



P.O. Box 1749  
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**Item No. 14.1.1**  
**Halifax and West Community Council**  
**May 14, 2024**

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

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Jacqueline Hamilton, Executive Director Planning and Development

**DATE:** April 26, 2024

**SUBJECT:** **PLANAPP 2023-00563: Development Agreement for 870 and 874/876  
Herring Cove Road, Herring Cove**

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**ORIGIN**

Application by Brighter Community Planning and Consulting on behalf of Lands and Yards Developments.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to allow 37 new residential lots on new public streets and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **EXECUTIVE SUMMARY**

Brighter Community Planning and Consulting on behalf of Lands and Yards Developments has applied to develop 37 new residential lots on new public streets in Herring Cove. Staff advise that the proposal is consistent with the overall intent of the MPS to support the development of new subdivisions which include new or extended public streets, for low-density residential use, where central services are available. The density and housing form of this proposal are aligned with the Herring Cove community village character, and the site design includes features that support environmental protection. Based on the policy review, the technical studies, and the public engagement outcomes, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

## **BACKGROUND**

Brighter Community Planning and Consulting on behalf of Lands and Yards Developments has applied to develop 37 new residential lots on new public streets in Herring Cove.

<b>Subject Site</b>	870 Herring Cove Road (PID 40074544), 874/876 Herring Cove Road (PID 40075087), and PID 40074551
<b>Location</b>	Herring Cove, opposite Long Pond, with access from Angler Drive
<b>Regional Plan Designation</b>	US (Urban Settlement)
<b>Community Plan Designation (Map 1)</b>	RES (Residential)
<b>Zoning (Map 2)</b>	HCR (Herring Cove Residential)
<b>Size of Site</b>	56,998 square metres (approximately 14.1 acres)
<b>Street Frontage</b>	16 metres (52.5 feet) on Lot RE1, road reserve entrance
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Residential

### **Proposal Details**

The applicant proposes to construct two new public streets to create 37 new residential lots with a total of 56 main dwelling units in the form of single and two-unit dwellings. The major aspects of the proposal are as follows:

- Access from Angler Drive, Herring Cove;
- Two new public streets with a road reserve to the west and public street abutting lands to the north for future connections;
- 56 main dwelling units;
- Single and two-unit dwelling housing form;
- One secondary or backyard suite permitted on each lot, accessory to a main dwelling;
- Non-disturbance areas on the rear portions of several lots to maintain vegetation on the overall site in accordance with the policy provisions;
- Reduced lot frontages and lot areas in accordance with the policy provisions (underlying zone requires 929 square metres minimum lot area and at least 22.9 metres of public road frontage per dwelling unit);
- Undisturbed common open space (6886 square metres); and
- Two existing dwellings at 870 and 874/876 Herring Cove Road, which are permitted to remain in accordance with the provisions of the underlying HCR zone, and which are permitted to be subdivided from the remaining subject lands following registration of the agreement.

### **Enabling Policy and LUB Context**

The subject properties are designated RES (Residential) under the Planning District 5 (Chebucto) Municipal Planning Strategy (MPS) and zoned HCR (Herring Cove Residential) under the Planning District 5 (Chebucto) Land Use By-law (LUB). Policy RES-2A of the MPS establishes the HCR zone that encourages

retention of the low-density character of the area through appropriate lot sizes. Policy RES-2C enables the development of subdivisions which include new or extended public streets by development agreement, where municipal sewer and water services are provided. Policies RES-2D and RES-2E outline the design criteria for consideration of such proposals. With respect to residential development, the underlying HCR zone limits the subject properties to the development of single or two-unit dwellings, along with a secondary or backyard suite on each lot, with access via private driveways.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, postcards mailed to property owners within the notification area and virtual presentations from both staff and the applicant on the Shape Your City website.

A total of 79 postcards were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 723 unique pageviews over the course of the application, with an average time on page of 39 seconds. Staff received 9 responses from the public. The public comments included the following topics:

- Flood risk on adjacent properties because of development, and stormwater management concerns in general;
- Impacts to wetlands and watercourses;
- Traffic impacts;
- Local school capacity;
- Emergency exits and fire protection;
- Walkability;
- Impacts to the wildlife corridor;
- Removal of trees and vegetation;
- Parkland;
- Desire for accessible and affordable housing; and
- Desire for greater density and variety of housing forms.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

### **Proposed Development Agreement**

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- Permitted land uses;
- Dwelling types and maximum density;
- Subdivision;
- Non-disturbance areas and common open space;

- Parkland dedication;
- Sidewalk connections; and
- Requirements prior to the issuance of permits.

The attached development agreement will permit a subdivision consisting of 37 residential lots on new public streets allowing a total of 56 main dwelling units, plus secondary and backyard suites, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

#### Intent of Plan

The MPS was amended in 2001 to include the subject policies which enable subdivision on new public streets (RES-2C, RES-2D, and RES-2E). These policies were created in response to the extension of the municipal water and sewer boundary to allow for low density residential infill development to occur within the Herring Cove community. The corresponding 2001 staff report (case 00098) describes how the community sought to maintain their village character by limiting dwelling types to single and two-unit dwellings, and by including various design criteria that protect the environment. The proposed development has been designed to achieve the goals of the community and meets each of the design criteria set out in the policies. The proposed layout reflects the best option by considering slope, hydrology, stormwater management, road connectivity, and parkland dedication. These features are further discussed in this report.

#### Density and Housing Form

Policy RES-2D prescribes a net density of four units per net developable acre, while policy RES-2E limits the housing forms to single and two-unit dwellings, with secondary or backyard suites. Through public engagement, staff received requests for both tiny houses and multiple unit dwellings to maximize development and increase density, with additional protection of green space in the surrounding area. However, the policy is clear in its intent regarding housing form and density. Therefore, the development includes a mix of single and two-unit dwellings, with secondary and backyard suites, to a maximum of 56 main dwelling units. In accordance with the general provisions of LUB, secondary and backyard suites are not main dwelling units, meaning that one secondary or backyard suite is permitted per lot. As there are 37 lots proposed, there is potential for a total of 37 secondary or backyard suites, in addition to the 56 main dwelling units permitted through this agreement.

Policy RES-2E enables the reduction of lot frontage and area as compared to the minimum requirements of the underlying HCR zone, provided that an equal area to that which is reduced is provided in the form of a contiguous common open space. The applicant has reduced many of the lots from the required 929 square metres (10,000 square feet) to as small as 557.4 square metres (6000 square feet), and provided an undisturbed common open space in return, in accordance with this policy. This encourages a more compact design and reduction in the length of required public road while maintaining overall allowable density, along with preservation of vegetated green space. The proposed dwelling types and density are consistent with the policies.

#### Environmental Protection and Stormwater Management

Policy RES-2D outlines several design criteria to be encouraged by Council that relate to environmental protection. These include reproducing pre-development hydrogeological conditions, allocating development to the areas most suitable and avoiding areas that are environmentally sensitive, minimizing changes to the existing topography, preserving and utilizing natural drainage systems, and retaining natural vegetation. The proposed development's design evolved throughout the course of review to achieve a design that best meets these environmental design criteria, along with the required standards for other aspects of the development. The proposed development avoids the steepest sloped areas, as well as the three existing wetlands that were identified. In particular, the proposed development features approximately 24% vegetation retention (of the entire subject area) in the form of non-disturbance areas along the rear property lines of several proposed lots and the 6886 square metre common open space that is to be left permanently undisturbed. The proposal also features the requirements minimum 10% park dedication in the form of land in the northwestern portion of the subject area.

Through the community engagement, some members of the community raised concerns about the protection of watercourses and the potential for flooding on adjacent properties. While this is typically confirmed during the permitting process, the applicant contracted a third-party environmental watercourse specialist to assess the subject properties and provide a report to HRM on the findings. The report determined that there are no watercourses, but confirmed the presence of intermittent drainage channels that occur during high precipitation in areas of low topography. The applicant further provided a report regarding the proposed stormwater management for this development which explains how it will generally mimic the existing drainage characteristics of the site.

#### Access and Traffic Generation

Implementation policy IM-10 directs Council to consider the adequacy of road networks leading to and from the development, as well as the controls that are in place to reduce conflicts that may arise from traffic generation, access to and egress from the site, and parking. A Traffic Impact Study was completed for this proposal and was reviewed and accepted by HRM Development Engineering, with no concerns raised with respect to traffic generation, access, egress, or parking. Through community engagement, concerns were raised regarding the single access to Angler Drive. A second access is not required for road networks serving less than 100 dwelling units and the proposal includes two potential future street connections to abutting lands. The proposed layout of the roads meets all Municipal Design Guideline Standards, including standards for access and egress.

#### **Priorities Plans**

In accordance with Policy G-14A of the Halifax Regional Plan, this planning application was assessed against the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. While these priority plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan which can and should be considered on a site by site basis. Where conflict between MPS policy and priority plan policy exists, staff must weigh the specificity, age, and intent of each policy, and consider how they would be applied to a specific geographic context. In this case, the following policies were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

- 1) Halifax Green Network Plan: Goal 4.1.1 of the Plan is to "support a healthy and sustainable natural ecosystem" through the identification of areas that are central to the health of ecosystems in the region. Such areas include Essential Corridors and Important Corridors. Important Corridors are defined as "connections between natural habitats, the loss of which would impact local connectivity but are unlikely to impact overall regional connectivity". Through the review of this development proposal, an Important Corridor was identified in proximity to the northwestern portion of the subject area. To reduce the impact of the proposed development on this Important Corridor, parkland dedication in the form of land is proposed to be located in that portion of the site.
  
- 2) Integrated Mobility Plan: Objective 3.1.1 of this Plan is to "Encourage walking and bicycling by building complete and connected networks that respond to the needs of urban, suburban and rural communities, for all ages and abilities". To encourage walking and improve the connectivity of pedestrian networks, the proposed development requires that sidewalks are provided on at least one side of all new proposed streets. Through the public participation program and through HRM internal review of the proposal, it was requested that a pedestrian connection be provided from the proposed development to Herring Cove Road. However, due to the private ownership of the lands between the proposed development and Herring Cove Road, only an easement could be achieved, and this would not meet the safe guidelines required for multi-use pathways. Furthermore, the slope along that pathway is too steep to meet minimum standards.

Objective 3.2.1 of the Integrated Mobility Plan is to "Enhance transit service by increasing the priority of transit and improving the integration of transit service with land use and settlement patterns". The proposed development will aid in increasing the priority of transit service in the

Herring Cove community by increasing demand and ridership. Additionally, to facilitate safe access to the nearest transit stop, the proposed development agreement requires that a sidewalk connection be provided along Herring Cove Road, through the provision of Section 242 (1) of the *Halifax Regional Municipality Charter*.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The enabling policies outline design criteria relating to density, dwelling types, site design, and environmental protection. Through a rigorous review process and with the help of community input, the applicant has designed a subdivision layout that is consistent with the MPS policies and will support the objectives of priorities plans such as the Halifax Green Network Plan and the Integrated Mobility Plan. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

### **FINANCIAL IMPLICATIONS**

The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2024-2025 operating budget for Planning and Development.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

As described in the Discussion section of this report, concern was raised by members of the community regarding the potential presence of a watercourse on the subject property, and the related impacts to the wetland if it were to be disturbed. In response, the applicant hired a third-party watercourse and wetlands specialist to assess the site and provide a watercourse analysis report. This report describes the characteristics which must exist to confirm the presence of a watercourse as defined by Nova Scotia Environment and Climate Change. It was determined that no watercourse exists in this location. Any wetland alteration is subject to review and approval of Nova Scotia Environment and Climate Change. The applicant also provided a report that details the proposed stormwater management for the development, the plans for which will be further reviewed by staff through the subdivision process. No other concerns were raised beyond those identified in this report.

### **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Halifax and West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

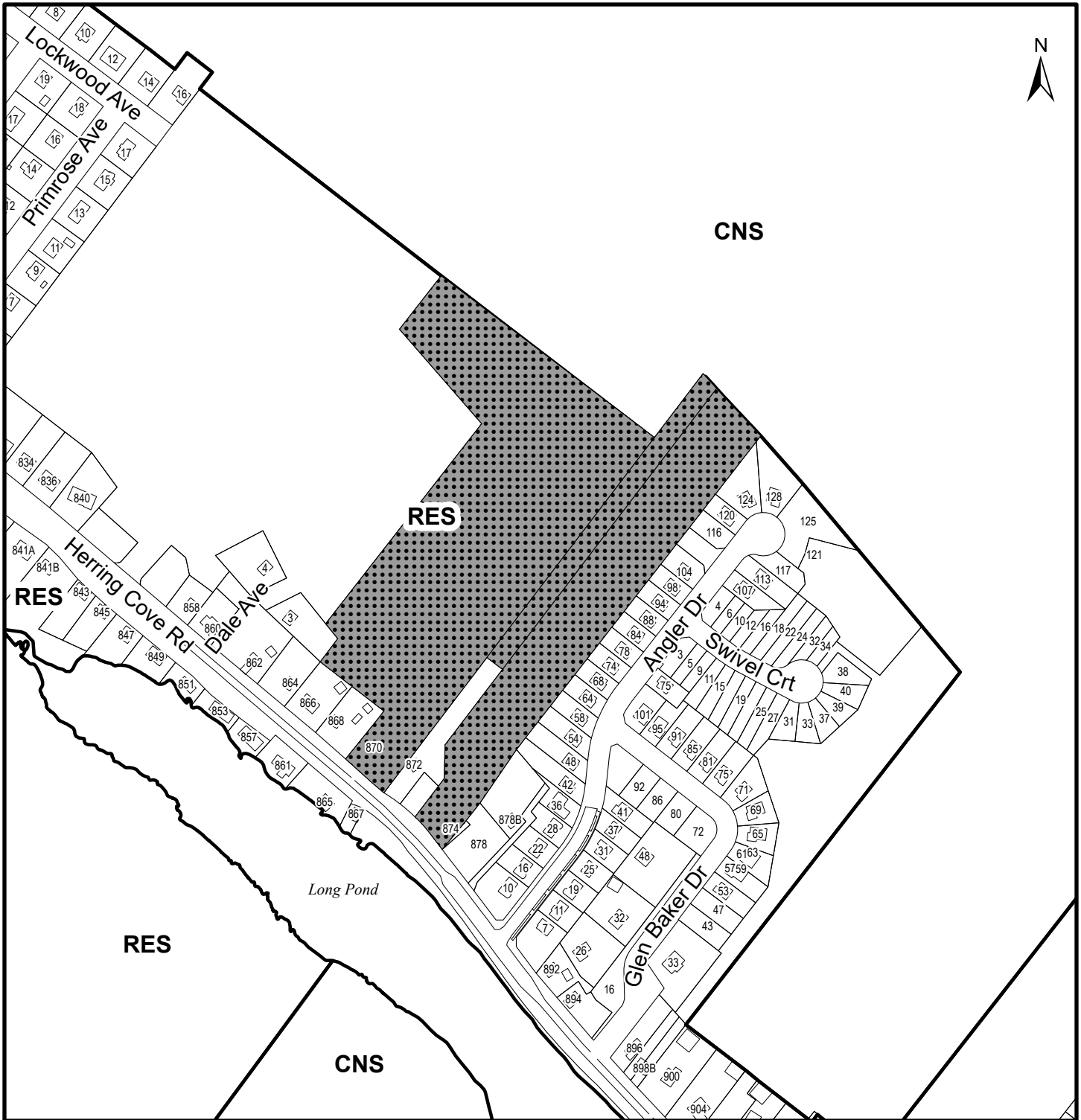
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant MPS Policies

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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: Claire Tusz, Planner II, 902.430.0645


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**Map 1 - Generalized Future Land Use**

**HALIFAX**

PID: 40075087, 40074551 and 40074544

 Subject Property

**Designation**  
 CNS Conservation  
 RES Residential

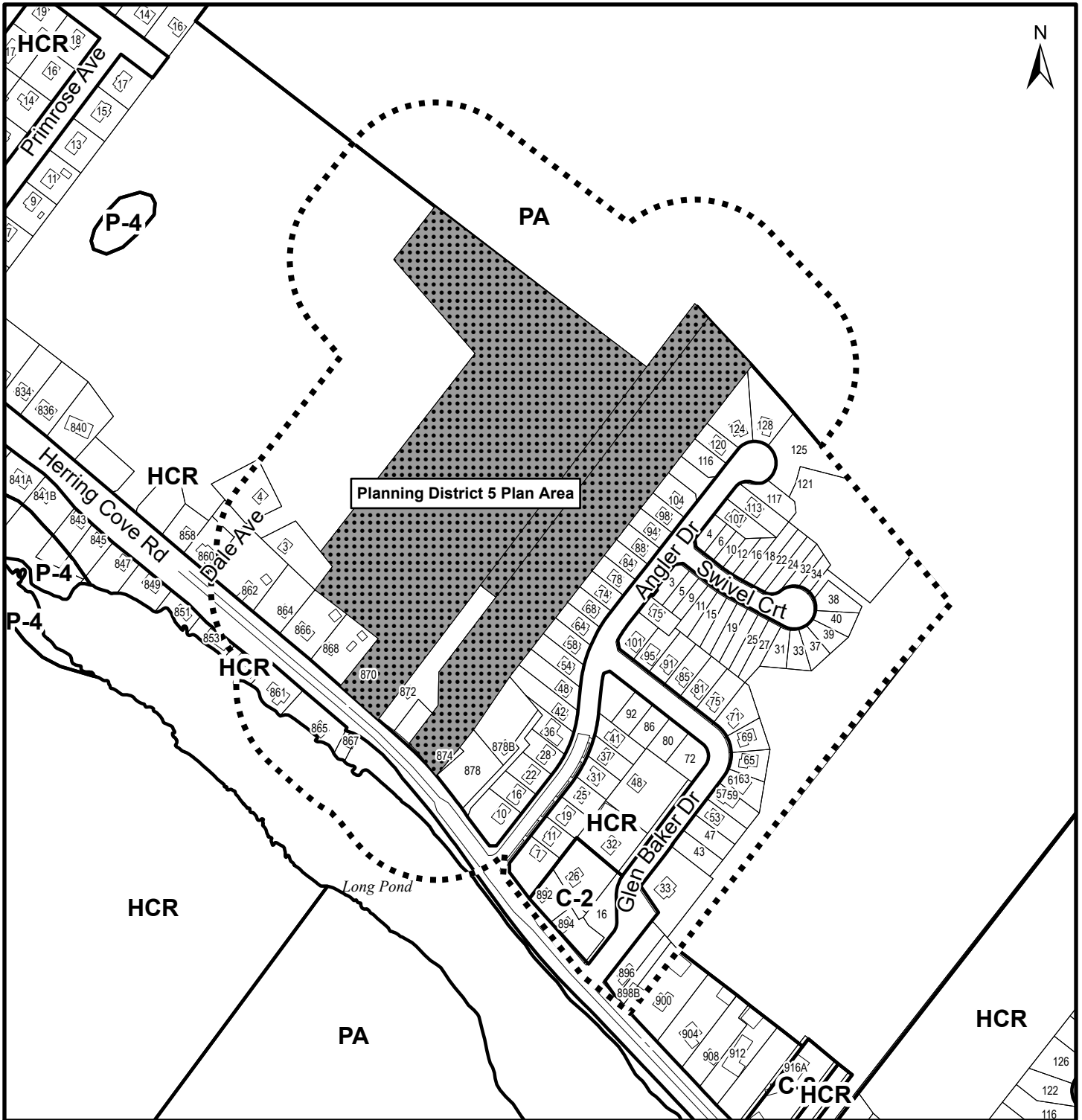


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Planning District 5  
 Chebucto Peninsula Plan Area





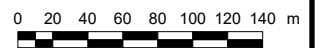


### Map 2 - Zoning and Notification Area

PID: 40075087, 40074551 and 40074544

**HALIFAX**

Zone	
	Subject Property
	Notification Area
CHEB	C-2 General Business
	P-4 Conservation
	PA Protected Area
	HCR Herring Cove Residential



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.

Planning District 5  
Chebucto Peninsula Plan Area

## Attachment A: Proposed Development Agreement

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 at 870 Herring Cove Road (PID 40074544), 874/876 Herring Cove Road (PID 40075087), and PID 40074551 and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for the subdivision of 37 residential building lots on new public streets on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies RES-2C, RES-2D, and RES-2E of the Planning District 5 (Chebucto) Municipal Planning Strategy and Section 11 of the Planning District 5 (Chebucto) Land Use By-law;

**AND WHEREAS** the Halifax and West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP 2023-00563;

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

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## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

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

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances may be considered in accordance with Section 250 of the Halifax Regional Municipality Charter.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

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

### **1.4 Conflict**

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

### **1.5 Costs, Expenses, Liabilities and Obligations**

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

### **1.6 Provisions Severable**

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

### **1.7 Lands**

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

## **PART 2: DEFINITIONS**

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

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

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

### **3.1 Schedules**

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as PLANAPP 2023-00563:

Schedule A	Legal Description of the Land(s)
Schedule B	Concept Plan

### **3.2 Requirements Prior to Approval**

- 3.2.1 Prior to any site work or grade alteration, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Plan of Survey of approved subdivision of 37 residential lots, which shall generally comply with Schedule B and Section 3.7 of this Agreement.

- 3.2.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

- 3.3.1 The use(s) of the Lands permitted by this Agreement are a maximum of 56 main dwelling units as identified on Schedule B, including the following:

- (a) Single unit dwellings;  
(b) Two-unit dwellings;  
(c) Secondary and backyard suites, in conformance with the applicable Land Use By-law;  
(d) Home occupation uses in conjunction with permitted dwellings, in conformance with the applicable Land Use By-law;  
(d) Accessory buildings, in conformance with the applicable Land Use By-law; and  
(e) Conservation uses.

- 3.3.2 The use of the Lands permitted by this Agreement shall also include the existing dwellings at 870 Herring Cove Road and 874/876 Herring Cove Road. These existing dwellings shall not be included in the permitted maximum of 56 main dwelling units.
- 3.3.3 Secondary and backyard suites shall not be considered main dwellings or main dwelling units and shall not be included in the permitted maximum of 56 main dwelling units.
- 3.3.4 No more than one total secondary or backyard suite shall be permitted on a lot.
- 3.3.5 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.

### **3.4 Building Siting**

- 3.4.1 The siting of the dwellings shall comply with the provisions of the HCR (Herring Cove Residential) zone contained within the applicable Land Use By-law, as amended from time to time. The following zone requirements shall be permitted by this Agreement and apply to the Lands identified on Schedule B:
- (a) The minimum lot frontage shall be 18.39 metres (60 feet);
  - (b) The minimum lot area shall be 557.42 square metres (6000 square feet); and
  - (c) No development shall be permitted within the non-disturbance areas as shown on Schedule B.
- 3.4.2 The existing dwellings at 870 Herring Cove Road and 874/876 Herring Cove Road shall continue to comply with the provisions of the HCR (Herring Cove Residential) zone contained within the applicable Land Use By-Law.

### **3.5 Non-Disturbance Area**

- 3.5.1 Non-disturbance areas shall be applied to the Lands as identified on Schedule B, which shall include the rear portions of some individual lots and the entirety of the common open space. The non-disturbance area shall not apply to the HRM parkland parcel.
- 3.5.2 No development, tree removal or grade alteration shall be permitted within the non-disturbance areas as identified on Schedule B, except where approved in writing by the Development Officer for the following:
- (a) Trail development;
  - (b) To remove fallen trees or dead debris that poses a fire or safety risk; or,
  - (c) To remove a tree that is dead, dying or in decline which present a danger to private property, public infrastructure or other natural trees and vegetation.
- 3.5.3 Prior to granting approval for any removal pursuant to 3.6.1 the Development Officer may require that the Developer or subsequent property owner engage a Certified Arborist, Forester or Landscape Architect to certify in writing that the timber or debris poses a fire or safety risk, that the tree poses a danger to people or property, or that it is in severe decline.
- 3.5.4 If trees are removed or tree habitat is damaged beyond repair in the non-disturbance areas as identified on Schedule B, the Developer or subsequent property owner shall replace each tree removed or damaged as directed by the Development Officer, in consultation with the appropriate HRM Business Units. This section applies to trees removed without permission, as well as trees removed with permission as outlined in this Agreement.

- 3.5.5 Where trails are permitted within the non-disturbance area under this Agreement, they shall not exceed a width of three (3) metres (9.84 feet).

### **3.6 Common Open Space**

- 3.6.1 A common open space parcel shall be provided as generally shown on Schedule B of this Agreement.
- 3.6.2 The uses permitted on the common open space parcel shall include conservation uses and passive recreation.
- 3.6.3 The common open space parcel shall maintain a minimum of 6.1 metres of public road frontage for the purpose of providing access to the parcel.
- 3.6.4 The common open space parcel shall remain permanently undisturbed, as described in Section 3.5 of this Agreement.

### **3.7 Subdivision of the Lands**

- 3.7.1 Subdivision applications shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law following Land Registration of this Agreement and the Development Officer shall grant subdivision approval subject to and in accordance with the terms and conditions of this Agreement.
- 3.7.2 Subdivision of the existing dwellings at 870 Herring Cove Road and 874/876 Herring Cove Road from the Lands identified on Schedule B shall be permitted through this Agreement and in accordance with the provisions of the Regional Subdivision By-law.

### **3.8 Parkland**

- 3.8.1 Park land dedication shall be as generally shown on Schedule B.
- 3.8.2 Parkland shall have minimum 30 m frontage on a publicly maintained street right-of-way.
- 3.8.3 Parkland shall meet both the “usable land” definition and HRM Parkland Quality of Land Criteria as found in the HRM Regional Subdivision By-Law.
- 3.8.4 Outstanding parkland dedication after credit for land shall be in the form of either cash-in lieu, work of equivalent value, or both.

### **3.9 Outdoor Lighting**

- 3.9.1 Lighting shall be directed to driveways, parking areas, building entrances, and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

### **3.10 Signs**

- 3.10.1 The sign requirements shall be accordance with the applicable Land Use By-law, as amended from time to time.
- 3.10.2 Ornamental plants shall be planted and maintained around the entire base of the sign as part of the required landscaping.

- 3.10.3 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.
- 3.10.4 Signs shall only be externally illuminated.
- 3.10.5 A maximum of one ground sign shall be permitted at each entrance to the subdivision or phase or street to denote the community or subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq. m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

### **3.11 Temporary Construction Building**

- 3.11.1 A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

### **3.12 Reinstatement**

- 3.12.1 All disturbed areas shall be reinstated to original condition or better.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

### **4.2 Off-Site Disturbance**

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

### **4.3 Site Preparation in a Subdivision**

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

### **4.4 Sidewalk Connections**

- 4.4.1 Sidewalks shall be provided along a minimum of one side of all new public streets created through this agreement, as shown on Schedule B, in consultation with the Development Engineer.

- 4.4.2 For further clarification, a sidewalk connection shall be provided along the road frontage of the Parkland parcel as shown on Schedule B.
- 4.4.3 A sidewalk connection shall be provided from Glen Baker Drive to the nearest transit stop in consultation with the Development Engineer.

## **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Private Storm Water Facilities**

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

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

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have been issued a Grade Alteration Permit in accordance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.

### **5.3 Archaeological Monitoring and Protection**

- 5.3.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

### **5.4 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

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

- 6.1.1 The following items are considered by both parties to be non-substantive and may be amended in a matter consistent with the *Halifax Regional Municipality Charter*:
- (a) Changes to the signage provisions as detailed in Section 3.10 of this Agreement;
  - (b) Minor changes to the lot layout that do not increase the number of lots and number of main dwelling units, and do not reduce the amount of non-disturbance area or common open space;
  - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
  - (d) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4.3 of this Agreement.

### **6.2 Substantive Amendments**



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

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by the Chief Administrative Officer for the Municipality.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within four (4) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean application for final subdivision approval.

For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1 of this Agreement, if the Municipality receives a written request from the Developer.

### **7.4 Completion of Development**

- 7.4.1 Upon the completion of the whole development, the Municipality may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement; or
  - (d) discharge this Agreement and apply appropriate zoning pursuant to the applicable Municipal Planning Strategy and Land Use By law, as may be amended from time to time.
- 7.4.2 For the purpose of this section, completion of development shall mean acceptance of primary services.
- 7.4.3 In the event that development on the Lands has not been completed within seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

## **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after seven (7) years from the date of execution of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement.

## **ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **7.6 Enforcement**

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

### **7.7 Failure to Comply**

- 7.7.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 60 days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
  - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
  - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
  - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

*Print Name:* \_\_\_\_\_

*Date Signed:* \_\_\_\_\_

=====

=====

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

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

*Date signed:* \_\_\_\_\_

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

*Date signed:* \_\_\_\_\_

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

# Schedule B

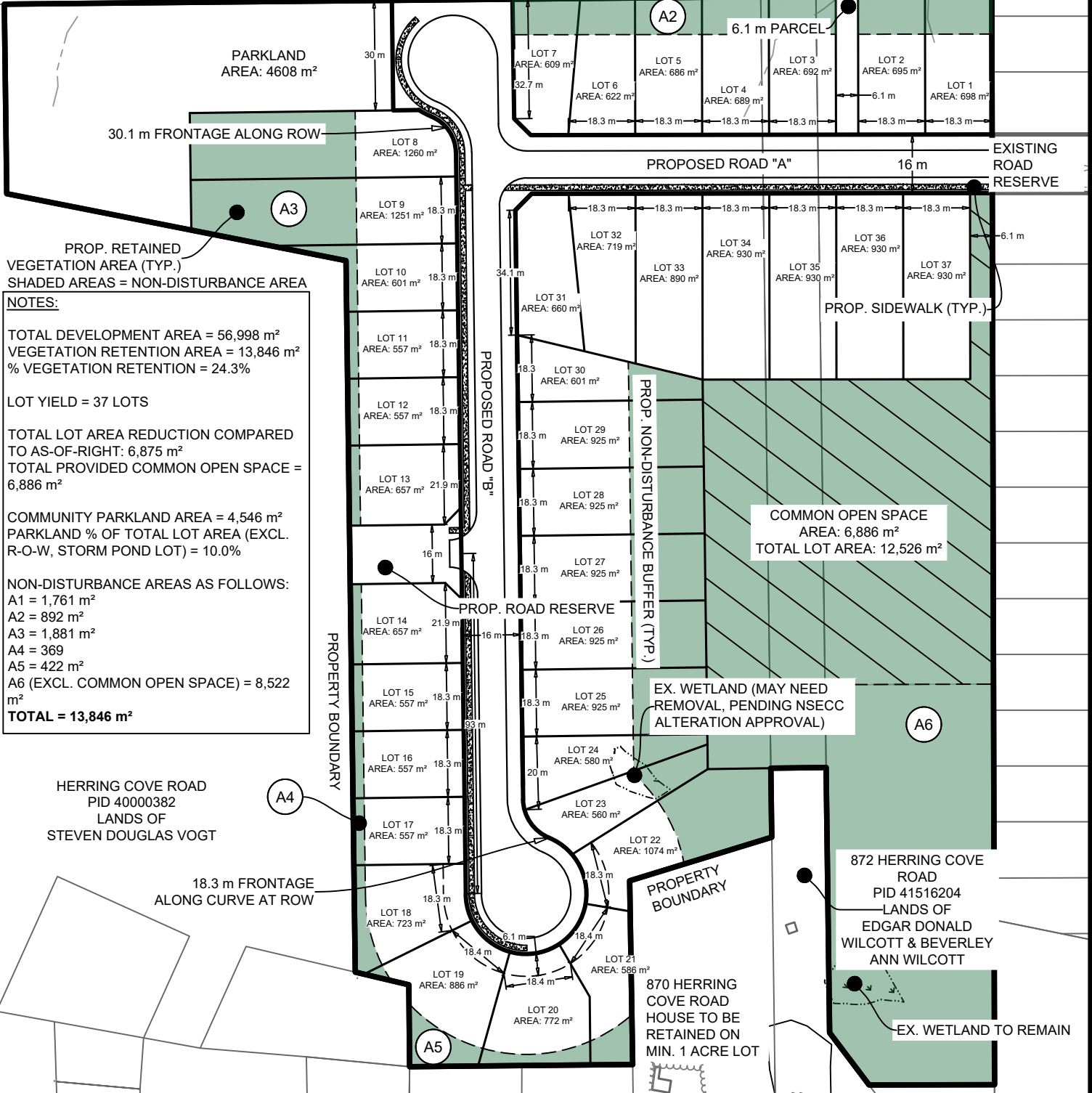
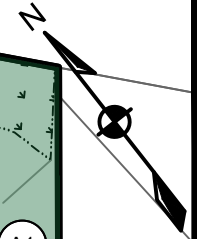
1277 JOHN BRACKETT DRIVE  
PID 40601023  
LANDS OF

NS DEPARTMENT OF NATURAL RESOURCES  
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA

EX. WETLAND TO REMAIN

APPROXIMATE LIMIT OF  
STORMWATER POND

PROPERTY BOUNDARY



PROP. RETAINED  
VEGETATION AREA (TYP.)  
SHADED AREAS = NON-DISTURBANCE AREA

**NOTES:**

TOTAL DEVELOPMENT AREA = 56,998 m<sup>2</sup>  
VEGETATION RETENTION AREA = 13,846 m<sup>2</sup>  
% VEGETATION RETENTION = 24.3%

LOT YIELD = 37 LOTS

TOTAL LOT AREA REDUCTION COMPARED TO AS-OF-RIGHT: 6,875 m<sup>2</sup>  
TOTAL PROVIDED COMMON OPEN SPACE = 6,886 m<sup>2</sup>

COMMUNITY PARKLAND AREA = 4,546 m<sup>2</sup>  
PARKLAND % OF TOTAL LOT AREA (EXCL. R-O-W, STORM POND LOT) = 10.0%

NON-DISTURBANCE AREAS AS FOLLOWS:

- A1 = 1,761 m<sup>2</sup>
- A2 = 892 m<sup>2</sup>
- A3 = 1,881 m<sup>2</sup>
- A4 = 369
- A5 = 422 m<sup>2</sup>
- A6 (EXCL. COMMON OPEN SPACE) = 8,522 m<sup>2</sup>
- TOTAL = 13,846 m<sup>2</sup>**

HERRING COVE ROAD  
PID 40000382  
LANDS OF  
STEVEN DOUGLAS VOGT

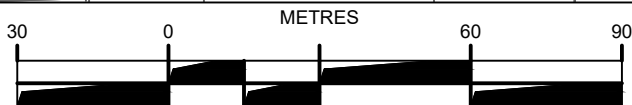
18.3 m FRONTAGE  
ALONG CURVE AT ROW

872 HERRING COVE ROAD  
PID 41516204  
LANDS OF  
EDGAR DONALD  
WILCOTT & BEVERLEY  
ANN WILCOTT

PROPERTY BOUNDARY

870 HERRING COVE ROAD  
HOUSE TO BE  
RETAINED ON  
MIN. 1 ACRE LOT

EX. WETLAND TO REMAIN



1:1500

## Attachment B: Review of Relevant MPS Policies

<b>Planning District 5 (Chebucto Peninsula) MPS</b>	
<b>RESIDENTIAL DESIGNATION</b> Herring Cove Community	
<b>Policy</b>	<b>Staff Comment</b>
<b>RES-2C</b> <i>Subdivisions which include new or extended public streets may only be considered by development agreement, where:</i>	
<i>(a) municipal sewer and water services are to be provided;</i>	The subject site is within the urban service area and will be serviced by municipal sewer and water.
<i>(b) sewage treatment facilities are available; and</i>	The subject site is located within the Herring Cove Wastewater Treatment Facility area. Halifax Water reviewed this application and no concerns were identified.
<i>(c) a public street is to be constructed.</i>	The proposed development includes a new public street extension from Angler Drive and construction of an additional public street (two total). HRM Engineers have reviewed this application and require the new public street be constructed in accordance with Municipal Design Guidelines.
<b>RES-2D</b> <i>It shall be the intention of Council to encourage all new development under Policy RES-2C to meet certain basic design objectives as follows:</i>	
<i>(a) to reproduce the pre-development hydrological conditions;</i>	Preliminary servicing schematic and stormwater management plans were submitted. Stormwater runoff is proposed to be directed to a new stormwater management pond on the subject site. The applicant has indicated pre and post development flows will be balanced in accordance with By-Law G-200.
<i>(b) confine development and construction activities to the least critical areas of the site and consider cluster development to minimize land disturbance; and that the subdivision design minimizes change to the existing landscape by matching new streets, services and lot grading to the existing topography as closely as possible</i>	<p>There are three wetland areas identified on the site. Two will remain undeveloped to minimize disturbance. One is located partially within a proposed non-disturbance area and may need partial removal via a wetland alteration permit pending NSECC review. The proposed development includes a public road extension from an existing road reserve on Angler Drive.</p> <p>The subject site has a unique shape. The proposed lots are clustered in the northern, centre, and western edge of the subject site, while existing trees will be retained along the eastern portion of the site as a common open space. A non-disturbance area has been proposed along the rear portions of some of the lots to account for the required vegetated area.</p>

<p><i>(c) allocate permitted density to those areas most suitable for development;</i></p>	<p>The subject site abuts several existing dwellings on Herring Cove Road as well as dwellings on Angler Drive. Density is allocated towards the northern, western, and central areas of the site, from the existing road reserve connection off Angler Drive. This is the most suitable location for development given the irregular shape of the site, the location of wetlands, and the topography of the site.</p>
<p><i>(d) minimize changes to the existing topography;</i></p>	<p>The subject site slopes predominantly downward to the north from Herring Cove Road. Much of the site is gently sloped, though there appear to be some sections with slightly steeper slopes along the eastern side of the site, sloping down towards the stormwater management pond. These sloped areas are proposed to remain undisturbed within a common open space.</p>
<p><i>(e) preserve and utilize the natural drainage system to the greatest possible extent,</i></p>	<p>A stormwater management pond is proposed on the northeastern portion of the site to collect stormwater drainage. It will be constructed to Halifax Water standards, as Halifax Water will take ownership of the pond after construction. The proposed stormwater management system generally mimics the existing natural drainage system on the land, where runoff flows downward to the northern portion of the site.</p>
<p><i>(f) attempt to retain a minimum of 30% of the natural vegetation on the site in an undisturbed state; and</i></p>	<p>24.3% of vegetated area is proposed to be retained through a non-disturbance area on the rear portions of individual lots. In meeting the Municipal Design Guideline requirements, parkland dedication requirements, and priority plans objectives, in addition to all the requirements of the MPS policies, this amount of vegetation retention was achievable.</p>
<p><i>(g) all shorelines shall be protected by a 100 foot wide buffer zone within which no vegetation or soil should be removed or altered except as required for utilities, trails or water access.</i></p>	<p>Not applicable as no watercourses on the subject site.</p>
<p><b>RES-2E</b>  <i>In considering a development agreement proposal pursuant to Policies RES-2C and RES-2D, the following development criteria shall be addressed:</i></p>	
<p><i>(a) That the maximum permissible density is 4 units per net developable acre based on HCR and F-1 zone requirements. The net developable area shall be calculated based on the gross land area less any designated wetland areas;</i></p>	<p>A total of 56 main dwelling units are proposed through a mix of single unit dwellings and two unit dwellings. Secondary and backyard suites are permitted in addition. The area of the subject site is 56, 998 sq. m., excluding any wetland areas. The maximum number of units permitted for a site this size is 56.</p>
<p><i>(b) That only single unit dwellings, two unit dwellings and auxiliary dwellings may be considered. Individual lot frontages per dwelling may be reduced to 60 feet, and lot areas to 6,000 square feet provided that an</i></p>	<p>A mix of single and two-unit dwellings, plus backyard and secondary suites have been proposed. In accordance with the general provisions of the Planning District 5 Land Use By-law, secondary and backyard suites are not</p>

<p><i>area equivalent to the amount of lot area reduction for each lot is provided as contiguous common open space which shall be maintained permanently in a substantially natural state, in addition to the minimum 10 percent public parkland dedication as required by Policy REC-10;</i></p>	<p>considered main dwelling units, therefore one secondary or backyard suite is permitted per lot through the proposed agreement. As there are 37 lots proposed, a total of 37 secondary or backyard suites are permitted in addition to the 56 main dwelling units permitted through this agreement.</p> <p>A lot reduction calculation chart has been provided by the applicant. The amount of lot area reduction for each lot is provided as a contiguous common open space which shall be maintained permanently in a substantially natural state, in addition to the minimum 10 percent public parkland dedication as required by Policy REC-10 and the Regional Subdivision By-Law.</p>
<p><i>(c) That adequate erosion and sediment control plans and stormwater management plans are prepared;</i></p>	<p>Details will be required at permitting stage. Preliminary servicing schematic and stormwater management plans have been submitted which show initial stormwater design and includes a proposed stormwater management pond.</p>
<p><i>(d) That full consideration is given to use of a public road standard in keeping with that identified in Policy TR-18;</i></p>	<p>Policy TR-18 states:</p> <p><i>The HRM should provide for a street design standard that is similar in scale and character to traditional village roads, while addressing key design issues as addressed in the Municipal Service Specifications.</i></p> <p>HRM Engineering and Traffic Services have reviewed this application and require the new public street be constructed in accordance with Municipal Design Guidelines.</p>
<p><i>(e) That there is adequate provision of public access to traditional trails and recreation areas and that adequate open space areas are provided, including substantial parkland areas and frontages on any lake to serve appropriate parkland functions; and</i></p>	<p>The subject site abuts crown lands and there may be an opportunity to connect the site to the McIntosh Run Community Trail system. Parkland dedication in the form of land is proposed in the northwestern portion of the site, abutting the crown lands.</p> <p>The contiguous common open space includes 6.1 metres of public road frontage for access, and trails are permitted in this area subject to the provisions of the proposed development agreement.</p>
<p><i>f) The provisions of Policy IM-10. (RC-Feb 13/01;E-May 5/01)</i></p>	<p>See Implementation Policy IM-10 below.</p>
<p><b>REC-10</b> <i>The HRM shall work with the community to develop a recreation and open space plan providing for a variety of recreational opportunities and for open space linkages between community facilities and related land uses.</i></p>	<p>The subject site abuts crown lands and there may be an opportunity to connect the site to the McIntosh Run Community Trail system. Parkland dedication in the form of land has been proposed in the northwestern portion of the site, abutting the crown lands.</p>



<p><b>TR-16</b>  <i>Individual driveway access to collector or arterial roads within the Herring Cove Community shall be discouraged to the greatest possible extent. Individual driveway access shall be required to local streets where a lot has such frontage. The use of shared driveways shall be considered through the subdivision process for any new lots.</i></p>	<p>No individual driveway access nor new direct access to Herring Cove Road is proposed.</p>
<p><b>IM-10</b>  <i>In considering development agreements and amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i></p>	<p>The proposal for new low-density residential uses aligns with the intent of the Plan.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of on-site sewerage and water services;</i></p> <p><i>(iii) the adequacy or proximity of school, recreation or other Community facilities;</i></p> <p><i>(iv) the adequacy of road networks leading or adjacent to or within the development;</i></p> <p><i>(v) pedestrian safety; and</i></p>	<p>No costs to the Municipality are anticipated.</p> <p>The subject site can be serviced by municipal sewer and water. See advisory comments from Halifax Water.</p> <p>The subject site is near two community parks and is located north of the Long Pond Beach Park and recreation area. The McIntosh Community Trail system is accessible from Norawarren Drive. Southwest of the site is Big Latter Pond Park.</p> <p>The Captain William Spry Community Centre and Captain William Spry Public Library is approximately 5 km from the subject site.</p> <p>The subject site is serviced by the following schools: William King Elementary School, Herring Cove Junior High School, and J.L Ilesley High School. The HRCE has indicated that this family of schools has capacity for this development.</p> <p>The proposed development will connect to Herring Cove Road via Angler Drive and Glen Baker Drive. HRM Engineers have reviewed this application and determined that the road networks leading to the development are adequate.</p> <p>Sidewalks are proposed along one side of the street throughout the development. There is a transit stop located at the base of Glen Baker Drive. The proposed development agreement requires a sidewalk connection is provided to the nearest transit stop.</p>

<p><i>(vi) the potential for damage to or for destruction of designated historic buildings and sites.</i></p>	<p>Not applicable to the subject site.</p>
<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage;</i></p> <p><i>(v) signs; and</i></p> <p><i>(vi) any other relevant matter of planning concern.</i></p>	<p>Nearby land uses include low-density residential uses. The development agreement will allow low-density residential uses.</p> <p>The height, bulk, and lot coverage of proposed buildings will be regulated by the underlying HCR zone.</p> <p>A Traffic Impact Study was submitted as part of this application and reviewed by HRM Development Engineering. No concerns were raised with respect to traffic generation, access to and egress from the site. Parking will be regulated through the applicable land use by-law.</p> <p>No open storage proposed.</p> <p>Signage is regulated through the proposed development agreement and allows for a community ground sign. Other forms of signage are regulated through the applicable land use by-law.</p> <p>None identified through this review at this time.</p>
<p><i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility of flooding.</i></p>	<p>There are three wetland areas located on the property; two will be preserved through non-disturbance areas. The third is located on a proposed lot and may require a wetland alteration permit pending NSECC review. No watercourses were identified. The site was found to be suitable in all other respects.</p>

# Halifax Regional Municipal Planning Strategy (Regional Plan)

## CHAPTER 9: GOVERNANCE AND IMPLEMENTATION

### 9.6.A Priorities Plans

**G-14A** *In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including: (a) The Integrated Mobility Plan;*

*(a) The Integrated Mobility Plan;*

The objectives of the IMP include improving active transportation through the development of pedestrian infrastructure, and reducing reliance on personal vehicles by increasing access to transit stops. Sidewalks are proposed along one side of the street throughout the development, and a connection is also required by the proposed development agreement to be provided to the nearest transit stop.

*(b) Halifax Green Network Plan;*

The proposed development appears to be just south of an Important Corridor, as identified on Map 5 of the Halifax Green Network Plan. Parkland dedication is proposed in the form of land in the portion of the site nearest to the Important Corridor.

*(c) HalifACT;*

The proposed development includes the preservation of vegetated areas which supports the objectives of HalifACT.

*(d) Halifax's Inclusive Economic Strategy 2022-2027; and*

The proposed development does not conflict with the objectives of Halifax's Inclusive Economic Strategy.

*(e) any other priority plan approved by Regional Council while this policy is in effect.*

N/A (No other priority plans have been approved by Regional Council at this time).