

City of Lakes Business Park Restrictive Covenants

Schedule “E”

Prepared by:

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The Grantee covenants with the Grantor to observe and comply with the following restrictions, the burden of which shall run with each of the lots in City of Lakes Business Park, and the benefit shall run with each of the said lots. This covenant shall be binding upon and ensure to the benefit of the respective heirs, executors, administrators, successors and assigns of the parties:

1. The burden of the Restrictive Covenants shall run with the land for all developments on **the following streets** in City of Lakes Business Park:
 - a. Spectacle Lake Drive
 - b. Garland Avenue
 - c. Mellor Avenue
 - d. John Savage Avenue (portion South of Wright Avenue)
 - e. Eileen Stubbs Avenue
 - f. Brownlow Avenue
 - g. MacLean Avenue
 - h. Commodore Drive
2. The Restrictive Covenants contained herein shall also apply to any new lots which result from a subdivision of the burdened lots.
3. The following uses shall **not be permitted**:
 - a. Buildings over five (5) storeys in height unless approved by the Municipality
 - b. Hotels with fewer than 125 guest rooms.
 - c. Hotels providing less than full service, including without restricting the generality of the foregoing, restaurant, lounge and meeting room facilities.
 - d. Restaurants - including but not limited to full service, drive-through and take-out, unless approved at the sole discretion of HRM Corporate Real Estate.
 - e. Retail and personal service uses, unless approved at the sole discretion of HRM Corporate Real Estate and meeting the following conditions:
 - i. All such uses shall be located on the first floor of a multiple story office building;
 - ii. The total area occupied by such uses shall not comprise more than fifteen (15%) of the gross floor area of the principal building; and
 - iii. Primary access shall be through an internal corridor.
 - f. Light Manufacturing uses, unless permitted at the sole discretion of HRM Corporate Real Estate and determined by HRM Corporate Real Estate to be compatible with the office uses which are the focus of the Park.
4. The **land coverage of the building's gross floor area**, shall not be less than 20%.

SITE DEVELOPMENT PROPOSAL APPROVAL REQUIREMENT

5. No addition to, alteration of, or new construction of any building, wall, fence (including hedges), gate, post, or other structure shall be commenced, constructed or maintained on the lands until the Site Development Proposal including plans, specifications, and siting plan showing the nature, location, colour, materials, and height of any such building, wall fence (including hedges), gate, post, or other structure and any addition, or alterations thereto shall have been submitted to and approved in writing by the

Municipality, which at its sole discretion may refuse to approve in whole or part. As part of the approval process, the Municipality may take into consideration the following features including but not limited to the material and colour of all roofs, exterior walls, woodwork, windows, hardware and lighting fixtures, fencing, paving, landscaping details proposed and the harmony thereof with the surroundings and the effect of the structures as planned on the outlook from adjacent or neighbouring properties.

6. The Site Development Proposal for such buildings or additions shall be prepared by a qualified engineer or architect in accordance with the current Site Development and Building Standards for City of Lakes Business Park (hereinafter called the “Guidelines”)
7. No building shall be erected on the lands unless the Site Development Proposal has been submitted to the Municipality and approval in writing is obtained. Every building shall be placed on the lands in a position approved by the Municipality.
8. Every building shall be completed in accordance with the approved Site Development Proposal before it is occupied.

BUILDINGS & OTHER STRUCTURES

9. Exterior treatments of structures shall be subject to approval by the Municipality.
10. The exterior walls of any building shall be of one or more of the following materials: glass, brick, cast in place concrete, or precast concrete.
11. No walls of any building shall be erected nearer than thirty-nine (39) feet to Spectacle Lake Drive, Garland Avenue, Mellor Avenue and John Savage Avenue (South of Wright Avenue, Eileen Stubbs Avenue, Brownlow Avenue and MacLean Avenue.
12. Notwithstanding Clause 11 above, no walls of any building shall be erected nearer to Commodore Drive than sixty (60) feet.
13. The construction of any building shall commence within twelve (12) months of the date of closing and shall be completed within twelve (12) months from the date of commencement in accordance with the previously approved Site Development Proposal.

LANDSCAPING & OTHER SITE IMPROVEMENTS

14. The Developer must submit a Site Development Proposal including a Landscaping Plan, signed by a qualified engineer or architect. The Site Development Proposal and Landscaping Plan shall show all physical features, both existing and proposed, including berms, slopes, walls, shrubs and trees labelled by name and size.

The Plan must clearly distinguish between existing plant material which is retained, material to be removed and material which is to be added. The Developer shall adhere to the approved plan unless otherwise instructed by the Municipality.

15. The landscaping and paving shall be completed within twelve (12) months after Development on the lot commences.
16. No excavation shall be made on the lands except for the purpose of building or for the improvement of the grounds thereof. No soil, sand or gravel shall be removed from the lands except with the permission of the Municipality.
17. Fences shall be erected for security or visual screening purposes only, and the design of such fences must be approved by the Municipality.
18. No landscaping area shall be used for parking or developed in any other manner unless such change has been approved by the Municipality.
19. No landscaping shall be commenced until the Site Development and Landscaping Plan has been approved by the Municipality.

PARKING, LOADING & UNLOADING

20. Parking areas, storage areas, and loading and unloading areas shall be asphalt or concrete paved and shall be separated from the landscaping areas by concrete curbing.
21. No trailer shall be parked or placed on any lot except for loading or unloading purposes.
22. No loading or unloading shall occur other than at the rear or side of any building. Where a building is constructed on a corner lot, no loading or unloading shall occur at the side(s) of the building adjacent to any street. No Loading or unloading doors shall face any street.
23. All manoeuvring of vehicles for loading and unloading purposes shall occur solely within the lot boundaries.

OUTSIDE STORAGE AND DISPLAY

24. No outside storage shall be permitted.
25. No outside display of products, goods, wares, or articles shall be permitted.
26. No garbage shall be stored outside except in a permanent refuse container which is impervious to rodents and kept tightly covered. Such container shall be placed at the rear of the lot and be completely enclosed and screened from view and the plans for such enclosure must be approved by the Municipality.

SIGNAGE

27. No sign shall be erected on any lot without the written approval of the Municipality.
28. No sign shall extend above the roof of any building.

29. No detached signs (signs that are not affixed to a building) shall be erected, except with the written approval of the Municipality.
30. In addition, all signage shall comply with municipal regulation and the requirements of the Nova Scotia Department of Transportation.

MAINTENANCE & UPKEEP

31. The Grantee covenants to keep all buildings, landscaping, and underground services in good order and repair. The grantee further covenants to keep the landscaping neat, tidy, well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands and promptly to replace, repair, or restore any damaged or dead vegetation.
32. The lands shall be kept clean and sanitary at all times and no sewage or offal shall be placed or permitted to remain on any lot and no waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks, or gravel used for grading or landscaping purposes.

REGULATION OF COVENANTS

33. "Municipality" as referenced herein shall refer to the Corporate Real Estate Office of the Halifax Regional Municipality (or its successor) which is responsible for the regulation and enforcement of the Site Development & Building Standards for City of Lakes Business Park including the Restrictive Covenants.
34. The Municipality may waive, alter, or modify these restrictions in respect to any lot or lots without notice to the owner of any other lot so long as the Municipality retains ownership of any of the lands above described and now owned by the Municipality.
35. The restrictions herein contained are severable and the invalidity or unenforceability of any restrictions shall not affect the validity or enforceability or any other restrictions.