at least 65% of the streetwall	3 m along at least 65% of the streetwall
Maximum height (total)	See Schedule C6 Heights Map	21 metres	See Schedule C6 Heights Map
Maximum horizontal building dimension	68 m	68 m	45 m
Maximum floor plate	None	None	900 sq. m.
Minimum separation between buildings located on the same lot	6 m	10 m between two moderate portions of a building and 12.5 m between a moderate and a tall portion of a building	12.5 m between a tall and moderate portion of a building and 25 m between two tall portions of a building

\* Not applicable on lots with less than 8 metres of street frontage

28. The height requirements specific in section 26, above, shall not apply to a church spire, lightning rod, elevator enclosure, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney,

landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.

#### Additional Apartment House Requirements

29. A minimum of 30 percent of the dwelling units within an apartment house shall contain two or more bedrooms. Where 30% of the units is not a whole number, the required number of units is rounded up to the next whole number
30. Apartment house buildings shall provide amenity space at a rate of 10 square metres per unit in the form of unit patios, unit balconies or terraces, private landscaped open spaces and interior amenity space. Where provided, interior amenity or private landscaped open space(s) shall have a minimum area of 40 square metres.

#### Signs

31. Signs may be placed on a building subject to the following conditions:
  - (a) the signs may only be placed on the ground or second floor face of a streetwall in front of a business and no signs shall be permitted on the roof of a building;
  - (b) where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
  - (c) fascia signs shall not extend beyond a wall on which they are affixed;
  - (d) maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall of the premise to which it is attached;
  - (e) aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
  - (f) signs on awnings shall not cover more than 25 percent of the area of the awning and the width of the text shall not exceed 80 percent of the width of the awning; and
  - (g) except as provided for by this section, signs shall conform with Section 14DA of the Land Use By-law for the Halifax Mainland.
31. A maximum of one billboard sign is permitted to advertise and direct the public to development located within the Residential Care Campus area identified in the Seton Ridge Neighbourhood Plan and subject to the requirements set out in Section 14D(2) of the Land Use By-law for the Halifax Mainland.

## Schedule C5

### SETON RIDGE LOW DENSITY (SRLD)

1. Only the following uses shall be permitted in the SRLD area:

- (a) single unit dwellings;
- (b) semi-detached dwellings
- (c) duplexes;
- (d) townhouses;
- (e) stacked townhouses;
- (f) home occupations;
- (g) day care facilities;
- (h) open space and public parks; and
- (i) uses accessory to the above permitted uses.

4. LOCATIONAL RESTRICTIONS

Townhouses and stacked townhouses are not permitted on lots that abut a single unit dwelling located on a lot that are outside of the Seton Ridge Neighbourhood Plan Designation as set out in the Municipal Planning Strategy for Halifax.

REQUIREMENTS

5. Buildings to be occupied or developed as a single unit dwelling, a semi-detached dwelling or a duplex shall conform with the following requirements:

- |                          |  |
|--------------------------|--|
| (a) Minimum lot frontage | 9.75 metres (32 feet) for single unit dwellings and duplexes<br><br>7.62 metres (25 feet) per unit for semi-detached dwellings<br><br>On cul-de-sac bulbs or streets with radius less than 100 metres (328 feet), the frontage requirement may be reduced no more than 20% |
| (b) Minimum lot area     | 315.9 square metres (3,400 square feet) for single unit dwellings<br><br>232.3 square metres (2,500 square feet) per unit for a semi-detached dwelling   |
| (c) Maximum height       | 10.67 metres (35 feet)   |
| (d) Minimum front yard   | 6.1 metres (20 feet) where parking is provided in the front yard. This may be reduced to no  |

less than 2.0 metres (6.56 feet) if parking is located in the side or rear yard.

- (e) Minimum rear yard 6.1 metres (20 feet). Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet)
- (f) Minimum side yard 1.22 metres (4 feet) or 0 metres for adjoining semi-detached dwellings

### TOWNHOUSES

6. Buildings to be developed or occupied as townhouses shall comply with the following requirements:

- (a) Minimum lot frontage 6.1 metres (20 feet) per unit
- (b) Minimum lot area 150.04 square metres (1,615 square feet) per Unit
- (c) Maximum height 10.67 metres (35 feet) per unit
- (d) Minimum front yard 6.1 metres (20 feet) where parking is provided in the front yard. This may be reduced to no less than 3.05 metres (10 feet) if parking is located in the rear yard.
- (e) Minimum rear yard 7.62 metres (25 feet). Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet).
- (f) Minimum side yard 3.05 metres (10 feet) for end units
- (h) Maximum number of units 8 units
- (i) Minimum unit width 5.5 metres (18 feet)
- (j) All dwelling units in a townhouse shall have a front door that faces the street or driveway.

### STACKED TOWNHOUSES

7. Buildings to be developed as stacked townhouses shall comply with the following requirements:

- (a) Minimum lot frontage 4.57 metres (15 feet) per unit
- (b) Minimum lot area 100.34 square metres (1080 square feet) per unit

- (c) Maximum height 10.67 metres (35 feet) for each unit
- (d) Minimum front yard 6.1 metres (20 feet) where parking is provided in the front yard. This may be reduced to 3.05 metres (10 feet) if parking is located in the rear yard.
- (e) Minimum rear yard 7.62 metres (25 feet). Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet).
- (f) Minimum side yard 4.57 metres (15 feet) for end units
- (h) Maximum number of units 16 units
- (i) All dwelling units in a stacked townhouse shall have a front door that faces the street or driveway.

#### SUBDIVISION OF TOWNHOUSE BUILDING

- 8. A townhouse building may be subdivided so that each townhouse unit is on its own lot, provided that the minimum requirements of this zone are met, except that no side yard shall be required along the common lot boundary dividing the townhouse building.

#### BUILDING FACADES FOR TOWNHOUSE AND STACKED TOWNHOUSE BUILDINGS

- 9. A minimum of 30% of front wall areas shall be windows or doors.
- 10. Townhouse or stacked townhouse buildings shall feature at least one of the following:
  - (a) horizontal variation between dwelling units through such devices as changes in colour, material, and projections and recesses of 0.5 metres (1.6 feet); or
  - (b) vertical variation between dwelling units through such devices as changes in colour, material, and projections and recesses of 0.5 metres (1.6 feet)
- 11. Notwithstanding front yard setback requirements, projections such as eaves, window bays and window treatments of less than 0.75 metres (2.5 feet) shall be permitted.

#### LANDSCAPED OPEN SPACE AND AMENITY SPACE

- 12. Townhouse and stacked townhouse buildings shall provide a minimum of 35% landscaped open space per site, with a minimum of 13.94 square metres (150 square feet) of outdoor amenity space per dwelling unit.

13. Outdoor amenity space may be in the form of any front yard, rear yard, side yard, deck, balcony, terrace or patio, or any combination thereof.

#### GARAGE REQUIREMENTS

14. Where a garage is attached to a main dwelling, the garage shall:
- (a) be recessed from the front wall of the dwelling by at least 1 metre; and
  - (b) occupy no more than 50% of the front exterior wall width of any main building.

#### DRIVEWAY REQUIREMENTS

15. Where possible, driveways shall be paired with a decorative strip between driveways that are a minimum of 30 cm (1 foot) in width to a maximum width of 1.5 metres (4.92 feet).
16. The Development Officer may waive the requirement to pair driveways if design constraints limit the feasibility of pairing driveways including, but not limited to, the placement of services and utilities, grade changes, the curvature of the road or an uneven number of dwellings.
17. The maximum width of any driveway between the curb and front property line shall be 3.66 metres (12 feet) per dwelling, and shall not exceed 4.27 metres (14 feet) in width in the front yard.

#### ACCESSORY BUILDINGS

18. (a) Accessory structures shall not:
- i. be used for human habitation;
  - ii. be located within the required front yard of a lot;
  - iii. be built closer than 1.22 metres (4 feet) to any side or rear lot line except for common semi-detached garages which may be centred on the mutual side lot line;
  - iv. exceed 69.7 square meters (750 square feet) in total floor area, except for public buildings and uses; nor
  - v. be built within 1.82 metres (6 feet) of the main building.
- (b) Drop awnings, clothes poles, flag poles, garden trellises, fences, children's play structures, satellite dishes, uncovered decks no higher than 0.61 metres (2 feet) and retaining walls shall be exempted from any of the requirements of this section.
- (c) Garbage collection bins and stalls shall be subject to the accessory structure provisions of this section and shall be fenced or otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

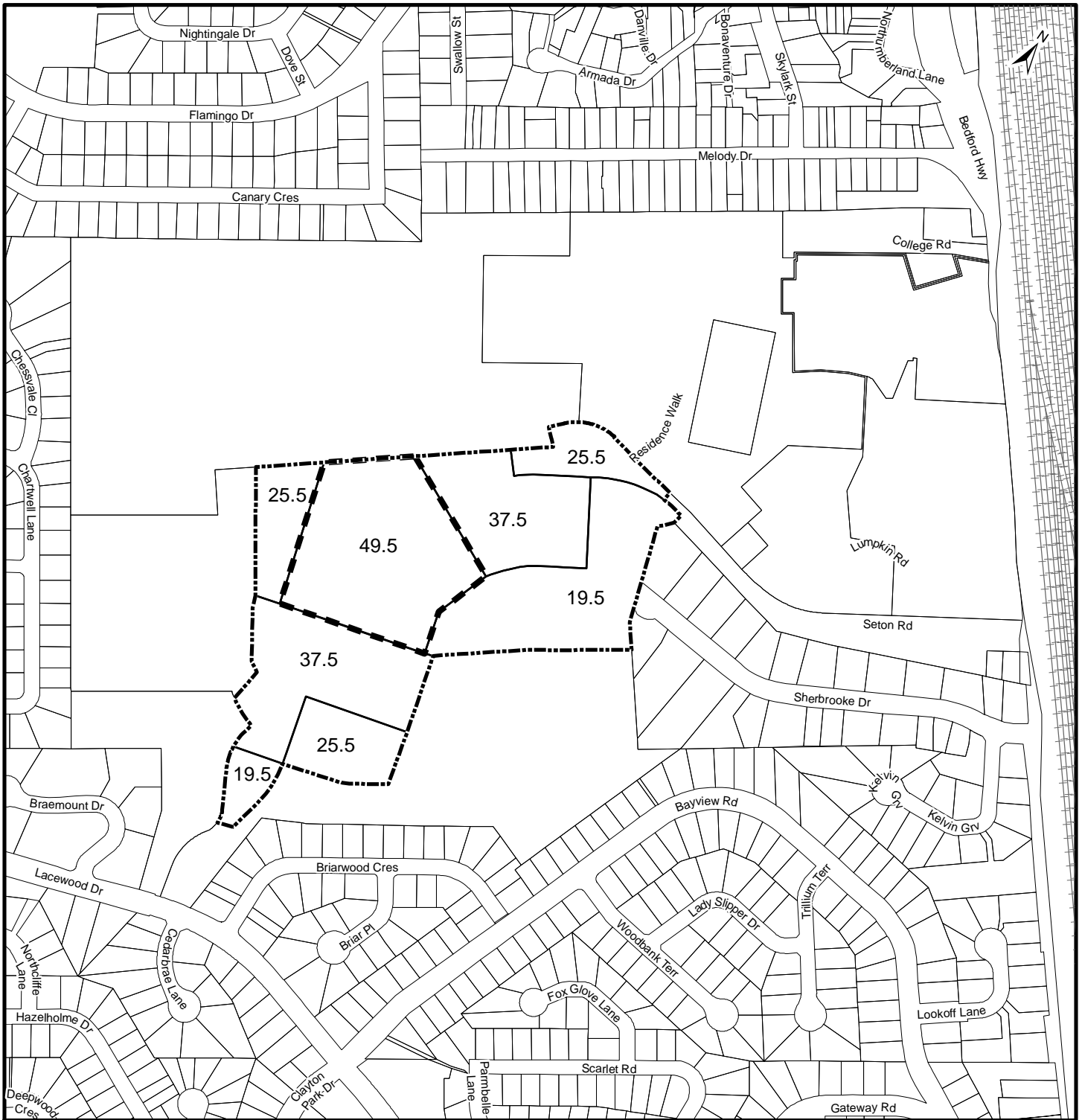
### HOME OCCUPATIONS

19. Home occupations shall comply with the provisions of the R-2TA Zone of the Land Use By-law for the Halifax Mainland.

### DAY CARE FACILITIES

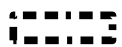


20. Buildings erected, altered or used for a day care facility shall comply with the following requirements:
  - (a) A day care facility shall only be permitted in conjunction with a permitted dwelling, and shall be limited to a maximum of one full storey of the dwelling, which may be the basement storey.
  - (b) A day care facility shall accommodate no more than eight (8) children.
  - (c) Only one day care facility shall be permitted on a lot.
  - (d) Except for outdoor play space, any day care facility shall be wholly contained within a dwelling which is the principle residence of the operator of the facility.
  - (e) One off-street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be 2.44 metres (8 feet) wide by 4.88 metres (16 feet) long, and shall not be in the required front yard.



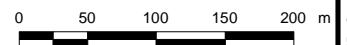


**Schedule C6  
Heights Map**

**HALIFAX**

-  Applicable Area
-  15.5 Metre Streetwall\*
-  Height Boundaries (Heights in metres)

\*Streetwall for all remaining areas - 12.5m



The accuracy of any representation on this plan is not guaranteed.

Halifax  
Plan Area

30 January 2018

Case 19514

IAHG

**Schedule C7**  
**Collector Road Terms and Conditions**

1. The portion of the collector road identified on Schedule C2 as "Potential Steep Grades" shall be heated by a concrete pavement system that uses excess heat from Mount St. Vincent University subject to the following terms and conditions:
  - (a) at no point shall any portion of the collector road exceed a grade of 11.8%;
  - (b) the Developer is solely responsible for all costs associated with the research, development, design and construction of the heated concrete paving system;
  - (c) the Developer agrees to warranty all portions of the collector road that have heated concrete pavement for a minimum of seven (7) years from the time of the acceptance by the Municipality of the primary services, including warranting the entire heating system;
  - (d) the Developer agrees to pay all the costs of operating the heating system for a minimum of seven (7) years from the time of the acceptance by the Municipality of the primary services;
  - (e) the Developer agrees to secure the rights and use of the excess heat from Mount St. Vincent University in perpetuity at no cost to the Municipality;
  - (f) the Developer agrees that the heated concrete paving system is the only design solution which the Municipality is required to consider under this Agreement, and other design solutions will only be considered in accordance with the Municipal Design Guidelines at the sole discretion of the Engineer; and
  - (g) the Developer agrees that if the heated concrete paving system is constructed, the Municipality will only consider taking ownership of the collector road if such system is constructed, installed and functioning to the sole satisfaction of the Engineer.
2. The Developer agrees to construct an Active Transportation (AT) pathway alongside the collector road, within the general area shown on Schedule C2, that includes a curvilinear design with rest and transition areas to reduce the overall grade of the pathway.
3. The Developer agrees that any rights secured must be assignable to the Municipality, upon such terms and conditions that are agreeable to the Municipality, prior to the Municipality accepting the collector road.

## Attachment D

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

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located to the south of Mount Saint Vincent University in Halifax and which said lands are more particularly described in Schedule D1 hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for subdivision and development of the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 8A.11 of the Halifax Municipal Planning Strategy and Subsection 62AF(2) of the Mainland Halifax Land Use By-law;

AND WHEREAS the Halifax West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 19514;

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**

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**

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Mainland Halifax and the Regional Subdivision By-law, as may be amended from time to time.

#### **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 and 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**

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**

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.

### **PART 2: DEFINITIONS**

#### **2.1 Words Not Defined under this Agreement**

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

#### **2.2 Definitions Specific to this Agreement**

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

- (a) GROSS FLOOR AREA (GFA) means the gross horizontal area of all floors in a building, and of all floors in any accessory structure on the same lot, measured from the exterior faces of the exterior walls, or the centreline of a common wall separating two buildings, but excluding unenclosed balconies and underground floor area not used for residential purposes.

- (b) GROSS FLOOR AREA RATIO (GFAR) means the gross floor area divided by the area of the lot.
- (c) SHARED HOUSING DWELLING means a building or portion of a building that:
  - i. contains shared housing units that are accessible from a private entrance, either outside the building or in a common area within the building; and
  - ii. is occupied or, if unoccupied, are reasonably fit for occupancy; and
  - iii. (A) contains either kitchen facilities or toilet facilities that are shared with the occupants of the shared housing dwelling, or  
(B) contains both kitchen facilities and toilet facilities that are shared with the occupants of the shared housing dwelling.
- (d) SHARED HOUSING UNIT means living quarters that:
  - i. are accessible from a private entrance, either outside the building or in a common area within the building; and
  - ii. are occupied or, if unoccupied, are reasonably fit for occupancy; and
  - iii. (A) contain either kitchen facilities or toilet facilities that are shared with the occupants of the building, or  
(B) contain both kitchen facilities and toilet facilities that are shared with the occupants of the building.

### **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

#### **3.1 Schedules**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to and forming part of this Agreement and filed in the Halifax Regional Municipality as Case Number 19514:

Schedule D1	Legal Description of the Lands
Schedule D2	Site Plan and Land Use Areas
Schedule D3	Residential Care Campus
Schedule D4	Neighbourhood Centre
Schedule D5	Seton Ridge Low Density
Schedule D6	Heights Framework

#### **3.3 General Description of Land Use**

The development and use of the Lands permitted by this Agreement shall conform to the requirements contained in Schedules D2, D3, D4, D5 and D6.

#### **3.4 Subdivision**

Subdivision applications shall be submitted to the Development Officer in accordance with Schedule D2 and the Development Officer shall grant subdivision approvals subject to and in accordance with the Regional Subdivision By-law and the following terms and conditions:

- (a) The Developer shall follow the full subdivision application process set out in the Regional Subdivision By-law, beginning with a complete concept subdivision application.
- (b) Walkways shall be constructed in the general locations shown on Schedule D2.
- (c) One or more local streets shall provide a minimum of two points of vehicular access to the

Residential Care Campus area shown on Schedule D2.

- (d) One of the local streets required in Section 3.4(c) shall be located in the general location of local street 1 shown on Schedule D2.
- (e) The maximum length of any local street between intersections shall be no greater than two hundred (200) metres, as measured from street centre line to centre line, and no cul-de-sacs are permitted.

### 3.5 Parkland

- (a) Parkland dedicated in all phases of development shall include land located in the general location of Park A1, A2 and B shown on Schedule D2 and must meet the parkland requirements contained in the Regional Subdivision By-law and the requirements outlined in Table 1, below.

<b>Park</b>	<b>Minimum Continuous Road Frontage</b>	<b>Minimum Area</b>
Park A1	NA (frontage provided through adjacent parkland that is not part of this agreement)	5,000 square metres
Park A2	NA (frontage provided through adjacent parkland that is not part of this agreement)	1,500 square metres
Park B	100 metres	8,000 square metres (excluding the area of the existing pond)

- (b) Park B shall maintain the existing pond and the surrounding natural vegetation located within 20 metres of the shoreline.
- (c) The Developer agrees to develop Park A1, A2 and B to a finished state prior to conveying the parkland to the Municipality. Specific parkland improvements shall include a combination of at least two of the following features:
  - i. furnishings and lighting;
  - ii. pathways;
  - iii. recreation equipment;
  - iv. outdoor art;
  - v. heritage interpretation;
  - vi. seating;
  - vii. gardens; and
  - viii. landscaped park gateways or entranceways.
- (d) Pursuant to 3.5(c) above, the development of Parks A1, A2 and B shall be subject to the approval of the Development Officer in consultation with the Parkland Planner, with consideration to matters including the suitability of the proposed parkland development for the lands, the need for proposed facilities, and operational and maintenance requirements.

### 3.6 Phasing

- (a) Prior to the development of any local streets, the Residential Care Campus (RCC) area shown on Schedule D2 may be subdivided from the Lands into a single lot that does not meet the street frontage requirements set out in this Agreement and the Regional Subdivision By-law and parkland dedications requirements shall not apply.

- (b) Prior to the development local streets that provide a minimum of two points of vehicular access to the Residential Care Campus (RCC) area shown on Schedule D2, one new building may be constructed within the RCC area provided:
  - i. the total floor area of the building above grade does not exceed a total of 25,000 square metres; and
  - ii. registered easements enable vehicles and pedestrians to access the building from a public road.
- (c) With the exception of the subdivision permitted in Section 3.6(a), the first phase of subdivision shall include:
  - i. construction of one or more local streets that provide a minimum of two points of vehicular access to the Residential Care Campus (RCC) area shown on Schedule D2; and
  - ii. the fulfilment of all parkland dedication requirements.

#### **PART 4: ENVIRONMENTAL PROTECTION MEASURES**

##### **4.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

#### **PART 5: AMENDMENTS**

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

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Changes to the walkway requirements as detailed in Section 3.4 and Schedule D2;
- (b) Changes to the Gross Floor Area Ration (GFAR) requirements as detailed in Schedule D3;

- (c) Minor changes to the heights framework as detailed in Schedule D6;
- (d) Changes to the Agreement to enable additional development within the Residential Care Campus (RCC) area prior to the development of local roads within the Lands;
- (e) The granting of an extension to the date of commencement of construction as identified in Section 6.3.3 of this Agreement; and
- (f) The length of time for the completion of the development as identified in Section 6.5 of this Agreement.

## **5.2 Substantive Amendments**

Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

## **PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **6.1 Registration**

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

### **6.2 Subsequent Owners**

- 6.2.1 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 Council.
- 6.2.2 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).

### **6.3 Commencement of Development**

- 6.3.1 In the event that development on the Lands has not commenced within seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.
- 6.3.2 For the purpose of this section, commencement of development shall mean the acceptance of primary and secondary services by the Municipality for one or more local roads that provide a minimum of two points of vehicular access to the Residential Care Campus area shown on Schedule D2.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1(d), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

### **6.4. Completion of Development and Discharge of Agreement**

This Agreement shall be discharged from the Lands, without the concurrence of the property owner, provided:



- (a) final subdivision has been granted for all items set out in Section 3.4 and 3.5; and
- (b) appropriate zoning has been applied to the lands, consistent with the development permitted by this Agreement.

## **6.5 Incomplete Development and Discharge of Agreement**

- 6.5.1 If the Developer fails to obtain an occupancy permit for the first new building constructed within thirteen(13) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council 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 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **7.1 Enforcement**

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.

### **7.2 Failure to Comply**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 14 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 defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

**SIGNED, SEALED AND DELIVERED** in the presence of:

Per: \_\_\_\_\_

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

Per: \_\_\_\_\_

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**MAYOR**

Per: \_\_\_\_\_

**MUNICIPAL CLERK**

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

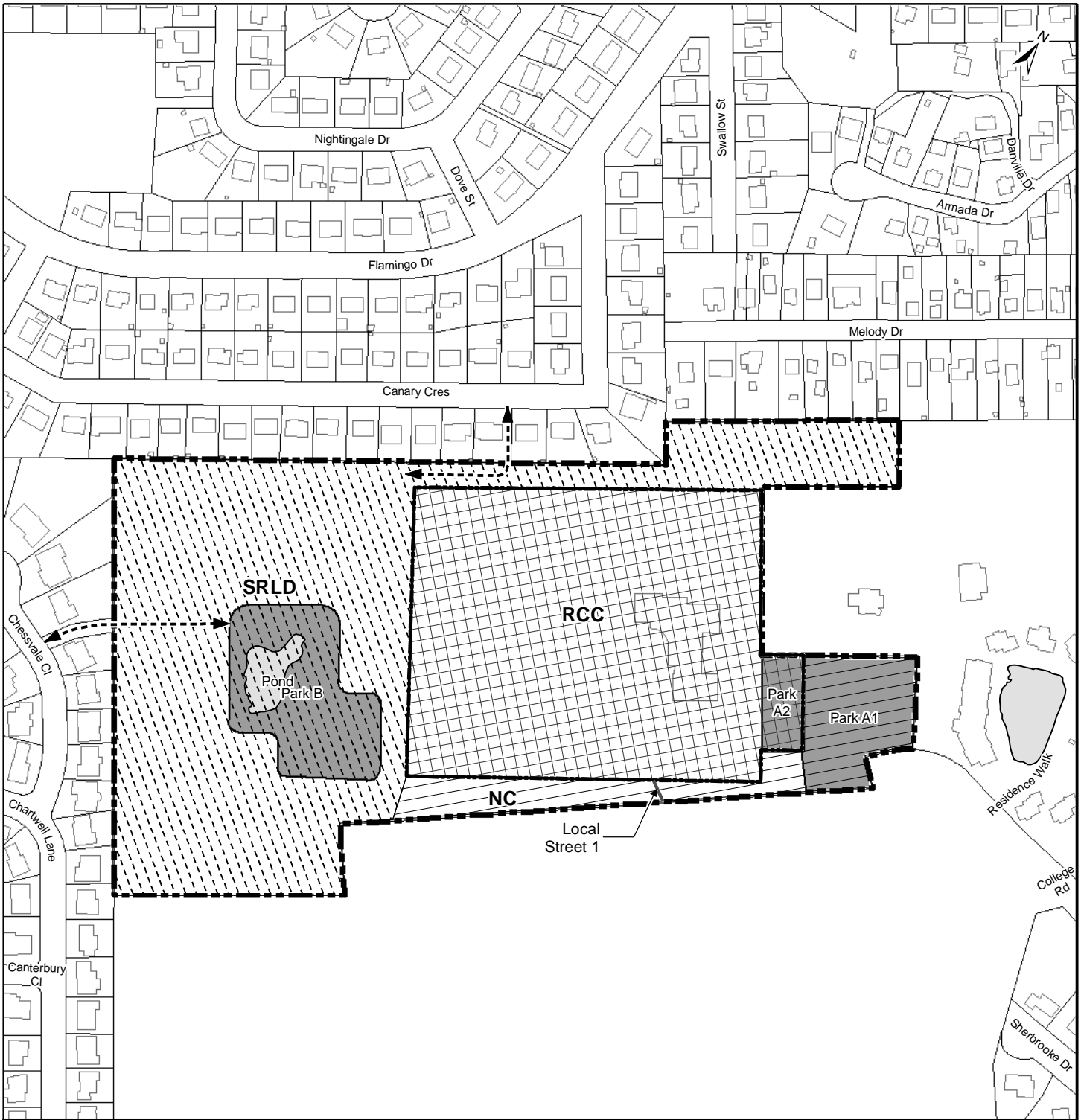
On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that \_\_\_\_\_, \_\_\_\_\_ of the parties thereto, signed, sealed and delivered 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 Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

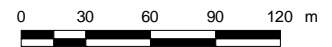
\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia



**Schedule D2 - Site Plan**

**HALIFAX**

-  Subject Lands
-  Lands Subject to Schedule D3 – Residentail Care Campus (RCC)
-  Lands Subject to Schedule D4 – Seton Ridge Low Density (SRLD)
-  Lands Subject to Schedule D5 – Neighbourhood Centre (NC)
-  Park (Approximate Location)
-  Walkways



The accuracy of any representation on this plan is not guaranteed.

Halifax  
Plan Area

5 June 2018

Case 19514

IAHG

## Schedule D3

### RESIDENTIAL CARE CAMPUS (RCC)

#### Permitted Uses:

1. Only the following uses are permitted in the RCC area:
  - (a) apartment houses;
  - (b) home occupations
  - (c) retail and rental stores excluding:
    - (i) motor vehicle dealers;
    - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
    - (iii) adult entertainment uses
  - (d) offices;
  - (e) restaurants, excluding drive-throughs;
  - (f) community facilities;
  - (g) institutional uses
  - (h) health clinics;
  - (i) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;
  - (j) day care facilities;
  - (k) commercial recreation uses;
  - (l) public park
  - (m) special care homes
  - (n) shared housing dwellings
  - (o) government and public buildings
2. Only apartment houses, special care homes, shared housing dwellings and home occupations are permitted above the first storey of a building.
3. Home occupations are subject to the following requirements:
  - (a) the business operator must reside in the dwelling unit;
  - (b) the home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
  - (c) there shall be no display of goods visible from the outside, or outside storage of equipment or material;
  - (d) the home occupation shall not include adult entertainment or escort services or the retail sale of products other than those incidental to the home occupation; and
  - (d) the home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling.

#### Site Design and Landscaping

4. Every lot shall have a minimum of 6.0 metres of frontage on a street.

5. Notwithstanding Section 7(1) of the Land Use By-law for the Halifax Mainland, more than one building may be located on a lot provided the lot meets minimum street frontage requirements, unless otherwise provided for in this Agreement.
6. The parking requirements under the General Provisions of the Land Use By-law for the Halifax Mainland shall not apply in the RCC area. However, the following parking requirements shall apply:
  - (a) any surface parking shall cover no more than 20% of a lot where, for the purpose of this clause, parking on the top of a parking structure over 3 metres in height shall not be considered surface parking; and
  - (b) no parking shall be located between a building and a street, except for parking areas and buildings that existed prior to this Agreement;
7. Any outdoor area used for solid waste management shall be located in a side or rear yard and shall be fully enclosed by an opaque fence or wall at least 2.0 metres high, except for an opening or gate required for access. Any such area shall not be located within 3.5 metres of any lot line.
8. Landscaping shall be required between the building and a public sidewalk. A driveway may be permitted across this landscaped area.
9. A minimum of 25% of a lot shall be covered with soft landscaping. Soft landscaping located on a building rooftop may be counted toward up to 15% of this requirement.
10. Where a side or rear yard is required, it shall contain landscaped open space in accordance with the following requirements:
  - (a) trees shall be planted at a rate of one (1) tree (minimum of 60mm caliper) and three (3) shrubs per 4.6 metres as measured along the side or rear lot line; or
  - (b) existing trees (minimum of 60mm caliper) and shrubs may be incorporated into the landscaped setback, and may be calculated as part of the above one (1) tree and three (3) shrubs per 4.6 metres requirement providing the existing trees and shrubs remain intact following the completion of development.
10. All required soft landscaping shall:
  - (a) conform to the latest edition of the *Canadian Landscape Standard*; and
  - (b) be maintained in healthy condition and any soft landscaping that dies shall be replaced within one year or at the beginning of the next growing season, whichever is sooner.
11. All required landscaped areas must not be used for storage, loading, unloading, or the movement or parking of motor vehicles.
12. A development permit application for the development of a main building shall include a landscape plan prepared by a registered landscape architect. The landscape plan shall depict the design of all hard and soft landscaping in the development, and shall contain:
  - (a) the current and proposed site topography, including the location of any significant gradients;

- (b) planting areas and details for all new vegetation and groundcover, including location, quantity, size, and names (common and botanical, including species and variety if known);
  - (c) the location and identification of existing vegetation that will be used to meet all landscaping requirements;
  - (d) protection measures, such as hoardings, for any existing landscaping that is to be maintained;
  - (e) construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
  - (f) manufacturers' specifications (such as model and colour) for all seating, light standards and fixtures, waste receptacles, bicycle racks, tree grates/guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management enclosures, railings, and fencing; and
  - (g) boundaries and access points for all publicly accessible space.
13. Subject to Subsection 12, before being issued an occupancy permit, the applicant shall submit to the Development Officer a letter from a landscape architect certifying that all landscaping has been completed according to the approved landscape plan.
14. Notwithstanding Section 13, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

#### General Building Design Requirements

15. Balconies and landscaped roof terraces shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of encroaching balconies per level does not exceed 50% of the horizontal width of that building face.
16. Any building wall facing the street shall consist of at least 30% windows and doors.
17. The main entrances to a building shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved by the Development Officer. Service entrances shall be integrated into the design of the building and shall not be a predominate feature.

18. The following external cladding materials shall not be permitted:
  - (a) Vinyl;
  - (b) Plywood;
  - (c) Concrete masonry units; and
  - (e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.
19. Any roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design or screened and shall not be visible from any abutting public street.
20. Any exposed foundation or parking structure in excess of 0.6 metres in height shall be faced with external cladding materials or architecturally detailed in a manner that is complementary with external cladding materials of the main building.
21. All vents, downspouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design.
22. Apartment houses, shared housing dwellings and special care homes shall provide amenity space at a rate of 10 square metres per unit in the form of unit patios, unit balconies or terraces, private landscaped open spaces and interior amenity space. Where provided, interior amenity or private landscaped open space(s) shall have a minimum area of 40 square metres.

#### Podium and Streetwall Requirements

23. The streetwall façade facing a public street shall conform to the following specifications:
  - (a) any portion of the streetwall above the ground floor may project horizontally no more than 2.0 metres towards the street; and
  - (b) if the horizontal length exceeds 17 metres, the façade shall be broken into horizontal compartments with a distinct change in vertical architectural articulation using different façade materials, projections, roof changes or colours.
24. With the exception of apartment houses, shared housing dwellings and special care homes, the ground floor of the streetwall shall:
  - (a) be comprised of a minimum 60 percent glazing of clear glass; and
  - (b) have a height of at least 4.5 metres as measured between the finished slabs of the first and second floors, except that up to 25% of the ground floor may be reduced to 3.0 metres in height.
25. Any awnings are required to:
  - (a) have at least 2.7 metres of vertical clearance; and
  - (b) project horizontally a minimum of 1.5m or 2/3 the width of the sidewalk, whichever is less.

#### Moderate and Tall Building Design Requirements

26. The top one or two storeys of a building shall be distinguished from the rest of the building using one or more of the following: different materials; projections; types, quantities or



articulation of windows; roof changes; floor heights; or colours.

Building Requirements

- 27. The maximum gross floor area ratio for all buildings located on a lot is 3.5.
- 28. Buildings shall conform with the following requirements and only one moderate or tall building form may be used in any one building:

<b>Building Requirement</b>	<b>Streetwall and Podium</b>	<b>Moderate (above podium)</b>	<b>Tall (above podium)</b>
Maximum front yard setback*	6 m along 65% of the street line	None	None
Minimum side and rear yard setback			
a) abutting lots subject to Schedule D3 (RCC) controls	None	5 m	15 m
b) abutting public parks or any other area	6 m	10 m	20 m
Minimum stepback above streetwall facing a public street or park	NA	3 m along at least 65% of the streetwall	3 m along at least 65% of the streetwall
Maximum height	See Schedule D6, Heights Map	25.5 metres	See Schedule D6, Heights Map
Maximum horizontal building dimension	none	68 m	45 m
Maximum floor plate	None	None	900 sq. m.
Minimum separation between buildings located on the same lot	6 m	10 m between two moderate buildings and 12.5 m between a moderate and a tall building	12.5 m between a tall and moderate building and 25 m between two tall buildings

\* Not applicable on lots with less than 8 metres of street frontage

- 29. The height requirements specified in section 28, above, shall not apply to a church spire, lightning rod, elevator enclosure, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.

Signs

- 30. Signs may be placed on the Land or building subject to the following conditions:
  - (a) signs shall not be placed above the second-floor ceiling height of any building, and no signs shall be permitted on the roof of any building;
  - (b) fascia signs shall not extend beyond 15 cm of the extremity of a wall on which they are affixed;
  - (c) the maximum combined size of fascia signs on the wall of a building shall be 10 percent of the total area of the wall;

- (d) the maximum aggregate area of window signs shall be 25 percent of the window, or glass area of a door, to which they are affixed;
- (e) signs on awnings shall not cover more than 25 percent of the area of the awning and the width of the text shall not exceed 80 percent of the width of the awning;
- (f) One free-standing sign shall be permitted per vehicular entrance and pedestrian entrance that is not part of a vehicular entrance, provided no such sign shall exceed 3.7 metres (12 feet) in height nor 3.7 square metres (40 square feet) in area (per side);
- (g) Any sign that regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas, and that has an area no greater than 0.5 square metres (5 square feet), shall be permitted.
- (h) Signs may be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
- (i) except as provided for by this section, signs shall conform with the General Sign Provisions (Section 14DA) of Land Use By-law for the Halifax Mainland.

## Schedule D4

### NEIGHBOURHOOD CENTRE (NC)

#### Permitted Uses:

1. Only the following uses shall be permitted in the NC area:
  - (a) apartment houses;
  - (b) home occupations
  - (c) retail and rental stores excluding:
    - (i) motor vehicle dealers;
    - (ii) motor vehicle repair shops, providing such shops are not primarily engaged in providing service station facilities; and
    - (iii) adult entertainment uses
  - (d) offices;
  - (e) hotels;
  - (f) banks and other financial institutions, excluding drive-throughs;
  - (g) restaurants, excluding drive-throughs;
  - (h) community facilities;
  - (i) institutional uses
  - (j) health clinics;
  - (k) appliance and small scale repair shops;
  - (l) personal service uses which may include, but is not limited to, the following shoe repair shops, barber and beauty shops, dry cleaners, and funeral services;
  - (m) day care facilities;
  - (n) commercial recreation uses;
  - (o) amusement centres;
  - (p) micro breweries;
  - (q) coffee roasteries;
  - (r) ferment-on-premises facilities, as defined by the Province of Nova Scotia *Liquor Control Act*;
  - (s) brew pubs
  - (t) public park
  - (u) special care homes
  - (v) government and public buildings
2. Only hotels, apartment houses, special care homes and home occupations are permitted above the second storey of a building.
3. Home occupations are not subject to the requirements of Section 14B of the Land Use By-law for the Halifax Mainland, but shall comply with the following:
  - (a) the business operator must reside in the dwelling unit;
  - (b) the home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
  - (c) there shall be no display of goods visible from the outside, or outside storage

- of equipment or material;
- (d) the home occupation shall not include adult entertainment or escort services or the retail sale of products other than those incidental to the home occupation; and
- (e) the home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling.

#### Site Design and Landscaping

4. Every lot shall have a minimum of 6.0 metres of frontage on a street.
5. Section 7(1) of the Land Use By-law for the Halifax Mainland shall not apply and more than one building may be located on a lot.
6. The parking requirements under the General Provisions of the Land Use By-law for the Halifax Mainland shall not apply in the NC area. However, the following parking and access requirements shall apply:
  - (a) any surface parking shall cover no more than 20% of a lot. For the purpose of this clause, parking on the top of a parking structure over 3 metres in height shall not be considered surface parking;
  - (b) no parking shall be located between a building and a street;
  - (c) a maximum of one driveway access per lot is permitted to a collector road; and
  - (d) parking structures located above grade shall not be located within 20 metres of a collector road.
7. Any outdoor area used for solid waste management shall be located in a side or rear yard and shall be fully enclosed by an opaque fence or wall at least 2.0 metres high, except for an opening or gate required for access. Any such area shall not be located within 3.5 metres of any lot line.
8. Landscaping shall be required between the building and any public sidewalk. A driveway may be permitted across this landscaped area.
9. A minimum of 25% of a lot shall be covered with soft landscaping. Soft landscaping located on a building rooftop may be counted toward up to 15% of this requirement.
10. Where a side or rear yard is required, it shall contain landscaped open space in accordance with the following requirements:
  - (a) trees shall be planted at a rate of one (1) tree (minimum of 60mm caliper) and three (3) shrubs per 4.6 metres as measured along the side or rear lot line; or
  - (b) existing trees (minimum of 60mm caliper) and shrubs may be incorporated into the landscaped setback, and may be calculated as part of the above one (1) tree and three (3) shrubs per 4.6 metres requirement providing the existing trees and shrubs remain intact following the completion of development.

11. All required soft landscaping shall:
  - (a) conform to the latest edition of the *Canadian Landscape Standard*; and
  - (b) be maintained in healthy condition and any soft landscaping that dies shall be replaced within one year or at the beginning of the next growing season, whichever is sooner.
12. All required landscaped areas shall not be used for storage, loading, unloading, or the movement or parking of motor vehicles.
13. In addition to all other requirements, a development permit application for the development of a main building shall include a landscape plan prepared by a registered landscape architect. The landscape plan shall depict the design of all hard and soft landscaping in the development, and shall contain:
  - (a) the current and proposed site topography, including the location of any significant gradients;
  - (b) planting areas and details for all new vegetation and groundcover, including location, quantity, size, and names (common and botanical, including species and variety if known);
  - (c) the location and identification of existing vegetation that will be used to meet all landscaping requirements;
  - (d) protection measures, such as hoardings, for any existing landscaping that is to be maintained;
  - (e) construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
  - (f) manufacturers' specifications (such as model and colour) for all seating, light standards and fixtures, waste receptacles, bicycle racks, tree grates/guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management enclosures, railings, and fencing; and
  - (g) boundaries and access points for all publicly accessible space.
14. Subject to Subsection 13, before being issued an occupancy permit, the applicant shall submit to the Development Officer a letter from a landscape architect certifying that all landscaping has been completed according to the approved landscape plan.
15. Notwithstanding Section 14, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the

work and its certification.

#### General Building Design Requirements

16. Balconies and landscaped roof terraces shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of encroaching balconies per level does not exceed 50% of the horizontal width of that building face.
17. The following external cladding materials shall not be permitted:
  - (a) Vinyl;
  - (b) Plywood;
  - (c) Concrete masonry units;
  - (d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and
  - (e) Darkly tinted or mirrored glass (not including spandrel panels) on the ground floor.
18. Any roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened and shall not be visible from any abutting public street.
19. Any exposed foundation or parking structure in excess of 0.6 metres in height shall be faced with external cladding materials or architecturally detailed in a manner that is complementary with external cladding materials of the main building.
20. All vents, downspouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design.
21. Loading and service areas are required to be concealed with automatic overhead doors that are a maximum width of 6.0 metres.

#### Podium and Streetwall Requirements

22. The streetwall façade facing a public street shall conform to the following specifications:
  - (a) any portion of the streetwall above the ground floor may project horizontally no more than 2.0 metres towards the street; and
  - (b) if the horizontal length exceeds 17 metres, the façade shall be broken into horizontal compartments with a distinct change in vertical architectural articulation using different façade materials, projections, roof changes or colours.
23. With the exception of apartment houses, the ground floor of the streetwall shall:

- (a) be comprised of a minimum 60 percent glazing of clear glass; and
- (b) have a height of at least 4.5 metres as measured between the finished slabs of the ground and second floors, except that up to 30% of the ground floor may be reduced to 3.0 metres in height.

24. For apartment houses, the ground floor of the streetwall shall have separate exterior entrances for all at grade residential units.

25. Any awnings are required to:

- (a) have at least 2.7 metres of vertical clearance; and
- (b) project horizontally a minimum of 1.5m or 2/3 the width of the sidewalk, whichever is less.

Moderate and Tall Building Design Requirements

26. The top one or two storeys of a building shall be distinguished from the rest of the building using one or more of the following: different materials; projections; types, quantities or articulation of windows; roof changes; floor heights; or colours.

Building Requirements

27. All buildings shall conform with the following requirements:

<b>Building Requirement</b>	<b>Streetwall and Podium</b>	<b>Moderate (above podium)</b>	<b>Tall (above podium)</b>
Maximum front yard setback*	3 m along 65% of the street line	None	None
Minimum side and rear yard setback a) abutting NC Zone b) abutting public parks or any other zone	None 6m	5 m 10 m	15 m 20 m
Minimum stepback above streetwall facing a public street or park	NA	3 m along at least 65% of the streetwall	3 m along at least 65% of the streetwall
Maximum height (total)	See Schedule C6 Heights Map	21 metres	See Schedule C6 Heights Map
Maximum horizontal building dimension	68 m	68 m	45 m
Maximum floor plate	None	None	900 sq. m.
Minimum separation between buildings located on the same lot	6 m	10 m between two moderate portions of a building and 12.5 m between a moderate and a tall portion of a building	12.5 m between a tall and moderate portion of a building and 25 m between two tall portions of a building

\* Not applicable on lots with less than 8 metres of street frontage

28. The height requirements specific in section 26, above, shall not apply to a church spire, lightning rod, elevator enclosure, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney,

landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.

#### Additional Apartment House Requirements

29. A minimum of 30 percent of the dwelling units within an apartment house shall contain two or more bedrooms. Where 30% of the units is not a whole number, the required number of units is rounded up to the next whole number
30. Apartment house buildings shall provide amenity space at a rate of 10 square metres per unit in the form of unit patios, unit balconies or terraces, private landscaped open spaces and interior amenity space. Where provided, interior amenity or private landscaped open space(s) shall have a minimum area of 40 square metres.

#### Signs

31. Signs may be placed on a building subject to the following conditions:
  - (a) the signs may only be placed on the ground or second floor face of a streetwall in front of a business and no signs shall be permitted on the roof of a building;
  - (b) where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
  - (c) fascia signs shall not extend beyond a wall on which they are affixed;
  - (d) maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall of the premise to which it is attached;
  - (e) aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
  - (f) signs on awnings shall not cover more than 25 percent of the area of the awning and the width of the text shall not exceed 80 percent of the width of the awning; and
  - (g) except as provided for by this section, signs shall conform with Section 14DA of the Land Use By-law for the Halifax Mainland.
31. A maximum of one billboard sign is permitted to advertise and direct the public to development located within the Residential Care Campus area identified in the Seton Ridge Neighbourhood Plan and subject to the requirements set out in Section 14D(2) of the Land Use By-law for the Halifax Mainland.



## Schedule D5

### SETON RIDGE LOW DENSITY (SRLD)

1. Only the following uses shall be permitted in the SRLD area:

- (a) single unit dwellings;
- (b) semi-detached dwellings
- (c) duplexes;
- (d) townhouses;
- (e) stacked townhouses;
- (f) home occupations;
- (g) day care facilities;
- (h) open space and public parks; and
- (i) uses accessory to the above permitted uses.

4. LOCATIONAL RESTRICTIONS

Townhouses and stacked townhouses are not permitted on lots that abut a single unit dwelling located on a lot that are outside of the Seton Ridge Neighbourhood Plan Designation as set out in the Municipal Planning Strategy for Halifax.

REQUIREMENTS

5. Buildings to be occupied or developed as a single unit dwelling, a semi-detached dwelling or a duplex shall conform with the following requirements:

- |                          |  |
|--------------------------|--|
| (a) Minimum lot frontage | 9.75 metres (32 feet) for single unit dwellings and duplexes<br><br>7.62 metres (25 feet) per unit for semi-detached dwellings<br><br>On cul-de-sac bulbs or streets with radius less than 100 metres (328 feet), the frontage requirement may be reduced no more than 20% |
| (b) Minimum lot area     | 315.9 square metres (3,400 square feet) for single unit dwellings<br><br>232.3 square metres (2,500 square feet) per unit for a semi-detached dwelling   |
| (c) Maximum height       | 10.67 metres (35 feet)   |
| (d) Minimum front yard   | 6.1 metres (20 feet) where parking is provided in the front yard. This may be reduced to no  |

less than 2.0 metres (6.56 feet) if parking is located in the side or rear yard.

- (e) Minimum rear yard 6.1 metres (20 feet). Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet)
- (f) Minimum side yard 1.22 metres (4 feet) or 0 metres for adjoining semi-detached dwellings

### TOWNHOUSES

6. Buildings to be developed or occupied as townhouses shall comply with the following requirements:

- (a) Minimum lot frontage 6.1 metres (20 feet) per unit
- (b) Minimum lot area 150.04 square metres (1,615 square feet) per Unit
- (c) Maximum height 10.67 metres (35 feet) per unit
- (d) Minimum front yard 6.1 metres (20 feet) where parking is provided in the front yard. This may be reduced to no less than 3.05 metres (10 feet) if parking is located in the rear yard.
- (e) Minimum rear yard 7.62 metres (25 feet). Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet).
- (f) Minimum side yard 3.05 metres (10 feet) for end units
- (h) Maximum number of units 8 units
- (i) Minimum unit width 5.5 metres (18 feet)
- (j) All dwelling units in a townhouse shall have a front door that faces the street or driveway.

### STACKED TOWNHOUSES

7. Buildings to be developed as stacked townhouses shall comply with the following requirements:

- (a) Minimum lot frontage 4.57 metres (15 feet) per unit
- (b) Minimum lot area 100.34 square metres (1080 square feet) per unit

- (c) Maximum height 10.67 metres (35 feet) for each unit
- (d) Minimum front yard 6.1 metres (20 feet) where parking is provided in the front yard. This may be reduced to 3.05 metres (10 feet) if parking is located in the rear yard.
- (e) Minimum rear yard 7.62 metres (25 feet). Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet).
- (f) Minimum side yard 4.57 metres (15 feet) for end units
- (h) Maximum number of units 16 units
- (i) All dwelling units in a stacked townhouse shall have a front door that faces the street or driveway.

#### SUBDIVISION OF TOWNHOUSE BUILDING

- 8. A townhouse building may be subdivided so that each townhouse unit is on its own lot, provided that the minimum requirements of this zone are met, except that no side yard shall be required along the common lot boundary dividing the townhouse building.

#### BUILDING FACADES FOR TOWNHOUSE AND STACKED TOWNHOUSE BUILDINGS

- 9. A minimum of 30% of front wall areas shall be windows or doors.
- 10. Townhouse or stacked townhouse buildings shall feature at least one of the following:
  - (a) horizontal variation between dwelling units through such devices as changes in colour, material, and projections and recesses of 0.5 metres (1.6 feet); or
  - (b) vertical variation between dwelling units through such devices as changes in colour, material, and projections and recesses of 0.5 metres (1.6 feet)
- 11. Notwithstanding front yard setback requirements, projections such as eaves, window bays and window treatments of less than 0.75 metres (2.5 feet) shall be permitted.

#### LANDSCAPED OPEN SPACE AND AMENITY SPACE

- 12. Townhouse and stacked townhouse buildings shall provide a minimum of 35% landscaped open space per site, with a minimum of 13.94 square metres (150 square feet) of outdoor amenity space per dwelling unit.

13. Outdoor amenity space may be in the form of any front yard, rear yard, side yard, deck, balcony, terrace or patio, or any combination thereof.

#### GARAGE REQUIREMENTS

14. Where a garage is attached to a main dwelling, the garage shall:
- (a) be recessed from the front wall of the dwelling by at least 1 metre; and
  - (b) occupy no more than 50% of the front exterior wall width of any main building.

#### DRIVEWAY REQUIREMENTS

15. Where possible, driveways shall be paired with a decorative strip between driveways that are a minimum of 30 cm (1 foot) in width to a maximum width of 1.5 metres (4.92 feet).
16. The Development Officer may waive the requirement to pair driveways if design constraints limit the feasibility of pairing driveways including, but not limited to, the placement of services and utilities, grade changes, the curvature of the road or an uneven number of dwellings.
17. The maximum width of any driveway between the curb and front property line shall be 3.66 metres (12 feet) per dwelling, and shall not exceed 4.27 metres (14 feet) in width in the front yard.

#### ACCESSORY BUILDINGS

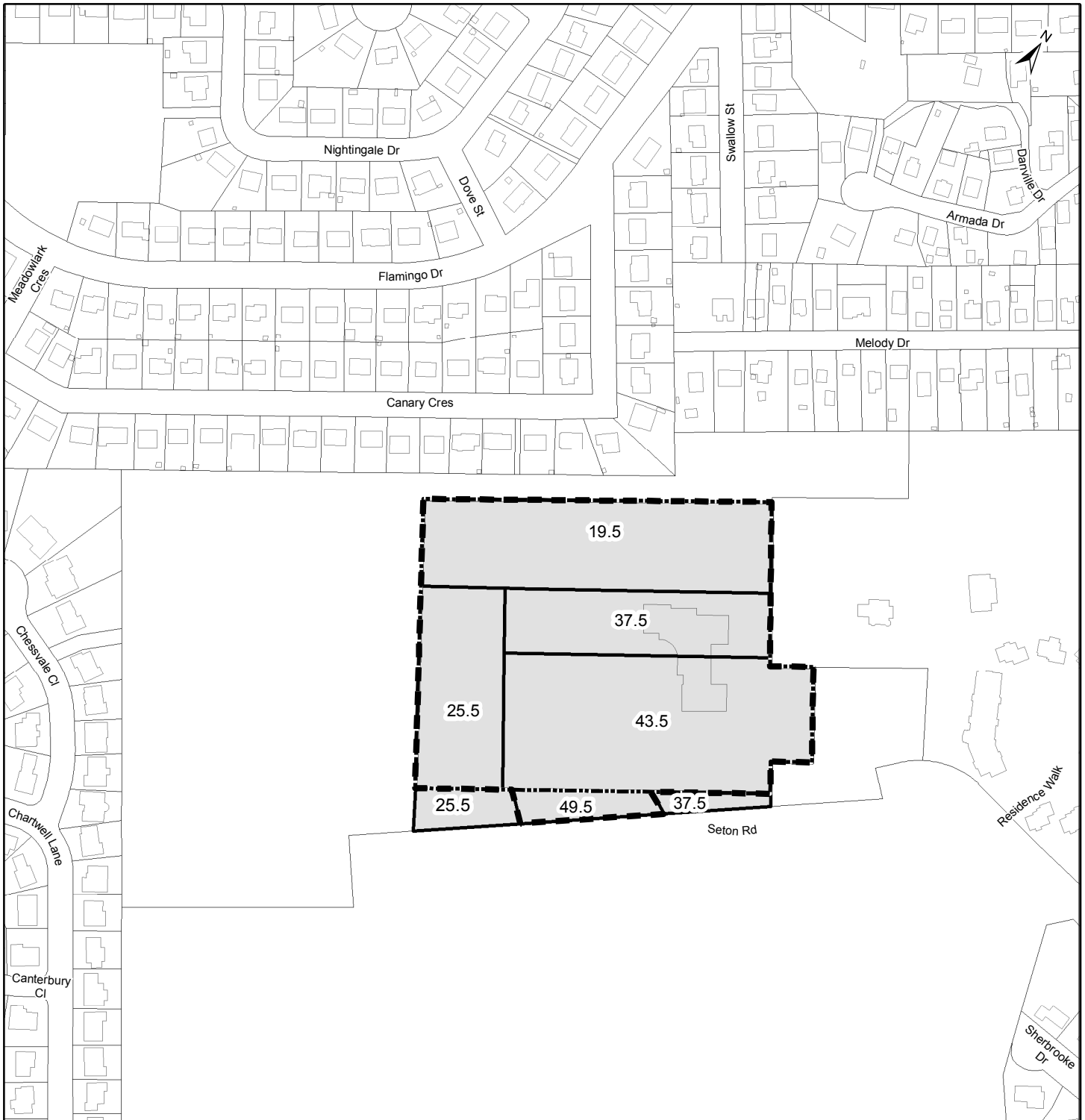
18. (a) Accessory structures shall not:
- i. be used for human habitation;
  - ii. be located within the required front yard of a lot;
  - iii. be built closer than 1.22 metres (4 feet) to any side or rear lot line except for common semi-detached garages which may be centred on the mutual side lot line;
  - iv. exceed 69.7 square meters (750 square feet) in total floor area, except for public buildings and uses; nor
  - v. be built within 1.82 metres (6 feet) of the main building.
- (b) Drop awnings, clothes poles, flag poles, garden trellises, fences, children's play structures, satellite dishes, uncovered decks no higher than 0.61 metres (2 feet) and retaining walls shall be exempted from any of the requirements of this section.
- (c) Garbage collection bins and stalls shall be subject to the accessory structure provisions of this section and shall be fenced or otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

### HOME OCCUPATIONS




19. Home occupations shall comply with the provisions of the R-2TA Zone of the Land Use By-law for the Halifax Mainland.

### DAY CARE FACILITIES

20. Buildings erected, altered or used for a day care facility shall comply with the following requirements:
  - (a) A day care facility shall only be permitted in conjunction with a permitted dwelling, and shall be limited to a maximum of one full storey of the dwelling, which may be the basement storey.
  - (b) A day care facility shall accommodate no more than eight (8) children.
  - (c) Only one day care facility shall be permitted on a lot.
  - (d) Except for outdoor play space, any day care facility shall be wholly contained within a dwelling which is the principle residence of the operator of the facility.
  - (e) One off-street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be 2.44 metres (8 feet) wide by 4.88 metres (16 feet) long, and shall not be in the required front yard.



### Schedule D6 - Heights Framework

-  Applicable Area
-  15.5 Metre Streetwall\*
-  Height Boundaries (Heights in metres)

\*Streetwall for all remaining areas - 12.5m

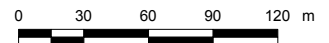
**HALIFAX**

Halifax  
Plan Area

25 May 2018

Case 19514

IAHG



The accuracy of any representation on this plan is not guaranteed.

## Attachment E

### HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 19514

*The following does not represent a verbatim record of the proceedings of this meeting.*

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Monday, May 30, 2016  
7:00 p.m.

MSVU, Rosaria Student Centre (Multi-Purpose Room)

#### STAFF IN

##### ATTENDANCE:

Richard Harvey, Principle Planner, HRM Development Approvals  
Alden Thurston, Planning Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

#### ALSO IN

##### ATTENDANCE:

Councillor Russell Walker, District 10  
Sister Joan, Representative from Sisters of Charity  
Eric Burchill, Southwest Properties

#### PUBLIC IN

##### ATTENDANCE:

Approximately 146

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The meeting commenced at approximately 7:05 p.m.

### 1. Call to order, purpose of meeting – Richard Harvey

Mr. Harvey introduced himself as the Planner and Facilitator for the application; Sister Joan, representative from Sisters of Charity; Eric Burchill, Southwest Properties; and Councillor Russell Walker, District 10.

Case 19514 - Application by Southwest Properties Limited for amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to permit a mixed-use subdivision development, Motherhouse lands, Halifax.

The purpose of the Public Information Meeting (PIM) is to provide: a) an overview of the characteristics of the site and surroundings; b) some indications of the local Planning Policies and Zoning and the Regional Plan context; c) a brief overview of the development proposals; d) a detailed presentation by Southwest; e) the process under which Staff is considering this application; f) the opportunity to talk about some of the challenges that HRM has identified in regards to the application to date; and g) the public a chance to give feedback regarding the proposal. No decisions are made at this PIM.

### 2. Presentation of Proposal – Richard Harvey

Mr. Harvey presented the proposal outlining the ownership, orientation and characteristics of the 73 acres of land and the relevant planning policies, zoning and Regional Plan context for the site. Staff has identified some challenges with the proposal such as overall density and building size, traffic impact, conditions of parkland/open space, and road design/layout. There are two

developers involved; therefore, a comprehensive plan is needed that works with and takes into consideration its surroundings.

### **Presentation of Proposal – Eric Burchill, Vice President of Planning and Development, Southwest Properties (8:44 - 1)**

Mr. Burchill explained the background of the Seton Ridge proposal starting in 2011. The PIM is the preliminary phase of the approval process which involves the zoning change that would enable the developer to move forward with the development agreement for the project. He referenced an HRM traffic servicing study underscored the importance of the geographical location of the Southwest owned property (63 acres) in reducing the cost of servicing. His presentation outlined the overall intent of the proposal: the unique characteristics (University as a neighbor, access to arterials, additional recreation uses, active transportation corridors, seek LEEDND certification program); urban design and health; and density and mixed use (to support services within the community). Capacity assessments/plans completed to date include: traffic, stormwater management, water and sewer and open space.

### **3. Questions and Comments**

**Lilani Kumaranayake, Chartwell Lane**, suggested that the zoning is premature in terms of overall traffic. Developments along the Bedford Highway have been suspended until the Bedford Highway traffic plan is in place. Traffic on Lacewood Drive is already very chaotic and she can't imagine having another set of traffic lights within a block of each other. She encouraged the public to look at the broader context as the proposal is problematic in terms of overall transportation design and density when considering the surrounding schools and other facilities. The proposal needs better planning.

**Emily Wickwire-Foster, Briarwood Crescent** – She is representing her mother who lives at the location where the road is proposed to Lacewood. The developer seems to be willing to sacrifice the current quality of life for the surrounding neighbours. If the road is constructed at that location, there will be an increase in noise, garbage and flooding. The increase of traffic will become a safety issue for the kids going to school.

**Bob McDonald, Warwick Lane** – There is a wetland on the property that offers considerable ecological values and processes. The integrity of that pond will be lost from being surrounded by houses. Has a proper ecological assessment been done around that wetland area? **Mr. Burchill** – The wetland is still under discussion with HRM. There are policies with regards to what is acceptable as parklands. Our proposal was to incorporate the wetland into parkland planning for the area and make some improvements to the water quality of the existing conditions today. The wetland has been technically assessed.

**Tony Diliberatore, Briarwood Crescent** – He expressed his concerns regarding traffic and road designs two years ago at a similar meeting. There is currently a greenbelt there but according to the plans, it appears the road will cut through it. He doesn't understand the reason behind the location of the road access. The sketches are nice but it doesn't show any infill capacity. Two years ago, he was told there would be feedback but that hasn't happened. It seems the project has progressed exactly what it was two years ago with no change. **Mr. Harvey** – In regards to process, staff has identified issues that were also cited in the initiation report to Regional Council.

**Faythe Buchanan, Canary Crescent**, feels like this community is being considered on its own. Do the developers and Councillors own the city? Questions at meetings are not answered and there is a lot of leading language in the way these presentations are created which gives the



public the impression their input isn't welcomed. Nature has not been considered. There is a 70% existing tree canopy on the property which should be maintained. The people in the neighbourhood like the peace they currently have but are now promised ten years of development construction not to mention the increase in traffic. The residents don't want that nor does the wildlife.

**Roger Stein, Canary Crescent** – He is the former Director of Engineering for Lunenburg County. The set of traffic lights at the new access indicated by the SNC Lavalin study will happen only if warranted by traffic. The extra lane on Bedford Highway will only be added if there is enough room because of the retaining wall. The language in the study is very important. The subject lands are home to many crows and wildlife. There is a 70% beautiful canopy of trees. Post construction requires a 30 to 40% tree canopy. It is more economical for the developer to remove the entire canopy and replant to achieve what is required. When is it enough?

**James MacCormack, Canary Crescent** – What is the density for the project? **Mr. Burchill** – Currently, the plan is for 1900 residential units; therefore, somewhere between 3000 and 4000 residents.

**Maurice Nantan, Canary Crescent** – The level of highrises was a concern brought forward at previous meetings. At one point, a height of 14 storeys was proposed and now it is 20 storeys. He reiterated how terrible the traffic will be.

**Burris Devanney, Flamingo Drive** – There are three developments ready to open within a year or two, some within a few months. He is concerned with the increase of traffic. During the presentation, the developer mentioned the benefits of this property to the people who live in it but didn't mention the benefits for the surrounding communities. He respectively suggested that nothing should move further ahead on the development of this piece of property until at least two other very large sectors of land have already been developed. He believes that this development may cause serious problems if it is rushed.

**Peter Ziobrowski, Canary Crescent**, is in favor of the proposal and does not have an issue with highrises or density in the neighbourhood. His concern is with traffic and specifically with Halifax transit and the redesign of their routes. If there isn't an improvement to the transit system, immediately there will be traffic issues. People moving into high density areas expect to use transit but when the system doesn't work, people will use their vehicles.

**Joanne Walsh, Bayview Road**, is a teacher in the area. The area schools are currently overcrowded. She would like to see the developers provide play areas for the public schools as well as the area parkland. Where is the proposed 20 storey building located? Will it obstruct the viewplane to the Harbour? **Mr. Harvey** – Lower density will be to the outside of the site and the higher density will be along the spine of Seton Road with the higher ones towards the centre of the development.

**Wendy MacDonald, Clayton Park West** – Mr. Harvey presented a slide which showed the growth centres from the 2006 Regional Plan. Residents have never been given the opportunity to do any visioning or planning as a community. With respect to the many developments being constructed, the density of the Mainland North area is increasing quickly. A visioning plan has to be created by the community for Clayton Park West as was promised back in 2006 so that services can be provided within the community. This is a healthy community that is being proposed but it will be in isolation to the overall Mainland North community.

**Brian Jessop, works at MSVU** – The Mount has been participating in this process. He encouraged constructive input from the residents because there are many things to be resolved

and decided upon. Being a large presence as a neighbor, there is an opportunity to encourage pedestrian/bicycle traffic.

**Nancy** asked for clarification as to where the 20 storey building is being proposed. Mr. Harvey explained.

**Leslie Hopkin, Chartwell Lane** – The 20 storey buildings are a concern. Studies show that highrise buildings create isolation from communities. It doesn't encourage a sense of community.

**Joan Mahoney, Canary Crescent** – How would the ten acres owned by Shannex layer on top of this existing proposal? **Mr. Harvey** – Under the existing zoning and planning policies for institutional developments, there is very little in the way of planning regulations in regards to setbacks and things of that nature. Planning Staff would like to look at the developments comprehensively to ensure there is a master plan for the entire area. Shannex is considering a development which would provide 500 assisted living beds along with support staff.

**Ron MacDonald, 19 Sherbrooke Drive**, is concerned about the stormwater situation. The pond at the top feeds into a brook that runs down the right side of Sherbrooke Drive and empties into a culvert at the bottom of Seton Road which floods three to six times a year. With the intense level of density, the number of floods will increase dramatically. This issue needs to be investigated further.

**Mr. MacCormack** – Based on the information provided regarding the Shannex project, there will be an extra 1000 people on top of the 3000 to 4000 estimated for this development. **Mr. Harvey** – Shannex is proposing 500 nursing home/assisted living beds and support staff. Staff are indicating to Council that the lands should be considered in its entirety to address matters such as appropriate building mass requirements, heights, density, etc. **Mr. MacCormack** – In the end, Shannex can do what they want there? **Mr. Harvey** – If the zoning stays the same.

**A resident** asked for clarification regarding the development of a nursing or assisted living home as of right. **Mr. Harvey** –The frontage for the entire site is off of the Bedford Highway. As it stands now, there may be limitations as to what can happen without additional access. Under the existing zoning, there are very few limitations as to what could occur. At this point, staff have not made any recommendations on proposed zoning or restrictions on the site.

**Judi Phillips, Briarwood Crescent** – Can the density be reduced? Many of the apartments in the area are 80% empty. Where are the people coming from? **Mr. Burchill** – The density of the project is intentional as it provides a variety of housing types and land uses. There has to be enough density to support the services. Typically, HRM receives between 6 and 10 thousands new residents per year. **Ms. Phillips** suggested downsizing the project 70% or 80%. It would be more attractive and gain more support from the community. **Mr. Burchill** – The intent of Southwest is to continue dialogue on specifics with the public. Feedback received from earlier consultations has led to some substantial changes and project improvements.

**Ms. Hopkin** is excited about a new and interesting development for the suburbs but doesn't agree with the high density. Many residents from other communities will be visiting your development. **Mr. Burchill** – The design approach is for structural parking which will give more control over vehicle visits.

**Ainslea Cardinal, Meadowlark Crescent**, asked about affordable housing. **Mr. Burchill** – A commitment of 5% of the multi residential units within the project will be some form of affordable housing.

**Paul Gerin, Douglas Crescent** – The area schools are currently overcrowded. **Mr. Burchill** – HRSB have commented that there is capacity. HRSB will be contacted throughout the project. **Mr. Gerin** – Some developers from Larry Uteck were required to keep some property zoned for schools in anticipation that the HRSB may want to build one in the area. **Mr. Harvey** – HRSB is involved in the review process and that is something staff will look at more closely.

**Nancy Large, Canary Crescent** – Will there be another access to the development than Lacewood or the Bedford Highway? **Mr. Burchill** – It hasn't been contemplated.

**Ms. Walsh** – Is the soccer field going to be public? Will there be parking available? **Mr. Burchill** - The intent would be a shared use with the public and MSVU. The management and access of the field, along with the parkland, has yet to be determined. **Mr. Jessop** – The opportunity for the field would provide an opportunity for the university sports to practice and compete on campus. Discussions would have to take place to determine the demand. The parking wouldn't be a problem as the demand for the field would be in the summer and evenings when the university is less busy. The access in and out of Seton Road would be convenient.

**Bryce Fisher, Braemount Drive**, is concerned about wind issues and shadows especially for a development focused highly on ground pedestrian use. Wind is an important aspect particularly due to the damages experienced on the site from Hurricane Juan. **Mr. Burchill** – Wind and shadow studies would be done on all of the buildings. Care will be taken to ensure minimal impacts.

#### **4. Closing Comments**

**Mr. Harvey** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

The meeting adjourned at approximately 8:48 p.m.