



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.3
Halifax and West Community Council
November 4, 2025
December 1, 2025

TO: Chair and Members of Halifax and West Community Council

FROM: Erin MacIntyre, Acting Executive Director of Planning and Development

DATE: October 22, 2025

SUBJECT: **PLANAPP 2025-00730: Development Agreement for 110 Frederick Avenue, Fairview**

ORIGIN

Application by Jodi Tsitouras, owner and operator of Bean Sprouts Child Care Centre.

EXECUTIVE SUMMARY

This report recommends a development agreement to allow a 40-space Child Care Centre at 110 Frederick Avenue in Fairview. The existing day care facility will expand by 26 children and no exterior alterations or changes to the existing building is proposed. Staff recommend that Halifax and West Community Council approve the proposed development agreement in accordance with Policy 3.20 of the Halifax Municipal Planning Strategy.

RECOMMENDATION

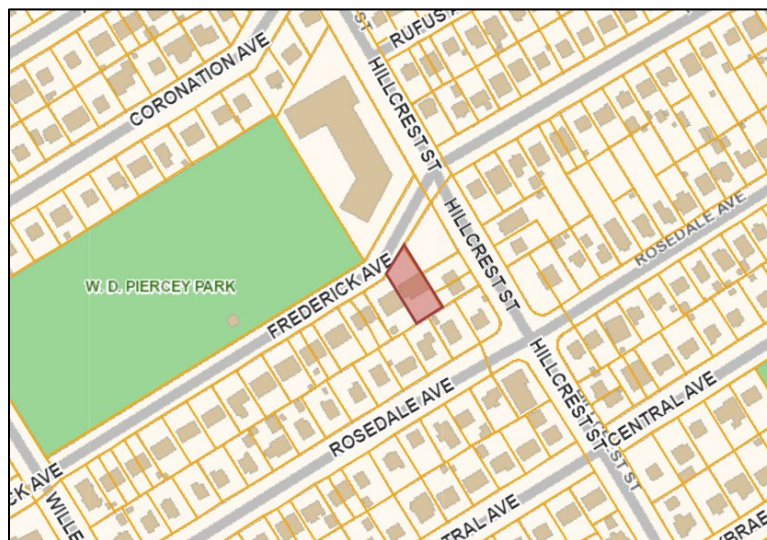
It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to allow a 40-space Child Care Centre at 110 Frederick Avenue, Fairview, 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.

BACKGROUND

Jodi Tsitouras, owner and operator of Bean Sprouts Child Care Centre, is applying for a development agreement to expand the existing day care facility operations at 110 Frederick Avenue in Fairview.

Subject Site	110 Frederick Avenue, Fairview
Location	Property is located near W.D. Piercey Park
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential (RES)
Zoning (Map 2)	R-2 (Two Family Dwelling) Zone
Size of Site	~752.5 square metres (~8,100 square feet)
Street Frontage	~20.7 metres (~67.95 feet)
Current Land Use(s)	Day Care Facilities and Residential Use
Surrounding Use(s)	Residential and Institutional Uses



Source: HRM Mapping

Proposal Details

The existing facility, Bean Sprouts Child Care Centre, is seeking to expand from 14 children with an associated residential use to 40 children with no residential component. No exterior changes to the buildings are proposed, and interior renovations would be permitted in accordance with the R-2 (Two Family Dwelling) Zone standards of the Halifax Mainland Land Use By-law (LUB).

Existing Uses

Prior to 2009, the Halifax Mainland LUB permitted day care facilities for up to 14 children in the R-2 Zone within the principal dwelling of the operator. In 2009, the bylaw was amended reducing the maximum number of children from 14 to eight.

After the adoption of the zoning change, all existing day care facilities providing care to more than eight children became non-conforming uses. Any new or expanded day care facility for more than eight children can be considered by development agreement under the Halifax Municipal Planning Strategy (MPS) Implementation Policies 3.20 and 3.20.1.

The existing day care at 110 Frederick Avenue has been operating as Bean Sprouts Child Care Centre since 2022, but a day care use has been operating on the property since 2001. The day care operation continued in its current form under the non-conforming use provisions of the *Halifax Regional Municipality Charter*.

Enabling Policy and LUB Context

The Halifax Mainland LUB allows a “Day Care Facility” (called a “child care centre” in the MPS) for up to eight children in the R-2 Zone in conjunction with a dwelling. Section 71(8) of the Halifax Mainland LUB and Implementation Policies 3.20 and 3.20.1 of the Halifax MPS enables consideration of child care centres that would not comply with the By-law through the development agreement process:

In order to encourage the establishment of child care centres in a variety of locations to meet the varied needs of families, and to allow the consideration of the specific circumstances of an individual location, a child care centre which does not meet applicable land use bylaw regulations may be permitted by development agreement.

Halifax MPS Policy 3.20.1 includes criteria that Community Council must consider (Attachment B).

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is 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:

- A maximum of 40 children under care is permitted;
- R-2 uses are permitted if the child care centre is no longer operational;
- The building must retain residential characteristics;
- Outdoor play area required with side and rear yards with screening provisions;
- Hours of operation from 7:00 a.m. to 6:00 p.m.;
- 2 on-site vehicle parking spaces for the purposes of pick-up and drop-off activities, and dedicated walkways to the buildings;
- Minimum standards for outdoor lighting, signage, refuse screening, and maintenance; and
- Non-substantive amendments permitted within the agreement including:
 - Changes to extend hours of operations for shift workers;
 - Changes to allow for additional on-site parking spaces; and
 - Extension to the dates of commencement and completion of development.

The attached development agreement will permit a child care centre of up to 40 children, 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.

Traffic and Parking

Implementation Policy 3.20.1 requires Council to consider traffic impacts when evaluating child care centre applications. A Traffic Impact Statement (TIS) was submitted in support of the proposal and concludes that the anticipated increase in traffic can be accommodated by the existing street network. The most notable impacts will occur during drop-off and pick-up periods, however, proposed operating hours of 7:00 a.m. to 6:00 p.m. will help distribute traffic over a broader timeframe.

The development agreement requires a minimum of two on-site parking spaces for child drop off and pick ups, accommodated through existing driveways, with additional tandem spaces for staff. The Traffic Impact Statement concludes that these spaces, along with available on-street parking, provide adequate parking to support the expansion of Bean Sprouts Child Care Centre. Staff are satisfied that the parking provisions will meet the site's operational needs.

Concentration of Child Care Centres

Implementation Policy 3.20.1(g) directs Council to consider whether approving the development agreement would produce a concentration of child care centres within a particular neighbourhood. Staff identified the neighbourhood based on site-specific context, including land use, built form, street network, geography, and infrastructure. The neighbourhood area is predominantly single-unit residential with a grid street network bounded by collector and arterial roads: Dutch Village Road (east), Main Avenue (north), Dunbrack Street (west), and Highway 102 (south). Within this area, there are three child care centres, with several more nearby but outside the neighbourhood area. Given the low number of centres, the existing demand for child care, and that this application is for an expansion of an existing facility, staff do not consider this proposal to create a concentration of centres in the neighbourhood.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered 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 in making its recommendation to Council. In this case, no specific policies were identified as a conflict.

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 proposal maintains the residential character of the buildings and avoids creating a concentration of child care centres in the area, while increasing child care capacity to serve the broader community. Therefore, staff recommend that 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 2025-2026 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. Regulatory and Appeals Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

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, letters mailed to property owners within the notification area, and an online survey. Attachment C contains a summary of the public engagement. A total of 33 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 111 unique pageviews over the course of the application. In addition, staff received 8 survey responses and 2 email and phone responses from the public. The public comments received include the following topics:

- Traffic and Safety
- Noise Impact in a Residential Area

- Increased Access to Childcare

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.

ENVIRONMENTAL IMPLICATIONS

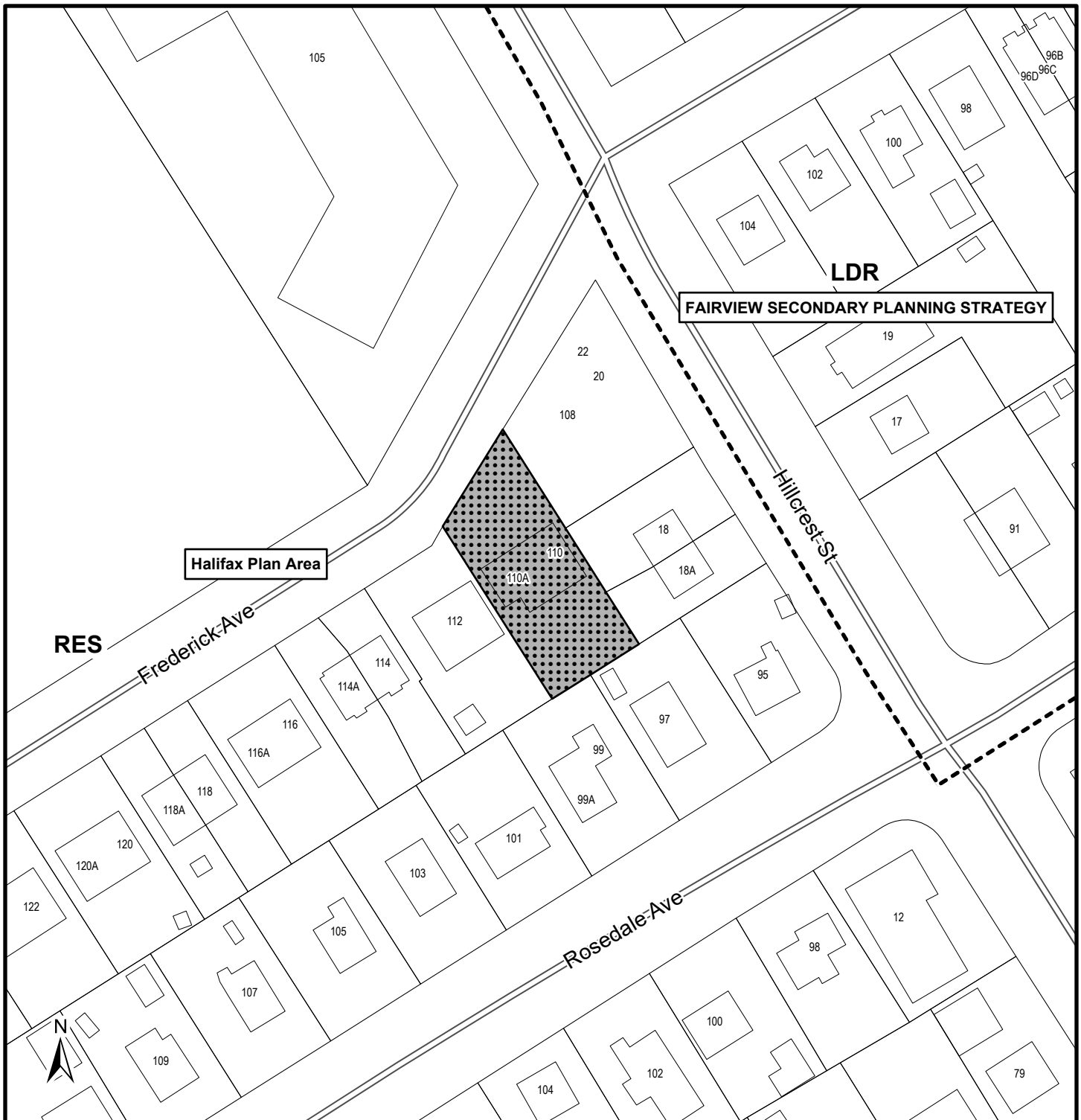
No environmental implications are identified.

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. Regulatory and Appeals 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. Regulatory and Appeals 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
Attachment C:	Engagement Summary Report



Map 1 - Generalized Future Land Use

110 Frederick Ave,
Fairview

HALIFAX

 Subject Property

Designation

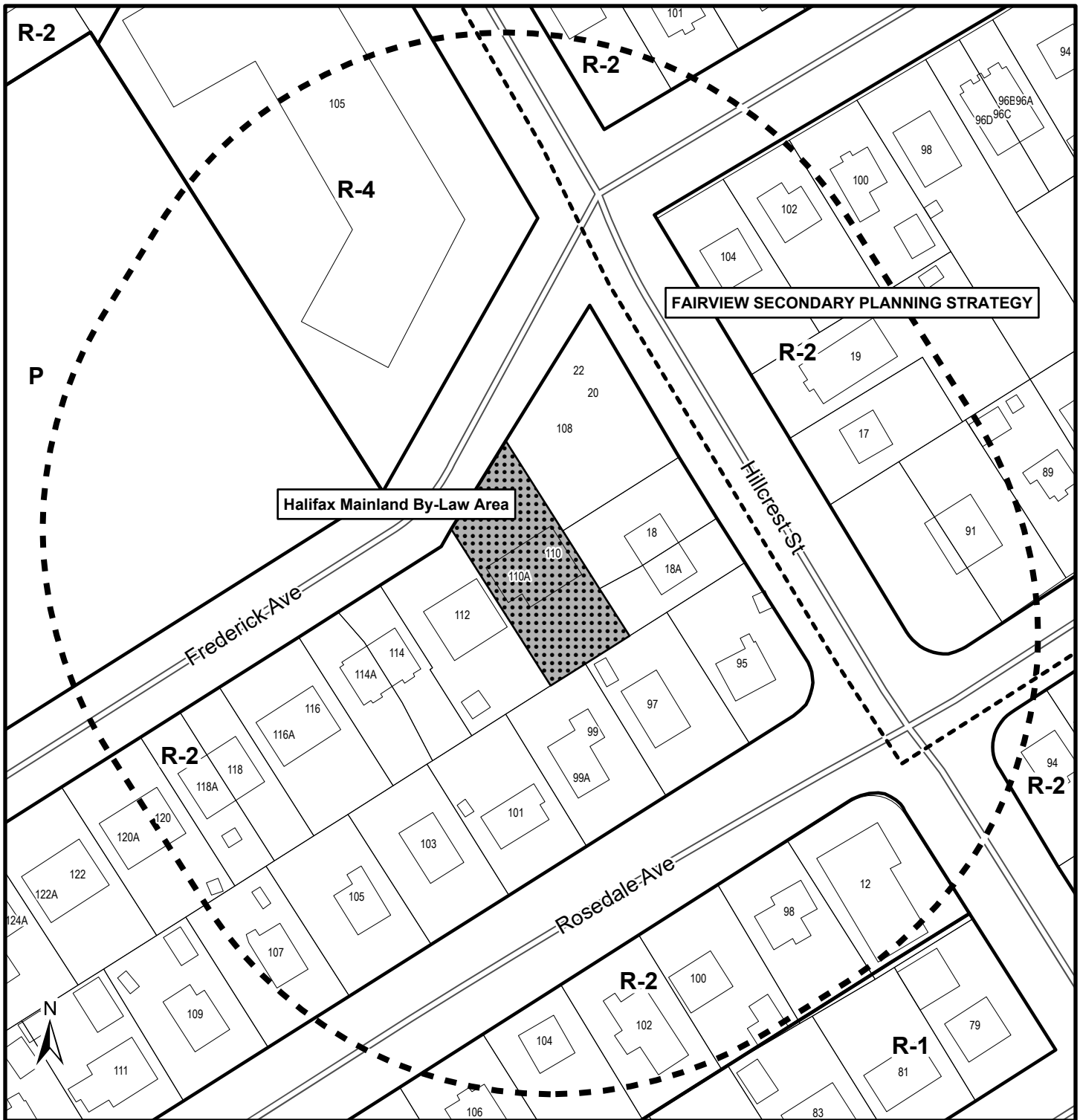
RES Residential Environments
LDR Low Density Residential

0 20 m

Halifax
Land Use By-Law Area

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.



FAIRVIEW SECONDARY PLANNING STRATEGY



Halifax Mainland By-Law Area

Map 2 - Zoning and Notification Area

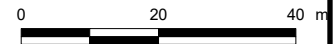
110 Frederick Ave,
Fairview

HALIFAX

Zone

-  Subject Property
-  Area of Notification

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- P Park and Institutional



Halifax
Land Use By-Law Area

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 Development Agreement

THIS AGREEMENT made this **[Insert Date]** day of **[Insert Month]**, 2019,

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 110 Frederick Avenue, Fairview (PID 00253690) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a child care centre of up to 40 children on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 3.20 and 3.20.1 of the Halifax Municipal Planning Strategy and Section 71(8) of the Halifax Mainland Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP 2025-00730.

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:
- (a) "Child Care Centre" shall have the same definition as in the Land Use By-law for Halifax Mainland under "Day Care Facility.
 - (b) "Existing" means in existence as of the effective date of this Agreement.

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 with the Halifax Regional Municipality as PLANAPP 2025-00730:

Schedule A Legal Description of the Lands

3.2 Requirements Prior to Approval

- 3.2.1 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all 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 the following:
- (a) a Child Care Centre for not more than 40 children occupying the existing building; or
 - (b) any use within the R-2 (Two Family Dwelling) zone, subject to the provisions contained within the Land Use By-law for Halifax Mainland.
- 3.3.2 For greater clarity, the Child Care Centre is not required to be in conjunction with a residence and Section 23A of the Land Use By-law shall not apply.
- 3.3.3 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 Land Use By-law for Halifax Mainland, as amended from time to time.

- 3.3.4 One (1) accessory building, per the requirements of the Land Use By-law for Halifax Mainland, is permitted on the property.

3.4 Architectural

- 3.4.1 The existing building shall retain its residential character as a detached one-family dwelling subject to the R-2 (Two Family Dwelling) Zone of the Halifax Mainland Land Use By-law.
- 3.4.2 Section 3.4.1 shall not prevent building or property alterations required for accessibility reasons.

3.5 Outdoor Play Area

- 3.5.1 The outdoor play area and playground equipment shall not be located in the front yard, and playground equipment shall be permitted on the properties.
- 3.5.2 The outdoor play area in the yards must be enclosed by an opaque fence at least 6 feet high, installed in a manner that ensures the safety and security of the children in care. Existing fencing may be used if it meets the requirements of this section. For greater clarity, an opaque fence shall include a chain link fence with privacy slats.
- 3.5.3 A gate may be installed in the rear yard segment of the fence provided it is secure against egress from the property by unescorted children.

3.6 Hours of Operation

- 3.6.1 The Child Care Centre may operate Monday to Friday between the hours of 7:00 a.m. to 6:00 p.m.
- 3.6.2 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.7 Parking, Circulation, and Access

- 3.7.1 The parking areas shall be hard surfaced.
- 3.7.2 A minimum of two (2) off-street parking spaces shall be provided and maintained at all times for the purpose of pick-up and drop-off activities.
- 3.7.3 Subject to Section 3.7.2, staff parking spaces may be permitted if provided in a tandem parking arrangement.
- 3.7.4 All off-street parking areas shall be maintained in a clear, and unobstructed condition at all times throughout the year.
- 3.7.5 A walkway shall be provided from the building entrance to the parking areas and to the street.
- 3.7.6 Notwithstanding Section 9(a)(iii) of the Halifax Mainland Land Use By-law, a maximum of 40 percent of the front yard may be used for vehicular access, manoeuvring, and parking.

3.8 Outdoor Lighting

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

3.9 Maintenance

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

3.10 Signs

- 3.10.1 The sign requirements shall be accordance with the R-2 (Two Family Dwelling) Zone of the Land Use By-law for Halifax Mainland as amended from time to time.

3.11 Screening

- 3.11.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing, masonry walls, or foliage.

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.

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.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Halifax Regional Municipality Charter*:
- (a) Changes to Section 3.6 to extend hours of operations.
 - (b) The granting of an extension to the date for Commencement of Development as identified in Section 7.3.1 of this Agreement; and
 - (c) 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 for Halifax Mainland.
- 7.3.2 For the purpose of this section, commencement of development shall mean issuance of a Development Permit.
- 7.3.3 For the purpose of this section, the Municipality may consider granting an extension of the commencement of development time period through a resolution under 6.1 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:

- (d) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Mainland as may be amended from time to time.

7.4.2 For the purpose of this section, completion of development shall mean successful application for an Occupancy Permit.

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 ten (10) years from the date of registration of this Agreement, the Municipality may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 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.

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: _____

Print Position: _____

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 Andy Fillmore, Mayor and Ian 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

Attachment B – Review of Relevant MPS Policies

Halifax Municipal Planning Strategy	
SECTION II: CITY WIDE OBJECTIVES AND POLICIES	
Policy	Staff Comments
Part 2: RESIDENTIAL ENVIRONMENTS	
Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.	
Policy 2.1 <i>Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland and should be related to the adequacy of existing or presently budgeted services.</i>	<p>The subject site is located in Halifax Mainland and in a neighbourhood already developed and fully serviced.</p>
Policy 2.2 <i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i>	<p>The proposed land use will result in a decrease in residential intensity and an increase in commercial activity. Day care facilities are considered a hybrid land use, incorporating commercial (fee-for-service), residential (providing care in a domestic-like setting where children eat, sleep, and play), and institutional/educational (delivering a curriculum under a license from the Provincial Department of Education) components. The existing daycare has been operating under the current owner since 2022, but it has been in operation for a longer period under a previous operator (since 2001).</p> <p>The applicant has demonstrated ongoing community demand through a waitlist for enrolment. The surrounding neighbourhood includes housing stock and schools that are well-suited to families with dependent children. Local schools are currently near capacity, indicating a high level of demand for family-supportive services. Child care is regulated under the provincial Early Learning and Child Care Act, further reinforcing its educational function.</p> <p>Implementation Policy 3.1 and Policy 3.2 were repealed.</p>
Policy 2.4.2 <i>In residential neighbourhoods alternative specialized housing such as special care</i>	<p>Day care centres are recognized as a permitted use within residential neighbourhoods under this</p>

<i>homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.</i>	policy. The application is enabled under the Implementation Policies 3.20 and 3.20.1.
---	---

IMPLEMENTATION POLICIES

<p>Policy 3.20 <i>In order to encourage the establishment of child care centres in a variety of locations to meet the varied needs of families, and to allow the consideration of the specific circumstances of an individual location, a child care centre which does not meet applicable land use bylaw regulations may be permitted by development agreement.</i></p>	<p>The existing childcare operation has been in business for two decades, demonstrating sustained local demand. The applicant has provided evidence of continued need, noting the closure of a local day care and that the nearby school is currently at capacity. Additionally, the existing day care facility maintains a waitlist. These factors suggest that the neighbourhood and broader community include a significant number of families with dependent children, and that access to child care is an essential service for local residents. A development agreement is required to permit the establishment of a child care centre on the subject site, as the proposed capacity may exceed the maximum number of children allowed under the Halifax Mainland Land Use By-law (LUB).</p>
<p>Policy 3.20.1 <i>In considering approval of such development agreements, Council shall consider the following:</i></p>	
<p><i>a. for a child care centre located within a dwelling, alterations to the exterior of the building shall not be such that the building no longer appears to be residential in nature. This shall not prevent facilities for physically challenged children, or playground equipment to be erected on the property.</i></p>	<p>External alterations are not proposed and the building will maintain its residential character by requiring the regulations of the R-2 Zone apply to the site.</p>
<p><i>b. the hours of operation shall be such that adverse impacts of noise and traffic movements on adjacent residential uses are reduced.</i></p>	<p>The proposed hours of operation are 7:00 a.m. to 6:00 p.m., allowing for staggered drop-off and pick-up times to help mitigate potential noise and traffic impacts. Day care centres are considered a form of commercial use and activity generally aligns with peak commuter periods; the submitted</p>

	<p>Transportation Impact Statement (TIS) indicates that arrivals are typically distributed over time. The busiest period occurs between 7:45 and 8:45 a.m. and 4-5 p.m., and the critical period for parking demand is in the afternoon window. According to the TIS, the average pick-up time is approximately three minutes. There are 6 on-site and off-site parking spaces located near the site, which are generally unoccupied during the afternoon peak hours. As a result, the TIS concludes that the existing parking supply can accommodate the anticipated demand due to the high turnover rate of parking spaces during drop-off and pick-up periods.</p> <p>The TIS does recommend several requirements to ensure the existing parking can accommodate the increase in children. The requirements staff can control have been included in the development agreement, which are:</p> <ul style="list-style-type: none"> - Two on-site parking spaces for the sole purpose of drop-off/pick-up spaces for guardians. - That the on-site spaces remain clear and free all year round.
<p><i>c. parking shall be required on the site of the child care centre to accommodate the employees of the centre. Parking areas should, where necessary, be visually buffered from any adjacent residential uses by the use of fences, screening and/or landscaping as appropriate.</i></p>	<p>The development agreement will require a minimum of 2 on-site parking spaces, which will be accommodated using the existing driveways on the site. Additional parking is available; however, some spaces may involve tandem parking arrangements, which are suitable for staff use. The Transportation Impact Statement (TIS) concludes that the existing parking supply is adequate to support the proposed expansion of Bean Sprouts Child Care Centre. Staff have reviewed the TIS and are satisfied that the parking provision is sufficient to meet the operational needs of the site.</p> <p>If the applicant wishes to increase the driveway width to provide an additional on-site parking space for drop-off and pick-up, the permitted front yard coverage by asphalt has been increased from 33% to 40%. This change aligns with updated regulations for this requirement found in the Suburban Housing Accelerator Land Use By-law (LUB).</p>

<p><i>d. site design features, including landscaping, outdoor play space, parking areas and driveways shall be designed, sized, and located to provide for the needs of the users of the facility, as well as to address potential impacts on adjacent residential uses.</i></p>	<p>The existing driveway, which has supported child care operations for approximately 24 years, is considered adequate to accommodate the proposed increase in activity. Outdoor play areas will be enclosed with new, higher, fencing to ensure child safety and provide visual and some acoustic buffering from adjacent properties.</p>
<p><i>e. vehicular access to and egress from the child care centre and pedestrian movement shall be accommodated in a manner which encourages safety.</i></p>	<p>The site design includes a designated pedestrian pathway connecting the on-site parking and drop-off areas to the building entrance to ensure safe access for children and caregivers. Given the limited availability of on-site parking, some vehicle movements—particularly for drop-off and pick-up—are expected to occur along the public street. Designated pedestrian pathway connecting the buildings to the street are provided and required in the development agreement.</p>
<p><i>f. signs for the child care centre shall be of a size, design and placement on the lot which reduces impacts on adjacent residential uses.</i></p>	<p>The development agreement reverts to the signage requirements and regulations found in the Halifax Mainland Land Use By-law.</p>
<p><i>g. centres shall not be located so as to produce a concentration within a particular neighbourhood. In addition, only one centre with a licensed capacity of more than 14 children shall be permitted on any cul-de-sac.</i></p>	<p>The subject site is not located on a cul-de-sac. When determining a neighbourhood staff rely heavily on the context specific to the site, as it relates to its surroundings in terms of use, form, development patterns, geography, and infrastructure.</p> <p>Staff reviewed the built form, street network, and geography, and infrastructure when identifying the neighbourhood. The form is predominantly single unit residential with a grid street network bounded by collector and arterial roads. Based on this definition of neighbourhood, the neighbourhood applicable to this application could be defined by the major streets that surround it, which are Dutch Village Road to the east, Main Ave to the north, Dunbrack St to the west, and Highway 102 to the south. Staff believe this is a broad definition of the neighbourhood.</p> <p>Within this neighbourhood there are a total of 3 child care centres (including PLANAPP 2025-00497), with several more just outside this defined area. This relatively low number, coupled with the fact that there is significant demand for more spaces and that this centre is an existing daycare</p>

	currently in operation, staff do not believe this expansion will result in a concentration within this neighbourhood.
<i>h. all other relevant policies of the municipal planning strategy with particular reference to the Residential Environments section.</i>	Staff are of the opinion that all relevant policies have be identified in the policy matrix.

Halifax Regional Municipal Planning Strategy (Regional Plan)

9.6 PRIORITIES PLANS

Since the adoption of this Plan in 2014, Regional Council has approved several priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by Regional Council in 2023. The review will revise the policies of this Plan to ensure they are consistent with the priorities plans as approved. In the interim, this Plan supports the priorities plans which are actively used by staff to guide ongoing work.

Policy 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;*
- (b) Halifax Green Network Plan;*
- (c) HalifACT;*
- (d) Halifax's Inclusive Economic Strategy 2022-2027; and*
- (e) any other priority plan approved by Regional Council while this policy is in Effect*

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered 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 in making its recommendation to Council. In this case, no specific policies were identified as a conflict.

Attachment C: Engagement Summary Report

WHAT WE HEARD Summary of Feedback

PLANAPP 2025-00730

Application for a development agreement to expand the capacity of an existing day care from 14 to 40 children at 110 Frederick Avenue, Fairview.

Engagement

Public consultation took place from May 22 to July 10, 2025. Engagement efforts included the following:

- Mailout Notification: Nearby residents received a mailed notice outlining the proposal, providing details on where to find more information, and explaining how to submit comments or feedback.
- Online Survey: A dedicated webpage was created on Shape Your City, which included a survey inviting residents to share their feedback.

Methodology

A summary of the notifications sent and the corresponding response rate is included.

Recurring comments have been organized into key themes and are summarized below. The detailed survey responses are provided in the attached document for reference; however inappropriate comments have been redacted.

Raw Data (for public consultation period)

Total Notification Mailouts	33
Website Views	63
Survey Respondents	4
Survey Responses	7
Emails/Phone Calls Received	2
Response Rate (based off notification mailouts)	Website: 190.9% Survey (respondents): 12% Email/phone call: 6%

Data Correction

During the analysis of the survey responses, it was discovered that one respondent submitted four entries. Additionally, two responses were mistakenly attributed to Planning Application 2025-00497 — a similar proposal for several properties near Sunnybrae Avenue in Fairview — while one response was incorrectly attributed to this application instead of PLANAPP 2025-00497. The two misattributed responses have been included in the analysis below, and the one incorrectly attributed response has been removed.

Survey Summary

The survey included five main questions:

- Familiarity with the daycare facility.
- Support for the proposed expansion of daycare capacity.
- Concerns about the expansion (e.g., traffic, parking, noise, safety, screening/buffering).
- Perceived benefits of the expansion (e.g., increased access to childcare, support for local families).
- Proximity, asking whether the respondent lives or works near the proposed site.

Survey Results Summary

Total responses: 8 (from 5 respondents)

Very familiar with the existing business: 8 of 8 responses (100%)

Support of the expansion: 3 of 8 responses (37.5%) *

Live Nearby: 8 of 8 responses (100%)

** Note: The respondent who submitted multiple entries was opposed to the expansion.*

Themes of Comments

Concerns with Expansion

1. Traffic & Pedestrian Safety:
 - Respondents noted the street is a blind curve with poor visibility and ongoing speeding issues. They worry that added vehicles will worsen already unsafe conditions.
2. Noise Impact in a Residential Area:
 - Respondents emphasized the noise from 40 children playing near quiet homes of long-term senior residents.

Benefits of Expansion

1. Increased Access to Childcare:
 - Respondents cited the limited availability of childcare in the area and the positive experience with this particular daycare.

PLANAPP 2025-00730: 110 Frederick Avenue, Fairview.

SURVEY RESPONSE REPORT

01 July 2013 - 09 July 2025

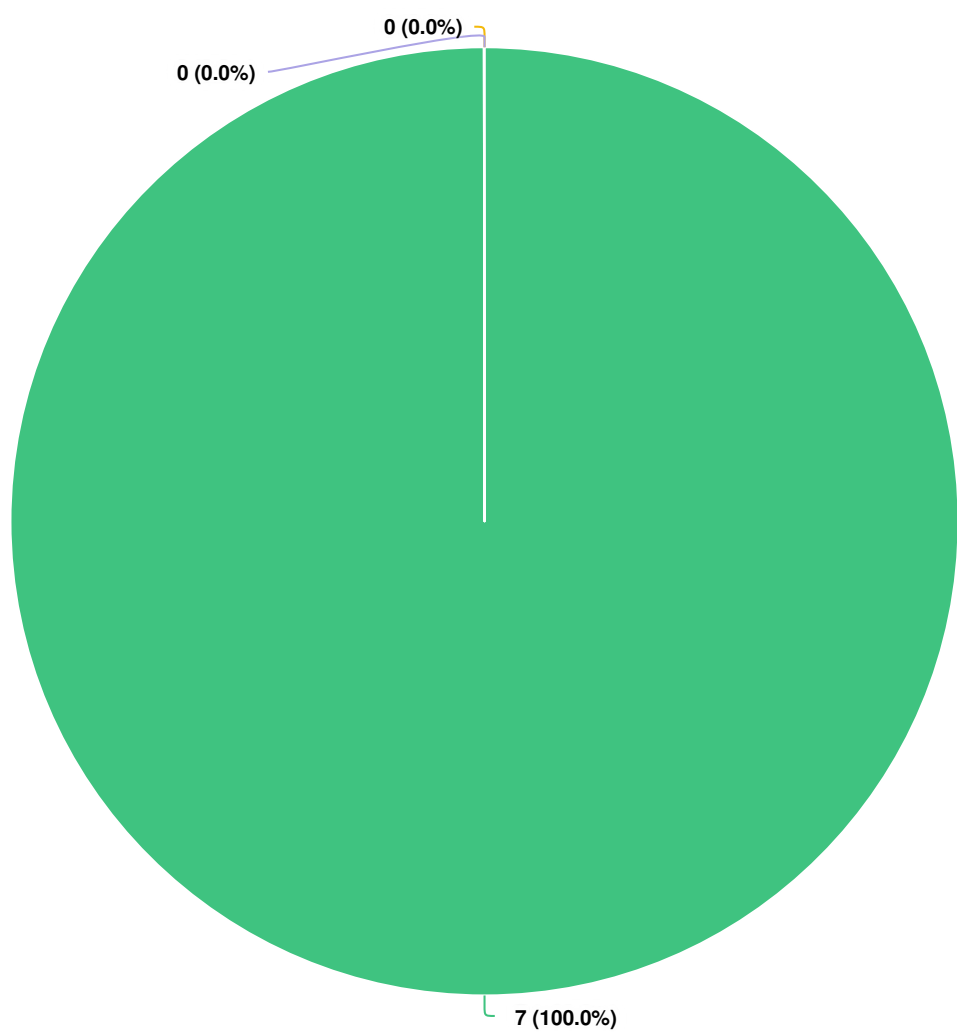
PROJECT NAME:

Planning Applications



SURVEY QUESTIONS

Q1 | How familiar are you with the daycare facility at this location?

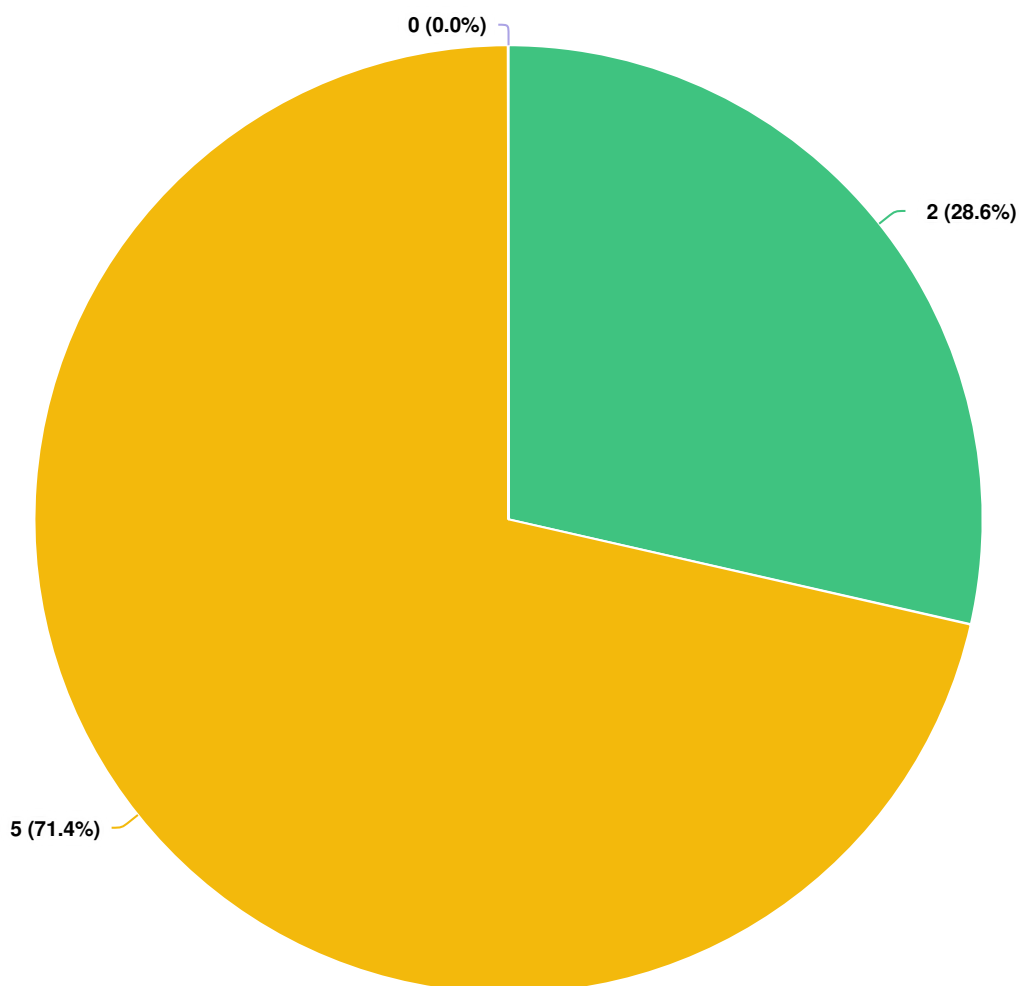


Question options

- Very familiar
- Somewhat familiar
- Not familiar

Mandatory Question (7 response(s))
Question type: Radio Button Question

Q2 Do you support the proposed expansion of daycare capacity at this location?



Question options

☒ Yes ☒ No ☐ Maybe

Mandatory Question (7 response(s))
Question type: Radio Button Question

Q3 | Do you have any concerns related to the proposed expansion (e.g., traffic, parking, noise, safety, screening/buffering)?

Anonymous

5/23/2025 08:45 PM

no magic beings is a the best daycare I have ever had my daughter attend. they are great with the kids and respectful to the community

Anonymous

5/24/2025 11:45 PM

None, it is a stable place for children

Anonymous

6/10/2025 08:46 PM

Traffic is a major issue. The road in front of the daycare is a dangerous blind turn as it is. With 40 vehicles stopping for 3-5 min every morning and evening they will all be parking on the north side of the street where there is no stopping permitted then crossing the street with young children on a blind turn. As well with 40 children the number of staff will increase considerably who will also require parking. As far as noise the daycare is surrounded by seniors who have all lived in their neighboring homes for over 40 years. The owner already purchased 4 properties adjacent to Burton Ettinger School which she has a proposal to expand as well so she is simply being a greedy business woman..

Anonymous

6/11/2025 11:01 AM

Traffic safety on drop offs.

Anonymous

6/11/2025 11:25 AM

Noise of 40 children in my backyard, YES. That is 4 t-ball teams

Anonymous

6/11/2025 11:29 AM

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Anonymous

6/27/2025 12:04 PM

I live next door to the Exiting Day Care. I have lived here since February 1972. At present time the small Day Care has posed no problems, how I do have grave concerns to expending . 1. This neighbourhood represents senior citizens. Children have to be outdoors for some or most of the day. Presently the noise level is acceptable. Expending would not be acceptable. 2. Parking is also an issue, Their drop-offs and pickups for one. I have two driveways and a lot of times parents will park in front of at least one of the driveways.

Early this year for example we had to summon an ambulance for my husband . The Ambulance had to park further up the street due to the street being used. I am now a widow with a disability and have people coming and going to visit or take care of me. It is most annoying. 3. Safety is also an issue. There is a dangerous curve and blind Hill right in front of the Day Care and My Home. People are parking on both sides of the street , children from the Schools up form us are walking up and down the streets. Cars seem to speed up after going over a speed bumps.. Traffic off the Bi high, Willet and Dunbrack street filter down this street to access Dutch Village Road. As more Development occurs more vehicles are travelling. I fore see the problem will increase.

Mandatory Question (7 response(s))

Question type: Essay Question

Q4 | Are there any benefits you see in the proposed expansion (e.g., increased access to childcare, support for local families)?

Anonymous

5/23/2025 08:45 PM

we need magic beings, excel and other programs are too full. I feel safe knowing my daughters have this strategy facility

Anonymous

5/24/2025 11:45 PM

Strong foundation for children.

Anonymous

6/10/2025 08:46 PM

No. Day-cares do not have to be in residential neighborhoods. Every child is driven there and dropped off anyways so why cannot they be in commercially zoned areas rather than R2? So the owners overhead is less and they earn more profits..

Anonymous

6/11/2025 11:01 AM

no benefits

Anonymous

6/11/2025 11:25 AM

Just the owner making more money and not careing about the neighbourhood

Anonymous

6/11/2025 11:29 AM

 4th submission

Anonymous

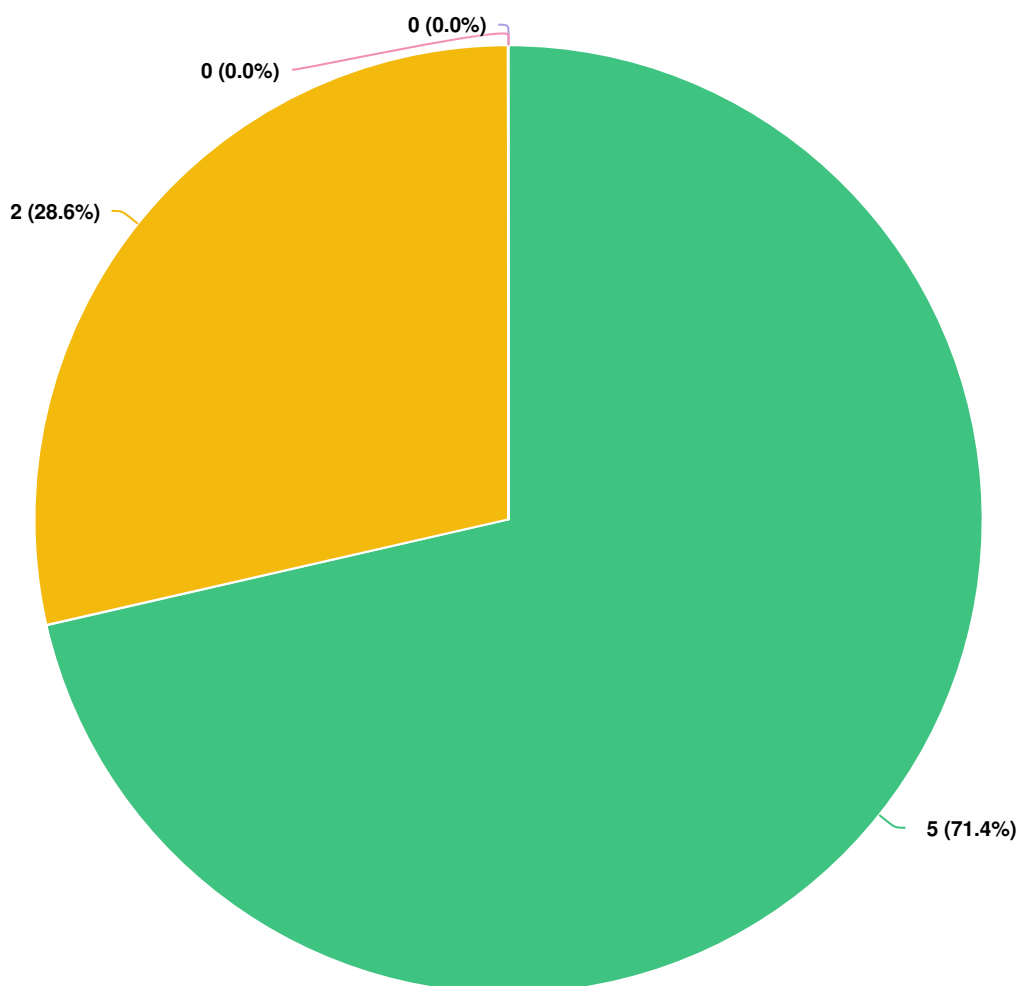
6/27/2025 12:04 PM

Being a parent I understand the problems in finding a good Day Care however this not a good area for one.

Mandatory Question (7 response(s))

Question type: Essay Question

Q5 Do you live or work near the proposed site?



Question options

☒ Yes, I live nearby ☐ Yes, I live and work nearby ☐ Yes, I work nearby ☐ No

Mandatory Question (7 response(s))
Question type: Radio Button Question