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Item No. 13.1.2
Halifax and West Community Council
April 19, 2022

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

DATE: February 15, 2022

SUBJECT: **Case 20795: Rezoning and Development Agreement for St. Margaret's Bay Road, Beechville**

ORIGIN

Application by Sunrose Land Use Consulting.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Timberlea / Lakeside / Beechville Land Use By-law, as set out in Attachment A, to rezone property PID 40143174 on St. Margaret's Bay Road in Beechville, from the R-1 (Single Unit Dwelling) Zone to the CDD (Comprehensive Development District) Zone and schedule a public hearing;
2. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment B, and schedule a public hearing for the development agreement, which shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to the Timberlea / Lakeside / Beechville Land Use By-law, as set out in Attachment A to this report.

RECOMMENDATION CONTINUED ON PAGE 2

Contingent upon the amendment to the Timberlea / Lakeside / Beechville Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the Halifax Regional Municipality Charter, it is further recommended that Halifax and West Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment B to this report; and
2. Require that the development agreement be signed by the property owner within 240 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

Sunrose Land Use Consulting, on behalf of property owners Parkdale Developments Limited, applied to rezone property on St. Margarets Bay Road in Beechville from R-1 (Single Unit Dwelling) to CDD (Comprehensive Development District) and enter into a comprehensive development agreement to develop the site.

Subject Site	St. Margarets Bay Road and Raines Mill Road, Beechville (PID 40143174)
Location	Timberlea / Lakeside / Beechville Plan Area
Regional Plan Designation	US (Urban Settlement) IP (Industrial Park)
Community Plan Designation (Map 1)	UR (Urban Residential)
Zoning (Map 2)	R-1 (Single Unit Dwelling)
Size of Site	5.66 Hectares (14 acres)
Street Frontage	St. Margarets Bay Road: 42 m (137 ft.) Raines Mill Road: 94 m (308.5 ft.)
Current Land Use(s)	Vacant
Surrounding Use(s)	Single unit dwellings, commercial uses, Beechville – Lakeside – Timberlea (BLT) Trail, industrial uses

Beechville Plan Review

The subject site is located in Beechville, which is a historically Black community in HRM. Staff are currently reviewing the approach to land use planning in Beechville under Plan Review Case 20226.

This application was reviewed under the existing policies of the Timberlea / Lakeside / Beechville Municipal Planning Strategy.

Proposal Details

The applicant proposes to rezone the subject site from the R-1 (Single Unit Dwelling) Zone to the CDD (Comprehensive Development District) Zone, and to enter into a comprehensive development agreement to allow a multiple unit dwelling containing up to 39 dwelling units, 39 single unit dwellings with frontage on both the existing Raines Mill Road and a new public street in the form of a cul-de-sac that would be constructed on the site.

The major aspects of the proposal are as follows:

- Development would be along a new public street that would connect to St. Margarets Bay Road approximately across from the existing intersection of St. Margarets Bay Road and Oliver Street;

- The development would include one multiple unit dwelling and up to 39 single unit dwellings;
- The proposed multiple unit dwelling would be located at the northeast corner of the intersection of St. Margaret's Bay Road and the new public street, and would have the following features:
 - Up to 39 dwelling units, 33% of which must have at least 2 bedrooms; and
 - Maximum height of 19 metres or approximately 6 storeys;
- Parkland dedication would be required upon subdivision in accordance with the *Regional Subdivision By-law*;
- A new walkway connecting the new public street with Raines Mill Road, which would be owned and maintained by HRM, would be conveyed to HRM with the new public street as part of the subdivision process; and
- Areas of non-disturbance and non-construction would be required as shown within the proposed development agreement, to retain existing tree cover.

The proposed development agreement does not require that development proceed according to defined phases.

Enabling Policy and LUB Context

The requested rezoning is enabled by Policy IM-9 of the Municipal Planning Strategy for Timberlea / Lakeside / Beechville; the proposed development agreement is enabled by Policy IM-11 of the Municipal Planning Strategy for Timberlea / Lakeside / Beechville.

Section 21.2 of the Timberlea / Lakeside / Beechville Land Use By-law prohibits all development in the CDD (Comprehensive Development District) Zone except in accordance with an approved development agreement.

Approval Process

The approval process for this application involves two steps:

- i) First, Halifax and West Community Council must consider and, if deemed appropriate, approve the rezoning from R-1 (Single Unit Dwelling) to CDD (Comprehensive Development District); and
- ii) Second, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed comprehensive development agreement once the rezoning is in effect.

Notwithstanding the two-stage approval process, a single public hearing can be held by Community Council to consider both the proposed rezoning and the development agreement. However, subsequent to the completion of the hearing process, the proposed rezoning must be approved by Community Council and be in effect prior to a decision on the on the development agreement. Both decisions are subject to appeal to the N.S. Utility and Review Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through an HRM webpage, signage posted on the subject site, postcards mailed to property owners within the notification area shown on Map 2, and a public information meeting held on February 8, 2018. Attachment D contains of a summary of the meeting. The public comments received generally included the following topics:

- Questions regarding the development agreement process, including the process for future amendments;
- Concerns that trees and non-disturbance areas should be maintained pre and post development;
- Concerns that tree removal will increase flooding on the site and on adjacent lots;

- Concerns that tree removal will allow water damage to Raines Mill Road;
- Concerns that tree removal will reduce privacy to adjacent lots;
- Request for a crosswalk from the new public street across St. Margaret's Bay Road; and
- Concerns over disruption to current residents caused by blasting.

A public hearing must be held by Halifax and West Community Council before it can consider approving the requested rezoning and proposed development agreement. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by 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 C provides an evaluation of the proposed rezoning and development agreement in relation to the relevant MPS policies.

Proposed Rezoning

The Applicant is requesting that the subject site be rezoned from R-1 (Single Unit Dwelling) to CDD (Comprehensive Development District). Of the matters addressed by the policy evaluation with respect to the requested rezoning, the following have been identified for detailed discussion:

Access to existing street network

With respect to the requested rezoning, which would be required prior to entering into the proposed comprehensive development agreement, Timberlea / Lakeside / Beechville MPS Policy UR-11 (f) requires at least two separate accesses to the public road network. The proposed development would include a new public street cul-de-sac connecting the development to St. Margarets Bay Road and a walkway, owned by HRM, connecting the bulb of the new cul-de-sac with Raines Mill Road and providing cyclist and pedestrian access to the development.

The site plan included within the proposed development agreement was subject to preliminary review by the Development Engineering with no concerns being identified. If the development agreement is approved, further detailed review will be conducted through the final subdivision approval process.

Proposed Development Agreement

Attachment B 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:

- Permits the following land uses:
 - One multiple unit dwelling containing up to 39 dwelling units;
 - 35 single unit dwellings fronting on a new public street
 - 4 single unit dwellings with frontage on Raines Mill Road and access from the new public street;
 - Secondary and backyard suites would be permitted in accordance with the Land Use By-law;
- Includes requirements for plans addressing site disturbance, grading and stormwater management on the DA area prior to site work;
- A public walkway connecting the new cul-de-sac and Raines Mill Road must be constructed and conveyed to HRM with the new public street as part of the subdivision process in accordance with the *Regional Subdivision By-law*;
- Vehicle and bicycle parking for the multiple unit dwelling;
- Indoor and outdoor amenity space for residents of the multiple unit dwelling;
- The proposed agreement would permit non-substantive amendments as follows:

- Changes to parking, circulation, and access;
- Changes to landscaping;
- The granting of an extension to the date of commencement of construction;
- Changes to the length of time given for the completion of the development;
- Changes to architectural requirements for the multiple unit dwelling that do not impact its massing; and
- Changes to the Schedules of the proposed Agreement required to be consistent with any other non-substantive amendment.

The proposed development agreement would permit a 78-unit residential development on a new public street, subject to the controls identified above and the Regional Subdivision By-law. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion:

Direct Access to Major Collector – multiple unit dwelling

The proposed development includes a 39-unit multiple unit dwelling on a new public street. The Timberlea/Lakeside/Beechville MPS includes a street hierarchy map (MPS Map 3) that identifies local, minor collector, major collector, and arterial streets. MPS Policy UR-12 (e) requires that new multiple unit dwellings, such as the one being proposed with this application, have direct access to a Major Collector Road. MPS Map 3 identifies St. Margaret's Bay Road as a Major Collector; however, since Map 3 was published, HRM Traffic Management have designated St. Margaret's Bay Road an Arterial in this area.

The proposed multiple unit dwelling would have frontage on St. Margaret's Bay Road, but access would be from the new public street, which would be a local street in the form of a cul-de-sac, that is to be constructed on the subject site.

Staff advise that the intent of this policy is to enhance public safety, manage traffic flow and conform with engineering standards. However, since this policy was written, engineering standards have evolved. Development Engineering staff have advised that current engineering best practice is to limit direct driveway access to Major Collector and Arterial roads, and that it is preferable with respect to traffic management and public safety to provide access to the proposed multiple unit dwelling from the new public street only. Therefore, staff advise that providing access from the proposed new local street is preferable and is still reasonably consistent with the intent of this policy.

The proposed development agreement would, however, permit direct access to St. Margaret's Bay Road from the proposed multiple unit dwelling on an interim basis, if the Developer chooses to construct the multiple units dwelling before the new public street is complete. If the Developer chooses this option, the proposed agreement requires that a temporary driveway be located in the location of the future street.

Timing of agreement

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances present, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

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 proposed development agreement would permit a 39-unit multiple unit dwelling and 39 single unit dwellings within an infill development in a primarily residential area of Beechville. Therefore, staff recommend that the Halifax and West Community Council approve the proposed rezoning and development agreement.

FINANCIAL IMPLICATIONS

There are no budget 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 2022-2023 budget and with existing resources.

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 LUB amendments and development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

There are significant slopes at the northern end of the site and this area would remain undeveloped under the proposed development agreement.

The proposed development agreement would protect the sloped area by establishing a non-disturbance zone to retain existing tree and vegetal cover.

No other environmental implications were identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amendment to the Timberlea / Lakeside / Beechville LUB and 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 the proposed LUB Amendment or 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 amendment to the Timberlea / Lakeside / Beechville LUB and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

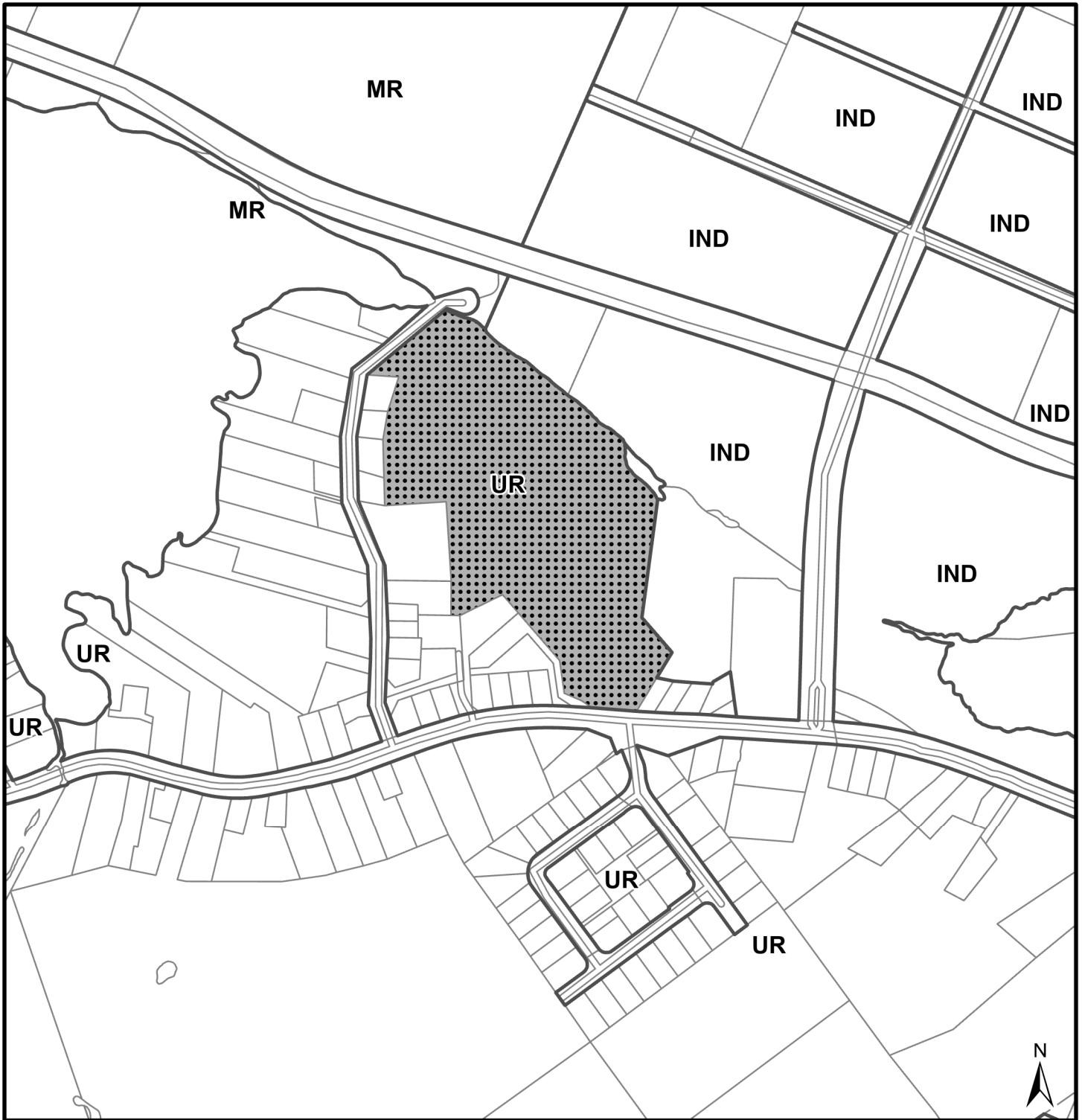
ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Proposed Amendment to the Land Use By-law for Timberlea/ Lakeside/ Beechville
Attachment B: Proposed Development Agreement
Attachment C: Review of Relevant MPS Policies
Attachment D: Summary of Public Information Meeting

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

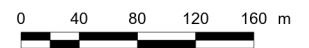
Report Prepared by: Jamy-Ellen Klenavic, Planner 2, 902.476.8361




Map 1 - Generalized Future Land Use

HALIFAX

St. Margaret's Bay Road,
Beechville



 Area proposed to be rezoned from R-1 (Single Unit Dwelling) to CDD (Comprehensive Development Agreement) and enter into a Development Agreement

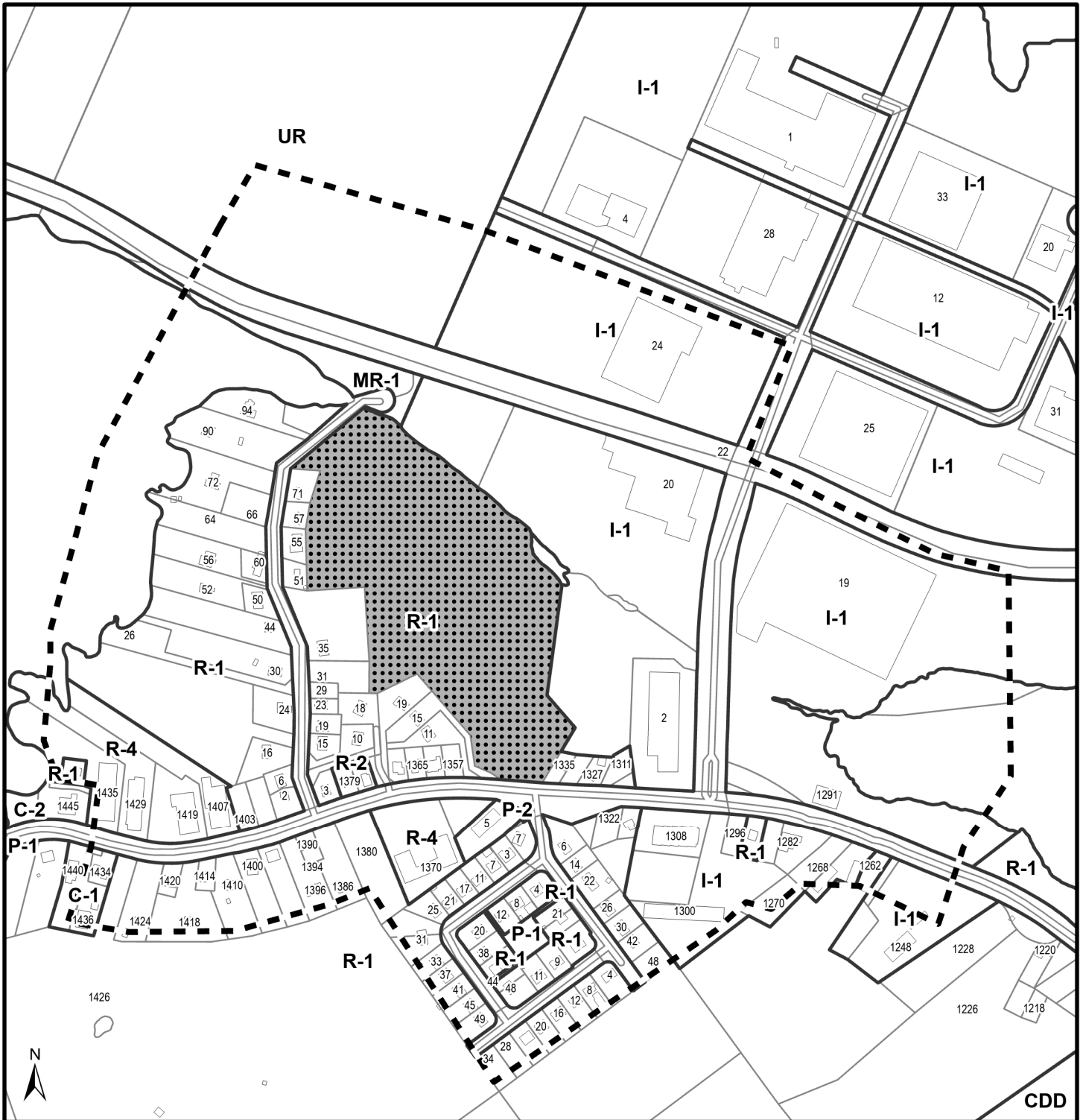
Designation

UR Urban Residential
IND Industrial
MR Mixed Resource

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.


Timberlea/Lakeside/Beechville Plan Area



Map 2 - Zoning and Notification

St. Margaret's Bay Road,
Beechville

 Area proposed to be rezoned from R-1 (Single Unit Dwelling) to CDD (Comprehensive Development Agreement) and enter into a Development Agreement

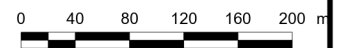
 Area of Notification

Timberlea/Lakeside/Beechville Land Use By-Law

Zone

R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
R-4	Multi-Unit Dwelling
C-1	Local Business
C-2	General Business
I-1	Light Industry
MR-1	Mixed Resource
P-2	Community Facility
UR	Urban Reserve

HALIFAX



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

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

ATTACHMENT A

Proposed Amendment to the Land Use By-law for Timberlea / Lakeside / Beechville

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea / Lakeside / Beechville is hereby further amended as follows:

1. Amend Schedule A, the Zoning Map, by rezoning the property identified as PID 40143174 from the R-1 (Single Unit Dwelling) Zone to the CDD (Comprehensive Development District) Zone, as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 2022.

Iain MacLean
Municipal Clerk

Attachment B: 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 St. Margaret's Bay Road and Raines Mill Road, Beechville 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 residential development containing single unit dwellings and a multiple unit dwelling on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies UR-11, UR-12 and IM-12 of the Timberlea / Lakeside / Beechville Municipal Planning Strategy and Section 3.6 of the Timberlea / Lakeside / Beechville 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 Municipal Case Number 20795;

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 Development Agreement.

1.2 Applicability of Land Use 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.
- 1.2.2 Variances to the requirements of the applicable Land Use By-law shall be permitted in accordance with the *Halifax Regional Municipality Charter* on the whole site only as shown on Schedule C.

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 or the Regional Subdivision By-law, and 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) **“Amenity Area”** means indoor or outdoor above grade space designed for private or shared use by a building’s residents such as balconies, enhanced bicycle parking, planters and plots for gardening, barbeque areas, fitness rooms, sport courts, playgrounds, theatre rooms, art or music studios, children’s playrooms, co-working facilities, outdoor landscaped areas, and uses that are similar in the opinion of the Development Officer.
- (b) **“Area of Non-Disturbance”** means the area of land shown on Schedule C where tree and vegetation retention are required in perpetuity.
- (c) **“Enhanced Bicycle Parking”** means any of the following: bicycle parking in excess of the minimums required by the Land Use By-law in terms of quantity or class; the provision of showers at the rate of one for every six bicycle spaces; clothes lockers at the rate of one for every bicycle space; and the provision of bicycle parking that accommodates and secures bicycle trailers and cargo bikes.
- (d) **“Landscape Architect”** means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- (e) **“Non-Construction Zone”** means the area of land shown on Schedule C where tree and vegetation retention are required during construction.

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 this agreement and the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20795:

Schedule A	Legal Description of the Lands
Schedule B	Sub-Area Plan
Schedule C	Site Plan
Schedule D	Site Plan and Preliminary Landscape Plan – Multiple Unit Dwelling
Schedule E	Front Elevation - Multiple Unit Dwelling
Schedule F	Back Elevation - Multiple Unit Dwelling
Schedule G	Left Elevation - Multiple Unit Dwelling
Schedule H	Right Elevation - Multiple Unit Dwelling

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work for each Sub-Area, the Developer shall provide the following to the Development Officer:
- (a) A Detailed Site Disturbance Plan in accordance with Section 5.3 of this Agreement;
 - (b) Written confirmation supported by photographs that all Non-Construction Zones and Areas of Non-Disturbance as required by this agreement and the Detailed Site Disturbance Plan have been identified with snow fence or other appropriate method such as flagging tape.
- 3.2.2 Prior to the issuance of any Development Permit for any Sub-Area, the Developer shall provide the following to the Development Officer:
- (a) Approval of all subdivision applications required by the Regional Subdivision By-law, including Concept and Final Subdivision, in accordance with Schedules B and C and Section 3.6 of this Agreement;
 - (b) All studies, plans and submissions required by the Development Officer to satisfy the requirements of the Regional Subdivision By-law, including but not limited to an updated Traffic Impact Study; and
 - (c) A Detailed Landscape Plan in accordance with Section 3.11 of this Agreement;
- 3.2.3 Prior to the issuance of any Occupancy Permit for Sub-Area 1 of the Lands as shown on Schedule B, the Developer shall provide the following to the Development Officer:
- (a) Written confirmation from a Landscape Architect of compliance with the Detailed Landscape Plan required pursuant to Section 3.11 and Schedule D of this Agreement, or the posting of Security in accordance with Section 3.11 of this Agreement; and
- 3.2.4 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 uses of the Lands permitted by this Agreement are the following:
- (a) On that part of the Lands identified as Sub-Area 1 on Schedule B:
 - (i) One multiple unit dwelling with a maximum of 39 dwelling units; and
 - (ii) A minimum of 33% of the dwelling units, rounded up to the nearest unit, shall contain two or more bedrooms.
 - (b) On that part of the Lands identified as Sub-Area 2 on Schedule B:
 - (i) A maximum of 35 single unit dwellings; and
 - (ii) Accessory uses in accordance with the applicable Land Use By-law.
 - (c) On that part of the Lands identified as Sub-Area 3 on Schedule B:
 - (i) A maximum of 4 single unit dwellings; and

(ii) Accessory uses in accordance with the applicable Land Use By-law.

3.3.2 All development on the Lands shall conform with any watercourse buffer required by the applicable Land Use By-law.

3.3.3 The Development Officer may permit encroachments into any required minimum yard in accordance with the applicable Land Use By-law.

3.4 Detailed Provisions for Land Use

3.4.1 The siting, height, exterior design, materials and massing of the building in Sub-Area 1 shall be in general conformance with Schedules C, D, E, F, G and H, subject to the following:

- (a) Minimum lot frontage shall be 13 metres;
- (b) Minimum lot area shall be 4500 square metres;
- (c) Minimum front yard for buildings and surface parking lots shall be 9.1 metres;
- (d) Minimum side yard shall be 6.1 metres;
- (e) Minimum rear yard shall be 6.1 metres;
- (f) Maximum building height shall be 19 metres, including mechanical equipment; and
- (g) A fence at least 1.5 metres in height shall be required along the south-east property line where the Lands abut 1335 St. Margaret's Bay Road.

3.4.2 The siting of buildings in Sub-Area 2 shall be in general conformance with Schedules B and C, subject to the following:

- (a) Minimum lot frontage shall be 10.36 metres;
- (b) Minimum lot area shall be 315.87 square metres;
- (c) Minimum front yard shall be 6.1 metres;
- (d) Minimum rear yard shall be 2.4 metres;
- (e) Minimum side yard shall be 1.83 metres;
- (f) Minimum flankage yard shall be 6.1 metres;
- (g) Maximum lot coverage shall be 35%;
- (h) Maximum building height shall be 10.66 metres; and

3.4.3 The siting of buildings in Sub-Area 3 shall be in general conformance with Schedules B and C, subject to the following:

- (a) Minimum lot frontage shall be 12.2 metres;
- (b) Minimum lot area shall be 558 square metres;
- (c) Minimum front yard shall be 6.1 metres;
- (d) Minimum rear yard shall be 2.4 metres;
- (e) Minimum side yard shall be 1.83 metres;
- (f) Notwithstanding Subsection 3.4.3 (e), the minimum side yard for any lot abutting 35 Raines Mill Road shall be 5 metres;
- (g) Minimum main building setback from the rear property lines of 51 Raines Mill Road, 55 Raines Mill Road, 57 Raines Mill Road, and 71 Raines Mill Road shall be 12 metres;
- (h) Maximum lot coverage shall be 35%;
- (i) Maximum building height shall be 10.66 metres; and
- (j) Access to lots shall be permitted from the new public cul-de-sac. A registered access easement shall be required to secure access across privately owned property.

3.5 Architectural Requirements

3.5.1 The main entrances to the multiple unit dwelling shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved

by the Development Officer. At least one main door shall face the proposed public street and service entrances shall be integrated into the design of the building and shall not be a predominant feature.

- 3.5.2 Large blank or unadorned walls shall not be permitted on the multiple unit dwelling. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane).
- 3.5.3 For the multiple unit dwelling, any exposed foundation in excess of 0.61 metres in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.4 For single unit dwellings, any exposed foundation in excess of 0.61 metres in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.5 The following external cladding materials shall be prohibited on the multiple unit dwelling:
- (a) Vinyl siding;
 - (b) Plastic, except for architectural laminate panels;
 - (c) Bare or painted plywood;
 - (d) Standard concrete blocks, however architectural concrete products are permitted;
 - (e) Exterior insulation and finish systems (EIFS) where stucco is applied to rigid insulation as a primary weather protection for the building envelope; and
 - (f) Mirrored glass or darkly tinted glass.
- 3.5.6 For the multiple unit dwelling, all vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be treated to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.7 The multiple unit dwelling shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from any public street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.8 For the multiple unit dwelling, fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.
- 3.5.9 For the multiple unit dwelling, all roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.6 Subdivision of the Lands

- 3.6.1 Where provisions of this Agreement or the Schedules attached hereto are found by the Development Officer to conflict with the requirements of the Regional Subdivision By-law, the *Regional Subdivision By-law* shall prevail.
- 3.6.2 Provisions of this Agreement or the Schedules attached hereto found by the Development Officer to conflict with the *Regional Subdivision By-law* shall be of no force or effect.
- 3.6.3 Where minor deviations from the requirements of this Agreement are required for accordance with the *Regional Subdivision By-law*, the Development Officer shall be permitted to issue a Development Permit for development on the Lands.

3.7 Parking and Circulation

- 3.7.1 Vehicle parking shall be required in accordance with the applicable Land Use By-law, except as provided in this Agreement.
- 3.7.2 A minimum of 1.2 vehicle parking spaces per unit in the multiple unit dwelling shall be provided on the same lot as the multiple unit dwelling. A combination of underground and surface parking spaces shall be permitted.
- 3.7.3 Surface parking for the multiple unit dwelling shall not be required but shall be permitted in accordance with the following:
- (a) Located as shown on Schedule C and Schedule D;
 - (b) Defined by landscaping and either standard or rolled curb;
 - (c) Parking spaces shall be a minimum of 2.74m by 5.48m (9' x 18'); and
 - (d) Notwithstanding Section 3.7.3(c), a maximum of 25% of the parking spaces may be allocated for small vehicles. Small vehicle parking spaces shall be at least 2.44m x 4.58m.
- 3.7.4 All driving lanes on the Lands shall be a minimum of 3 metres wide for one direction traffic and 6 metres wide for two direction traffic.
- 3.7.5 All driving lanes and parking areas on the Lands shall have a hard-finished surface such as asphalt, concrete, or interlocking precast paver stones. Permeable hard surfaces are acceptable and shall be adequately maintained.
- 3.7.6 It is the responsibility of the Developer to convey all required rights-of-way as shown on Schedule C.
- 3.7.7 The number, location and design of bicycle parking spaces shall be in accordance with the applicable Land Use By-law.
- 3.7.8 Any temporary private driveway from the permitted multiple unit dwelling to St. Margaret's Bay Road shall be located within the right-of-way of the public cul-de-sac on the Lands.

3.8 Walkway

- 3.8.1 A Walkway shall be constructed and conveyed to the Municipality in accordance with the *Regional Subdivision By-law*, including the Municipal Design Guidelines attached thereto, and located as generally shown on Schedule C, or in an alternative location approved by the Development Officer in consultation with the Development Engineer.

3.9 Outdoor Lighting

- 3.9.1 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.

3.10 Amenity Area

- 3.10.1 On that part of the Lands identified as Sub-Area 1 on Schedule B, amenity area shall be required at a rate of 5.0 square metres per dwelling unit in the multiple unit dwelling.

3.11 Landscaping

- 3.11.1 All plant material shall conform to the Canadian Nursery Landscape Association Canadian Nursery Stock Standard (9th edition).
- 3.11.2 Prior to the issuance of a Development Permit, the Developer agrees to provide a Detailed Landscape Plan for that part of the Lands identified as Sub-Area 1 on Schedule B, which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule D. The Landscape Plan shall be prepared by a Landscape Architect.
- 3.11.3 Prior to issuance of the first Occupancy Permit for the first dwelling unit in the multiple unit dwelling, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.11.4 Notwithstanding Section 3.11.3, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a Landscape Architect. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.12 Secondary and Backyard Suites

- 3.12.1 Secondary Suites and Backyard Suites shall be permitted in accordance with the requirements of the applicable Land Use By-law. Secondary Suites and Backyard Suites shall not be counted towards the maximum number of units permitted under Section 3.3.1 of this Agreement.

3.13 Maintenance

- 3.13.1 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.
- 3.13.2 All disturbed and exposed areas of the Lands shall be reinstated with landscaping to prevent erosion.

3.14 Signs

- 3.14.1 Sign requirements shall be in accordance with the applicable Land Use By-law and HRM By-law S-801, *A By-law Respecting Licensing Temporary Signs*, subject to the following:
- (a) A maximum of one ground sign shall be permitted to be located on private property at the entrance to the subdivision or sub-area or street to denote the community or subdivision name. The locations of such sign 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 7.6 metres (25 feet), and the face area of any sign shall not exceed 4.65 square metres (50 square feet). 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.

3.15 Temporary Construction Building

- 3.15.1 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.

3.16 Screening

- 3.16.1 Refuse containers located outside of the multiple unit dwelling shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.16.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from any public street and adjacent residential properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.16.3 Mechanical equipment shall be permitted on the roof provided the equipment is screened and not visible from any public street or incorporated into the architectural treatments and roof structure.
- 3.16.4 Any mechanical equipment shall be screened from view from all public streets with a combination of fencing and landscaping or building elements.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 Streets and Municipal Services

- 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 and shall receive written approval from the HRM Development Engineer prior to undertaking the work.
- 4.1.2 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.
- 4.1.3 All secondary electrical, telephone and cable service to the multiple unit dwelling shall be underground installation.
- 4.1.4 Securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is completed in the opinion of the Development Officer.
- 4.1.5 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, in consultation with the Development Engineer.

4.2 Solid Waste Facilities of Multiple Unit Dwelling

- 4.2.1 The multiple unit dwelling shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate a source separation program in accordance with By-law S-600, as amended from time to time.
- 4.2.2 Refuse containers and waste compactors shall be confined to the loading areas of the multiple unit dwelling and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.2.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

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 by the owner of the lot on which they are situated to maintain full storage capacity.

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:
 - (a) 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 Detailed Site Disturbance Plan

- 5.3.1 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 agrees to provide a Detailed Site Disturbance Plan for the Lands which complies with the provisions of this section and conforms with the overall intentions of Schedule C. The Detailed Site Disturbance Plan shall be prepared by a qualified professional.
- 5.3.2 The Non-Construction Zone, as generally illustrated on Schedule C, shall be shown on the Detailed Site Disturbance Plan. The Non-Construction Zone is to protect tree stands during construction only. No development, tree cutting, or grade alteration shall be permitted within any Non-Construction Zone except where approved in writing by the Development Officer under one of the following circumstances:
 - (a) To install municipal service systems. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified professional which shall identify measures to minimize disturbance within the Non-Construction Zone to the satisfaction of the Development Officer; or

- (b) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e. Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.
- 5.3.3 Upon the issuance of an Occupancy Permit for the affected lot, the Non-Construction Zone shall be removed, and tree retention is no longer required.
- 5.3.4 The Area of Non-Disturbance, as generally illustrated on Schedule C, shall be shown on the Detailed Site Disturbance Plan. No development, tree cutting, or grade alteration shall be permitted within any Area of Non-Disturbance except where approved in writing by the Development Officer under one of the following circumstances:
 - (a) To install municipal service systems. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified professional which shall identify measures to minimize disturbance within the Area of Non-Disturbance to the satisfaction of the Development Officer; or
 - (b) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e. Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.

5.4 Archaeological Monitoring and Protection

- 5.4.1 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.

5.5 Sulphide Bearing Materials

- 5.5.1 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 by resolution of Council:
 - (a) Changes to the parking and circulation measures as detailed in Section 3.7;
 - (b) Changes to the landscaping measures as detailed in Section 3.11;
 - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
 - (d) The length of time for the completion of the development as identified in Section 7.5 of this Agreement;
 - (e) Changes to architectural requirements for the multiple unit dwelling that do not impact its massing; and
 - (f) Changes to the Schedules of this Agreement required to be consistent with a non-substantive amendment permitted under this Section.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 of this Agreement 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 Council.
- 7.2.2 Upon the transfer of title to any lots, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lots.

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within five years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the applicable Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval for at least one Sub-Area of the development.
- 7.3.3 For the purpose of this Section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1 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 or complete Sub-Areas of the development, Halifax and West Community Council may review this Agreement, in whole or in part, and may:
- (a) Retain the Agreement in its present form;
 - (b) Negotiate a new Agreement;
 - (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 applicable Municipal Planning Strategy and Land Use By-law.

- 7.4.2 For the purpose of this section, completion of development shall mean final subdivision approval of all lots on the Lands.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development, or Sub-Areas of the development, after 12 years from the date of registration of this Agreement at the Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) Retain the Agreement in its present form;
 - (b) Negotiate a new Agreement;
 - (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 applicable Municipal Planning Strategy and Land Use By-law.

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 60 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 applicable 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: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

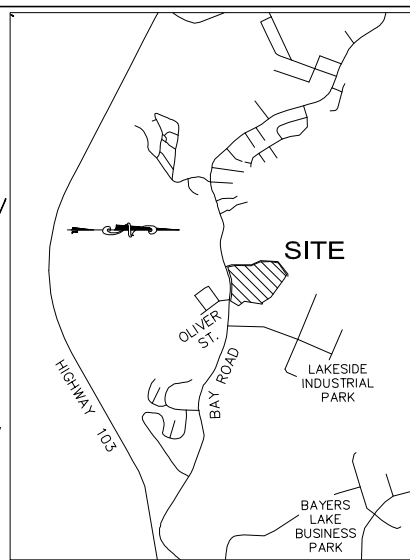
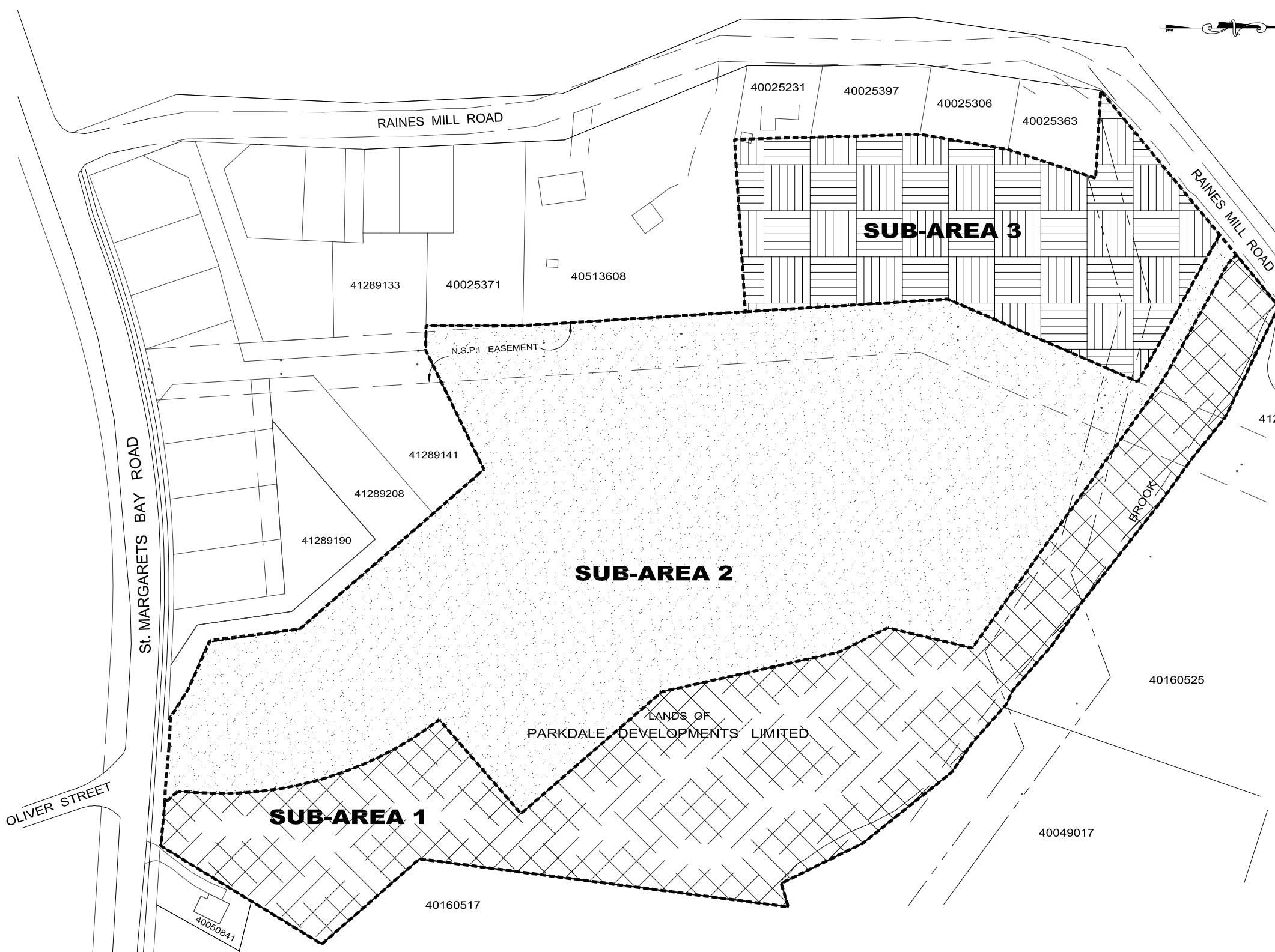
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

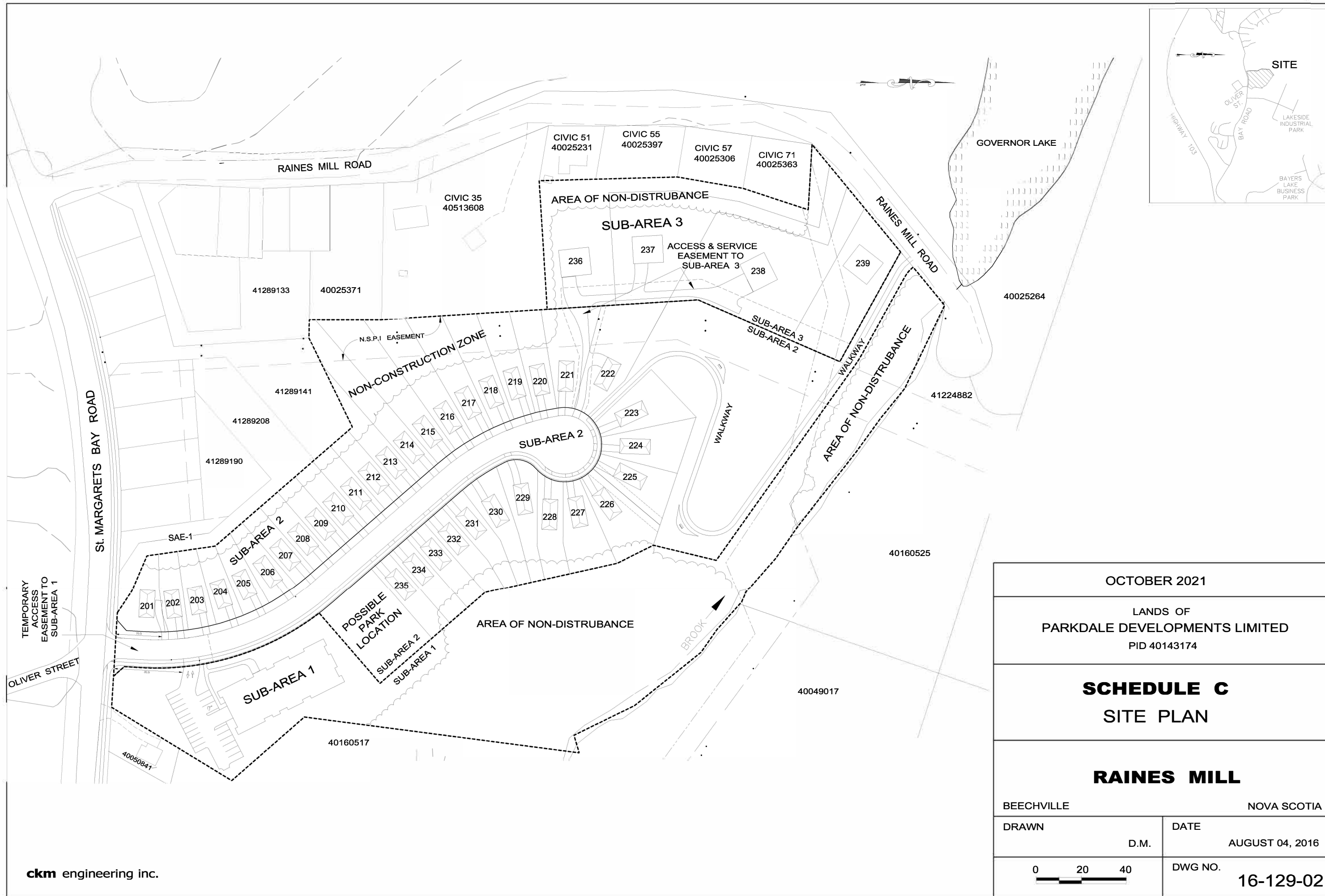
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and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

A Commissioner of the Supreme Court
of Nova Scotia

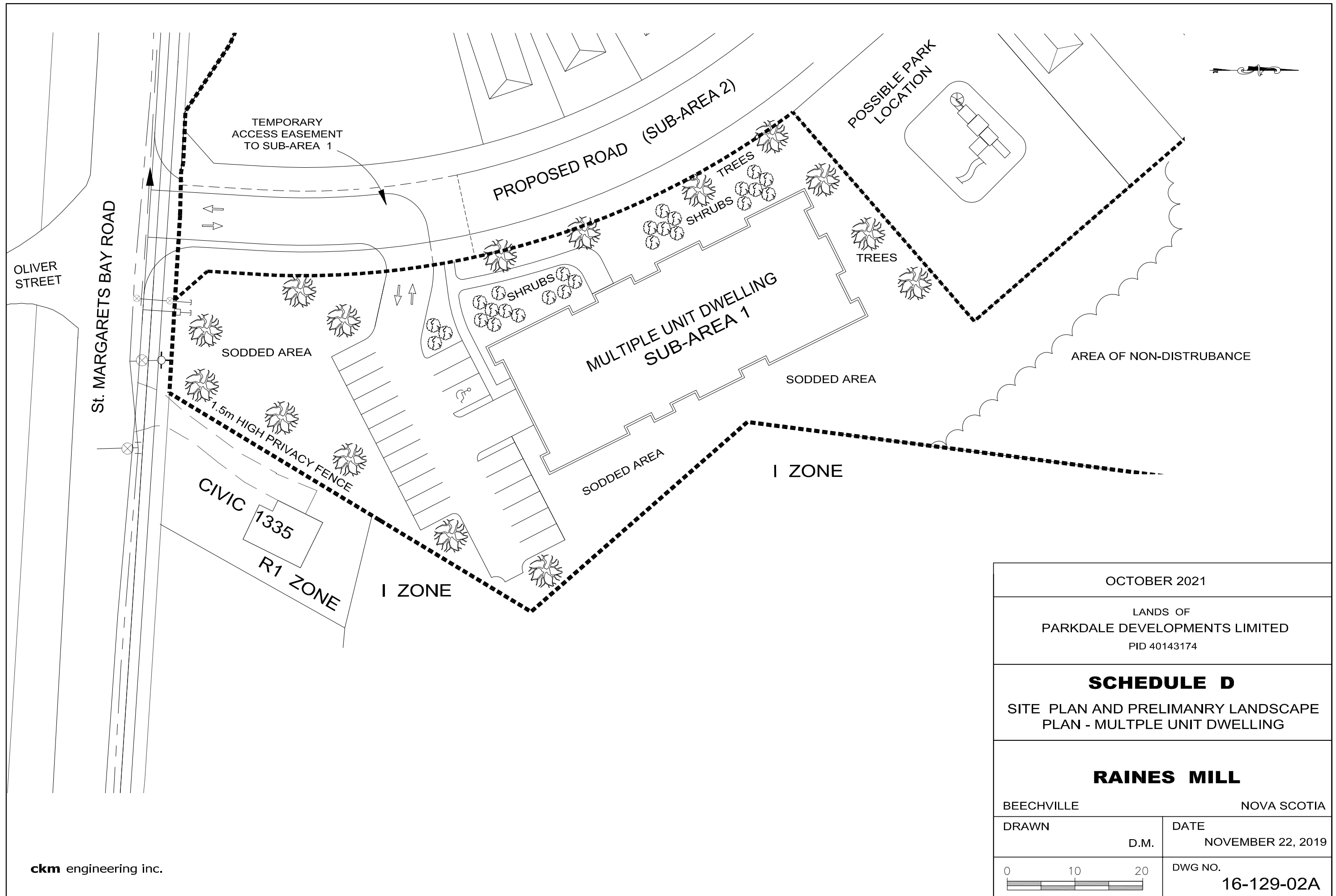


OCTOBER 2021	
LANDS OF PARKDALE DEVELOPMENTS LIMITED PID 40143174	
SCHEDULE B SUB-AREA PLAN	
RAINES MILL	
BEECHVILLE	NOVA SCOTIA
DRAWN	DATE
D.M.	AUGUST 04, 2016
DWG NO.	16-129-1A

SCHEDULE B

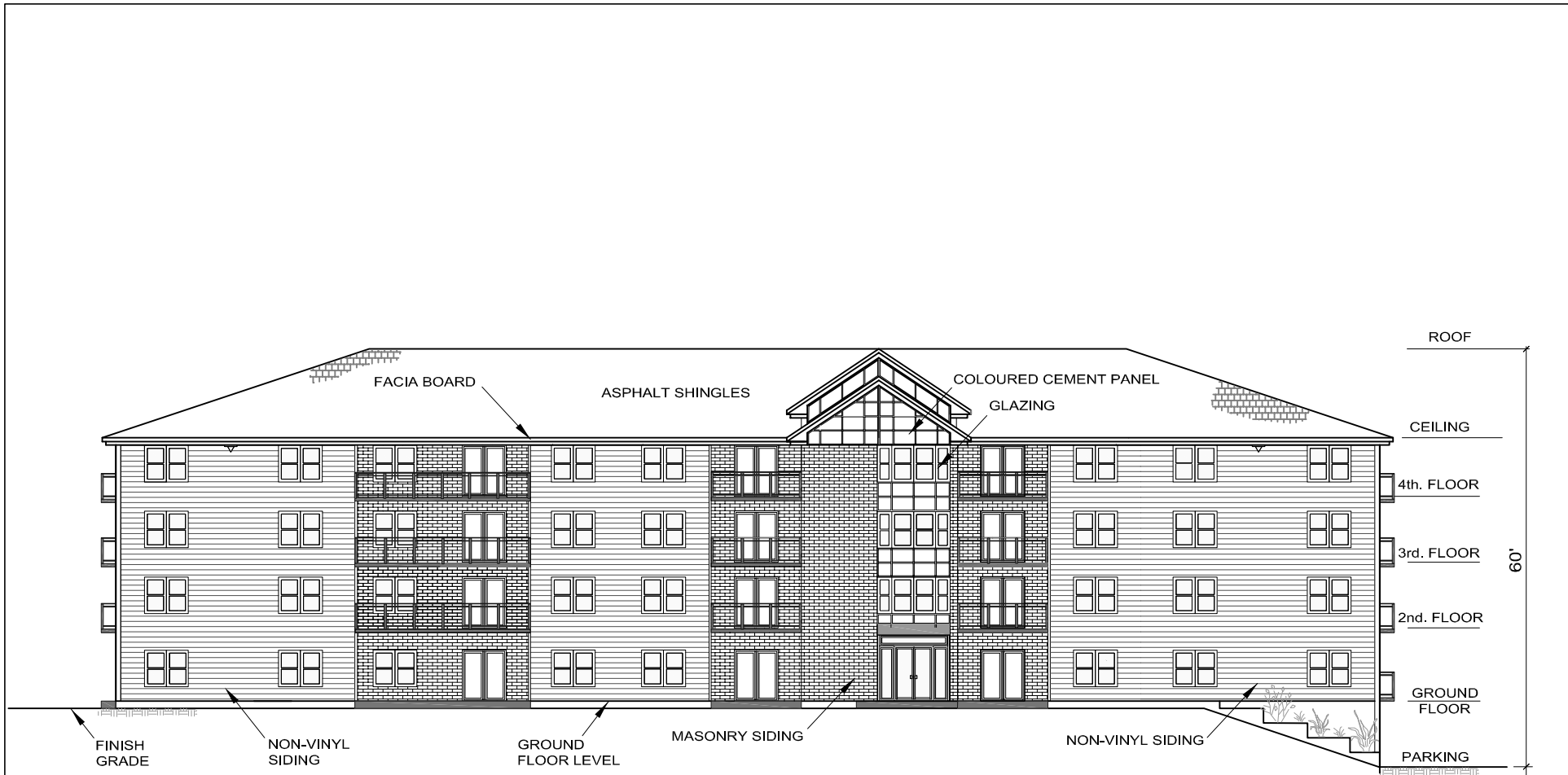


OCTOBER 2021	
LANDS OF PARKDALE DEVELOPMENTS LIMITED PID 40143174	
SCHEDULE C SITE PLAN	
RAINES MILL	
BEECHVILLE	NOVA SCOTIA
DRAWN	DATE
D.M.	AUGUST 04, 2016
0 20 40	
DWG NO. 16-129-02	



OCTOBER 2021	
LANDS OF PARKDALE DEVELOPMENTS LIMITED PID 40143174	
SCHEDULE D SITE PLAN AND PRELIMINARY LANDSCAPE PLAN - MULTIPLE UNIT DWELLING	
RAINES MILL	
BEECHVILLE	NOVA SCOTIA
DRAWN D.M.	DATE NOVEMBER 22, 2019
0 10 20 	DWG NO. 16-129-02A

SCHEDULE D



**SCHEDULE E - FRONT ELEVATION
MULTIPLE UNIT DWELLING**

OCTOBER 2021

LANDS OF
PARKDALE DEVELOPMENTS LIMITED

PID 40143174

RAINES MILL

BEECHVILLE, NOVA SCOTIA

DWG. NO. 16-129-B1

ckm engineering inc.

SCHEDULE E



**SCHEDULE F - BACK ELEVATION
MULTIPLE UNIT DWELLING**

OCTOBER 2021

LANDS OF
PARKDALE DEVELOPMENTS LIMITED

PID 40143174

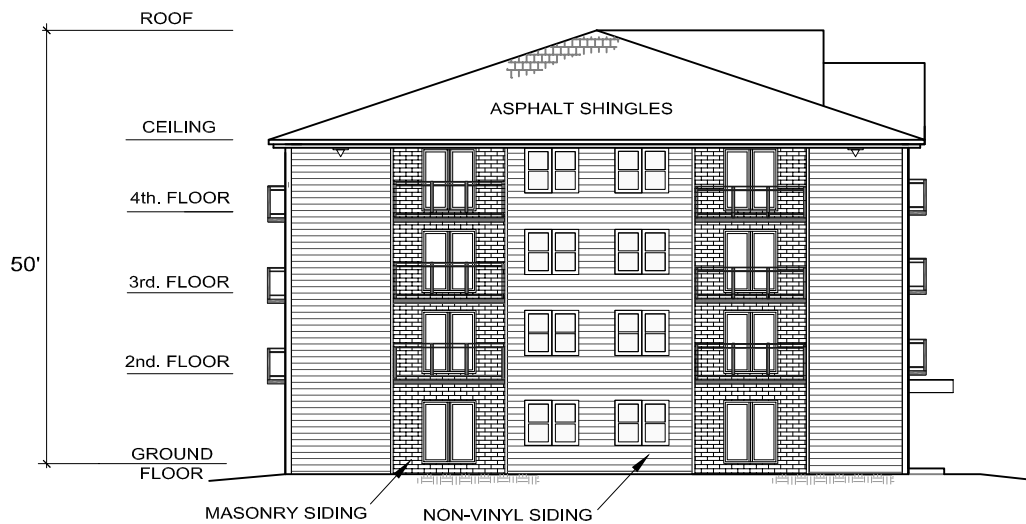
RAINES MILL

BEECHVILLE, NOVA SCOTIA

DWG. NO. 16-129-B2

ckm engineering inc.

SCHEDULE F



**SCHEDULE G - LEFT ELEVATION
MULTIPLE UNIT DWELLING**

OCTOBER 2021

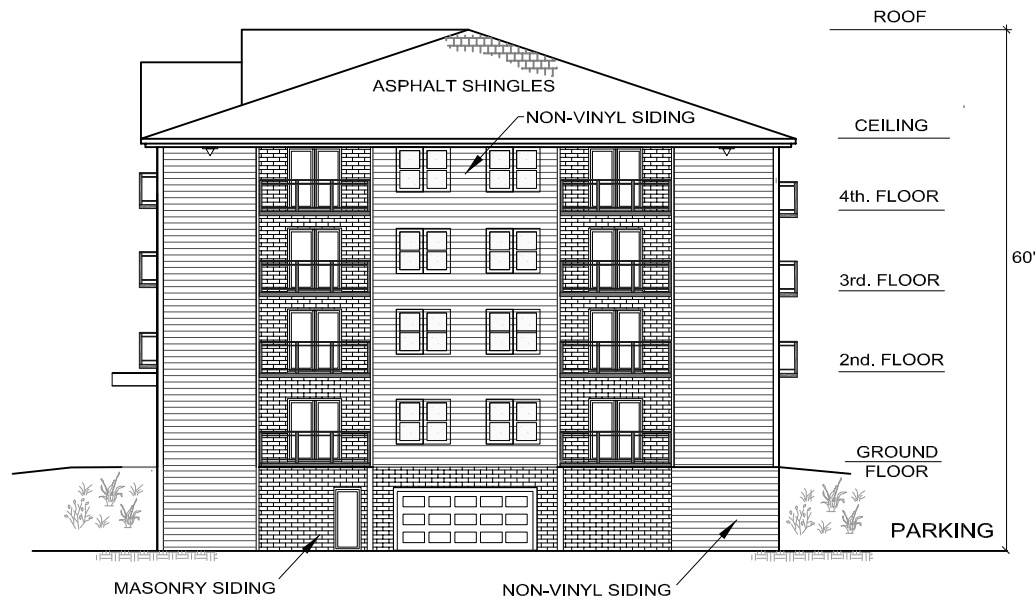
LANDS OF
PARKDALE DEVELOPMENTS LIMITED

PID 40143174

RAINES MILL

BEECHVILLE, NOVA SCOTIA

DWG. NO. 16-129-B3



**SCHEDULE H - RIGHT ELEVATION
MULTIPLE UNIT DWELLING**

OCTOBER 2021

LANDS OF
PARKDALE DEVELOPMENTS LIMITED

PID 40143174

RAINES MILL

BEECHVILLE, NOVA SCOTIA

DWG. NO. 16-129-B4

Attachment C - Review of Relevant MPS Policies

Timberlea/Lakeside/Beechville Municipal Planning Strategy	
Urban Residential Policies	
Policy	Staff Comments
<p>Policy UR-11</p> <p>It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial uses shall specifically be prohibited.</p> <p>When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall have regard for the following:</p>	
(a) that the proposal is within the Urban Residential Designation;	The site is designated Urban Residential on the Generalized Future Land Use Map of the MPS.
(b) that the development is capable of utilizing existing municipal sewer and water services;	No concerns have been identified. The site is located within the Municipal Service Boundary. Additional services would be constructed under the public cul-de-sac to service the proposed development. HRM staff would assess servicing during the Concept Subdivision process.
(c) that the development includes a minimum land area of five (5) acres to be so zoned;	The subject site is 5.66 hectares (14 acres).
(d) that the development provides for a mix of housing types in keeping with the general target for housing mixture and does not detract from the general residential character of the community;	<p>No concerns identified. The mix of housing types proposed is 39 single unit dwellings and a 39-unit, 4-storey apartment building. The proposed residential use and form is in keeping with the character of the community.</p> <p>The preamble to MPS Policy UR-11 targets a housing mix of 50% single unit dwellings within the context of a comprehensive development agreement that addresses neighbourhood layout and site planning, such as the proposed development agreement.</p>
(e) that adequate and useable lands for community facilities are provided;	Park dedication will be required in accordance with the Regional Subdivision By-law. While a park has been identified on the conceptual site plan, and reviewed by HRM parkland planning staff, the size and location of any park on the Lands will be finalized during the subdivision process, after HWCC's consideration of the proposed development agreement.
(f) that the development has a minimum of two (2) separate accesses to the public road network;	The Concept Subdivision process under the Regional Subdivision By-law controls placement and connection of new streets in the Municipality. Precise street location will be determined through the Concept Subdivision approval

	<p>process.</p> <p>The site has frontage on two public streets, St. Margaret's Bay Road and Raines Mill Road. The proposed site plan includes a public street with access off St. Margaret's Bay Road, and a multi-use pathway access for pedestrians and cyclists connecting the public cul-de-sac on the Lands to Raines Mill Road. This configuration has been reviewed by HRM Development and Engineering staff with no issues identified. Therefore, if this configuration meets the requirements of the HRM Design Guidelines and the Regional Subdivision By-law, it will be approved at the Concept Subdivision stage, which would be after HWCC's consideration of the proposed development agreement.</p> <p>This policy relates to rezoning and does not invite a detailed review of the proposed site plan; the site plan could change after the rezoning is approved.</p>
(g) consideration of the impact on traffic circulation and in particular traffic on the St. Margaret's Bay Road;	No concerns identified. A Traffic Impact Statement was submitted and deemed acceptable by HRM Traffic Management.
(h) that the development is consistent with the general policies of this planning strategy and furthers its intent; and	<p>The subject site is a residentially designated infill site within the Municipal Service Boundary and would connect to existing municipal services, including streets, sanitary and water services. The proposal meets the general unit mix preferred by the Municipal Planning Strategy (50% single unit dwellings and 50% higher density residential uses) and conforms with Municipal Design Guidelines relating to access, public streets and walkways.</p> <p>The proposal appears to be reasonably consistent with the general policies of the Timberlea / Lakeside / Beechville MPS.</p>
(i) the provisions of Policy IM-12.	See below.
<p>Policy UR-12</p> <p>With reference to Policy UR-11, and as provided for by the development agreement sections of the Planning Act, the development of any district shall only be considered by Council through a development agreement or agreements which shall specify;</p>	
(a) the types of land uses to be included in the development;	No concerns identified. The proposed development agreement addresses use. The proposed use is residential within a predominantly residential area.
(b) the general phasing of the development relative to the distribution of specific housing types or other uses;	<p>The proposed agreement does not require phasing.</p> <p>Phasing may be addressed during the Concept Plan of Subdivision process in accordance with the Regional Subdivision By-law.</p>
(c) the distribution and function of proposed public lands;	No concerns identified. The proposed development agreement would require park dedication in accordance with the Regional Subdivision By-law.

(d) any specific land use elements which characterize the development;	A buffer area with a publicly owned, multi-use pathway would be provided at the rear of the development.
(e) that new multiple unit dwellings have direct access to a major collector road as identified subject to the provisions of Policy TR-3.	<p>This policy ensures adherence to engineering best practices and protects public safety.</p> <p>HRM's engineering standards have changed since this policy was approved, and new driveways on arterial roadways are now discouraged; to maximize public safety and facilitate traffic flow, residential driveways are preferable on local streets. The new multiple unit dwelling would have access on the new public cul-de-sac, which would be a local street.</p> <p>The proposed development agreement would permit a temporary driveway directly from the multiple unit dwelling to St. Margarets Bay Road, within what would become the public right-of-way once the public cul-de-sac is complete.</p> <p>Under HRM's Streets By-law S300, driveways on the new cul-de-sac would be required to be set back a at least 30 m from its intersection with St. Margarets Bay Road.</p>
(f) that industrial and general commercial uses be excluded;	No concerns identified. The proposed development agreement only permits residential uses.
(g) matters relating to the provisions of central sewer and water services to the development;	Development Engineering and Halifax Water have reviewed the application and have not identified any concerns relating to sewer and water servicing.
(h) provisions made for the proper handling of storm water and general drainage within and from the development; and	<p>Development Engineering and Halifax Water have reviewed the application and have not identified any concerns relating to the proper handling of storm water and general drainage from the development.</p> <p>The proposed development agreement requires conformance with HRM By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development.</p>
(i) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-12.	See discussion of Policy IM-12, below.
Transportation Policies	
<p>Policy TR- 3</p> <p>It shall be the intention of Council to utilize the road classification criteria in Appendix "A", as a basis on which to evaluate and reclassify existing or new roadways in the Plan Area.</p> <p>Within the area shown on Map UR-1, Council may consider an alternative street hierarchy provided that function and public</p>	St. Margaret's Bay Road is an Arterial Roadway in this area.

safety needs are met.	
Implementation Policies	
<p>Policy IM-9</p> <p>It is not intended that all land shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the strategy provides that certain land uses shall be processed as amendments to the land use by-law or in certain instances by development agreements. Such amendments and agreements shall be granted only if they meet the policies of this strategy.</p> <p>The following uses shall only be considered by amendment to the land use by-law.</p> <p>(a) Within the Urban Residential Designation:</p> <p>...</p> <p>(v) comprehensive developments according to Policy UR-11;</p>	<p>This is the enabling policy for the requested rezoning.</p>
<p>Policy IM-11</p> <p>Within the Urban Residential Designation, according to Policies UR-12 and UR-13, Comprehensive Development Districts for mixed residential, local commercial, general commercial and community facility uses shall only be considered subject to the entering into of a development agreement or agreements, according to the Planning Act.</p>	<p>This is the enabling policy for the proposed development agreement.</p>
<p>Policy IM-12</p> <p>In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:</p>	
<p>(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</p>	<p>Staff advise that the proposed development is reasonably consistent with the general intent of the MPS for Timberlea / Lakeside / Beechville.</p> <p>If HWCC approves the requested rezoning and proposed development agreement, the proposed development will undergo a Concept Plan of Subdivision, which is controlled by HRM's Regional Subdivision By-law. The location of streets, including the multi-use pathway, and parkland on the site would be finalized during the Concept Subdivision process.</p>
<p>(b) that the proposal is not premature or</p>	

inappropriate by reason of:	
i) the financial capability of the Municipality to absorb any costs relating to the development;	<p>This application will result in a new public street and multi-use pathway owned by the Municipality.</p> <p>Staff advise that, due to challenging site conditions including significant slope, a portion of the subject site would remain undeveloped under the proposed development agreement.</p>
(ii) the adequacy of sewer and water services;	The subject site is within the Municipal Service Boundary. Development Engineering and Halifax Water have reviewed the application and have not identified any concerns.
(iii) the adequacy or proximity to school, recreation or other community facilities;	The application was circulated to the Halifax Regional School Board (as it was then known), and no issues were identified.
(iv) the adequacy of road networks leading or adjacent to, or within the development; and	<p>Development Engineering and Traffic Services have reviewed the proposal and no issues have been identified within the existing road network.</p> <p>Site stopping distance will be confirmed during permitting.</p>
(v) the potential for damage to or for destruction of designated historic buildings and sites.	There are no designated historic buildings that would be affected by the proposed development.
(vi) the proposed means of handling storm water and general drainage within and from the development.	<p>HRM Development Engineering and Halifax Water have reviewed the proposed development and have not identified any concerns.</p> <p>The proposed development agreement requires compliance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development.</p>
(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	The proposed development agreement controls these aspects of the development and reduces conflict with nearby uses as described below.
(i) type of use;	Proposed uses are residential within an existing residential area.
(ii) height, bulk and lot coverage of any proposed building;	The proposed multiple-unit dwelling is of moderate height (4 storeys) and requires a 1.5 metre fence separating the proposed multiple unit dwelling from the existing adjacent residence at 1335 St. Margarets Bay Road.
(iii) traffic generation, access to and egress from the site, and parking;	<p>The Applicant has provided a Traffic Impact Statement plus an addendum which was reviewed and accepted by HRM Traffic Management.</p> <p>HRM Traffic Management and HRM Development Engineering have also conducted a preliminary review of</p>

	<p>proposed access to and egress from the site and have not brought forward any concerns.</p> <p>Detailed design of the intersection of the new public cul-de-sac and St. Margarets Bay Road will occur during the Concept Plan of Subdivision process, which will be required subsequent to any development agreement approved for the site.</p> <p>The proposed development agreement requires 1.2 vehicle parking spaces per unit in the proposed apartment building. Staff advise that this is a reasonable proposal for vehicle parking. The proposed development agreement would also require bicycle parking in accordance with the Land Use By-law for Timberlea / Lakeside / Beechville.</p>
(iv) open storage and outdoor display;	No open storage or outdoor display are proposed.
(v) signs; and	The proposed development agreement would require signage to comply with the Land Use By-law for Timberlea / Lakeside / Beechville and HRM's Temporary Sign By-law.
(vi) any other relevant matter of planning concern.	Staff are not aware of any outstanding planning concerns not otherwise addressed.
(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.	<p>There are significant grade changes at the northern end of the site and as such, this area would remain largely undeveloped.</p> <p>The proposed development agreement would protect this area by establishing a non-disturbance zone to retain existing tree and vegetal cover.</p>
(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.	The proposed development is not within a holding zone.

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20795

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

Thursday, February 8, 2018

7:00 p.m.

Beechville Lakeside Timberlea Sr. Elementary School

STAFF IN

ATTENDANCE: Melissa Eavis, Planner, HRM Planning and Development
Iain Grant, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Richard Zurawski, District 12
Jenifer Tsang, Sunrose Land Use Consulting

PUBLIC IN

ATTENDANCE: Approximately 20

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Melissa Eavis

Ms. Eavis is the Planner and Facilitator for the application and introduced the area Councillor, the applicant and staff members.

Case 20795 - Application by Sunrose Land Use Consulting, on behalf of Parkdale Developments Limited, to re-zone and enter into a development agreement on lands partially fronting St. Margaret's Bay Road and Raines Mill Road, Beechville to allow 39 single unit dwellings and a 39 unit residential building.

The purpose of the Public Information Meeting (PIM) is to:

- identify the proposal site and highlight the proposal;
- give the applicant an opportunity to present the proposal; and
- receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Melissa Eavis

Ms. Eavis presented the proposal for lands partially fronting St. Margarets Bay Road and Raines Mill Road, Beechville:

- Site context and photos from various directions;
- Site plan: total of 78 units (39 single unit dwellings/39 multi-unit building), a public park, and a walkway connecting a cul-de-sac to Raines Mill Road; and
- Within the Timberlea Lakeside Beechville Municipal Planning Strategy and Land Use By-law: R-1 (Single Unit Dwelling) Zone, designated Urban Residential (allows Council to

consider other residential uses), being considered under the CDD (Comprehensive Development District).

Presentation of Proposal – Jenifer Tsang, Sunrose Land Use Consulting

Ms. Tsang presented:

- 39 singles (R-0 or smaller lots with narrowing frontage in exchange for a larger non-disturbance buffer area) with cul-de-sac on a 14 acre parcel;
- 39 unit apartment building with under/above ground parking;
- two accesses [primary (still in discussions with HRM) and emergency access at end of cul-de-sac (also serve as a walkway)];
- ideal for infill development (vacant pocket of land surrounded by development with water and sewer, road network maintained)
- policy specifies 50% as single unit dwellings, 50% multiples
- density (5.5 units/acre)

3. Questions and Comments

Brian McNutt, Boylan Lane would like to trust that this proposal cannot be changed once approved. In 2010, the property owners were not able to sell two lots. How will they sell 39? **Ms. Eavis** – The development will be under a development agreement; therefore, any amendments would have to go through a public process. **Ms. Tsang** – Regional Council would have to approve a policy change in order to do anything other than CDD.

Mr. McNutt – Is the walking trail considered another exit? **Ms. Eavis** – It is proposed as a pedestrian walkway/emergency access, but still under review by HRM staff.

Mr. McNutt - Referring to the proposed home at the end of the access to Raines Mill Road, there are lower power lines present that will cause a safety issue if not raised or moved. A park is more desirable in that area. **Ms. Tsang** - Once the development agreement is approved, the property owner has to abide by the attached site plan. Policy would have to be met in order to amend the agreement, public consultation would be required and surrounding uses need to be considered. Discussions with HRM are ongoing regarding ownership and maintenance of the dark green parkland shown on the site plan.

Mr. McNutt is convinced the three lots to the left of the site plan will have driveways. **Ms Tsang** – Any changes would be seen at the public hearing, but driveways to Raines Mill Road would be long and cumbersome. The engineers determine the best placement of a driveway. It is not uncommon to have flag lots (access the back of lots away from a street). Municipalities allow them to avoid building more infrastructure and cutting trees.

Mr. McNutt is concerned that any dark green area within a parcel of land could be disturbed by the property owner. **Ms. Eavis** could include a clause in the development agreement regarding the buffer areas as non-disturbance areas.

Lisa Miller, Boylan Lane is concerned that the flooding will increase due to clearing trees. What measures will be put in place to avoid water runoff and construction debris flowing from the proposed site considering the elevation difference? Asked for clarification regarding the buffer zones. **Ms. Eavis** – Halifax Water does require the developer to balance their pre and post development stormwater flow which is dealt with through the subdivision plan. In terms of the buffering, the buffer zone would be owned by a property owner if included within the property line but it is considered a non-disturbance area.

Heather Northorp, Raines Mill Road has grave concerns about the buffer zone behind their

property. It's been clear since before moving in and poses a privacy issue. Road maintenance is also a concern because of the current drainage issues. Clearcutting will make it worse.

Keith Ayling, Masthead News – How many storeys is the proposed apartment building? Where is the access to the trails? Has a traffic study been done? **Ms. Tsang** – The building will be four storeys. Providing access to the trails is not possible. A traffic study and addendum were submitted to HRM which are available. **Ms. Eavis** – The traffic study is still under review by HRM engineering and traffic.

Mary Cook, Raines Mill Road is concerned that the cutting of trees will increase the existing water damage to their property, additional traffic (safety issue in general plus a daycare in the area) and the apartment building (previous break-ins). **Ms Eavis** – The crosswalk issue has been forwarded to HRM Traffic to see if it is a viable option. A traffic signal is not warranted at this intersection.

Steve Schwartz, Boylan Lane has concerns regarding water runoff as their backyard already floods due to the construction of homes on Boylan Lane. Something needs to be in place to help the residents of Boylan Lane before any proposal proceeds. How big are the proposed lot sizes? How much for apartment rentals? Will the flag lots be paved or be like a private lane? If approved, when would development begin? **Ms. Tsang** – The lots will average about 34' wide x 120' deep. In regards to rent, the information is not available. The flag lot driveway would probably be paved and could be stated so in the development agreement. The process and the beginning of development would realistically be about 1½ to 2 years.

Ryan MacInnis, Boylan Lane – Drainage in front of the lots on Boylan Lane is so poorly graded that nothing goes in the catch basins, it just sits. The buffer shown on the site plan behind their lot is cleared (tall grass in the summer time) and a 40 foot cliff. Blasting to build a house is a concern. **M. Sooriyakumaran** – Some blasting will take place but would improve the water runoff. **Ms. Tsang** will get back to Mr. MacInnis on the elevations. Buffer lines would be well marked for development crews. The applicant will have a closer look at areas marked as buffers currently without trees and look at Mr. MacInnis' property to determine if maybe some vegetation needs to be added to stabilize the ground. The water drainage will improve because in a subdivision, water runoff is required to drain away from the lot towards the street and HRM requires proof of pre and post development stormwater flow. **Mr. MacInnis** – That should have been done when Boylan Lane was developed in 2010. **Ms. Eavis** will contact the HRM Engineer to see if water drainage on Boylan Lane is a municipal or civil issue.

Mr. McNutt is upset that new subdivisions have paved roads and after 20 years of paying taxes, Raines Mill Road is still a dirt road. Drainage issues would improve if it was paved. Dirt piling up in the ditches and culverts restrict the water from draining properly. The water runoff from the proposed development will divert to Raines Mill Road causing further drainage damage. Also, the nearby lake will be polluted due to the drainage.

Ms. Northorp – Residents of Raines Mill Road have been fighting since 1990 for maintenance. The dirt pushed off the road impedes drainage. The problems will increase when clearcutting begins from the proposed development.

Councillor Zurawski can relate to the water concerns as water damage has happened to their home due to new development nearby. Have hydrogeological studies been done? Especially concerning because of the water drainage problems that already exist in the area. **Ms. Tsang** – They are not required for this proposal because the site is serviced with municipal water and sewer. **Councillor Zurawski** would like to see a hydrogeological study done to ensure these things are being addressed.

Debbie Awalt, Hamilton Street is concerned about the increase of traffic (impossible to cross

the street) and the apartment building. There is a daycare across the street. Travel times and accidents will increase.

Dorothy Boylan, Raines Mill Road – The present ditches are not cleaned; therefore, water runoff has nowhere to go and pools on the road.

Chris Morash, Oliver Street/Owner of Beechtree Academy Daycare, is in favour of proposal but the water and traffic issues have to be taken into consideration. Why did their proposal, four years ago, have to move the location of the driveway (in the same area as this proposal)? Children from the daycare have to dash across the road to access the sidewalk on the other side of the street. Wait times to turn left towards Timberlea from the daycare will increase (there is a blind crest there as well).

Ms. Northorp – Schools currently at capacity have to be taken into consideration. **Ms. Eavis** will circulate to HRSB.

4. Closing Comments – Melissa Eavis

Ms. Eavis thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 7:56 p.m.