



P.O. Box 1749
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Item No. 10.1.1
North West Community Council
January 11, 2016
February 8, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: December 29, 2015

SUBJECT: **Case 18781: Development agreement for Bedford West Sub Areas 7 and 8, Hammonds Plains**

ORIGIN

Application by West Bedford Holdings Limited.

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give Notice of Motion to consider approval of the proposed development agreement, as contained in Attachment A, to develop a residential/commercial development at Bedford West Sub Areas 7 and 8, Hammonds Plains and schedule a public hearing.
2. Approve the proposed development agreement which shall be substantially of the same form set out in Attachment A, to develop a residential/commercial development at Bedford West Sub Areas 7 and 8, Hammonds Plains.
3. Require the Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

In 2006, Regional Council approved the Bedford West Secondary Planning Strategy (Bedford West SPS) which provides guidance for the development of a new community on the west side of the Bicentennial Highway (Highway 102) in the vicinity of the Hammonds Plains and Larry Uteck Boulevard. The goal of the strategy is to enable residential and commercial development which is cost effective for the municipality to service. It is anticipated that the Bedford West area will house a significant portion of HRM's urban growth over the next twenty-five years. The Bedford West SPS includes objectives and policies pertaining to environmental protection, municipal services and land use.

The Bedford West SPS is divided into 12 Sub Areas which are illustrated on Map 4. West Bedford Holdings Ltd., controls a large portion of land holdings in the Bedford West SPS. Development in Sub Area 1 is regulated via as-of-right processes through the land use by-law. To date, development agreements have been negotiated for Sub Areas 2,3,4,5, 9 and 10. Sub Area 6, 10, 11 and 12 are subject to future planning processes.

An application by West Bedford Holdings Limited has been submitted to enter into a development agreement for Bedford West Sub Areas 7 and 8 to enable a mixed use development containing approximately 2,459 residential dwelling units over 386 acres (Map 1).

Location, Designation, Zoning and Surrounding Land Use

Subject Lands	Sub Area 7 - A portion of PID#40868143, approximately 79.43 ha (196.26 acres) (Map 1) Sub Area 8 - All of PID# 41300476 , approximately 77.15 ha (190.6 acres)
Location	West of Larry Uteck Boulevard and south of Blue Mountain Estates subdivision
Regional Designation	Urban Settlement and Rural Commuter
Community Designation	Bedford West Secondary Planning Strategy (BWSPS) under the Bedford Municipal Planning Strategy (MPS) and the Beaver Bank, Hammonds Plains and Upper Sackville MPS (Map 1)
Zoning	BWCDD (Bedford West Comprehensive Development District) Zone under the Bedford Land Use By-law (LUB) and the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB)(Map 2)
Surrounding Uses	North Blue Mountain Subdivision South Belle Street/Collins Road Subdivision East Bedford West Sub Area 6 (undeveloped) Bedford West Sub Area 2 (currently being developed) West NSPI power line / Kingswood Subdivision
Current Use	Undeveloped, forested land

Enabling Planning Policy

Policy for the subject lands originates from the Bedford West (SPS) contained within the Bedford MPS and the Beaver Bank, Hammonds Plains and Upper Sackville MPS. The Bedford West SPS policies cover a wide variety of matters related to the environment, community design and transportation. In summary, these policies require the establishment of development controls which enable the creation of a complete community while being sensitive to the natural environment.

Proposal

The proposed development consists of a mixture of residential, institutional, community commercial, parkland and open space uses. Plans illustrating key elements of the project such as municipal services, park dedications, trails and development phasing are found in Schedules B to U of the proposed development agreement (Attachment A).

Each Sub Area (Map 4) is made up of four main land uses (residential, community commercial, institutional and park/open space) which comply with a community concept plan (Map 5) originating from the BWSPS. The proposed development agreement (Attachment A) enables an appropriate housing mix which reflects BWSPS policies while incorporating adequate flexibility so that the developer can respond to changes resulting from future market conditions. The following are projected allocations by land use and are subject to change (within policy limits) under the terms of the proposed development agreement (Attachment A – Schedule B):

	Sub Area 7	Sub Area 8
Community Commercial Area	5.26 ha (13.00 acres)	8.95 ha (22.12 acres)
Multiple Unit Dwelling	33 units	418* units
Townhouse	-	-
Commercial Sites	4.57 ha (11.3 acres)	2.38 ha (5.9 acres)
Residential Neighbourhood	73.11 ha (180.65 acres)	64.16 ha (158.54 acres)
Single Unit Dwelling	248 units	234 units
Townhouse	112 units	148 units
Semi Detached Dwelling	-	-
Stacked Attached Dwelling	-	-
Multiple Unit Dwelling	558 units	390 units
Unused Multi-Unit Transferred to other Sub Area	238 units	318 units
Unused Multi-Unit Transferred to other Commercial Area	-	59 units
Parkland	21.44 ha (53 acres)	22.66 ha (56 acres)
Open Space	>2.42 ha (6 acres)	>3.23 ha (8 acres)
Institutional	1.05 ha (2.6 acres)	4.37 ha (10.8 acres)

*Includes 59 units transferred from residential neighbourhood within Sub Area 8.

Process

The proposed development agreement must be considered by North West Community Council through a public hearing process and, if approved, executed by both the developer and the Municipality and then recorded at the Land Registration Office. The decision of North West Community Council on the matter may be appealed to the Nova Scotia Utility and Review Board.

DISCUSSION

Staff has reviewed the proposed development agreement relative to all relevant planning policies and advise that it is consistent with the Bedford West SPS as contained in the Bedford MPS and Beaver Bank, Hammonds Plains and Upper Sackville MPS. A complete review of policy criteria is set out in Attachments B and C. The following outlines matters which have been identified for more detailed discussion.

Master Plan Context

Policies in the Bedford West SPS provide significant guidance on the mix and location of land uses in each Sub Area. The SPS requires compliance with a community concept plan (Map 5) which specifies the general location of a collector road, residential, commercial, and park/open space land uses. In addition, SPS policies prescribe population densities attributed to each specific land use and identify assumptions on population based on the number of persons per dwelling unit. The result of such policies is a specific allotment of development rights for each Sub Area. The SPS also prescribes the protection of environmental features such as wetlands and watercourses including a significant watercourse, Black Duck Brook.

To mitigate the impacts and costs associated with of the development of the Bedford West area, policies establish a Bedford West Capital Cost Contribution Charge area for transportation improvements under the Regional Subdivision By-law. These charges are applied to all Bedford West lands at the time of

subdivision approval and assist the Municipality in recovering the costs of transportation improvements that are needed to support these developments. These charges are based on the assumption that densities and populations enabled by policy will be achieved. The proposed development agreement (Attachment A) generally supports these goals.

Policies for Bedford West Sub Areas 7 and 8 set up a more challenging development scenario than other Sub Areas because these Sub Areas contain significant acreage required to be designated park, open space or for environmental protection. The result is that the prescribed densities and population are allocated to less developable land than was likely originally contemplated. The impact is that a larger number of dwelling units is allocated to multiple unit dwelling forms and an increased likelihood that the maximum permitted heights of the multiple unit dwellings will be required to accommodate the volume of the proposed development.

Regulatory Context

Sub Areas 7 and 8 of the BWSPS are partially within geographic areas covered by the Bedford MPS and the Beaver Bank, Hammonds Plains and Upper Sackville MPS. Subsequently, the Sub Areas are also governed partially by the Bedford Land Use By-law and the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law. In order to achieve regulatory consistency and provide for ease of administration, staff has determined that the development agreement would need to contain an expanded set of regulatory controls instead of simply referencing the underlying land use by-laws. These additional controls are based on the Bedford Land Use By-law which is applied to the majority of Bedford West Master Plan Area. As a result of this unique situation, the proposed agreement contains more extensive land use controls than is typically the case.

Proposed Highway 113

Sub Areas 7 and 8 are bisected by a new 100 series highway proposed by Nova Scotia Transportation and Infrastructure Renewal (NSTIR). This highway, known as Highway 113, is proposed to connect Highway 102 with Highway 103, between Exits 2 and 2B at Bedford on the 102, and Exit 4 on the 103 at Hubley. A future highway exit is planned from Highway 113 to Larry Uteck Boulevard between the two Sub Areas.

To date, NSTIR has acquired the right-of-way required for this highway and completed an environmental assessment. No specific date for the construction of the highway has been made available and work on this project is not itemized in NSTIR's Five Year Plan (2014-2015). Previous analysis completed for the drafting of the Bedford West SPS did not rely on the construction of Highway 113 for the development of the Bedford West area and development of the Bedford West area can proceed without the construction of the highway. Should the highway be completed in the future, access to Highway 113 would be beneficial to the local area.

Infrastructure Upgrades

As part of the Capital Cost Charge Program and a similar program by Halifax Water, a series of strategic infrastructure upgrades are planned or have taken place. These upgrades include transportation upgrades and sewer and water trunk services managed by Halifax Water. Future upgrades are planned and include the widening of Larry Uteck Boulevard. These upgrades will happen in a staged manner depending on the rate of growth in these areas. Capital Cost Contribution Charges for Bedford West are paid by the Developer as part of the subdivision process.

Integration with Existing Communities

Blue Mountain Estates and Collins Road subdivision immediately abut the proposed development. Good land use planning should consider that new development be undertaken in a manner that minimizes its impact on the surrounding communities. The following techniques have been used to integrate the proposed development with the surrounding community:

- Transition of Land Uses: The existing residential development that is adjacent to these sub areas of Bedford West is low density rural unserviced development which is built on larger [0.4 ha (1 acre) or greater] lots. Where possible, a transition of land uses from low density/low intensity to

higher density/higher intensity has been achieved by situating higher density land uses (commercial or multiple unit dwelling) as far as possible from the lower density and lower intensity uses. This technique has led to the concentration of commercial land uses on Larry Uteck Boulevard and multiple unit dwelling land uses on the lands internal to Road 78 (Broad Street), the community collector road.

- **Compatible Land Uses:** Locating similar land uses together is done to ensure compatibility amongst land uses. While the proposed land use plan does not provide for a gradual transition in lot size from the existing rural subdivisions to the new subdivision, it does in most circumstances provide that single unit dwellings are located adjacent to existing single unit dwellings.
- **Visual Control:** Where possible, land uses have been located in a manner that minimizes visual impact from existing development. In these instances, new development adjacent to existing areas is positioned such that the rear yards are shared and existing vegetation can be utilized as a visual screen. It is noted that the lot sizes and existing vegetation on most existing adjacent residential lots should provide significant screening.
- **Management of Access to the Surrounding Road Network:** In laying out new subdivision streets, it is standard practice to provide street access to surrounding lands at regular intervals. While two or three access points could have been provided to each adjacent subdivision, only one through connection has been provided to each existing neighbourhood. Single accesses are provided to Blue Mountain Estates at the southern end of Terradore Lane and to Collins Road near the intersection of Collins Road and Larry Uteck Boulevard. Staff received significant feedback from the public and the developer seeking to achieve no access points to surrounding subdivisions. This was not an item that staff could support as at least one new access to each subdivision was required to provide a second means of access and egress in the event of an emergency. However, the access points chosen were sensitively placed to manage traffic flows to and from adjacent communities.

Transportation Network

Sub Areas 7 and 8 are designed to be a transit-friendly community with active transportation opportunities and linkages. All public streets will include a sidewalk on one side, while Road 78 (Broad Street) is proposed with a 3 metre (9.8 foot) wide multi-purpose boulevard pathway with a sidewalk on the opposite side of the street. This pathway is proposed as part of a regional trail system that will extend from the existing trail system in Clayton Park to Hammonds Plains Road when complete. Under the proposed development agreement, the Municipality may cost share in the pathway construction (subject to future budget consideration by Regional Council). If the Municipality does not approve cost sharing, the boulevard pathway will revert back to a sidewalk.

In addition, public walkways and parkland trails (see below) have been placed throughout the community to enable pedestrian and cyclist connections within the community and to existing surrounding neighbourhoods.

Parks, Trails and Open Spaces

The proposed development includes significant Parkland and Open Space. There are six parks proposed to be taken over by the Municipality, totalling 44.1 ha (109 acres). In addition, environmentally sensitive lands including two wetlands are also provided as Open Space. Open Space will either be publically owned or privately controlled. No development is permitted on open space lands. A summary of the proposed parks and associated improvements is identified in the table below.

Park ID (As shown on Schedule H)	Area (Approx.)	Parkland Development	
		Site Preparation (Approx. Area)	Trail (Approx. Length)
Park 1	0.20 ha (0.5 acres)	929 sq. m. (10,000 sq.ft.)	
Park 2	20.2 ha (50 acres)		1,220 m (4002 feet)
Park 3	1.01 ha (2.5 acres)	2,972 sq. m. (32,000 sq.ft.)	-
Park 4	19.42 ha (48 acres)	1,208 sq. m. (13,000 sq.ft.)	1,220 m (4002 feet)
Park 5	1.21 ha (3.0 acres)	929 sq. m. (10,000 sq.ft.)	255 m (836 feet)

Park 6	2.02 ha (5.0 acres)	6,000 sq. m. (64,585 sq.ft.)	
Total		12,038 sq. m. (129,585 sq. ft.)	2,695 m (1.67 miles)

There are two significant parcels located adjacent Black Duck Brook (Map 1) which will provide a 2,400 m long (1.5 mile) trail system along the brook and connect the different neighbourhoods of these sub areas. This pathway will travel along the former Annapolis Road (circa 1784) and provide for an excellent base for a recreational trail while currently allowing for a wide and clear travelled way along much of the western side of Black Duck Brook.

One parcel of land located in Sub Area 7 has the potential to be a major entrance to the Blue Mountain – Birch Cove Regional Park and be suitable for a trailhead and staging area (Attachment A - Schedule B). Such an acquisition is not covered by the proposed development agreement as the proposed parkland already exceeds the minimum parkland contribution required by the Regional Subdivision By-law. The Municipality has begun discussions on the acquisition of these lands with the Developer and nothing in the agreement precludes the future acquisition and use of the lands as Park.

In total, lands to be received as public parkland total approximately 28 percent of the gross land holdings, well in excess of the 10 percent required by the Subdivision By-law. Further, additional site works provide for an extensive network of trails and site improvements. Staff is satisfied the proposed parkland well exceeds the minimum requirements of SPS policy and the Regional Subdivision By-law.

Environmental Protection

The Bedford West SPS includes policies which require the consideration of measures to protect the environment. The following measures are included in the development agreement to comply with the policies:

- Requirement to comply with a master stormwater management plan which was reviewed by the Regional Watershed Advisory Board. The Bedford West SPS and development agreement does not permit the discharge of stormwater to a watercourse without the treatment of the stormwater;
- Several large scale wetlands have been protected and are to be maintained as public or private open space;
- Riparian buffers and steep slopes adjacent on the south west side of Black Duck Brook (Map 1) have been protected as a non-disturbance areas and/or parkland;
- A tree re-planting program has been established which requires the placement of street trees along new streets and the planting of trees on new residential dwelling lots; and
- A water quality monitoring program has been prepared and reviewed by the Regional Watershed Advisory Board.

Previous development agreements for the Bedford West SPS area have required the collection of water quality data for the adjacent Paper Mill Lake watershed. Recent water quality results have indicated that several monitoring locations have exceeded the water quality benchmarks set (such as phosphorous). If water quality parameters are exceeded, the Municipality is to undertake an investigation to identify the source of the issue(s). An initial analysis has been undertaken. The analysis indicates that the source of contaminants is most likely associated with sources such as upstream septic fields and other construction and industrial activities in the watershed and does not appear to be associated with West Bedford Holdings' activities in other areas of the watershed.

Staff advises if further investigations require changes to be made to the water quality monitoring program, amendments to the development agreement can be made in the future. Further, a key component of the water quality monitoring program is the collection of water quality data. Specific benchmarks and goals while important, cannot be reviewed without the actual collection of the data. Staff is not aware of any issue with the parameters being tested in the current monitoring programs for Bedford West. For these reasons, staff advises that it is appropriate to continue with the current monitoring program used elsewhere in Bedford West. Additionally, a new deep water monitoring location for Kearney Lake, which replaces a location formerly monitored by the Municipality, has been added back to the program. The Municipality would manage the water quality monitoring program via a qualified consultant with the cost of

the program being funded by the Developer.

Building Height

While the Bedford West SPS is not governed by policies which specify the permitted building heights, policies allow Community Council to set building heights that reflect the desired community form. Building height in the Bedford West SPS has, through past agreements, been limited to a twelve storey height limit. This limit provided the Developer with adequate flexibility in other Sub Areas to achieve the goals of the SPS policies.

Through the negotiation of the development agreement for Sub Areas 7 and 8, several challenges have been identified:

- Sub Areas 7 and 8 include several significant wetlands, steep slopes and other environmental features which are more appropriate for park protection than subdivision development. These lands encompass greater than 28 percent of the site.
- In order to maximize the transition from existing low density neighbourhoods to higher density commercial and multiple unit dwelling land uses, significant portions of the site are most appropriately developed as lower density uses.
- In order to achieve densities and population required under SPS policy and because of limited developable land, consideration of larger building masses may be required.

In order to address these issues, the Developer has taken a number of actions including maximizing the use of 12 storey multiple unit dwellings and the transfer of unused multiple unit dwelling units to other Sub Areas (approximately 550 units). They have also proposed to create a small cluster of 15 storey buildings at the corner of Larry Uteck Boulevard and Road 78 (Broad Street) in Sub Area 8. This would allow the creation of a node with buildings three storeys higher (25 percent higher) than the surrounding buildings.

Staff has evaluated the options for the allocation of density and have determined that increased building height is an appropriate method for assigning these units. Alternate methods for assigning these units could include transferring the density to other Sub Areas (beyond what is proposed) and the requirement that all commercial buildings be required to be mixed use and include residential densities. The Developer indicated the latter two options would not meet their needs and it is noted that additional transfers to other Sub Areas may exceed limits set by SPS policy.

Proposed Land Uses – The proposed development agreement allows for a broad range of land uses including residential, commercial, institutional and mixed uses. The development agreement includes the ability to construct residential single, semi-detached, townhouse and multiple unit dwelling units. New to this agreement and unique to this Sub Area are stacked townhouse and accessory dwelling units. Except for the new stacked townhouse, general parameters for the development of these land uses are the same or similar to that required in other Sub Areas of Bedford West.

The new land use, stacked townhouses, are small buildings with a maximum of eight dwelling units where the units are divided horizontally and vertically within the building and where all units have direct access to the outside. Stacked townhouses have been a dwelling form which has been in existence for many years but have recently become a more popular option which is available in certain areas of the Municipality.

Accessory dwelling units are contained within single unit dwellings and may be no larger than 40 percent of the gross floor area of the dwelling. Accessory dwellings are enabled on larger dwelling lots with greater than or equal to 13.7 metres (45 feet) of road frontage.

Both stacked townhouses and accessory dwelling units enable increased housing options which are a benefit to the community. In addition, these dwelling types also allow for the assignment of some of the unused density previously mentioned.

To ensure a predictable building design, design requirements have been included as requirements of the proposed development agreement (Attachment A - Schedule K, M, N, Q and S).

North West Planning Advisory Committee

The North West Planning Advisory Committee (NWPAC) reviewed this application on April 2, 2014. The Committee recommended that North West Community Council approve the proposed development subject to consideration of the wetlands, potential private driveway issues and road connections to adjacent developments. A report from the PAC to Community Council will be provided under separate cover. Staff are satisfied that the concerns of NWPAC have been sufficiently addressed in the proposed development agreement.

Conclusion

Staff has reviewed the proposed development agreement and determined that the proposed residential/commercial subdivision development is consistent with applicable policies of the Bedford West SPS. Therefore, staff recommends that North West Community Council approve the proposed development agreement as contained in Attachment A of this report.

FINANCIAL IMPLICATIONS

The Developer 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 2015/2016 budget with existing resources.

The proposal has no impact on the existing Bedford West Infrastructure charges.

Subject to a future budget decision by Regional Council, a determination will be made on the funding of the boulevard pathway proposed for Road 78 (Broad Street).

The proposal is consistent with the Bedford West Capital Cost Contribution program.

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 a Public Information Meeting held on December 2, 2013 (Attachment D). Notice of the Public Information Meeting was posted on the HRM website, in the newspaper, and mailed to property owners within the notification area as shown on Map 3.

A public hearing must be held by Community Council before they can consider approval of a development agreement. Should 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 3 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the SPS. No additional concerns have been identified.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the Developer, a supplementary staff report and may require an additional public hearing. A decision of Council to approve the development agreement is appealable to the NS Utility & Review Board as per Section. 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed development agreement as set out in Attachment A of this report and, in doing so, must provide reasons why the development agreement does not reasonably carry out the intent of the SPS. A decision of Council to refuse the 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
Map 3	Notification
Map 4	Bedford West Sub Areas
Map 5	Bedford West Community Concept Plan
Attachment A:	Proposed Development Agreement
Attachment B:	Policy Evaluation - Bedford West SPS Policies (Bedford MPS)
Attachment C:	Policy Evaluation - Bedford West SPS Policies (Beaver Bank, Hammonds Plains and Upper Sackville MPS)
Attachment D:	Minutes of the Public Information Meeting (December 2, 2014)

Reports Available Upon Request

Regional Council - Bedford West Capital Cost Program – June 2, 2009
<http://www.halifax.ca/council/agendasc/documents/090602ca93.pdf>

NWCC - Bedford West Water Quality Report – October 26, 2015
<http://www.halifax.ca/commcoun/central/documents/151026nwccinfo1.pdf>

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Andrew Bone, Senior Planner, 902.490.6743

Original Signed

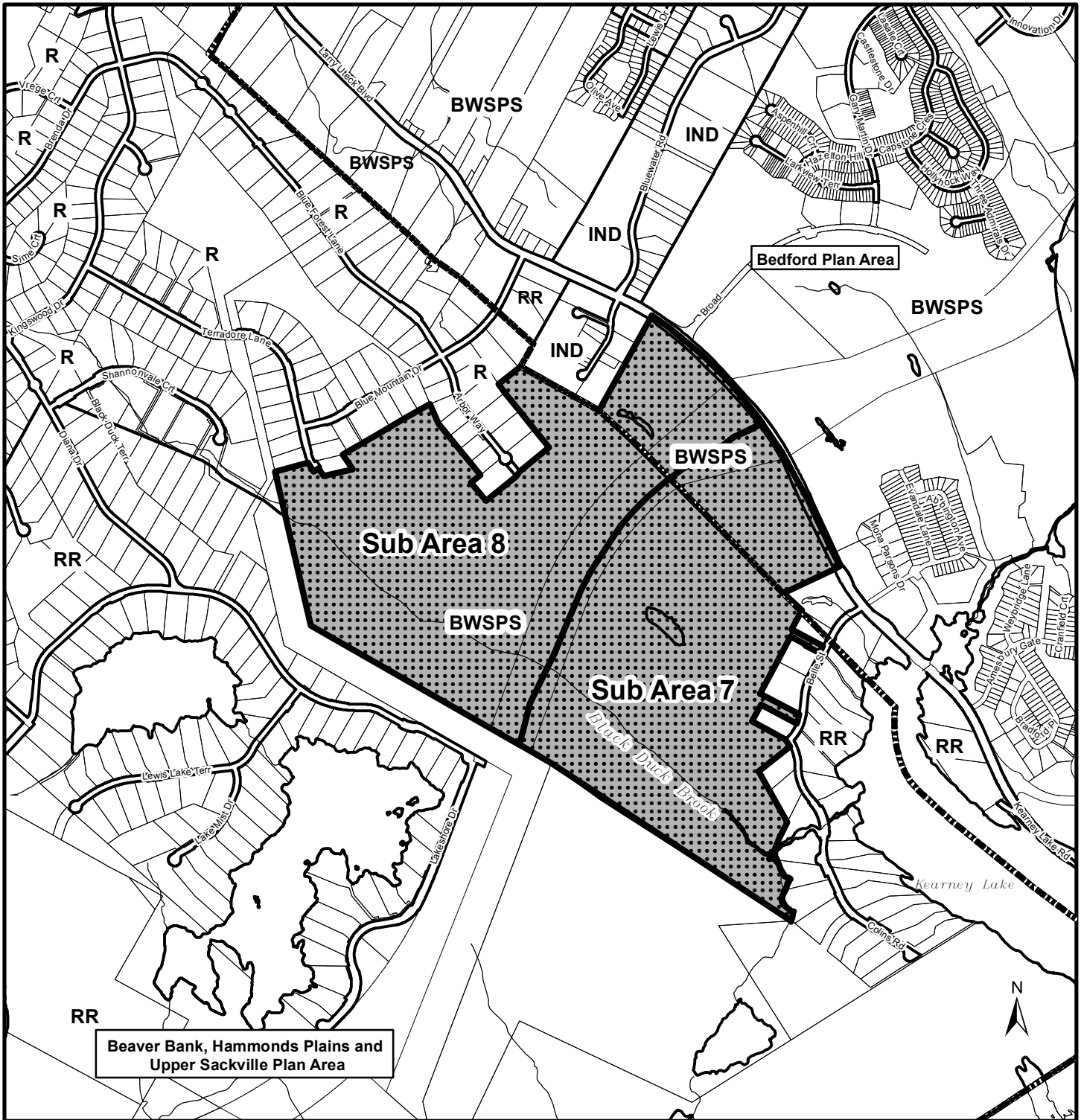
Report Approved by:

Kelly Denty, Manager, Development Approvals, 902.490.4800

Original Signed

Financial Approval by:


Amanda Whitewood, Director of Finance and Information Technology/CFO, 902.490.6308



Map 1 - Generalized Future Land Use

Bedford West

HALIFAX

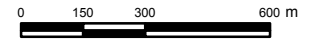
 Subject Lands

Bedford Designations

- RR Residential Reserve
- IND Industrial
- RCDD Residential CDD
- CCDD Commercial CDD
- BWSPS Bedford West SPS

Beaver Bank, Hammonds Plains and Upper Sackville Designations

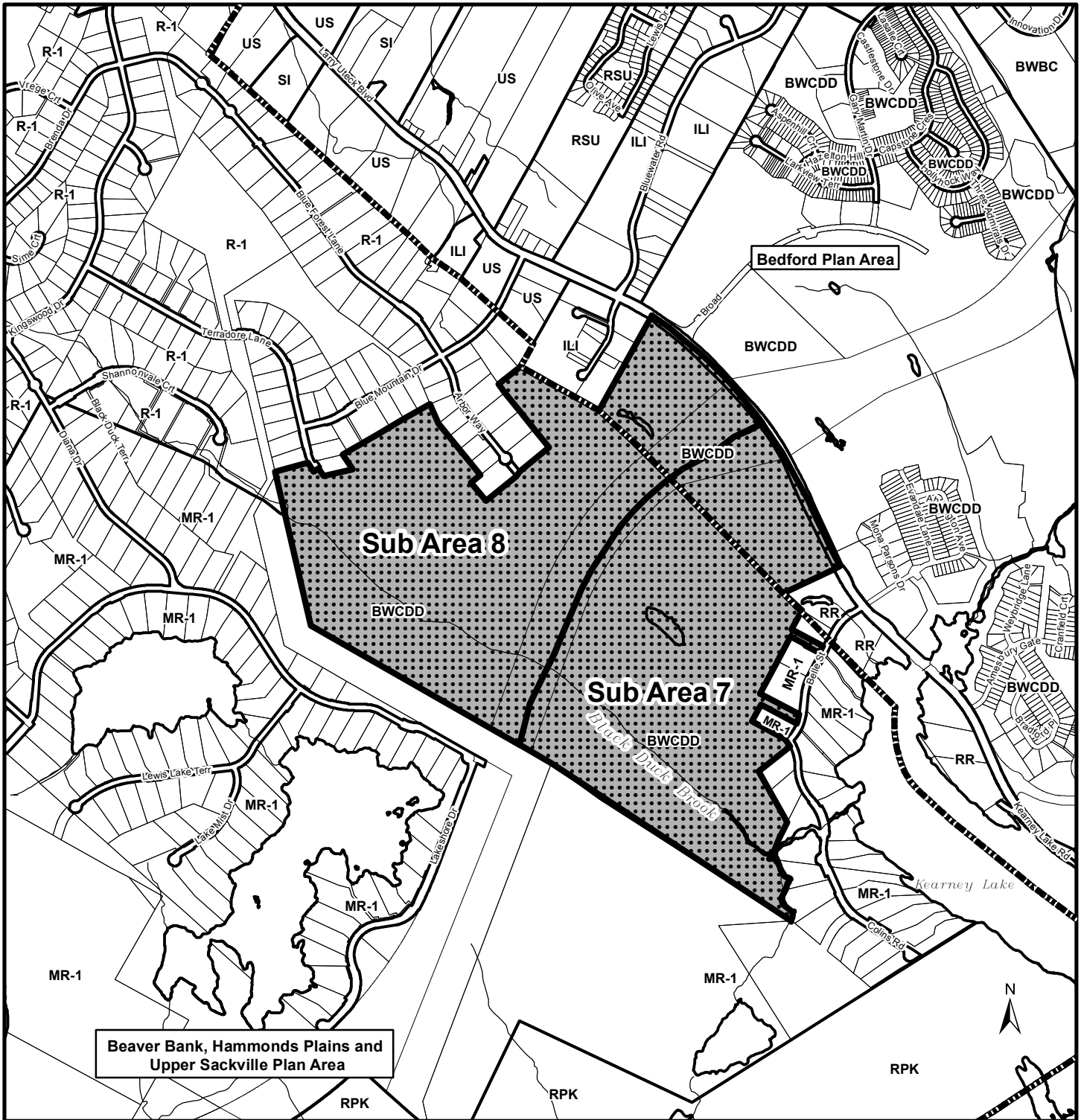
- R Residential
- RR Rural Resource
- BWSPS Bedford West SPS



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

HRM does not guarantee the accuracy of any representation on this plan.

Bedford and Beaver Bank, Hammonds Plains and Upper Sackville Plan Areas



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

Bedford Plan Area


Sub Area 8

Sub Area 7

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Map 2 - Zoning

Bedford West

 Subject Lands

Bedford Zones

- RSU Single Dwelling Unit
- RR Residential Reserve
- US Urban Settlement
- SI Institutional
- ILI Light Industrial
- BWCCD Bedford West Comprehensive Development District
- BWBC Bedford West Business Campus

Beaver Bank, Hammonds Plains and Upper Sackville Zones

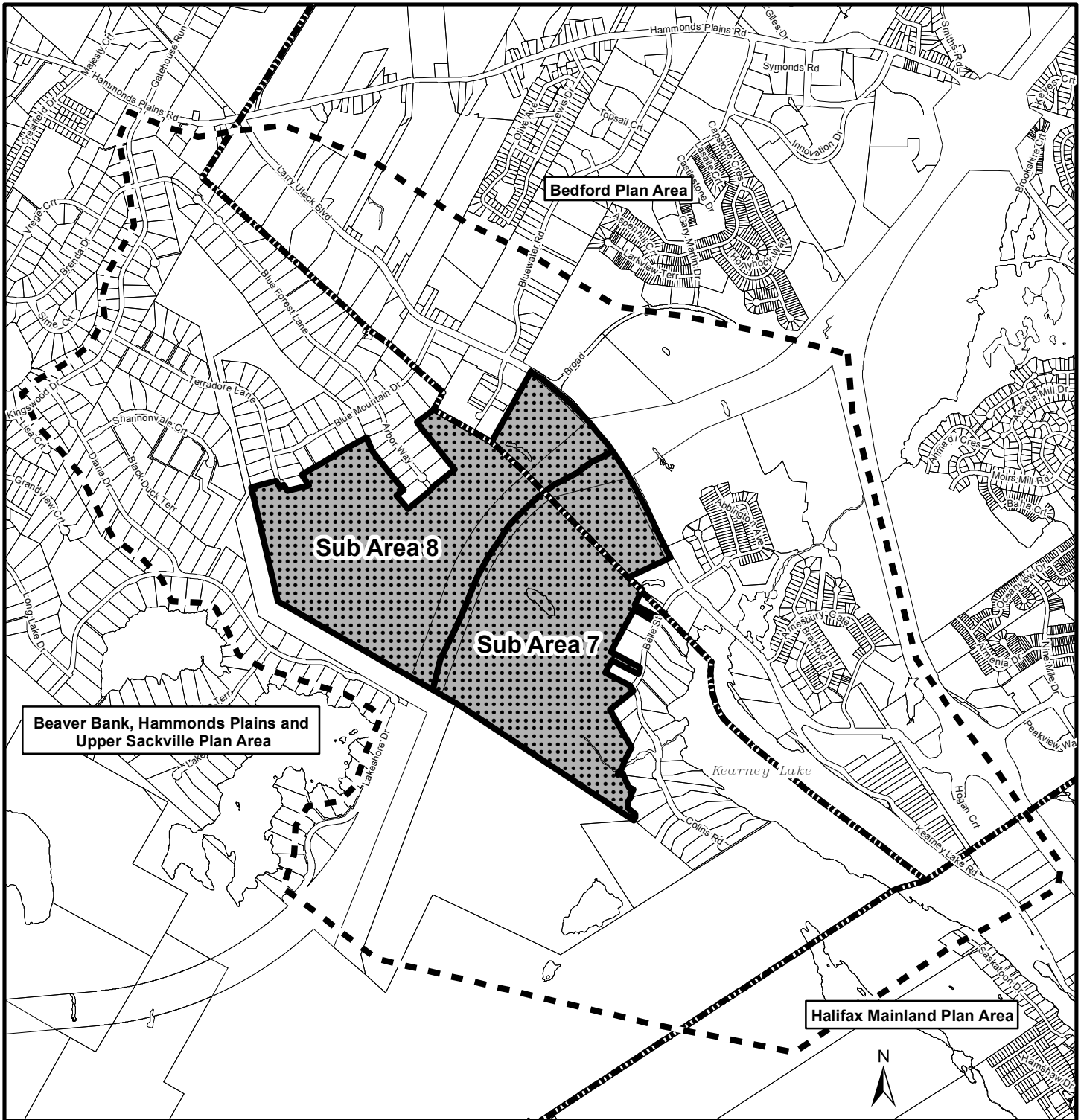
- R-1 Single Unit Dwelling
- MR-1 Mixed Resource
- RPK Regional Park
- BWCCD Bedford West Comprehensive Development District



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


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Bedford and Beaver Bank, Hammonds Plains and Upper Sackville By-Law Areas



Map 3 - Notification Area

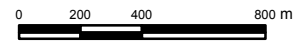
Bedford West

 Subject Lands

 Notification Area

Bedford and Beaver Bank,
Hammonds Plains and Upper Sackville
By-Law Areas

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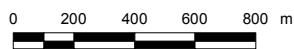
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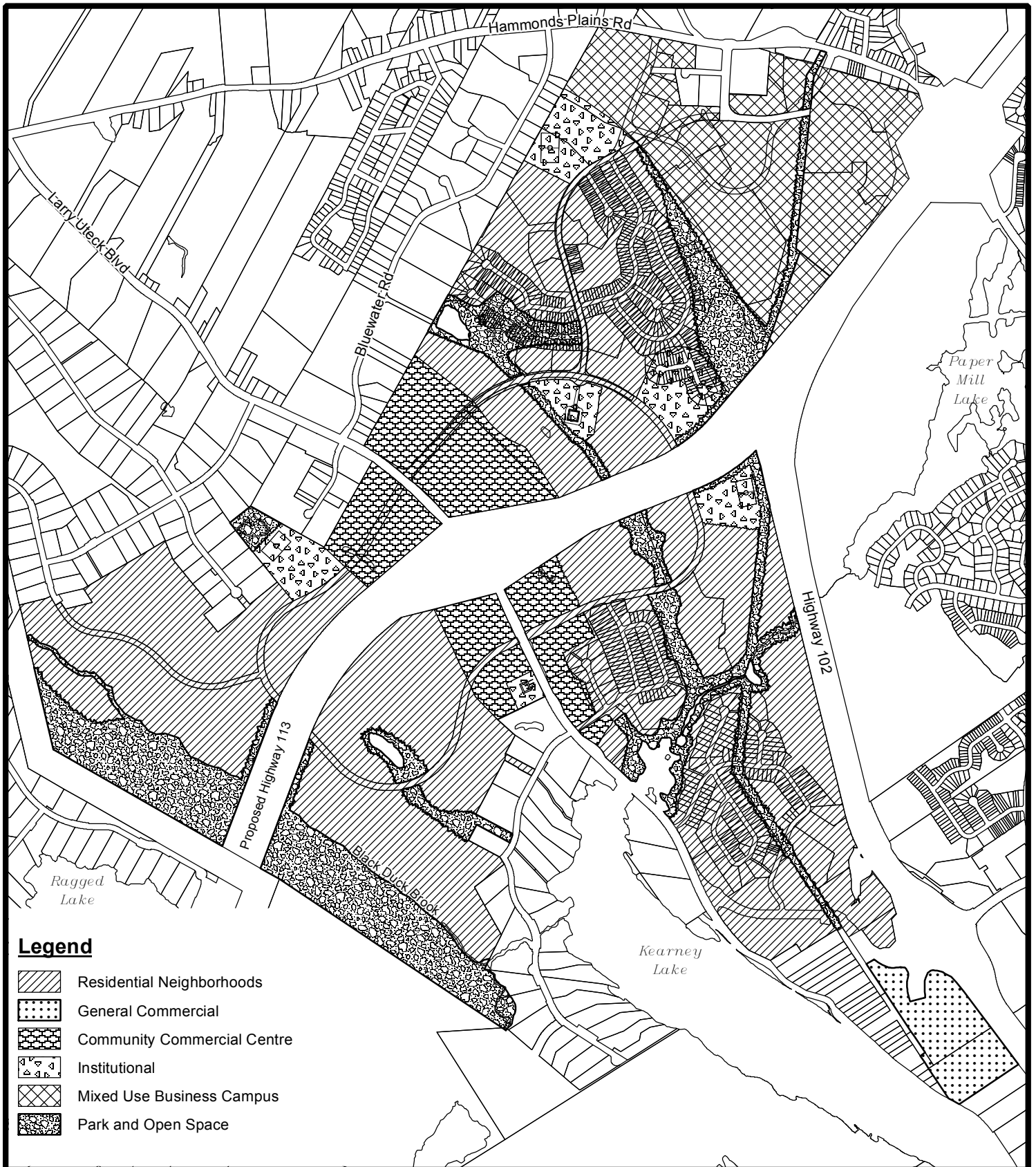
Map 4 - Bedford West Sub Areas

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 Bedford West Development Sub-Areas



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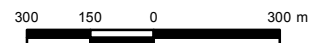


Legend

-  Residential Neighborhoods
-  General Commercial
-  Community Commercial Centre
-  Institutional
-  Mixed Use Business Campus
-  Park and Open Space

Map 5 - Community Concept Plan

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

**Attachment A
Proposed Development Agreement**

THIS AGREEMENT made this day of **[Insert Month]**, 2016,

BETWEEN:

(INSERT PROPERTY OWNER)

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, approximately 386 acres, located at Larry Uteck Boulevard and which said lands are more particularly described in Schedule A and Schedule A-1 hereto (hereinafter called the "Lands");

AND WHEREAS the Lands are located within the area known as Bedford West Sub Area 7 and 8 and all developments within these Sub Areas are only permitted by development agreement;

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for residential, institutional and commercial subdivision on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to the Policies for the Bedford West Secondary Planning Strategy as contained in the Bedford Municipal Planning Strategy and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Part 4, Section 3 (p) of the Bedford Land Use By-law and Part 26E (1) of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18781;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the this Agreement and the Land Use By-law for Bedford, Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-laws 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 except where an Implementation Plan is approved by the Nova Scotia Utility and Review Board. 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-laws to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

Accessory Use - means a use subordinate and naturally, customarily, and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

All Age/Teen Club - means an establishment targeted towards teens but includes all ages and is primary a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages.

Amusement Arcade or Centre - means a commercially operated facility exclusively containing common amusement devices, including coin-operated machines, coin-operated pool tables and computer based games, licensed and regulated pursuant to the Theatre and Amusement Act and excluding video lottery terminals and private clubs.

Area, Net - means that land contained within the building lot boundaries.

Automobile Service Station or Service Station - means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than auto body repairs or an automobile sales establishment.

Bed and Breakfast/Guest Home Operation - means a private home where the owner resides which provides accommodations for the travelling or vacationing public containing a maximum of three rental units (bedrooms) and a common living room, that may or may not serve breakfast and licensed or capable of being licensed by the Tourist Accommodation Act and regulations made thereto.

Bicycle Parking, Class A - means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

Bicycle Parking, Class B - means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

Bicycle Parking, Enhanced - means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).

Billiard/Snooker Club - means a private commercial establishment for the primary purpose of playing pool, billiards and snooker and requiring membership, registration as a Joint Stock Company, by-laws and licensed and regulated by the Province of Nova Scotia pursuant to the Liquor Control Act and the Special Premises Act and regulations made thereto.

Bingo Halls - means a building or part of a building wherein bingo and associated bingo activities are the primary use contained within the building and licensed by the Nova Scotia Gaming Control.

Buffer - means a separation distance which contains existing trees or newly planted trees which are a minimum of 6 feet high planted at no greater distance than 6 feet apart, measured in any direction. New trees shall be Austrian Pine, Colorado Spruce, White Spruce, Douglas Fir, or species recommended by the Tree Committee. Where taller trees are planted the separation distance between them may be increased in proportion to the increased height to a maximum of 10 feet separation.

Building - means any structure, whether temporary or permanent, used or built for the shelter, support, accommodation or enclosure of persons, animals, material, vehicles, or equipment. Any tent, awning, deck, patio or platform, vessel or vehicle used for any of the said purposes shall be deemed to be a building.

Cabaret - means an entertainment establishment licensed by the Nova Scotia Liquor Licensing Board as per the Liquor Control Act.

Cemetery - means the use of land or structures for the interment of human remains but shall not include the use of structures for crematoriums.

Church - means a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, parish hall, and day nursery.

Clinic - means a building or part of a building used for the dental, medical, surgical or therapeutic treatment of people, but does not include a public or private hospital or a professional office of a doctor located in his/her residence.

Club - means an establishment licensed by the Nova Scotia Liquor Licensing Board as per the Liquor Control Act.

Commercial uses- means uses identified in Schedule L.

Commercial Motor Vehicles - means any motor vehicle having a registered weight in excess of 3,000 kilograms which is used for a commercial purpose, including but not limited to, ambulances, hearses, motor buses, tractors, panel vans, transport and dump trucks, whether or not it displays commercial licenses or signage.

Commercial Parking Lot - means an open area other than a street or lane or parking structure, used for the parking structure, used for the parking of motor vehicles and available for public and/or private use whether or not for compensation. A commercial parking lot shall include three (3) or more parking spaces together with aisles and shall have principle access to a street and shall for the purpose of this Agreement constitute the main use of the lot.

Commercial Photography - means the premises used for portrait and commercial photography, including developing and processing of film; sale of film and photographic equipment and repair or maintenance of photographic equipment.

Community Centre - means any tract of land or a building or any part of buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board, a non-profit group, or agent thereof. Activities such as bingo halls and youth centres are permitted as a secondary or accessory uses to the primary function.

Community Commercial Use – means any use permitted as identified in Schedule L of this Agreement.

Council - means the Council of the Halifax Regional Municipality or the Community Council as may be deemed appropriate.

Day Care Facility - means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII.

Designation or Designated - means a designated area of land shown on Schedule B of this Agreement.

Development Officer - means the officer of the Halifax Regional Municipality, charged by the Regional Council, with the duty of administering the provisions of the Land Use By-Law.

Development Permit - means the permit other than a building permit issued by the Development Officer which indicates that a proposed development complies with the provisions of the Land use By-Law.

Dry Cleaning Depot - means a building, or part thereof, used for the purpose of receiving articles or goods which are made of fabric which are to be removed from the premises for dry cleaning, dyeing, or cleaning, and for the pressing and distribution of any such articles or goods which have been subject to any such process.

Dwelling - means a building occupied, or capable of being occupied, as a home, residence, or sleeping place by one or more persons, consisting of one or more dwelling units and shall not include a hotel, a motel, nor apartment hotel.

Dwelling, Multiple Unit - means a building containing three or more dwelling units which typically have a common entrance and the occupants of which have the right to use in common certain areas of the building and its property.

Dwelling, Townhouse - means a building that is divided into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Dwelling, Stacked Townhouse - means a building or structure divided vertically and horizontally into three or more dwelling units, each dwelling unit having private access to the outside yard area adjacent to the building.

Dwelling, Semi-Detached - means a building that is divided vertically into two dwelling units each of which has an independent entrance, and shall be referred to a two-unit dwelling in this Agreement.

Dwelling, Single - means a completely detached dwelling unit.

Dwelling Unit - means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

Erect - means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Established Grade - means the elevation of the finished grade at the base of the walls of a building.

Family or Household - means an individual or a group of persons residing together in one dwelling unit, including any domestic servants, non-paying guests and foster children.

Gas Bars - means development used for the retail sale of gasoline, other petroleum products and incidental automotive accessories. This use does not include automobile service stations but may include a car wash or drive-thru restaurant as an accessory use.

Garden Markets - means a structure erected on a lot on a seasonal basis for the purpose of selling garden plants, produce and other related horticultural items, and shall exclude the selling of items from a tractor trailer, construction trailers, travel trailers, converted mobile homes and private vehicles. Garden markets include the use of outdoor storage and outdoor display and sales and requires the fencing within Clause 25 of the Schedule T.

Height - means the vertical distance between the average finished grades of a building to the soffit of a building, excepting gables.

Home Occupation - means an accessory use of a dwelling for gainful employment as per the General Provisions within this Agreement.

Hospital - means an institution for the treatment of persons afflicted with or suffering from illness, disease or injury.

Hotel/Motel/Guest House/Inn - means a building or buildings or part thereof on the same site in which three or more rooms are used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodations with or without meals.

Ice Cream Stand - means a retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready to-eat state and shall not include the serving of hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, similar entree items or drive-thru service except where drive-thru restaurants are permitted by this Agreement.

Institutional Use - means any use permitted as identified in Schedule R of this Agreement.

Kennel - means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.

Landscaping - means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects which may detrimentally affect adjacent land.

Loading Space - means an unencumbered area of land on privately owned property which is provided and maintained for temporary parking of a commercial motor vehicle while merchandise or materials are being loaded onto or unloaded from such vehicle. Such parking shall not be for the purpose of sales or display. Such parking shall have access to permit ingress and egress by means of driveways, aisles, or manoeuvring areas, no part of which shall be used for temporary parking or storage of a motor vehicle.

Lot - means any parcel of land described in a deed or as shown in a registered plan of subdivision

Lot Area - means the horizontal area within the lot lines of a lot.

Lot, Corner - means a lot situated at the intersection of and abutting on two or more streets

Lot, Coverage Maximum - means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each designation shall be deemed to apply only to the portion of such lot which is located within said

designation.

Lot frontage - means the distance between the side lot lines of a lot as measured in a perpendicular direction from the front lot line at a horizontal distance equal to 7.01 meters (23 feet).

Lot Line - means a boundary line of a lot, and may be further defined as:

- a) **Front Lot Line/Street Line** meaning the line dividing the lot from the street.
- b) **Rear Lot Line** meaning the lot line furthest from or opposite to the front lot line;
- c) **Side Lot Line** meaning a lot line other than a front or rear lot line;
- d) **Flankage Lot Line** meaning the side lot line which abuts a street on a corner lot.

Lounge - means an establishment licensed by the Nova Scotia Liquor Licensing Board as per the Liquor Control Act.

Main Building - means the building in which is carried on the principle purpose for which the building lot is used.

Massage Parlour - includes any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.

Master Stormwater Management Plan - means the document entitled *Master Stormwater Management Plan Area 7 and 8*, Ref No. 15727, prepared by LVM/Maritime Testing, for West Bedford Holdings Ltd., dated February 2013.

Mobile Home/Mini Home - means a vehicular portable structure built upon a chassis, designed to be used with or without a permanent foundation as a dwelling unit when connected to utilities and approved by the Canada Standards Association as a mobile home as evidenced by a C.S.A. seal bearing serial number commencing with Z240; and does not include a single structure composed of separate mobile units each towable on its own chassis which when towed to the site are coupled together mechanically and electrically to form a single structure.

Motel - see definition of "hotel".

Neighbourhood Convenience Store - means a commercial retail and/or service land use that serves the needs of the neighbouring residential area and shall include items of merchandise which constitute general dry goods and grocery items, and provided that such business is conducted within a wholly enclosed building and food preparation, to mean cooking, is not conducted on site.

Objectionable Use - means a use, which by its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

Office - means room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or the retail sales of goods.

Open Space – means any land or area, the preservation of which in its present use would: (a) conserve and enhance natural or scenic resources; or (b) protect streams or water supply; or (c) promote conservation of soils, wetlands, beaches, or tidal marshes; or (d) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (e) enhance recreation opportunities.

Open Space – Private – means an open space reserved for the exclusive use of residents of a development and their guests and which is devoid of structures and improvements other than structures or improvements intended for landscape or recreational purposes.

Open space - Public – means an open space owned and maintained by a public agency for the use and benefit of the general public. Open space is devoid of structures and improvements other than structures or improvements intended for landscape or recreational purposes.

Outdoor Storage - means the storage of merchandise, goods, inventory, materials, or equipment or other items which are not intended for immediate sale, other than within a building.

Outdoor Display and Sales - means an area set aside outside the building or structure, used in conjunction with a business located within the building or structure on the same property, for the display or sale of seasonal produce, new merchandise or the supply of services.

Parking Area/Lot - means an open area, other than a street, containing parking spaces for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of vehicles to a street by means of driveways, aisles or manoeuvring areas where no storage or parking of vehicles is permitted.

Parking Space - means an area, the minimum dimensions of which are indicated in the General Provisions (Schedule T) section of this Agreement, for the temporary parking of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles or manoeuvring areas.

Person - includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heir, executors, or other legal representatives of a person to whom the context can apply according to law.

Personal and Household Services - means a business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the foregoing the following: barber shops, beauty shops, tailor shops, laundry and drycleaning depots, shoe repair, and exclusive of massage parlours.

Private Club - means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity/sorority house, and a labour union hall.

Recycling Depot - means a single storey building not exceeding 69.7 square metres (750 square feet) which is used as a place of deposition, separation and compaction for domestic wastes which are recyclable. This use specifically excludes any bottle exchange activity or C&D Materials operation and shall exclude processing operations such as breaking glass or compacting by means of operating machinery such as balers. Outdoor storage is prohibited, as is the parking of commercial vehicles, except when materials are being loaded for removal.

Regional Waters Advisory Board - means the Regional Waters Advisory Board, or any other successor body, as established by an administrative order of the Municipality.

Resident - as well as meaning a person who resides on the Lands, resident shall also refer to owners, operators and renters of business premises on the Lands.

Restaurant-Full Service - means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and is characterised by the full or partial service of delivering to or waiting on tables or cafeteria style service. However, limited facilities may be permitted to provide for take-out food function provided such facility is clearly secondary to the primary

restaurant function. A restaurant may also include the licensed sale of alcoholic beverages and a place of assembly as secondary uses.

Restaurant, Drive-Thru - means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building, but may also include off-premises consumption. Such use, normally known as fast food restaurant, is characterized by the customer pick up of food at a counter or drive through car pick up, and does not provide the regular service of delivering or waiting on tables nor licensed sale of alcoholic beverages. Examples of Drive-Thru Restaurants are McDonald's, Burger King, Dairy Queen and Tim Hortons.

Restaurant, Take-Out - means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption. However, limited facilities may be provided for consumption within the building provided such facilities are clearly secondary and incidental to the take-out function and delivery function. Services of waiting on tables or regular delivery of food to tables are not carried on, nor is the licensed sale of alcoholic beverages. Examples of Take-Out Restaurants are Subway, Bagel Obsession and pizza establishments.

Retail Store - means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.

Screen - means a physical obstruction between incompatible land uses; a screen may include one, or a combination of, retained vegetation, fences, walls, berms, and/or newly landscaped areas.

Secondary Planning Strategy - means the Bedford West Secondary Planning Strategy, adopted under the Bedford Municipal Planning Strategy and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy, as amended from time to time.

Separation distance - means that portion of a lot which is required to physically separate incompatible land uses; a separation distance is a horizontal distance; a separation distance may include a required front, side and/or rear yard.

Seniors Residential Complex - means a residential building designed for people seeking assisted home care by the content and layout of the dwelling units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, lounges, libraries, respite units and the accessibility of all units and facilities to the physically challenged. Provision of services such as day-care for seniors, housekeeping, security personnel, personal care, meal programs, physiotherapy, activity programs, landscaped outdoor recreation areas and open space areas may also be provided. A care component of any facility is subject to provincial regulation. Such a development will not be intended for, nor easily convertible to, a residential care facility for any other type of use.

Setback - means the distance between the street line (front property line) and the nearest wall of any building or structure and extending the full width or length of the lot.

Shipping Container - means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck.

Sign - means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, flag, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall not include signs regulated under HRM By-law S-800, signs located inside or on windows and glass doors of commercial activities. No other sign shall be deemed a sign within this Agreement.

a) **ground sign** - means a sign supported by one or more uprights, poles, or braces placed in or upon

the ground.

- b) **illuminated sign** - means a sign which provides artificial light directly or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focussed upon, or chiefly directed at the surface.
- c) **projecting wall sign** - means a sign which projects from and is supported by the wall of a building.
- d) **facial wall sign** - means a sign which is attached directly to or painted upon a building wall and which does not extend there from nor extend above the roofline.
- e) **sign area** - means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of a sign. All visible faces of a multifaceted sign shall be counted separately and then totalled in calculating sign area. Three dimensional signs shall be treated as dual faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.
- f) **number of signs** - means that for the purpose of determining the number of signs, a sign shall be considered to be a single display surface or device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organised relationships or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

Special Care Facilities - means a building or part of a building or place in which accommodation is provided or is available to persons requiring or receiving skilled nursing care or where supervisory care or personal care is provided to four or more persons but does not include a place maintained by a person to whom the persons cared for are related by blood or marriage.

Stepback means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

Storey - means that portion of a building between any floor and the floor or ceiling or roof next above, provided that any portion of building partly below grade level shall not be deemed to be a storey unless its ceiling is at least six feet above grade. Provided also that any portion of a storey exceeding fourteen feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction of such excess.

Storey, First - means the floor of a building which is closest to established grade in the front yard.

Street - means a public street.

Street Line - means the boundary line of a street right-of-way of a street owned and maintained by the Municipality.

Street or Lot Frontage - means the horizontal distance between side lot lines at the street line.

Structure - means anything that is erected, built or constructed of parts joined together or any such erection fixed or supported by the soil or by any other structure. A structure shall include buildings, walls, wharves, seawalls, attached decks, and signs.

Swimming Pool - means an artificial body of water, excluding ponds, of more than one hundred square feet in area, used for bathing, swimming or diving.

Tavern - means an establishment licensed by the Nova Scotia Liquor Licensing Board as per the Liquor Control Act.

Tower - means a building, or part of a building that is greater than six storeys in height and excludes its base or podium.

Veterinary Clinic - means a building or portion thereof, where animals, birds or other livestock kept as domestic pets are examined, treated, groomed, or operated on and may include the indoor boarding of cats. Such use may include a standalone Kennel or Pet Care Facility but shall not be an objectionable

use as defined herein.

Watercourse - means a lake, river, stream, ocean or other natural body of water.

Yard - means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures, except as specifically permitted elsewhere in this Agreement.

Yard, Abutting - means a yard which is contiguous with or extends across one or more designation boundaries.

Youth Centre - means a building or part of a building which provides youth oriented activities owner and/or operated by a community non-profit organization or as a private business in association with a community centre.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with this Agreement and the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18781:

Schedule A	Development Area Sub-Area 7 and 8
Schedule A-1	Legal Description of the Lands(s)
Schedule B	Land Use Plan
Schedule C	Sanitary Service Plan
Schedule D	Stormwater Servicing Plan
Schedule E	Water Service Plan
Schedule F	Phasing Plan
Schedule G	Trail & Transportation Plan
Schedule H	Parkland Plan
Schedule I	Parkland Site Details
Schedule J	Urban Minor Collector Cross Section with Multi-Use Trail
Schedule K	Community Commercial Design Guidelines
Schedule L	Community Commercial Uses
Schedule M	Design Criteria for Townhouses
Schedule N	Design Criteria for Multiple Unit Dwellings
Schedule O	Water Quality Monitoring Locations Areas 7 & 8
Schedule P	Non Disturbance
Schedule Q	Design Criteria for Accessory Dwelling Units
Schedule R	Institutional Uses
Schedule S	Design Requirements for Gas Bars
Schedule T	General Provisions
Schedule U	Park and Open Space Uses

3.2 Requirements Prior to Approval

3.2.1 Riparian buffers areas and watercourse buffers as required by this Agreement shall be identified with snow fence or other appropriate method such as flagging tape, as approved by the Development Officer, prior to any site preparation (i.e. tree cutting, and excavation activity). The Developer shall provide confirmation to the Development Officer that the non-disturbance areas and watercourse buffers have been appropriately marked. Such demarcations for each individual phase shall be maintained by the Developer for the duration of the construction and may only be removed only upon the issuance of an Occupancy Permit for the lot or unless otherwise directed by the Development Officer.

- 3.2.2 No subdivision approvals shall be granted unless the following conditions have been met:
- (a) all required parkland preparations and trails, for the applicable phase under application, have been agreed upon in accordance with the requirements of Section 3.10 of this Agreement;
 - (b) riparian buffers have been delineated, for the applicable phase under application, in accordance with the requirements of Section 3.2.1;
 - (c) if required, notifications for the design of the storm drainage system have been received in accordance with the requirements of Part 5 of this Agreement;
 - (d) a note for non-publicly owned driveways has been placed on the subdivision plan in accordance with the requirements of Section 4.2.9;
 - (e) an erosion and sedimentation control plan, for the applicable phase under application, has been complied with in accordance with the requirements of Part 5 of this Agreement;
 - (f) certification of the subdivision grading plan, for the applicable phase under application, has been complied with in accordance with the requirements of Part 5 of this Agreement;
 - (g) if required, performance security for completion of the water quality monitoring program has been posted in accordance with the requirements of Part 5 of this Agreement;
 - (h) copies of all required watercourse and wetland alteration permits for the applicable phase under application have been provided to the Development Officer;
 - (i) construction of offsite water services, and sewer services to the site have been completed or security posted as per the Subdivision By-law in a form acceptable to the Development Officer; and
 - (j) verification that the number of dwelling units and population has not been exceeded in accordance with the requirements of this Agreement.
- 3.2.3 No development permit shall be granted unless:
- (a) a lot grading plan has been prepared in accordance with the requirements of this Agreement and the plan has been approved by the Development Engineer;
 - (b) for all commercial, multi-unit residential and institutional land uses a landscaping plan has been prepared by a Professional Landscape Architect in accordance with this Agreement;
 - (c) a lighting plan for commercial and multi-unit residential buildings has been prepared by a qualified person in accordance with the requirements of Section 3.9; and
 - (d) verification has been provided that the number of dwelling units and population has not been exceeded in accordance with the requirements of this Agreement.
- 3.2.4 At the time of issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) for any multi-unit, commercial or institutional development, certification from a Professional Landscape Architect regarding compliance with the Landscaping Plan in accordance with this Agreement;
 - (b) for any multi-unit or commercial development, certification from a qualified person regarding compliance with the Lighting Plan in accordance with this Agreement;
 - (c) confirmation that trees have been planted for low density dwelling units or performance security has been provided in accordance with the requirements of Section 3.14; and
 - (d) lot grading certification or performance security provided for completion of the work in accordance with Sections 5.5.1 through 5.5.4.
- 3.2.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mixed use development as enabled by this Agreement and as generally illustrated on the Schedules; and
- (b) Use of the Lands in the development shall be limited to the following as defined by this Agreement:
 - i) single unit dwellings;
 - ii) semi-detached dwellings;
 - iii) townhouse dwellings;
 - iv) stacked attached townhouses
 - v) multi-unit dwellings;
 - vi) institutional uses;
 - vii) community commercial uses;
 - viii) mixed use buildings with community commercial and multiple-unit dwellings;
 - ix) parkland and open space uses;
 - x) utility uses;
 - xi) home occupations in single unit, semi-detached, townhouse and multi-unit dwellings subject to the requirements of Schedule T;
 - xii) day care facilities, nursery schools, early learning centres, and after school care in single unit, semi-detached, townhouse and multi-unit dwellings subject to the requirements of Schedule T; and
 - xiii) uses accessory to the foregoing residential uses

3.3.2 The maximum number of dwelling units within Sub Area 7 shall not exceed 1,502 units. The maximum number of dwelling units and maximum population allocation per designated area shall comply with the following table:

Sub Area 7 Base Population and Unit Counts				
Designation (Schedule B)	Acres	Person Per Acre	Maximum Population Allocation	Maximum Residential Units
Residential Neighbourhood	180.65	20	3613	1,178
Community Commercial	13.00	50	650	289
Institutional	2.60	30	78	35
Total	196.25		4,341	1,502

3.3.3 The distribution of dwelling units within the Residential Neighbourhoods of Sub Area 7 as shown on Schedule B shall comply with the following table:

Dwelling Types	Permitted Number of Units
Low Density (Single Unit, Semi-Detached, Townhouse (s), Stacked Attached Housing)	minimum 25% of 1178 units (295 units)
Multiple Unit	maximum 75 % of 1178 units(883 units)

3.3.4 The maximum number of dwelling units within Sub Area 8 shall not exceed 1,785 units. The maximum number of dwelling units and maximum population allocation per designated area shall comply with the following table:

Sub Area 8 Base Population and Unit Counts				
Designation (Schedule B)	Acres	Person Per Acre	Maximum Population Allocation	Maximum Residential Units
Residential Neighbourhood	158.54	20	3,171	1,149
Community Commercial	22.12	50	1,106	492
Institutional	10.80	30	324	144
Total	191.46		4,601	1,785

3.3.5 The distribution of dwelling units within the Residential Neighbourhoods of Sub Area 8 as shown on Schedule B shall comply with the following table:

Dwelling Types	Permitted Number of Units
Low Density (Single Unit, Semi-Detached, Townhouse (s), Stacked Attached Housing)	minimum 25% of 1,149 units (287 units)
Multiple Unit	maximum 75 % of 1,149 units (862 units)

3.3.6 Dwelling unit calculations and distribution in Section 3.3.2 through 3.3.5 shall be adjusted by the number of dwelling units transferred in or out of this Agreement as per Section 4.5.2 of this Agreement. Nothing in this Agreement shall preclude the relocation of dwelling units from residential neighbourhoods to community commercial areas and vice versa within a Sub Area, provided the maximum overall number of units and maximum population for the Sub Area are not exceeded.

3.3.7 The location of land uses shall comply with Schedule B. Notwithstanding Schedule B, the Development Officer may permit minor modifications to the location of land uses.

3.3.8 Building locations shall be governed by Section 3.4 of this Agreement.

3.3.9 Height of buildings and quantity of buildings shall be governed by Section 3.4 of this Agreement.

3.3.10 The Developer is responsible for compliance with any existing easements.

3.3.11 Where amendments to this Agreement enable the transfer of dwelling units into this Agreement, all dwelling units shall be established as multiple unit dwelling units.

3.4 DETAILED PROVISIONS FOR LAND USE

Land Use Requirements

3.4.1 Land uses permitted by this Agreement shall be as shown in categories identified on Schedule B and clause 3.4.2 through 3.4.14.

Single Unit Dwellings

3.4.2 No subdivision approval or development permit shall be granted for any single unit dwelling development designated "singles" or "single unit dwelling" on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 10.36 metres (34 feet)
- (b) Minimum lot area: 315.87 square metres (3,400 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet)

- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.83 metres (6 feet)
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Minimum separation between buildings: 3.66 metres (12 feet) except for garages permitted under Section 3.6
- (h) Maximum lot coverage: 35%
- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Maximum driveway width: 3.66 metres (12 feet)
- (k) each dwelling shall be served with a hard surface driveway that extends from the street curb cut to the front facade of the building and a parking space for an automobile in the dwelling measuring not less than 3.05 metres (10 feet) in width and 5.49 metres (18 feet) in length.
- (l) The width of an attached garage shall not exceed 4.27 metres (14 feet).
- (m) Where lots exceed 12.19 metres in lot frontage, clauses 3.4.2(k) and (l) shall not apply.
- (n) Lots located on Road 7-4 and on Road 8-1A (between Terradore Lane and Road 8-3) shall have a minimum frontage of 15.24 metres (50 feet).
- (o) Lots with a lot frontage of equal to or greater than 13.72 metres (45 feet) may contain an accessory dwelling unit in accordance with Schedule Q. All accessory dwelling units shall be included in calculations subject to Section 3.3.2 and 3.3.4 and this Agreement and a revised density chart shall be provided which reflects the addition of any accessory dwelling units.

Semi Detached Dwellings

3.4.3 No subdivision approval or development permit shall be granted for any semi-detached development designated "semi-detached" on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 7.92 metres (26 feet) per dwelling unit
- (b) Minimum lot area: 341.5 square metres (2600 square feet) per dwelling unit
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 2.43 metres (8 feet), 0 on common boundary between units
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Maximum lot coverage: 40%
- (h) Maximum building height: 9.14 metres (30 feet)

Townhouse Dwellings

3.4.4 No subdivision approval or development permit shall be granted for any townhouse development designated "townhouse" on Schedule B, where each unit is on an individual lot, except in accordance with the following provisions:

- (a) Minimum lot frontage: 5.48 metres (18 feet) per dwelling unit
- (b) Minimum lot area: 167.2 square metres (1800 square feet) per dwelling unit
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 2.43 metres (8 feet) per block, 0 on common boundary between units
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Maximum lot coverage: 40 % except interior units which are permitted at 45%
- (h) Maximum building height: 9.14 metres (30 feet)

- (i) Maximum driveway width: 3.65 metres (12 feet)
- (j) Maximum number of dwelling units per building: 6
- (k) each dwelling shall be served with a hard surface driveway that extends from the street curb cut to the front facade of the building and a parking space for an automobile in the dwelling (i.e. garage) measuring not less than 3.05 metres (10 feet) in width and 5.49 metres (18 feet) in length. Where rear yard access is available, the garage and parking space and driveway may be located in the rear yard.
- (l) the development conforms with the architectural design criteria for townhouses under Schedule M.

Condominium or Cluster Townhouse

3.4.5 No subdivision approval or development permit shall be granted for any townhouse cluster or condominium townhouse development designated "Condo T.H" on Schedule B, where each unit is not on an individual lot except in accordance with the following provisions:

- (a) Minimum lot frontage: 18.29 metres (60 feet)
- (b) Lot area: 167.2 square metres (1800 square feet)
per dwelling unit
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 6.10 metres (20 feet)
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Minimum distance
between buildings: 3.65 metres (12 feet)
- (h) Maximum lot coverage: 40%
- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Minimum width of each unit: 4.87 metres (16 feet)
- (k) Minimum common driveway width: 6.10 metres (20 feet)
- (l) Maximum density of townhouse units : 15 dwelling units per acre (0.405ha)
- (m) Maximum number of dwelling units per building: 6
- (n) Individual townhouse unit driveway access shall not be permitted to Broad Street (Road 78).
- (o) the development conforms with the architectural design criteria for townhouses under Schedule M.

Cluster or Condominium Single Unit Dwellings

3.4.6 No subdivision approval or development permit shall be granted for any townhouse cluster or condominium townhouse development designated "Condo Single" on Schedule B, where each unit is not on an individual lot except in accordance with the following provisions:

- (a) Minimum lot frontage: 18.29 metres (60 feet)
- (b) Lot area: 315.86 square metres (3400 square feet)
per dwelling unit
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 6.10 metres (20 feet)
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Minimum distance
between buildings: 3.65 metres (12 feet) except for garages
permitted under Section 3.6
- (h) Maximum lot coverage: 40%
- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Minimum common driveway width: 6.10 metres (20 feet)
- (k) Individual unit driveway access shall not be permitted to Broad Street (Road 78).

Stacked Townhouse

- 3.4.7 No subdivision approval or development permit shall be granted for any stacked attached townhouse development designated "Stacked T.H" on Schedule B, where each unit is not on an individual lot except in accordance with the following provisions:
- (a) Minimum lot frontage: 18.29 metres (60 feet)
 - (b) Lot area: 167.2 square metres (1800 square feet) per dwelling unit
 - (c) Minimum front yard: 6.10 metres (20 feet)
 - (d) Minimum rear yard: 6.10 metres (20 feet)
Minimum side yard: one half the height of the building
 - (e) Minimum flankage yard: 4.57 metres (15 feet)
 - (f) Minimum distance between buildings: 3.65 metres (12 feet) except for garages permitted under Section 3.6
 - (h) Maximum lot coverage: 40%
 - (i) Maximum building height: 12.19 metres (40 feet)
 - (j) Minimum width of each unit: 6.10 metres (20 feet)
 - (k) Minimum common driveway width: 6.10 metres (20 feet)
 - (l) Maximum dwelling units per building: 8
 - (m) Individual townhouse unit driveway access shall not be permitted to Broad Street (Road 78).
 - (n) the development conforms with the architectural design criteria for townhouses under Schedule M.

Multiple Unit Dwellings

- 3.4.8 No subdivision approval or development permit shall be granted for any multiple unit dwellings except in accordance with the following provisions:
- (a) Minimum lot frontage: 30.48 metres (100 feet)
18.28 metres (60 feet) on a curve or part thereof
 - (b) Minimum lot area: 929 square metres (10,000 square feet)
 - (c) Minimum front, side or rear yard: 6.10 metres (20 feet) or one half the height of the building, whichever is greater
 - (d) Minimum flankage yard: 4.57 metres (15 feet)
 - (e) Where a building has a parking podium or where a building tower portion is setback from the face of a building, the setbacks shall be measured as follows:
 - (i) For the parking podium or lower building, the parking podium or lower building, all setbacks shall meet the minimum setback required above or one half the height of the parking podium, whichever is greater; and
 - (ii) For the tower portion, the tower portion shall be setback, half the height of the tower.
 - (f) Maximum lot coverage: 35%
 - (g) Maximum building height: 12 habitable storeys
 - (h) underground parking shall be provided to satisfy a minimum of fifty percent (50)% of the parking requirements. Where the number of units in a building exceeds 48, this requirement may be met through the construction of a parking structure which shall meet all the requirements of clauses (c) through (g), above.
 - (i) the development conforms with the architectural design criteria for Multiple Unit Dwellings under Schedule N.
 - (j) Multiple unit uses may include a Seniors Residential Complexes or Residential Care Facilities.

Community Commercial

- 3.4.9 No subdivision approval or development permit shall be granted for any community commercial development except in accordance with the following provisions:
- (a) Minimum lot frontage: 30.48 metres (100 feet)
 - (b) Minimum lot area: 929 square metres (10,000 square feet)
 - (c) Minimum front yard: 0 metres (0 feet)
 - (d) Minimum side yard: 0 metres (0 feet)
 - (e) Minimum rear yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater;
 - (f) Minimum flankage yard: 0 metres (15 feet); 7.6 metre (25 feet) vision triangle for corner lots)
 - (g) Maximum lot coverage: 50%
 - (h) Building height Sub area 7 twelve storeys above grade facing the street
 Sub Area 8 twelve storeys above grade facing the street with the exception of the southeast corner of Road 78 and Larry Uteck Boulevard where building height shall not exceed fifteen storeys.
 - (i) the development conforms with the Community Commercial Uses and Community Commercial Guidelines and Requirements under Schedules K, L, M, R, and S.

Institutional

- 3.4.10 No subdivision approval or development permit shall be granted for any Institutional development except in accordance with the following provisions:
- (a) Minimum lot frontage: 30.48 metres (100 feet)
 - (b) Minimum lot area: 929 square metres (10,000 square feet)
 - (c) Minimum front yard: 9.14 metres (30 feet)
 - (d) Minimum side yard: 2.43 metres (8 feet) or one half the height of the building, whichever is greater
 - (e) Minimum rear yard: 6.10 metres (20 feet)
 - (f) Minimum flankage yard: 6.10 metres (20 feet); 7.6 metre (25 feet) vision triangle for corner lots
 - (g) Maximum lot coverage: 50%
 - (h) Building height 15.24 metres (50 feet)
 - (i) the development conforms with the Institutional Uses under Schedule R.
- 3.4.11 Sites designated "Institutional" on Schedule B are intended to be developed for institutional uses by the Municipality, the Halifax Regional District School Board or the Conseil scolaire acadien provincial.
- 3.4.12 Alternate uses may be permitted on lands designated "Institutional" on Schedule B subject to the following:
- (a) the greater of (a) five (5) years have elapsed since the date of entering into this Agreement and (b) building permits have been granted for ninety percent (90%) of the lots for the Sub Area have been approved under this Agreement; and
 - (b) the Municipality, the Halifax Regional District School Board and the Conseil scolaire acadien provincial have all declined the option to acquire the land in writing. Where acting on behalf of a school board, confirmation in writing from the Province of Nova Scotia is also acceptable.
- 3.4.13 Subject to 3.4.12, the Developer shall be permitted to establish the following uses should institutional uses not be established:
- (a) Sub Area 7 – Larry Uteck Boulevard – Condominium or Cluster Townhouse subject to clause 3.4.6 or Stacked Townhouse subject to clause 3.4.7. The maximum total number of units

generated by this site shall be 20 units. Additional dwelling units may be permitted if the density is associated within other lands within Sub Area 7. All residential access to this site shall be from Road 7-2;

- (b) Sub Area 8 – Broad Street (Road 78 /Community Collector) – Condominium or Cluster Townhouse subject to clause 3.4.6 or Stacked Townhouse subject to clause 3.4.7 or Multiple Unit Dwelling subject to clause 3.4.8. The maximum number of units assigned to this site shall be 97 townhouse units or 144 multiple unit dwelling units. Additional dwelling units may be permitted if the density is associated within other lands within Sub Area 8.

Park and Open Space

3.4.14 No subdivision approval or development permit shall be granted for any Park and Open Space development except in accordance with the following provisions:

- (a) Minimum lot frontage: 6.10 metres (20 feet)
- (b) Minimum front yard: 6.10 metres (20 feet)
- (c) Minimum side yard: 2.43 metres (8 feet) or one half the height of the building, whichever is greater
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum flankage yard: 6.10 metres (20 feet); 7.6 metre (25 feet) vision triangle for corner lots
- (f) Maximum lot coverage: 35%
- (g) Building height 10.7 metres (35 feet)
- (h) the development conforms with the Park and Open Space Uses under Schedule U.

3.5 Wind Mitigation for Multiple Unit Dwellings and Community Commercial

3.5.1 As a condition of the issuance of a development permit for Multiple Unit or Community Commercial buildings which exceed eight storeys in height, the Developer shall submit a qualitative (desktop) wind impact assessment, prepared by a qualified professional. The assessment shall confirm, pursuant to industry standards that wind conditions, as a result of the proposed building, are suitable for sitting, standing, or walking in the following areas:

- (a) Sitting: Areas around residential terraces, balconies, and outdoor amenity space at the ground or podium level during the summer;
- (b) Standing: Public and private sidewalks, trails and walkway located in areas adjoining the Lands and all main building lobby entrances during the spring, summer and fall seasons; and
- (c) Walking: Public sidewalks located in areas adjoining the Lands during spring, summer and fall seasons.

Pursuant to industry standards, the levels of comfort, noted above, shall be expected for a minimum of four out of five days (80% of the time) during the noted seasons.

3.5.2 Should a wind assessment for a proposed building not meet the required comfort levels identified in clause 3.5.1, in order to achieve the specified levels of pedestrian comfort, mitigation measures, such as but not limited to the installation of canopies, screens, and vegetation shall be integrated into the building and site design. The Developer shall provide a letter, prepared by a qualified professional, identifying the design changes taken to mitigate wind issues identified in the wind assessment to and identifying that the proposed building including any design changes is in compliance with comfort conditions identified in clause 3.5.1. Once the proposed building meets these conditions, and all other requirements of this Agreement, the Development Officer may issue relevant permits.

3.6 Encroachments

3.6.1 Encroachments into required yards, not including easements may be permitted in accordance with and subject to the following:

Structural Element	Location	Maximum Encroachment
sills, cornices, eaves, gutters, chimneys and fire place inserts	any yard	0.61 metres (2.0 feet)
window bays	front and rear yards	0.91 metres (3 feet)
decks	rear and side yards	1.22 metres (4 feet) provided that a minimum 1.22 metres (4 foot) side yard is maintained. 3 metres (10 feet) in a rear yard.
Open, roofed porches not exceeding 1 storey in height	front and rear yards	1.22 metres (4 feet). 3 metres (10 feet) in a rear yard.
steps and stairs	any yard	1.22 metres (4 feet) provided that a minimum 1.22 metres (4 foot) side yard is maintained
steps and stairs and open roofed porch (combination)	Front yard	2.43 metres (8 feet)
attached garage (not including habitable space)	side yard	0.61 metres (2 feet) except for townhouses

3.7 General Provisions

3.7.1 Any development of the Lands shall conform with the provisions and requirements of Schedule T.

3.8 Variance

3.8.1 The Municipality agrees that the variance provisions and procedures made under the *Halifax Regional Municipality Charter* shall apply to the development of the Lands permitted under this Agreement as established under the Bedford Municipal Planning Strategy or the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy as applicable.

3.9 SITE 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.

3.9.2 Security lighting for multiple unit dwellings and Community Commercial uses shall be directed to all walkways and parking areas. Freestanding security lighting shall not exceed a height of 5.4m (18 feet). All exterior lighting shall be directed downwards with luminaries shielded to prevent unnecessary glare.

3.9.3 The Developer shall prepare an exterior lighting plan for any Multiple Unit Dwellings, Institutional and Community Commercial or Mixed Use buildings and submit it to the Development Officer for review to determine compliance with this Agreement. The lighting plan shall contain, but shall not be limited to, the following:

- (a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices;
- (b) The lighting plan shall include certification from a qualified person that the lighting plan

- meets the requirements of this Agreement; and
- (c) Prior to building occupancy, the Developer shall provide to the Development Officer a written confirmation from a qualified person that the installation of lighting meets the requirements of this Agreement.

3.10 PARKLAND

3.10.1 All proposed Parkland (Parks 1 through 6 inclusive as shown on Schedule H) shall meet the requirements of the Regional Subdivision By-law unless otherwise stated in this agreement.

3.10.2 Parkland and Open Space dedication via land acquisition shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedules B, G, H and I with the final adjustments to configuration and grades of the site preparation areas to be agreed upon by Parkland Planning and the Developer prior to subdivision approval being granted. The Development Officer may permit variations to lot configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced and the proposed parkland meets the requirements of Parkland Planning. The parkland dedication shall include identified parkland, site development including but not limited to neighbourhood park facilities, and trails. All site preparation and development shall meet the requirements of the Municipality.

3.10.3 Further to Schedules B, G, H and I, the Developer shall provide the following:

(a)

	Approximate Park Area	Required Work within Park
Park 1	0.2 ha (0.5 acres)	929 sq. m. (10,000 sq.ft.) site preparation
Park 2	20.2 ha (50 acres)	Trail (approximately 1220 m [4,002 ft])
Park 3	1.01 ha (2.5 acres)	2972.8 sq. m. (32,000 sq.ft.) site preparation
Park 4	19.4 ha (48 acres)	1,207.7 sq. m. (13,000 sq.ft.) site preparation and trail (approximately 1,220 m [4002 ft])
Park 5	1.21 ha (3.0 acres)	929 sq. m. (10,000 sq.ft.) site preparation and trail (approximately 255 m [836 ft])
Park 6	2.02 ha (5.0 acres)	6000 sq. m (64,585 sq.ft.) site preparation
Open Space (Sub Area 7)	As shown on Schedules B, G and H	Trail (approximately 230 m [755 ft])

- (b) Trails required in 3.10.3(a) shall be a minimum 1.5 metre (4.92 feet) width and be constructed of crusher dust.
- (c) Trails shall be of sufficient length to provide the connections shown on the Schedules.
- (d) All trails shall be located outside of the 1 in 10 year floodplain and allow for a 5 metre buffer where possible to adjacent properties.
- (e) Site Preparation shall be in the form of a prepared pad with approximate area and dimensions as shown on Schedule I, including topsoil (or equivalent) and hydro-seed grass mixture.
- (f) Where a trail crosses a watercourse or wetland, the crossing shall be designed and constructed subject to the following:
- i) The crossing shall be designed by a qualified professional.
 - ii) The design shall be submitted to the Development Engineer for review.
 - iii) Subsequent to the construction of any crossing and prior to the acceptance by the Municipality of the parkland and infrastructure, the Developer shall provide a letter by a qualified professional indicating that the crossing conforms with the approved design.
 - iv) All crossings shall be designed and constructed in accordance with Nova Scotia Environment requirements.

- v) Crossings shall meet the future maintenance and operational requirements of the Municipality.
- vi) All work shall meet the requirements of HRM Parkland Planning.
- (g) Where a trail crosses Black Duck Brook or any other watercourse, the location of the crossing shall meet the requirements of the Municipality. Where a crossing varies from the schedules, the Development Officer shall permit variations to the Schedules to enable the relocation of the crossing and any reconfiguration of parkland boundaries.
- (h) A public easement through "Utility Lands" adjacent Road 7-6 shall be provided which enables access from the "Conceptual Regional Park" to the "Open Space" located between Road 7-4 and Road 7-6.
- (i) All entrances to the "Conceptual Regional Park" or any Community Park shall be capable of meeting commercial driveway standards.

3.10.4 The Municipality agrees that fulfillment of the requirements of Clause 3.10.1, 3.10.2 and 3.10.3 of this Agreement shall be deemed to satisfy Part 82 of the Subdivision By-law for any subdivision approvals sought within Sub-Area 7 and 8 and further identified as the Lands.

3.10.5 Engineering infrastructure may be considered on lands proposed for park purposes, provided no physical barrier is created and the conditions of this Agreement are met. Where engineering infrastructure crosses parkland, the Developer shall ensure that a crossing is provided to ensure that the land meets the definition of useable as defined in the HRM Subdivision By-law. The design of any crossing must be submitted to Parkland Planning for review and approval. The crossing shall meet the requirements of Parkland Planning and be built at the cost of the Developer. Where a suitable crossing is provided subject to the terms of this Agreement, municipal infrastructure on Park lands shall not be deemed an encumbrance.

3.10.6 Parkland shall be completed and deeded to the Municipality prior to the completion of each subdivision phase.

3.10.7 A minimum of 180 days prior to the submission of a final subdivision application for the development of Phase 3B (which includes the Conceptual Regional Park entrance) as shown on Schedule F, the Developer shall contact the Municipality in writing identifying the intention to proceed with the subject phase. Correspondence shall be directed to Parks and Recreation, Manager of Policy and Planning or equivalent and be copied to the Development Officer.

3.10.8 Further to Section 3.10.1, lands identified as "Open Space" on Schedule B shall be classified as public open space, public parkland, or private open space. Open Space within Sub Area 7 shall be accepted by the Municipality subject to the Municipality determining that the lands are suitable for future trail construction. It shall be at the discretion of the Municipality (Parks and Recreation and/or Real Estate) whether the lands identified as "Open Space" within Sub Area 8 are accepted as public parkland or public open space or not accepted by the Municipality. Should the lands not be accepted for ownership by the Municipality, the developer shall use the lands as private open space.

3.10.9 Should the Municipality acquire lands that are identified on Schedule B as "Conceptual Regional Park Entrance", nothing in this Agreement shall prevent the use of these lands for Park purposes. In addition, nothing in this Agreement shall preclude the Municipality and the Developer from coming to an agreement enabling public access to the "Conceptual Regional Park Entrance" over phases of this Agreement which have not been completed under this Agreement.

3.11 WATERCOURSE SETBACKS, BUFERS AND NON-DISTURBANCE

3.11.1 Watercourse protection and riparian buffers shall be provided as identified in Schedule T.

3.12 SUBDIVISION OF THE LANDS

Subdivision applications shall be submitted to the Development Officer in accordance with the phasing sequence identified below and the Development Officer shall grant subdivision approval subject to and in accordance with the following terms and conditions:

- 3.12.1 All subdivision of the Lands shall meet the requirements of the Subdivision By-law except where varied by this Agreement.
- 3.12.2 This Agreement shall be deemed to meet the requirements of the Subdivision By-law with respect to concept plan approval.
- 3.12.3 Final subdivision applications shall be submitted to the Development Officer in accordance with the phasing plan presented as Schedule F and the Development Officer shall grant subdivision approvals for the phase for which approval is sought subject to and in accordance with the following terms and conditions:
 - (a) Applications for subdivision approval shall encompass entire phases of the development as indicated on the Schedules;
 - (b) Applications for subdivision approval shall be submitted in the order of their sequence identified on Schedule F;
 - (c) Final subdivision approval for any phase shall not be granted until final approval has been granted for the previous Phase;
 - (d) Notwithstanding subsection 3.12.3(c), the Development Officer may grant final subdivision approval of a Phase prior to granting final approval for the previous phase if the Developer submits performance security in the amount of 110 percent of the estimated cost of uncompleted services or if the Development Engineer determines that the portion of the incomplete phase is non-essential to the greater service network ;
 - (e) The Development Officer may grant final subdivision approval for partial Phases of the development except for Phase 4B of Sub Area 8; and
 - (f) Notwithstanding 3.12.3(b), the Development Officer, in consultation with the Development Engineer, may vary the sequence of phasing provided there are no negative effects of the proposed phasing change;
- 3.12.4 Unless otherwise acceptable to Development Officer, prior to acceptance of any Municipal Service system, the Developer shall provide the following to the Development Officer:
 - (a) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement;
- 3.12.5 In addition to Clause 4.1.4, site preparation, clearing, excavation or blasting activities, for each Phase or portion thereof shall not occur until the Developer provides a subdivision grading plan to the Development Officer indicating where lot disturbance is to occur at the time of construction of municipal services, as set out in this Agreement;
- 3.12.6 Each subdivision application for each phase shall include a table with the total number of units permitted by this Agreement, the number of dwelling units for which municipal development permit applications are expected to be sought and the number of dwelling units which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the provisions of this Agreement. The table shall also include the number of dwelling units transferred in to or out of the Sub Area from another Sub Area. This table shall be attached to the application. A copy of this table shall be forwarded to the Development Engineer and Halifax Water;

- 3.12.7 Each subdivision application for each phase shall include a table with the total population and capacities permitted by this Agreement, sewer calculations for each dwelling unit, institutional uses and commercial lands which municipal development permit applications are expected to be sought and the sewer calculations for the number of dwelling units, institutional uses and commercial lands which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the provisions of this Agreement. The table shall also include the number of dwelling units and population transferred in to or out of the Sub Area from another Sub Area. This table shall be attached to the application. A copy of this table shall be forwarded to the Development Engineer and Halifax Water; and
- 3.12.8 Building lots shown on the schedules are conceptual in nature, the exact quantity and location of lots are not defined by this Agreement.

3.13 PARKING, CIRCULATION AND ACCESS

- 3.13.1 All parking areas shall meet the minimum requirements of Schedule T.

3.14 LANDSCAPING

- 3.14.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

Landscape Plan (Community Commercial, Institutional, Mixed Use and Multiple Unit Dwellings)

- 3.14.2 Prior to the issuance of a development permit for all Community Commercial, Institutional, Mixed Use and Multi-Unit Dwellings, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and shall illustrate:

- (a) landscaping to be introduced to all areas disturbed during construction;
- (b) natural vegetation, landscaping or screening is to be employed around parking areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;
- (c) walkways extending from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property;
- (d) guidelines and requirements of Schedule K for Community Commercial land uses where the lands are designated Community Commercial on Schedule B;
- (e) guidelines and requirements of Schedule N for Multiple Unit Dwellings where the lands are designated Residential Neighbourhoods on Schedule B; and
- (f) Vegetation is maintained or landscaping measures, a fence is provided between new residential and institutional land uses and (a) existing industrial development located off of the Bluewater Road and (b) new Community Commercial uses located on Larry Uteck Boulevard and Broad Street (Road 78 /Community Collector). Fencing shall be a solid board wood fence, a minimum of 1.52 m (5 feet) in height. Landscaped or vegetated areas shall be a minimum of 10 feet in depth and provide for screening through the use of trees.

Reinstatement

- 3.14.4 All disturbed areas shall be reinstated to original condition or better with landscaping.

Compliance with Landscaping Plan

- 3.14.5 Prior to the occupancy of the first Community Commercial, Mixed Use or Multi-Unit Dwelling, the Developer shall submit to the Development Officer a letter prepared by a member in good

standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.

- 3.14.6 Notwithstanding Section 3.14.5, where the weather and time of year does not allow the completion of the outstanding landscape works prior to building occupancy, the Developer may supply security in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects or a qualified person. 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 building occupancy, 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.

Outstanding Site Work

- 3.14.7 For Multi-unit residential, mixed use and commercial buildings, securities for the completion of outstanding on-site paving and landscaping work may be permitted. Such securities shall be not less than an amount which is 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 satisfactorily completed.

Tree planting for single, semi-detached, townhouse or stacked townhouse dwelling units

- 3.14.8 The Developer shall plant a minimum of one (1) tree on each lot designated for single, semi-detached or townhouse dwelling unit and two (2) trees for every lot designated for a single unit dwelling which is greater than or equal to 15.24 metres (50 feet) in width. Each tree shall be a type which is indigenous to Nova Scotia with a minimum height of 1.52 metres (5 feet) and a minimum diameter of 5 centimeters (2 inches). The location of the tree shall not interfere with services. The Development Officer may vary or waive the standard where it is determined that placement of tree(s) are not possible. No Occupancy Permit shall be granted unless this requirement has been satisfied or performance security has been provided, in form acceptable to the Development Officer, in the amount of one hundred and ten percent (110%) of the estimated cost of planting the required tree or trees as the case may be.

3.15 SCREENING

- 3.15.1 Community Commercial, Mixed Use, Multiple Unit Residential Buildings, townhouses and stacked attached townhouses with communal refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.15.2 Community Commercial, Mixed Use, Multiple Unit Residential Buildings, townhouses and stacked attached townhouses with propane tanks and electrical transformers shall locate the tanks and transformers in such a way to ensure minimal visual impact from any 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.
- 3.15.3 Mechanical equipment shall be permitted on the roof provided the equipment is screened or incorporated in to the architectural treatments and roof structure. Rooftop Mechanical equipment shall not be visible from any street.

3.15.4 Any ground or wall mounted mechanical equipment shall be screened from view from any street or residential properties with a combination of fencing, landscaping or building elements.

3.16 HOURS OF OPERATION

3.16.1 Hours of operation shall conform to all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.17 BICYCLE FACILITIES

3.17.1 Bicycle facilities shall be provided as required in Schedule T.

3.18 SIGNS

3.18.1 Signs shall meet the requirements of Schedule T.

Community Signs

3.18.2 A maximum of one ground sign shall be permitted at each entrance to the subdivision or phase or street to denote the community or subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer and be located on private property outside of the street-right-of-way or other property owned or to be deeded to the Municipality. The maximum height of any such sign inclusive of support structures shall not exceed 3.05 m (10 feet) and the face area of any sign shall not exceed 4.65 sq. m. (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. Notwithstanding this section, the construction of decorative entrance gates shall be permitted outside of the public street right of way.

3.19 MAINTENANCE

3.19.1 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.

3.20 TEMPORARY CONSTRUCTION BUILDING

3.20.1 A building(s) 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(s) shall be removed from the Lands prior to the issuance of the last Occupancy Permit on the subject lands.

3.21 SOLID WASTE FACILITIES (Commercial, Multiple Unit Dwellings and Institutional)

3.21.1 The building shall include designated space for five stream (refuse, recycling, paper, cardboard and composting) source separation services in accordance with the Solid Waste Resource Collection and Disposal By-law. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.

3.21.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.

- 3.21.3 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 of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of Municipal service systems shall satisfy the requirements of the HRM Municipal Service Systems Specifications, as well as Halifax Water Design and Construction Specifications and shall receive written approval from the Development Engineer prior to undertaking the work.

Off-Site Disturbance

- 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.

Underground Services

- 4.1.3 All underground services shall be as per the Regional Subdivision By-law.

Site Preparation in a Subdivision

- 4.1.4 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. Where oversized infrastructure to serve the development is to be installed by or on behalf of Halifax Water, the Development Officer may permit commencement of clearing, excavation or blasting activities required for the installation prior to the developer receiving final approval of the subdivision design.
- 4.1.5 Nothing in this Agreement shall preclude the Developer from storing or removing rocks, soils or grubbing materials from other development phases established under the Secondary Planning Strategy, provided that permission has been granted by the Engineer and all required municipal and provincial approvals have been obtained.
- 4.1.6 Notwithstanding Schedules B, C, D, E, F, G, H, I and J where infrastructure or land is to be provided, all parcels and easements shall meet the requirements of the Municipality and Halifax Water for criteria such as size, separation distances and setbacks. If these requirements necessitate a loss of dwelling units or lots, this shall be at the developers cost.

4.2 Streets

- 4.2.1 Unless otherwise acceptable to the Development Engineer, streets, sidewalks and walkways shall conform with the locations and alignments illustrated on Schedules B, G and J. Further, the street system may include roundabouts, subject to the approval of the Development Engineer.
- 4.2.2 Roads shall be built to the Municipal Service Systems Specifications, except where a variance to the Municipal Service Systems Specifications has been granted by the Development Engineer. Further walkways required by the Municipal Service Systems Specifications shall meet the requirements of the Municipal Service Systems Specifications. Road 78 shall be designed and constructed with a 17 m right-of-way as per Schedule J except as varied by Section 4.2.12. The Developer shall provide a minimum 17 metre (55.76 feet) street right-of-way for Road 78 to the Municipality and there shall be no reimbursement for the costs associated with this street right-of-way via this or any other agreement. All poles, trees hydrants and other related design elements shall be as per the Municipal Service System Specifications except the Developer shall provide

for opportunities for pedestrian crossings along Road 78 at major intersections subject to the approval of the Development Engineer and Traffic authority.

- 4.2.3 A Traffic Impact Study shall be provided to the Municipality prior to detailed design work commencing for the two road intersections of Road 78 (Broad Street North and Broad Street South) with Larry Uteck Boulevard. The study shall identify the impact of the full build out of the development and all phases of Bedford West and provide turning lane and traffic signal warrants for the two intersections. The study shall be by a qualified Transportation Engineer and meet the requirements of the Municipality.
- 4.2.4 The Developer shall provide the Municipality adequate right-of-way to accommodate the construction of a roundabout and traffic signals at the intersections of Road 78 (Broad Street North and Broad Street South) and Larry Uteck Boulevard. The Developer shall provide the required right-of-way to the Municipality at no additional charge to the Municipality. The amount of right-of-way shall be based on approved traffic study and the resulting design approved by the Municipality. The design shall include all legs of the intersection including those located outside, Sub Area 7 and 8.
- 4.2.5 The Developer may, subject to a traffic study and the approval of the Municipality, install temporary stop control at the intersections of Road 78 (Broad Street North and Broad Street South) and Larry Uteck Boulevard prior to options identified in clause 4.2.6. All costs relating to road construction, turning lanes and related work shall be at the Developers cost.
- 4.2.6 Subsequent to the review of the Traffic Impact Study required by clause 4.2.3 the Municipality will identify one of the following Scenarios for improvements at each intersection and a required timeframe for construction. The developer agrees to pay for the portion of costs identified for the applicable upgrade. All work shall meet the requirements of the Municipality.
 - a) Traffic Signals and Turning Lanes are required prior to the Municipality's Larry Uteck Boulevard Widening Project - The Developer shall install traffic signals and turning lanes at their cost;
 - b) Traffic Signals and Turning Lanes are required in conjunction with the Municipality's Larry Uteck Boulevard widening project - The Municipality will tender the project subject to the approval of Council. The Developer shall cost share and contribute the value equivalent to the cost of traffic signals and turning lanes;
 - c) Roundabout is required by the Municipality prior to the construction of Road 7/8 (Broad Street North or Broad Street South) - The Municipality will tender the project subject to the approval of Council. The Municipality will construct the roundabout within 50 metres (164 ft) of the outside of the roundabout circle. The Developer shall cost share and contribute the value equivalent to the cost of traffic signals and turning lanes at the specific intersection. Subsequent to construction of the roundabout, the Developer shall connect Road 78 to the roundabout at the Developers cost; and
 - d) Roundabout is required in conjunction with construction of Road 7/8 (Broad Street North or Broad Street South) - The Municipality will tender the project subject to the approval of Council . The Municipality will construct the roundabout within 50 metres (164 ft) of the outside of the roundabout circle. The Developer shall cost share and contribute the value equivalent to the cost of traffic signals and turning lanes at the specific intersection. The Developer shall construct Road 78 to the roundabout at the Developers cost.
- 4.2.7 Further to 4.2.6, where the Developer is responsible for costs relating to traffic signals and turning lanes, the cost estimates shall include all work within the existing and proposed street right-of-ways required for the installation of the proposed traffic signals and turning lanes including but not limited to: engineering and design, grubbing, grading, blasting and excavation, turning lane construction, electrical /communication equipment, signal and detector equipment, equipment installation, lane markings, signage and installation. The cost estimate and design shall include all legs of the intersection including those located outside, Sub Area 7 and 8.

- 4.2.8 Where cost sharing is required above, the cost sharing is for the benefit of the Municipality and this Agreement does not bind the Municipality to reimburse the Developer for any costs incurred during the subdivision and development process.
- 4.2.9 Where any private driveway is proposed to service more than one building, no subdivision approvals shall be granted with lot frontage on the private driveway and a note shall be placed on the subdivision plan that the Municipality does not own or maintain the private driveway. Further if the proposed private driveway serves greater than 30 single, semi-detached, stacked attached or townhouse dwelling units, it shall be constructed to a municipal road standard.
- 4.2.10 Driveway access to the Road 78 (Community Collector Road) shall be restricted to community commercial and institutional developments, multi-unit dwellings and low density clustered housing (Condo. T.H., Stacked Attached Housing or similar) types with shared driveways for eight units or greater.
- 4.2.11 The Developer shall construct a pedestrian circulation and walkway system as required by the Subdivision By-law, the Municipal Servicing System Specifications and Schedule G. The land for secondary trails shall be deeded to HRM or Halifax Water. The system shall include where required easements in favour of the Municipality and/or Halifax Water or any other Utility. For further clarity, where a road is constructed, a corresponding sidewalk shall be required as per the Municipal Service System Specifications, except as specifically varied by this Agreement.
- 4.2.12 On hundred and eighty days prior to the construction of any phase which includes a boulevard pathway as shown on Schedule G, the Developer shall identify the intent to construct the phase and provide to the Municipality two estimates: one for the cost of constructing the street with a boulevard pathway to the specifications presented on Schedule J and a second estimate for the construction of the street with a sidewalks which conform with the requirements of the Municipal Service Specifications. Such information must meet the requirements of the Municipality and be sufficient for the Development Engineer to verify the estimates.
- 4.2.13 Further to 4.2.12, the Municipality will notify the Developer within 90 days of the receipt of the cost estimates whether the boulevard pathway is to be constructed. In the event that the Municipality does not direct that a boulevard pathway is to be constructed, the Developer shall, at its cost, construct a sidewalk in place of the boulevard pathway in accordance with the Municipal Servicing Specifications for an urban minor collector street with a 16 metre right-of-way.
- 4.2.14 Further to 4.2.13, should the Municipality direct the Developer to construct the boulevard pathway, the Municipality agrees to pay the Developer within one (1) year from the date of application for subdivision approval for the phase in which the boulevard pathway is to be located an amount equal to the estimated difference between the cost of constructing the street with a boulevard pathway to the specifications presented on Schedule J and the street with a sidewalks which conform with the requirements of the Municipal Service System Specifications.
- 4.2.15 Driveway access to Larry Uteck Boulevard shall not be permitted and all access shall be to a local street or the Road 78 (Broad Street) except as otherwise permitted by the Development Engineer, or by this Agreement.

4.3 Water Distribution System

- 4.3.1 The water distribution system shall conform with the Halifax Water Design and Construction Specifications and, unless otherwise required by Halifax Water, the water distribution system shall conform with the Bedford West Capital Cost Contribution Analysis, prepared by CBCL Ltd. and Schedule E. Halifax Water may allow variations to Schedule E where deemed appropriate. Further, where the water system crosses private land, appropriate easements shall be provided to Halifax Water.

4.4 Sanitary Sewer System and Storm Drainage System

- 4.4.1 The sanitary sewer system and the storm drainage system shall conform with the Halifax Water Design and Construction Specifications unless otherwise acceptable to Halifax Water.
- 4.4.2 No subdivision approvals shall be granted in any Phase as shown on Schedule F of this Agreement unless:
 - (a) the Engineer is satisfied that there is sufficient capacity remaining in the downstream sanitary sewer system directly affected by the Bedford West Development area; or
 - (b) The Developer has entered into a services agreement with Halifax Water for all public infrastructure.
- 4.4.3 Private stormwater treatment units located on private property shall be owned and maintained by the private property owner.

4.5 Permitted Population Density for Entire Development

- 4.5.1 The maximum population densities for the Lands shall be as shown in Section 3.3.
- 4.5.2 (a) The transfer of unused density from this Agreement to other Sub-Areas of Bedford West is permitted under this agreement;
- (b) Transfers of density from other Sub Areas to the Lands covered by this agreement is not permitted without an amendment to this agreement;
 - (i) Transfers of density into this Agreement which do not affect the collection of Capital Cost Charges will be considered non-substantive amendments;
 - (ii) Transfers of density into this Agreement which affect the collection of Capital Cost Charges shall be considered substantive amendments;
- (c) All transferred density shall be in the form of multiple unit dwellings.
- (d) For the purposes of tracking, the following densities/units are planned to be transferred from Sub Areas 7 and 8 to other Sub Areas. The Development Officer may permit changes to these numbers provided a revised density chart is provided.

Population	Unit Type and Number of Units	Source Sub Area	Destination Sub Area
254	113 multiple	Sub Area 7	Sub Area 2
281	125 multiple	Sub Area 7	Sub Area 3 and 4
180	80 multiple	Sub Area 8	Sub Area 5
281	125 multiple	Sub Area 8	Sub Area 3 and 4
254	113 multiple	Sub Area 8	Sub Area 2

- (e) For the purposes of tracking, the following densities/units are planned to be transferred into Sub Areas 7 and 8 from other Sub Areas.

Population	Unit Type and Number of Units	Source Sub Area	Destination Sub Area
0	n/a	n/a	n/a

- 4.5.3 With every application for subdivision or development, the developer shall provide a tracking table for the entire Bedford West area and the specific Sub Area under application which identifies the following:
 - (a) Permitted population and dwelling units by Sub Area;

- (b) Population and units which has previously received subdivision or development approvals by Sub Area;
- (c) Detailed information on population and dwelling units for the Sub Area and phase under application broken down by phase, block and/or street; and
- (d) Details on any transfer of dwelling units and population to other Sub Areas.

4.5.4 Changes to the phasing or transfer of density shall be subject to a review of the impact on infrastructure charges. Any change which will have a negative impact may be declined by the Municipality. The developer may transfer density between multiple unit dwellings provided other provisions of this Agreement are met.

4.5.5 For the purposes of calculating sewer allocation, the following conversion factors shall be used:

Land Use Type	Equivalent per Unit
Single unit, semi-detached, townhouse (stacked, cluster or regular townhouse)	3.35 persons per unit
Multiple/ Accessory Dwelling Unit	2.25 persons per unit
Other	As determined by the Municipality

4.6 Stormwater Control Measures Required

4.6.1 No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in the Master Stormwater Management Plan and in accordance with municipal and provincial guidelines.

4.6.2 Where the Developer proposes to incorporate Kearney Lake, Kearney Lake Run or Paper Mill Lake into the storm drainage system serving the Lands, the Developer shall secure all, permissions, permits and approvals as may be required from the Province and the license holder of the dams on Kearney Lake and Paper Mill Lake and the Developer agrees that nothing in this Agreement obligates the Municipality or Halifax Water to assume any responsibility for the ownership or maintenance of the dams on Kearney Lake or Paper Mill Lake or any other component of a storm drainage system that is not located with the boundaries of the Lands.

4.6.3 Where mitigative measures are proposed along a watercourse, no mitigative measure shall be located in a location which would negatively impact the 1 in 100 year floodplain for the watercourse. All stormwater plans shall indicate the 1 in 100 year floodplains as determined by a qualified professional.

4.6.4 Mitigative measures in proposed parks, watercourse buffers and non-disturbance areas may be considered by the Development Engineer in consultation with Parkland Planning. Provided no encumbrances are created on parkland. The Development Engineer may permit such mitigative measures provided the proposed measure meets the design requirements of the Municipality (where required) subject to review of an environmental study which determines if the proposal adversely affects environmentally sensitive features as required by Policy BW-28 of the Bedford West Secondary Planning Strategy.

4.6.5 Commercial and institutional storm drainage systems shall include Best Management Practices such as ponds, infiltration trenches and basins, grassed swales, rain gardens or other bioretention facilities, as a component further to the Master Storm Water Management Plan.

4.6.6 The Developer may vary the locations and types of best management techniques indicated in the Master Stormwater Master Plan and on the Schedules subject to the approval of Halifax Water and the Municipality.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

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

Erosion and Sedimentation Control and Grading Plans

- 5.2.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

Stormwater Management Plan

- 5.3.1 A qualified professional shall provide written confirmation that the design of the storm drainage system conforms with the Master Stormwater Management Plan, unless otherwise acceptable to the Development Officer.
- 5.3.2 Where easements are required as part of the stormwater system, the Developer shall provide the easements to the Municipality or Halifax Water as required.
- 5.3.3 Where private storm systems cross multiple properties, the Developer shall provide easements in favour of the affected properties to permit the flow of stormwater.

Water Quality Monitoring Program

- 5.4.1 The Parties agree that a water quality monitoring program shall be undertaken in conformity with the following requirements:
- (a) the consultant shall be selected by the Municipality and the Developer agrees to pay for all required costs;
 - (b) except as required by clause (d), monitoring shall be undertaken at each location shown on Schedule O three (3) times per year. Spring testing shall include the RCap-MS suite, Total Phosphorus (0.002 mg/L detection limit) , Total Suspended Solids, E. coli, Total Coliforms and Chlorophyll A (acidification and Welschmeyer methodologies), plus standard field measurements (pH, dissolved oxygen (mg/L), conductivity, temperature, Secchi Depth, total dissolved solids, salinity). Summer and Fall testing shall include the RCap suite (without MS), Total Phosphorus, Total Suspended Solids, E.Coli and Chlorophyll A (Acidification and Welschmeyer techniques), plus standard field measurements (pH, dissolved oxygen (mg/L), conductivity, temperature, Secchi Depth, total dissolved solids, salinity) and colour;
 - (c) monitoring shall be undertaken at least one time at each location illustrated on Schedule O prior to any initial disturbance being commenced within the upstream watershed of the Lands;
 - (d) in the event that threshold levels specified under 5.4.1(b) are exceeded, the Municipality may direct the consultant to undertake further testing deemed reasonable to verify results;
 - (e) except as provided for by clause (f), the program shall be undertaken until two (2) years after subdivision approval has been granted for the final phase of development permitted by this Agreement and, prior to subdivision approval being granted for the first phase, the Developer shall post a security in an amount of 110 percent of the cost to complete the monitoring program for a period of one year. This security shall be maintained for the term of testing. Should this security have to be used by the Municipality because of default of payment, no further subdivision shall be permitted until bonding for another year is provided;
 - (f) where further development agreement applications are approved within the Paper Mill Lake watershed which require that a water quality monitoring program be undertaken pursuant to the requirements of the Secondary Planning Strategy, the Parties agree that the Developer

- may seek amendments to the requirements of this Section in accordance with the provisions of Clause 6.1 of this Agreement; and
- (g) The water quality monitoring program shall commence a minimum of six months prior to initial disturbance. The developer shall give the Municipality an additional 30 days notice to prepare for the program.
- 5.4.2 The Municipality will designate a person to administer the requirements of Section 5.4.1 and receive the test results of the monitoring program. The designated person shall submit the test results to the Developer, the Community Council and the Regional Waters Advisory Board within:
- (a) three (3) months of being received from the consultant; or
 - (b) if any total phosphorous measurement meets or exceeds ten (10) micrograms per liter or if the geometric mean of any E. coli measurement within a given calendar year exceeds two hundred (200) counts per 100ml at any location or if any fecal coliform measurement exceeds four hundred (400) counts per 100ml, the findings will be reported immediately to the Developer and to the Regional Waters Advisory Board and the Community Council at the next scheduled meeting. The Municipality shall make all reports provided to the Regional Waters Advisory Board and the Community Council available to the public.

Subdivision and Lot Grading Plans

- 5.5.1 Any Subdivision Grading Plan submitted for subdivision approval shall be certified by a qualified professional that the plan conforms with the recommendations of the Master Stormwater Management Plan.
- 5.5.2 Any riparian buffer area established pursuant to Section 3.11 of this Agreement shall be shown on any lot grading plan submitted pursuant to the requirements of the Municipality's Grade Alteration By-law, as amended from time to time.
- 5.5.3 The Developer shall prepare lot grading plans which comply with the Subdivision Grading Plan. Modifications to the site grading and proposed finished elevations may be approved by the Development Engineer. The Developer shall provide written confirmation of compliance that the lot has been graded in accordance with the lot grading plan and, where it has been determined that any lot grading has not been properly carried out, remedial or corrective measures shall be carried out by the Developer at it's cost.
- 5.5.4 No building shall be occupied unless the requirements of Section 5.5.3 have been satisfied or a security deposit for the completion of the work has been provided in accordance with the requirements of the Municipality's Grade Alteration By-law.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
 - (b) The length of time for the completion of the development as identified in Section 7.4 of this Agreement;
 - (c) Amendments to the development standards in Sections 3.4.2 to 3.4.14 of this Agreement with the exception of building height;
 - (d) Amendments to the water quality monitoring program on Schedule O and clauses 5.4.1 and 5.4.2 to this Agreement provided that a recommendation of approval has been received from the Regional Waters Advisory Board;
 - (e) Transfers of density into this Agreement from other Sub Areas of Bedford West which do not

- (f) affect the collection of Capital Costs or exceed an additional 1 unit per acre; and
Sign requirements in Schedule T.

6.2 Substantive Amendments

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

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

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 lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 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 Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval of the first phase of the lands.
- 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, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

- 7.4.1 Upon the completion of the whole development or complete phases of the development, or after twenty years, 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 Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after 25 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law;
- (d) Where trees or other vegetation are removed in contravention to the requirements of section 3.11 of this Agreement, the Development Officer may direct that a site rehabilitation plan be prepared with measures including but not limited to, the replanting of trees or vegetation of a similar size, age, and appearance within the disturbed area. The property owner shall pay all expenses associated with preparing and undertaking the plan and shall submit the plan to the Regional Waters Advisory Board for a recommendation of approval and to the Community Council for approval before being undertaken; or
- (e) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2016.

SIGNED, SEALED AND DELIVERED in the presence of:

Witness

Witness

=====

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

Witness

Witness

(INSERT PROPERTY OWNER)

Per: _____

Per: _____

=====

HALIFAX REGIONAL MUNICIPALITY

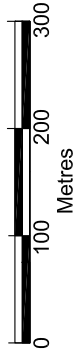
Per: _____
Mayor

Per: _____
Municipal Clerk

Schedule A

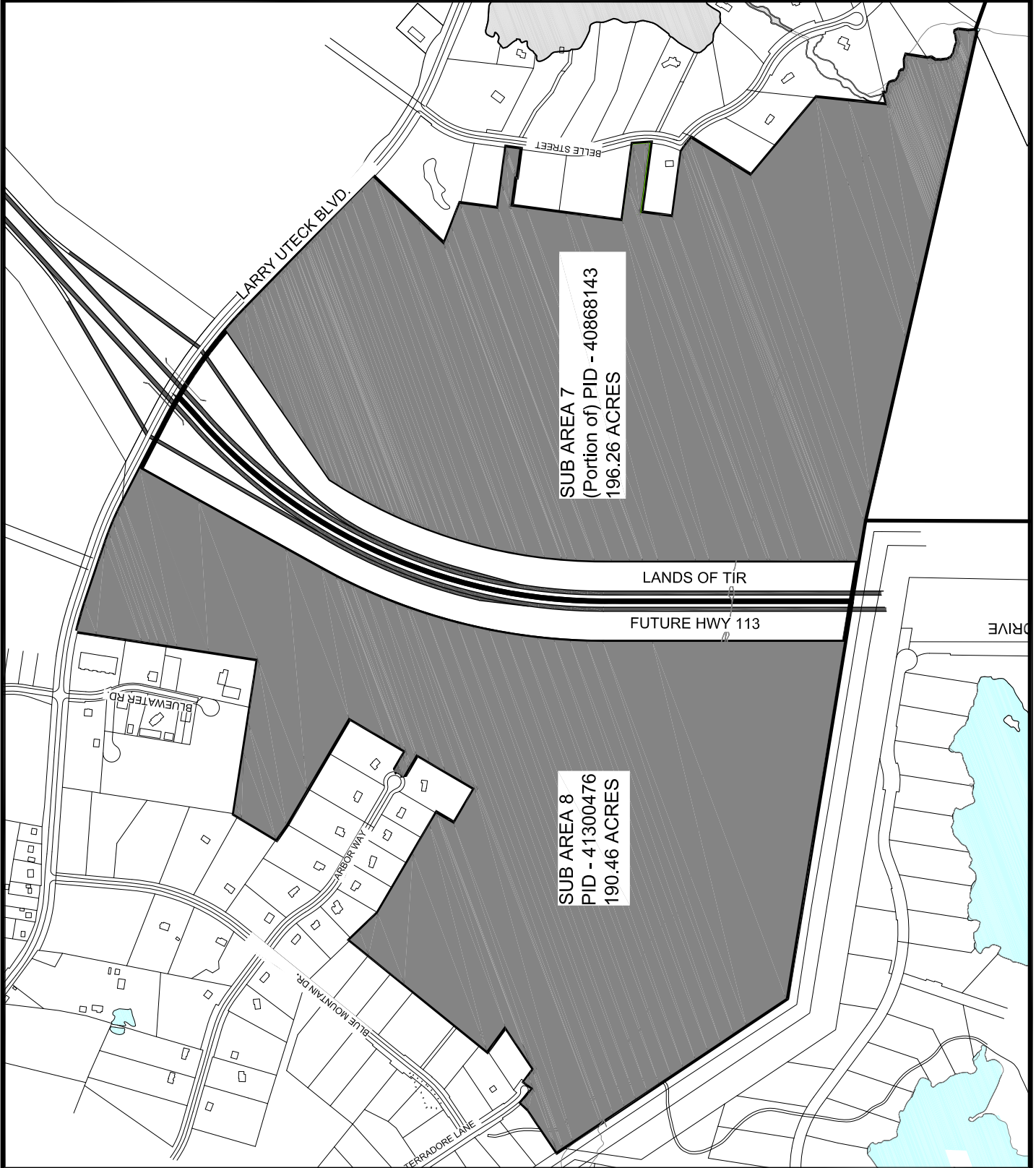
Sub-Area 7 & 8

Development Area



DEVELOPMENT AREA
~386.72 ACRES
TOTAL

November 2015



SUB AREA 7
(Portion of) PID - 40868143
196.26 ACRES

SUB AREA 8
PID - 41300476
190.46 ACRES

LANDS OF TIR

FUTURE HWY 113

DRIVE

LARRY UTECK BLVD.

BELLE STREET

BLUEWATER RD

HARBOR WAY

BLUE MOUNTAIN DR













TERRADORE LANE

Schedule B

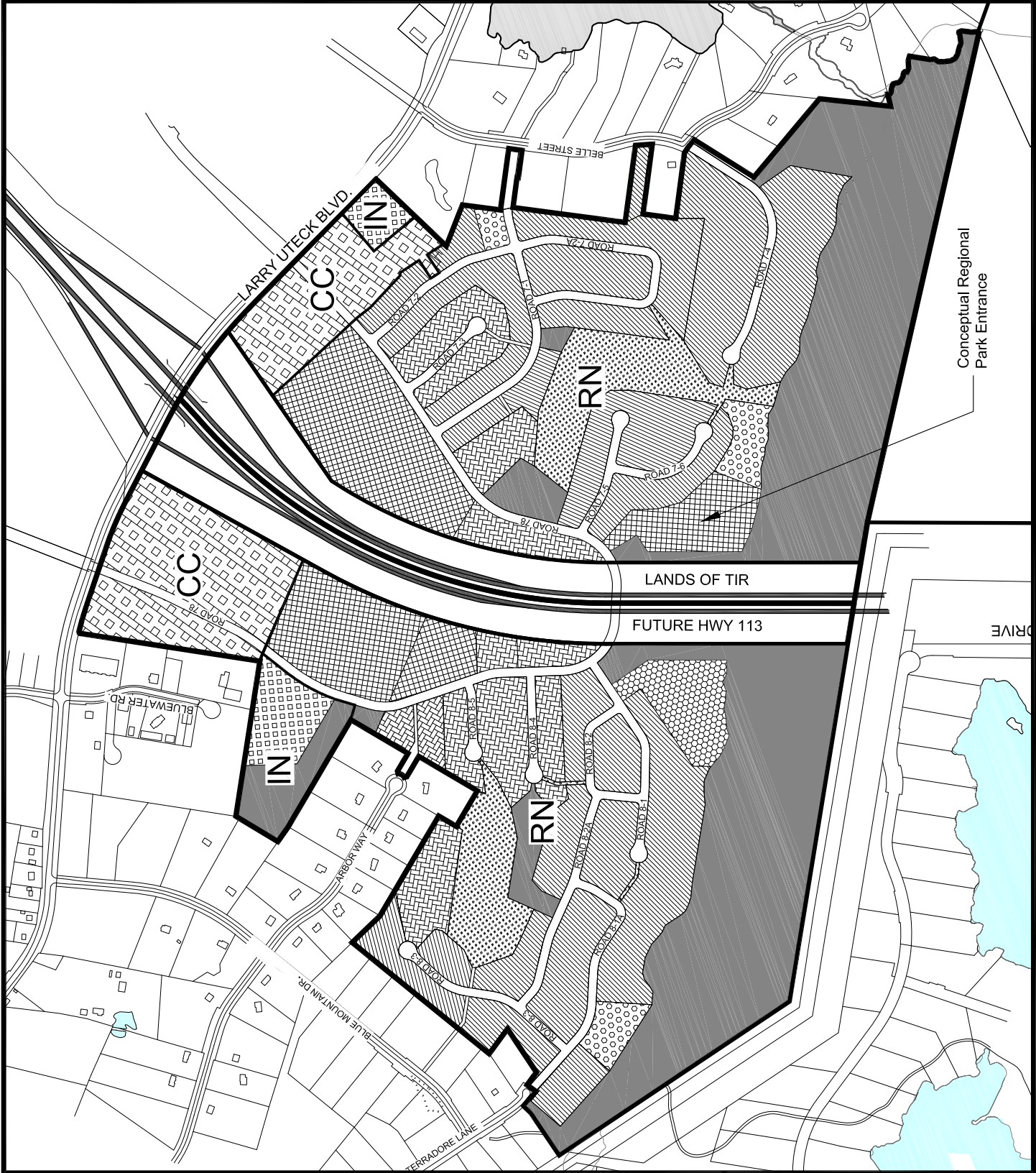
Sub-Area 7 & 8

Land Use Plan



-  SINGLES UNIT DWELLING
-  TOWNHOUSE/SEMI-DETACHED/SINGLES/ CONDO T.H./STACKED T.H.
-  CONDO T.H./CONDO SINGLES/ STACKED T.H./MULTIPLE RESIDENTIAL
-  MULTIPLE RESIDENTIAL/ STACKED T.H./ CONDO TH
-  COMMUNITY COMMERCIAL
-  INSTITUTIONAL (See clause 3.4.13)
-  FUTURE HRM PARK LAND
-  UTILITY LANDS (Future HRM / HRWC Ownership)
-  OPEN SPACE
-  CC Community Commercial Lands (MPS Designation)
-  RN Residential Neighbourhood (MPS Designation)
-  IN Institutional (MPS Designation)

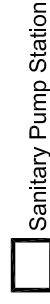
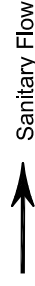
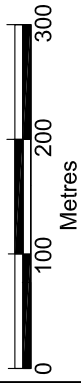
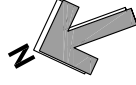
November 2015



Schedule C

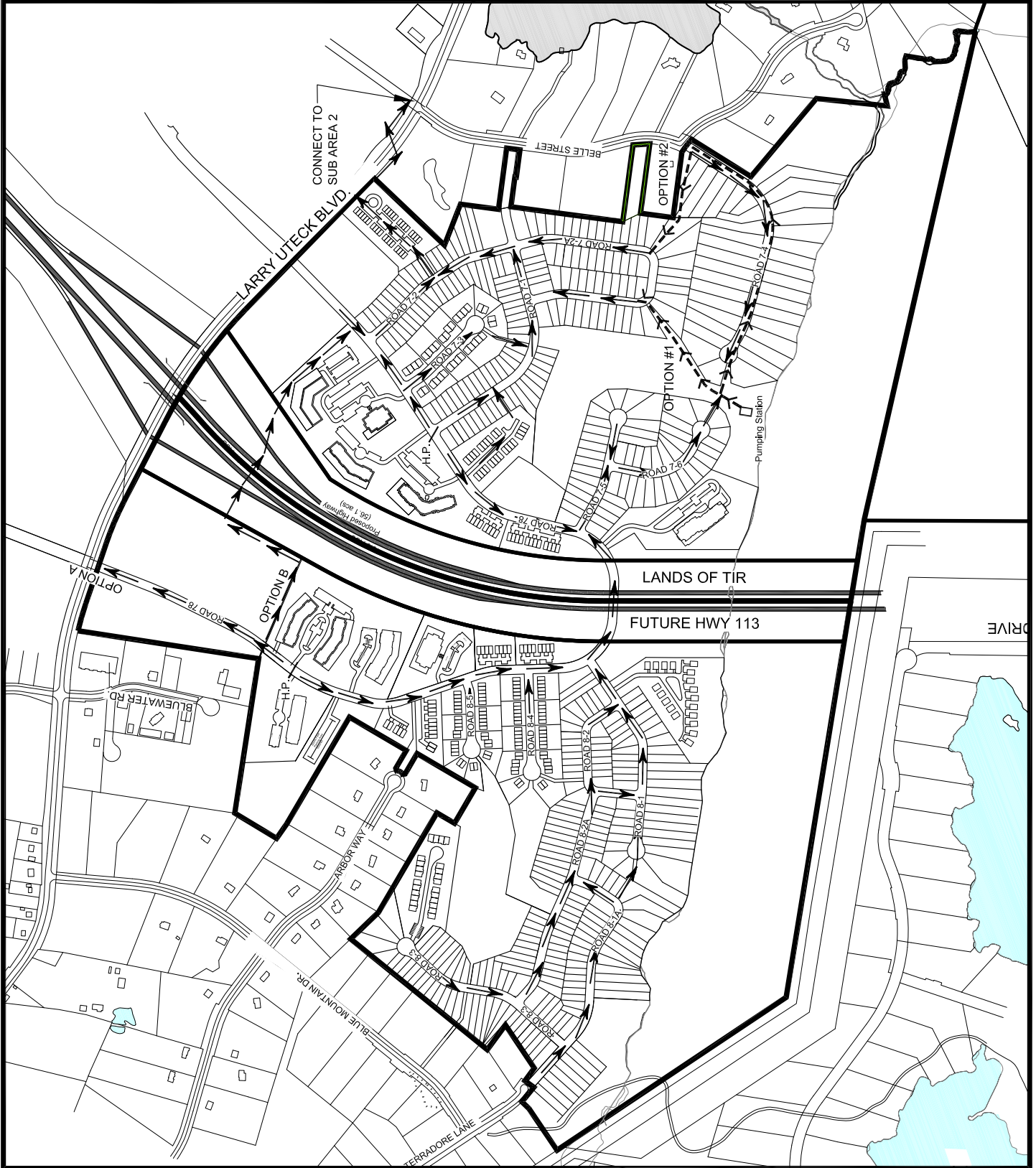
Sub-Area 7 & 8

Sanitary Service Plan



Note: Final pump station location to be determined at detailed design stage.

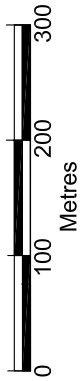
November 2015



Schedule D

Sub-Area 7 & 8

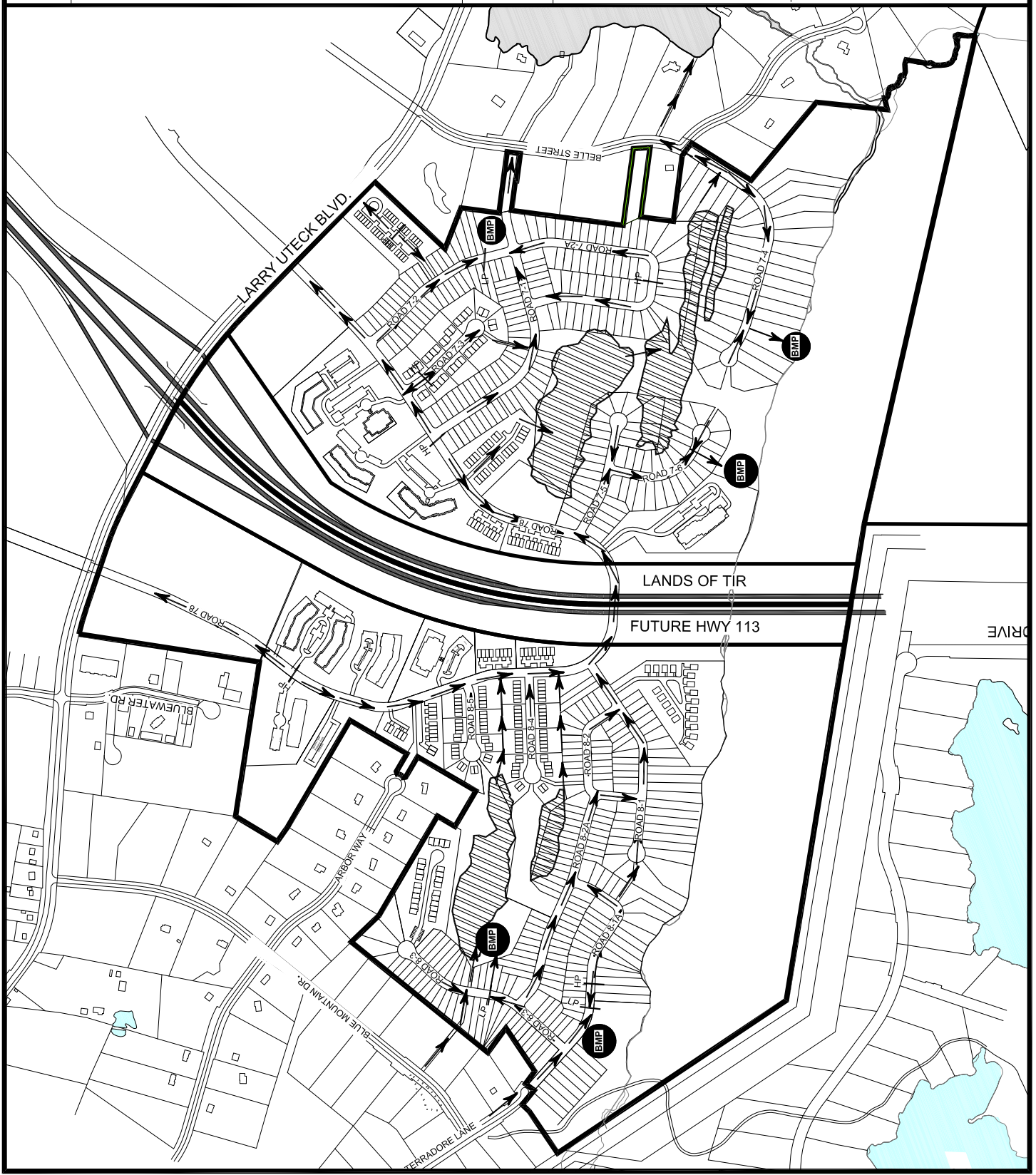
Stormwater Servicing Plan



Best Management Practice, per Stormwater Management Plan



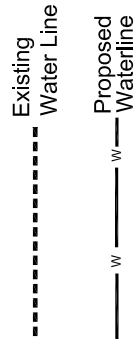
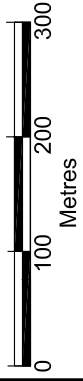
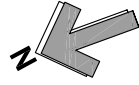
November 2015



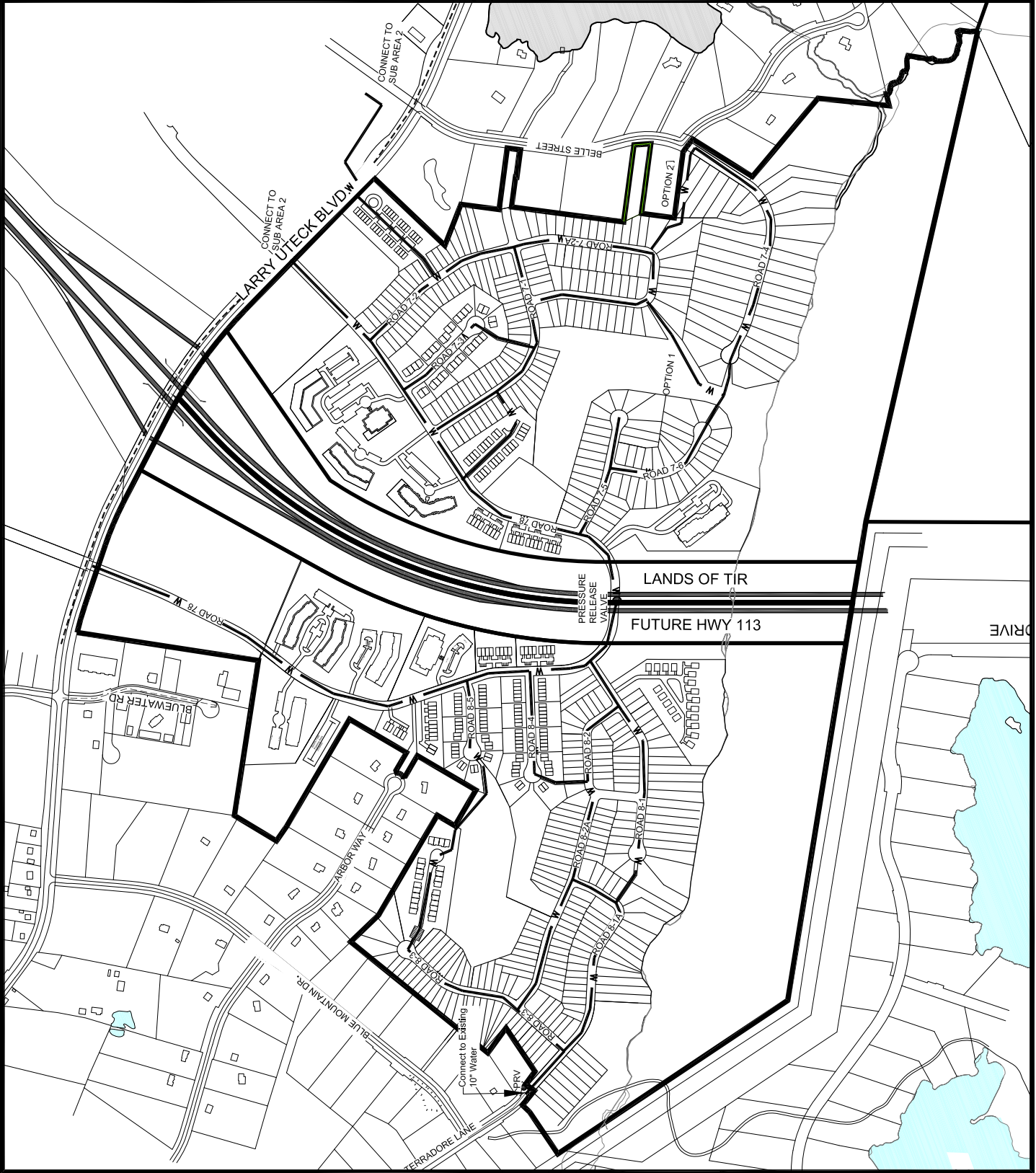
Schedule E

Sub-Area 7 & 8

Water Service Plan



November 2015



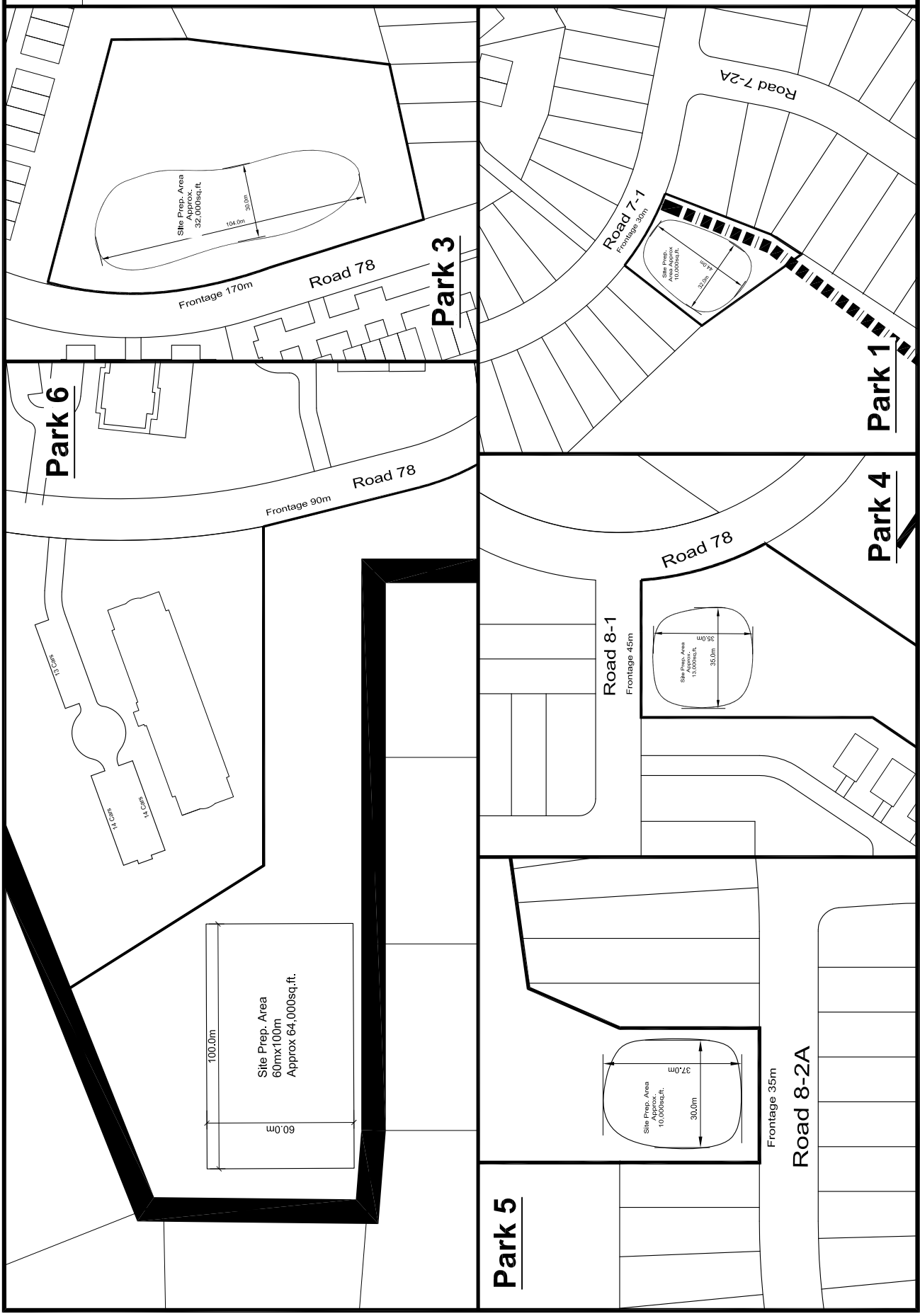
Schedule I

Sub-Area 7 & 8
Parkland Site
Details

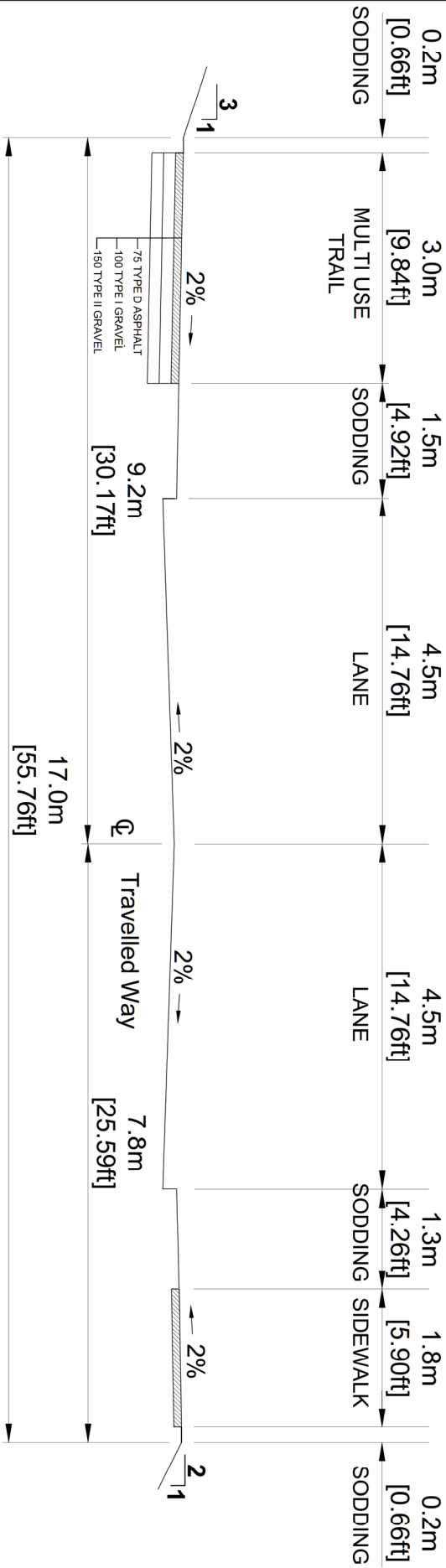
Final adjustments to
configuration and
grade will be
determined on site.

Drawings are N.T.S.

November 2015



SCHEDULE J



**17m URBAN MINOR COLLECTOR
WITH MULTI-USE TRAIL**

May 2015

Schedule “K”
Community Commercial Design Guidelines

Townhouses in a Community Commercial area shall not be permitted to exceed 30 percent of the Community Commercial area of any Sub Area.

Pedestrian Access, Circulation and Parking

Applicants shall submit a detailed pedestrian circulation and parking plan with all development applications that provides safe, efficient and convenient pedestrian access and circulation patterns within and between developments. All applications shall comply with the following:

- a) Required Pedestrian Connections - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i) The primary entrance or entrances to each building, including pad site buildings;
 - ii) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with community commercial development;
 - iii) Any public sidewalk system along the perimeter streets adjacent to the commercial development; and
 - iv) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail centers, office buildings, or restaurants.

- b) Minimum Walkway Width - All site walkways shall be a minimum of 1.5 metres (4.92 feet) in width.

- c) Walkways Along Buildings- Continuous pedestrian walkways shall be provided along the full length of a building along any facade featuring a customer entrance and along any facade abutting customer parking areas. Such walkways shall be located at least 1.8 metres (5.9 feet) from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

- d) Parking - Parking spaces shall comply with the parking provisions of Schedule T, as amended from time to time. The Development Office may permit a reduction in the required commercial parking by 30 percent where parking is to serve multiple tenants or uses on the same parcel, or on abutting parcels where parking is shared on a permanent basis.

- e) Parking Lot Landscaping - The perimeter of all parking areas shall be screened from adjacent streets, public sidewalks, and adjacent uses by either of the following methods:
 - i) A berm 1 metre (3.3 feet) high with a maximum slope of 3 (horizontal) :1 (vertical) in combination with coniferous and deciduous trees and shrubs, or
 - ii) A low continuous landscaped hedge at least 1 metre (3.2 feet) high, planted in a triangular pattern so as to achieve full screening at maturity; or
 - iii) A low decorative masonry wall at least 1 metre (3.2 feet) high in combination with landscaping; or
 - iv) Natural vegetation; or
 - v) A combination of any of these methods.

- f) Location of Parking:
A maximum of 50 percent of the off-street surface parking spaces provided for a site shall be located between the facade of the closest building to the right-of-way of Larry Uteck Boulevard or Road 7-8.

Site Amenities Guidelines for Buildings Containing Commercial Uses

a) Minimum Area Devoted to Site Amenities.

- i) Commercial developments with a parking ratio of less than 5 spaces per 92.9 square metres (1000 square feet) of gross floor areas shall provide a minimum of 1 square metre (10.7 square feet) of site amenities, open areas, and public gathering places for each 10 parking spaces; or
- ii) Commercial developments with a parking ratio of 5 per 92.9 square metres (1000 square feet) of gross floor area or greater shall provide the minimum of 1.5 square metres (16.1 square feet) of site amenities, open areas, and public gathering places for each 10 parking spaces.

b) Allowed Site Amenities

Site amenities may consist of any of the following:

- i) Patio or plaza with seating area;
- ii) Mini parks, squares, or greens;
- iii) Customer walkways or pass-through containing window displays;
- iv) Water feature;
- v) Clock tower;
- vi) Public art; and
- vii) Any other similar, deliberately shaped area and/or focal feature that, enhances such development and serves as a gathering place, subject to approval by the Development Officer.

c) Aggregation Allowed. In commercial developments containing more than one building, on one or more lots which share access and parking, the required area may be aggregated into one larger space, provided such space is within 100 m (328.08 feet) of a major tenant or main entrance in the development. Major tenants shall be determined based on the amount of floor area they occupy.

d) Design Requirements.

- i) All site amenities within a commercial development shall be an integral part of the overall design and within 100 m (328.08 feet) of major buildings, main entrances, and any transit stops. Major buildings shall be determined based on the amount of floor area they occupy; and
- ii) Any such amenity/area shall have direct access to the public sidewalk network.

Commercial Building Design

a) Variation in Massing - A single, large, dominant building mass not be permitted.

b) Minimum Wall Articulation for Commercial Buildings

- i) All buildings walls shall consist of a building bay or structural building system that is a maximum of 10 metres (32.8 feet) in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials, and fenestration pattern no less than 30 centimeters (1 foot) in width. The only exception being the rear and side wall of a building greater than 4,645 square metres (50,000 sq. feet) of gross floor area where the articulation can be widened to 30 metres (98.4 feet) in width;
- ii) Any wall exceeding 10 metres (32.8 feet) in length shall include at least one change in wall plane, such as projections or recesses, having a depth of at least 3 percent of the entire length of the façade and extending at least 20 percent of the entire length of the façade; and
- iii) All building walls shall include materials and design characteristics consistent with those on the front.

- c) Building Walls Facing Public Areas - In addition to the above, building walls that face public streets, connecting walkways, or adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, , or alternate architectural detail that defines human scale, along no less than 60 percent of the façade.
- d) Windows Adjacent Walkways, Sidewalks and Parking areas - In addition to the above, building walls that face sidewalks or connecting walkways, shall include windows which provide natural surveillance over these public areas.
- e) Building Height Adjacent Sidewalks - The height of buildings within 12.19 metres (40 feet) of a sidewalk to be owned by the Municipality shall be limited to five storeys (maximum 50 feet).
- f) Building Stepbacks Required—Where buildings exceed six storeys, a minimum setback of 3.3 m (10 feet) shall be provided above the second floor and below the sixth floor.
- g) Top Storey Design Elements – The rooftop or top floor of a building shall include design elements, a change in building materials or colour to accentuate the top storey. The Development Officer may permit the extension of these design elements beyond any required setbacks so that top storey design elements may overhang lower floor setbacks.
- h) Minimum Tower Separation – Residential or Commercial towers located on the same lot shall be located a minimum of 22.9 m (75 feet) apart. Balconies are permitted within the separation distance.

Multiple Unit Dwelling Building Design

Multiple unit dwellings shall meet the requirements of Schedule N.

Mixed Use Building Design

Where a mixed use building contains commercial and residential uses, the floors containing commercial uses shall meet the requirements of this schedule. Upper residential storeys shall meet the design requirements of Schedule N and this schedule. For further clarity the setback to any face or portion of a façade of a residential tower in the community commercial area shall be one-half of the height of the facade to any property line. Building bases are permitted to be located as per community commercial requirements.

Miscellaneous Requirements

- (a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated in to the design of buildings containing residential uses;
- (b) Architectural treatment shall be continued around all facades of the building;
- (c) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable view obstructing landscaping;
- (d) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building;
- (e) Any exposed foundation in excess of 0.61 metres (2 feet) in height and 1.86 square metres (20 square feet) in total area shall be architecturally detailed or veneered with stone or brick;
- (f) Any exposed lumber on the exterior shall be painted, stained or clad in a painted metal or vinyl; and
- (g) Mechanical equipment shall be screened from view be a combination of architectural treatments, fencing and landscaping.

Schedule L
Community Commercial Uses

No development permit shall be issued in a Community Commercial area except for one or more of the following uses:

- a) All Age/Teen Clubs;
- b) Banks and Financial Institutions;
- c) Billiard and Snooker Clubs;
- d) Commercial Photography;
- e) Day Care Facilities, Nursery Schools, Early Learning Centres;
- f) Drycleaning Depots;
- g) Funeral Homes;
- h) Garden Markets;
- i) General Retail exclusive of mobile home dealerships;
- j) Hotels and Motels;
- k) Ice cream stands;
- l) Medical Clinics;
- m) Neighbourhood Convenience Stores;
- n) Office Uses;
- o) Private Clubs (social);
- p) Full Service, Take Out and Drive-Thru Restaurants, Taverns and Lounges;
- q) Service, Personal Service Shops, Health and Wellness Centres exclusive of massage parlours;
- r) Gas bars
- s) Veterinary clinics;
- t) Institutional uses, excluding cemeteries (Schedule Q);
- u) Multiple Unit Dwellings
- v) Mixed use commercial/Multi-unit residential buildings;
- w) Transit Terminals and Park and Ride facilities;
- x) Parking lots and structures;
- y) CondoTownhouses
- z) Stacked Townhouses;
- z) Seniors Residential Complex; and
- aa) Uses accessory to the foregoing uses

All uses are subject to the requirements of this agreement and Schedule K- Bedford West - Sub Area 7 and 8 - Community Commercial Guidelines.

Townhouse uses are subject to the requirements of Schedule M – Design Criteria for Townhouses.

Gas Bar uses are subject to the requirements of Schedule S – Location and Design Criteria for Gas Bars.

Schedule M
Design Criteria for Townhouses

1. All townhouse developments shall conform to the following design criteria:
 - a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated into the design of all townhouse blocks;
 - b) Architectural treatment shall be continued around all facades of the building;
 - c) Vinyl siding may be utilized to a maximum of 40 percent on front elevations. Vinyl siding may be permitted along the side and rear of the units;
 - d) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping;
 - e) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building;
 - f) Any exposed lumber on the front facade of any townhouse shall be painted or stained or clad in a painted metal or vinyl;
 - g) Any exposed foundation in excess of 1 metre (3.3 feet) shall be architecturally detailed, veneered with stone or brick, painted, stucco, or an equivalent;
 - h) Buildings should be oriented with the main entrances facing a public street where possible except where lot configuration, topography and access are factors;
 - i) Where greater than four townhouse units are provided in a row, dwellings shall be designed so that there is a variation in the facade where units abut. The minimum variation permitted is a two feet (0.61metres) recess or projection in the face of the facade. Variations in the façade face shall be provided at a maximum of every fourth unit, however variations prior to the fourth unit shall be permitted provided no more than four units are placed in a row without a variation in the façade face; and
 - j) Single or shared pedestrian walkways shall be provided from the street to each dwelling unit. Such walkways shall be a minimum of 1.5m (5 feet) in width and be constructed of concrete or asphalt.

Schedule N

Design Criteria for Multiple Unit Dwellings

1. Multi-unit building developments shall conform with the following design criteria:
 - a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated on all facades of the building;
 - b) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or view obstructing landscaping;
 - c) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building;
 - d) All exposed foundation in excess of 0.61 metres (2 feet) in height shall be architecturally detailed or veneered with stone or brick;
 - e) All exposed lumber on the exterior shall be painted, stained or clad in a painted metal or vinyl;
 - f) Mechanical equipment shall be screened from view by a combination of architectural treatments, fencing and view obstructing landscaping;
 - g) Residential towers located on the same lots shall be a minimum of 22.9 metres (75 feet) apart;
 - h) Exposed underground parking shall not exceed 1.37m (4.5 feet) above grade facing a public street;
 - i) The rooftop or top floor of a building shall include design elements, a change in building materials or colour to accentuate the top storey. The Development Officer may permit the extension of these elements beyond the face of the lower floors of the building;
 - j) Pedestrian walkways shall be provided from the street to the main entrance of the multiple unit dwelling. Such walkways shall be a minimum of 1.5 metres (5 feet) in width and be constructed of concrete or asphalt;
 - k) All buildings will be designed to include a discernable top, middle and bottom by use of different architectural elements and treatments, materials and colours and tones, to break up vertical massing;
 - l) Buildings greater than 8 storeys in height shall not have a floor width greater than 38 metres (125 feet) with the exception of the base or podium and architectural elements at the top of a building;
 - m) Design the top of the building and/or the top of its podium to include communal outdoor amenity space. Nothing in this agreement shall preclude the placement of green roofs, rainwater recovery and solar panels on rooftops ;
 - n) Multiple unit dwellings shall include indoor amenity space for recreational purposes. Amenity space may include, but is not limited to recreation rooms, libraries, exercise rooms and swimming pools. The amount of indoor amenity space required shall be 2.0 square metres (21.5 square feet) per dwelling unit. Multiple unit dwellings with less than 20 units shall be exempt from this requirement;
 - o) Each dwelling unit shall have an exterior balcony with a minimum depth of 1.53 metres (five feet) and an area of 4.65 square metres (50 square feet); and
 - p) The perimeter of all parking areas shall be screened from adjacent streets, public sidewalks, and adjacent uses by either of the following methods:
 - i) A berm 1 metres (3.3 feet) high with a maximum slope of 3 (horizontal) :1 (vertical) in combination with coniferous and deciduous trees and shrubs, or
 - ii) A low view obstructing landscaped hedge at least 1 metres (3.3 feet) high, planted in a triangular pattern so as to achieve full screening at maturity; or

- iii) A low decorative masonry wall at least 1 metres (3.3 feet) high in combination with view obstructing landscaping; or
- iv) Natural view obstructing vegetation; or
- v) A combination of any of these methods.

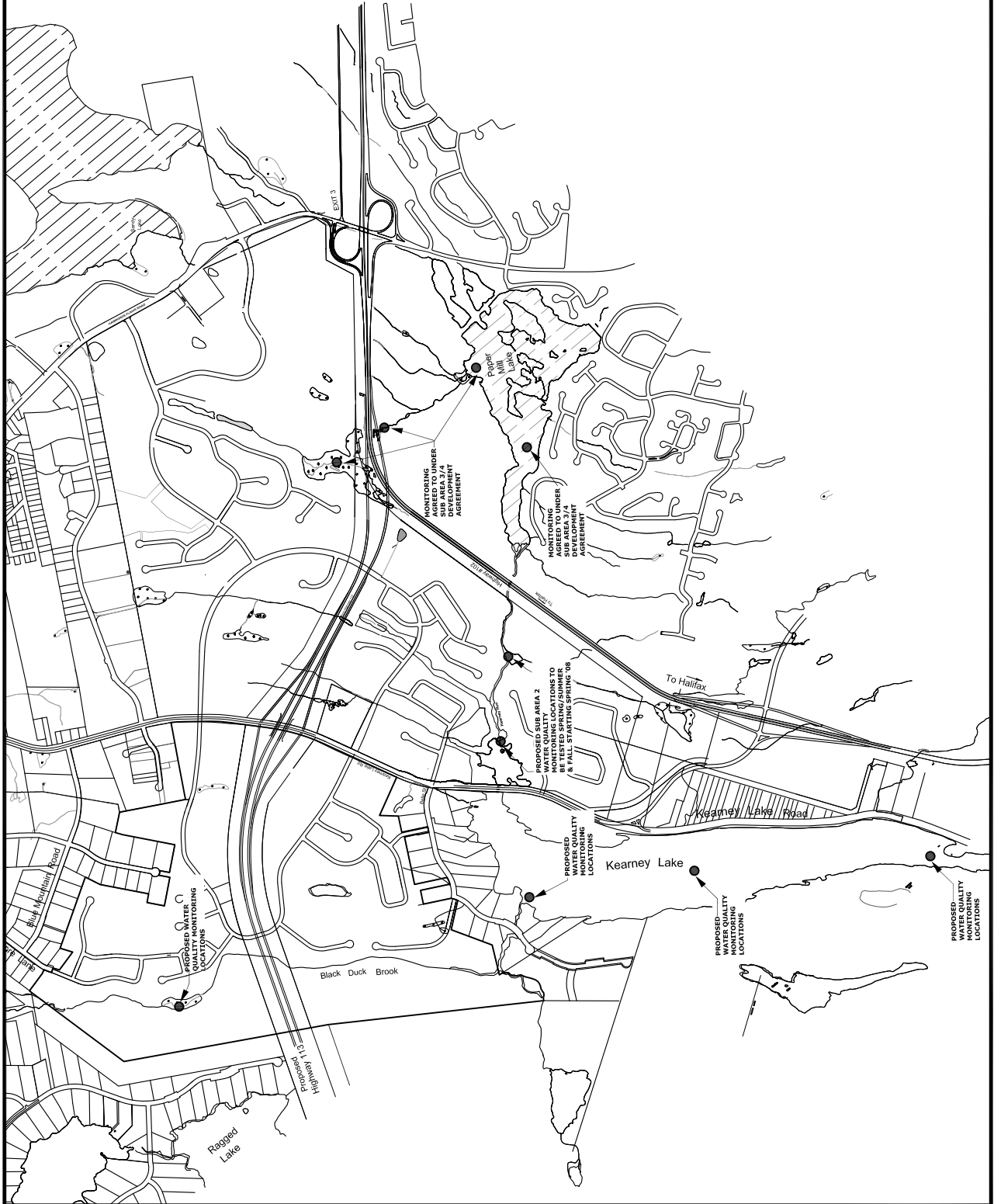
Schedule O

WATER QUALITY
MONITORING
LOCATIONS
AREA 7 & 8



● Water Quality
Monitoring Test
Location

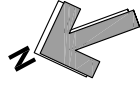
November 2015



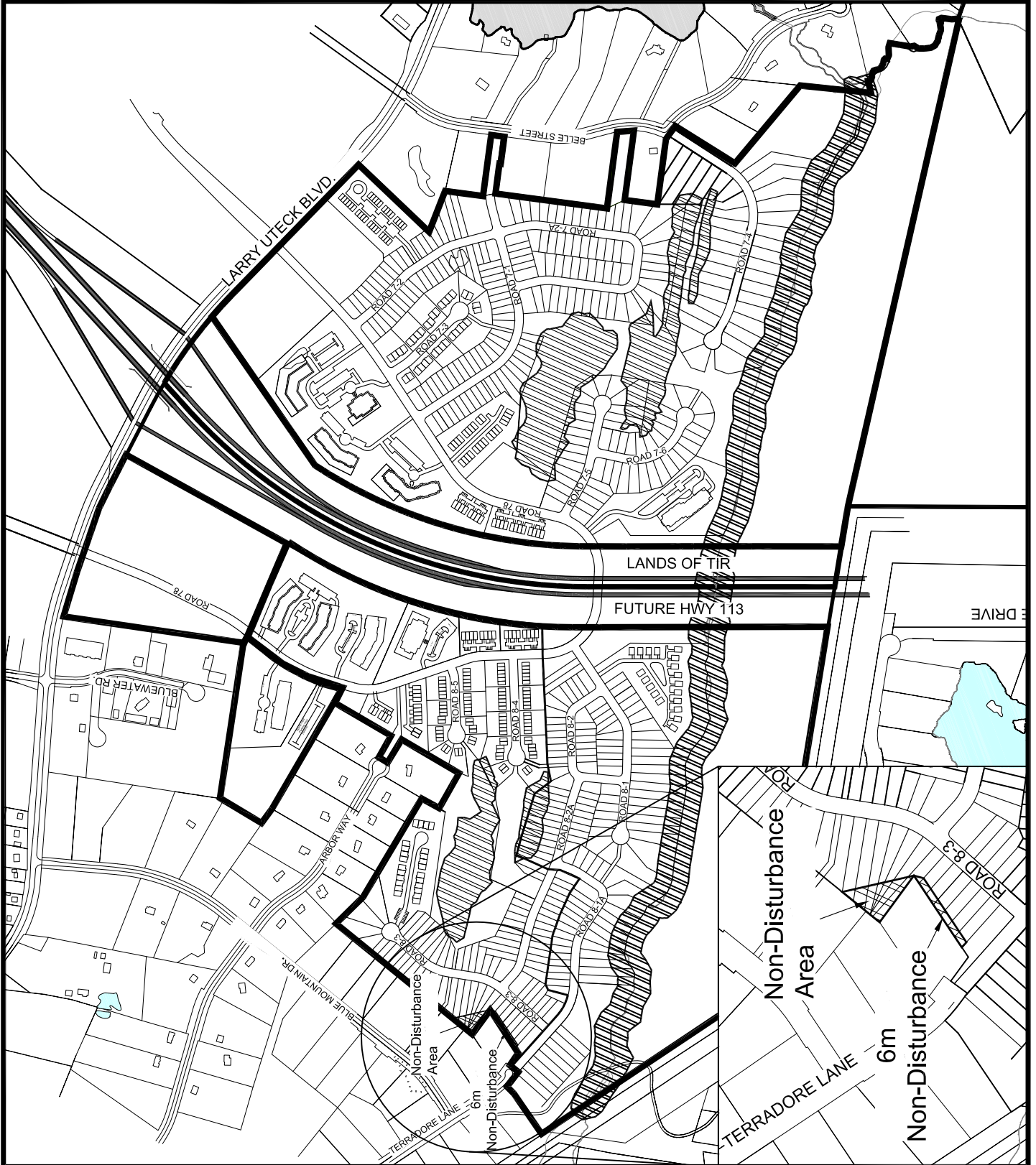
Schedule P

Sub-Areas 7 & 8

Non-Disturbance



November 2015



Schedule Q
Design Criteria for Accessory Dwelling Units

1. An accessory dwelling unit shall meet the following criteria:
 - (a) The dwelling unit shall be attached to the main dwelling;
 - (b) The dwelling unit shall be no larger than 40 percent of the gross floor area of the home excluding garages;
 - (c) The main entrance shall be located to the side or back of the dwelling. No entrance to an accessory dwelling unit shall be permitted on the façade facing the public street;
 - (d) Exterior stairs to accessory dwelling units shall not exceed 1.21 metres (4 feet) in height above grade;
 - (e) One additional parking space shall be provided for the dwelling unit on the lot;
 - (f) All accessory units are subject to density and sewage capacity restrictions in this agreement. Any accessory dwelling units shall be considered as a population of 2.25 persons per unit; and
 - (g) All accessory dwelling units are to be identified in tracking tables as required by this agreement.

Schedule R Institutional Uses

No development permit shall be issued in an Institutional area except for one or more of the following uses:

- a) churches;
- b) public and private schools;
- c) cemeteries;
- d) fire stations;
- e) libraries;
- f) police stations;
- g) public buildings;
- h) post offices;
- i) private recreational facilities and clubs;
- j) museums;
- k) special care facilities;
- l) day care facilities;
- m) recycling depot;
- n) community and recreational centres;
- o) playgrounds, playing fields;
- p) recreational uses;
- q) public parks;
- r) uses of a similar nature to the foregoing;
- s) nature trails; and
- t) uses accessory to the foregoing uses.

Additional uses may be permitted subject to Clauses 3.4.12 and 3.4.13

Schedule S
Location and Design Guidelines for Gas Bars

1. Location

- (a) Gas Bars shall only be located in Sub Area 8 on the northwest side of Broad Street (Community Collector Road) within 180 metres (590 feet) of Larry Uteck Boulevard.

2. Streetscape and Form

- (a) All buildings and pump islands shall be designed so that all sides are a consistent architectural style; and
- (b) Transparent windows and doors for retail buildings shall be provided between the main building, the pump islands and surrounding streets.

3. Pedestrians and Cyclists

- (a) Walkways shall be distinguished from driving surfaces by using varied paving treatments and by raising walkways to curb level;
- (b) Bicycle parking shall be located in a manner that does not impede pedestrian movement; and
- (c) Where driveways or stacking lanes cross walkways, appropriate pavement markings shall be provided to identify the walkway crossing.

4. Vehicles and Parking

- (a) Stacking lanes for any accessory drive-thru restaurants shall be located away from adjacent residential and outdoor amenity areas. Where stacking lanes are adjacent a residential use, view obstructing landscaping or fencing shall be provided to create a visual buffer between the land uses;
- (b) Access points for stacking lanes shall be located such that queued vehicles do not block traffic along public streets or the movement of other vehicles on site;
- (c) Escape lanes from stacking lanes shall be provided, where possible;
- (d) Where two drive-through facilities exist on the same site, separate stacking lanes shall be provided for each use;
- (e) Stacking lanes shall be separated from parking areas and driveways by a combination of landscaped islands, decorative pavement, pervious islands and painted lines; and
- (f) On-site circulation shall be designed to facilitate unobstructed forward movement by tanker trucks and the safe unloading of fuels.

5. Landscaping

- (a) A minimum 3.0 metres (9.8 feet) wide landscape area adjacent the property line shall be provided where parking areas, driveways or stacking lanes are adjacent to a public street. Within this area, a combination of trees, shrubs or low walls shall be provided;
- (b) A minimum 2.5 metres (8.2 feet) wide landscape area shall be provided along the side and rear yards in order to provide partial screening and enhance site environmental benefits. Within this area, a combination of trees, shrubs or low walls shall be provided to form a partial screen from view; and
- (c) A minimum 3.0 metres (9.8 feet) wide landscape area shall be provided adjacent the property lines which are adjacent to existing or proposed residential or institutional uses. Such an area may include a view obstructing solid wall or fence in addition to view obstructing landscaping.

Schedule T General Provisions

1. Permitted Uses

- (a) In this Agreement, any use not listed under the permitted uses in a particular designation is prohibited; and
- (b) Where a permitted use within any designation is defined in this agreement, the uses permitted within that designation shall be deemed to include any similar use which satisfies such definitions.

2. Certain Words

In this Agreement, unless clearly indicated otherwise, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word "used" includes "arranged", "designed", or "intended to be used", and the word "shall" is mandatory and not permissive.

3. Multiple Uses and Designations

- (a) Where any land or building is used for more than one purpose, all provisions of this agreement relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the higher standard shall prevail; and
- (b) More than one land use may be applied to any given area within the agreement and when land is designated in this manner, the regulations under the land use appropriate to the proposed use shall be applied.

4. Temporary Construction Uses Permitted

Nothing in this agreement shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.

- (a) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to these general provisions, provided a development permit has been issued for such use;
- (b) A development permit may only be issued for the temporary use of a rock crusher;
- (c) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this agreement shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary;
- (d) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary;
- (e) Notwithstanding any other provision of this agreement, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site; and
- (f) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this agreement and the C&D Materials Recycling and Disposal License By-law.

5. Temporary Commercial Uses Permitted

Nothing in this Agreement shall prevent the use of land or the erection of a temporary building or structure including a sales or rental office incidental to construction in progress until such construction has been finished or discontinued for a period of thirty days and provided that such temporary structures or buildings are located on an approved building lot and meet the designation setbacks; or the temporary use of land for such purpose as midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances provided that such remain in place no longer than five (5) days. Christmas tree sales are permitted in all designation for a maximum period of thirty (30) days per year. Mobile vendors and canteens are permitted in all areas designated for Community Commercial uses and on Park lands in conjunction with a special event including but not limited to, recreational events, Municipal events, community events, for a maximum period of four (4) days, per event. Temporary ice cream stands are permitted within the Community Commercial designation and shall be exempt from landscaping and land use specific requirements. Temporary ice cream stands shall also be exempt from yard requirements and shall have a minimum 20 foot front yard and 8 foot rear and side yards. Temporary ice cream stands shall be permitted for a maximum period of six (6) months per year. Temporary uses are not required to connect to municipal services provided they have adequate measures in place for sanitation as approved by the Municipality and any other regulatory agency with jurisdiction. Any development permit issued for a special use under this section shall be in force for a maximum period of one (1) year from the date of issue and any permit may be reissued upon request, subject to review by the Development Officer.

6. Home Occupations

A home occupation shall be permitted in any residential dwelling provided:

- (a) it shall be conducted by the resident occupant in his or her residence;
- (b) it shall be clearly accessory and incidental to the use of the dwelling as a residence;
- (c) it shall be conducted within the enclosed living areas of the dwelling;
- (d) no alterations shall be made which would change the physical character of the dwelling as a residence;
- (e) no outside storage of any kind shall be associated with the home occupation;
- (f) there shall be no exterior evidence of the conduct of a home occupation except for a business identification plate or sign of a maximum 0.18 square metres (2 square feet) in area which shall not be backlit;
- (g) the maximum size of any home occupation [excluding day cares facilities shall be not more than 25% of the total floor area of the dwelling unit to a maximum of 46.5 square metres (500 square feet);
- (h) one off-street parking space, other than those required for the dwelling, shall be provided for each 23.2 metres squared (250 square feet) of floor space occupied by the home occupation;
- (i) it shall not be an objectionable use;
- (j) no stock in trade, except articles produced by members of the immediate family residing in the dwelling shall be displayed or sold within the dwelling;
- (k) the following are deemed not to be home occupations and are not permitted within the residential areas:
 - i) automotive repair shop;
 - ii) autobody repair shop;
 - iii) auto paint shop;
 - iv) machine shop;
 - v) welding;
 - vi) retail sales outlets, except articles produced by members of the immediate family in the dwelling;
 - vii) restaurants;
 - viii) amusement centre;
 - ix) any use involving the care of animals; and

- (l) the following shall apply to Bed and Breakfast/Guest Home establishments:
- i) bed and breakfast/guest homes shall be permitted in single detached dwellings permitted by this Agreement;
 - ii) notwithstanding section 6 g), it shall occupy not more than three rooms as sleeping rooms for overnight guests;
 - iii) notwithstanding section 6 h), one off-street parking space, other than those required for the dwelling, shall be provided for each bedroom rented for overnight guests.

7. Day Care Facilities

Day care facilities and after school care shall be permitted in any dwelling in any residential dwelling provided that:

- (a) it shall be conducted by the resident occupants in their residence who may employ not more than two employees;
- (b) the maximum number of children in each facility shall not exceed 14;
- (c) the building must be occupied as a dwelling unit;
- (d) there is clear sight distance for 60.96 metres (200 feet) on either side of the driveway(s), except on a cul-de-sac;
- (e) a maximum of 50% of the dwelling gross floor area may be devoted to the child care use;
- (f) there is a minimum street distance of 152.4 metres (500 feet) between day care facilities; and
- (g) subject to b),c),d),e),and f), of Section 6 pertaining to home occupations.

Notwithstanding (a) though (h), outdoor play areas and play equipment shall be permitted in association with a permitted daycare.

8. Boarders and Lodgers

The leasing of not more than three rooms in any dwelling unit in a residential dwelling shall be permitted but no window display or sign in excess of 0.18 square metres (2 square feet) in respect to the use permitted by this clause shall be allowed. One off-street parking space, other than those required for the dwelling, shall be provided for each room devoted to boarders.

9. Mobile Homes

No mobile home shall be permitted on the Lands.

10. Truck, Bus, and Coach Bodies

No truck, bus, coach or streetcar body, or railway car, or structure of any kind other than a dwelling unit erected and used in accordance with this agreement and all other By-laws of the Municipality shall be used for human habitation within the Lands, whether or not it is mounted on wheels.

11. Public Transit Facilities

Public transit facilities shall be permitted in all designations with frontage on Road 78 (Broad Street) or Larry Uteck Boulevard.

GENERAL PROVISIONS: LOTS AND YARDS AND OTHER STANDARDS

12. Frontage On A Street

Except as provided for within this agreement, no building, structure or use shall be permitted unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street.

13. One Main Building On A Lot

No person shall erect more than one (1) main building on a lot except in areas designated for cluster type housing or condominium low density housing or as otherwise provided for in the Agreement.

14. Setbacks In Residential Designations

Setbacks for residential uses shall be governed by Section 3.4 of this agreement.

15. Special Requirements: Corner Lots

On a corner lot, a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation which obstructs vision shall not be erected or permitted to grow to a height greater than 0.61 metres (2 feet) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.09 metres (20 feet) from their point of intersection.

16. Watercourse Setbacks, Buffers and Non-Disturbance

- (a) i.) No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within 30 metres (98.4 feet) of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake or Kearney Lake Run or Black Duck Brook or within 20 metres (65.6 feet) of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse. The 1 in 20 year floodplain shall be shown on the subdivision grading plan and subdivision plan; and
- ii.) Where the average positive slopes within the 20 metres (65.6 feet) buffer are greater than 20%, the buffer shall be increased by 1 metre (3.3 feet) for each additional 2% of slope, to a maximum of 60 metres (196.9 feet).
- (b) The Developer agrees that watercourse setbacks and non-disturbance areas as shown on Schedule P and required under Clause 16 (a) shall be shown on a site plan submitted under the requirements of subsection 3.2.1 of this Agreement. Further, the plan shall show all wetlands greater than or equal to 2000 square metres, as defined by Nova Scotia Environment;
- (c) Where a watercourse setback or wetland area is established over lots intended for development, the area shall be shown on a plan of subdivision as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement;
- (d) Where a watercourse setback and wetland area is established over lots intended for development, the area shall be shown on a lot grading plan for each individual property as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement;
- (e) Where a non-disturbance area, which is not a watercourse setback or wetland area, is established over lots intended for development, the area shall be shown on a plan of subdivision as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless permitted by the Development Officer and approved pursuant to the requirements of this Agreement;
- (f) Further, no development, tree cutting, stump or other vegetation removal, grade alteration or any alteration of any kind shall be permitted in relation to a development shall be permitted within any wetland greater than 2000 square metres in size, watercourse setback or non-disturbance area except where approved in writing by the Development Officer under one of the following circumstances:
 - i.) To install municipal service systems, park, driveway accesses and trails. 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-disturbance area to the satisfaction of the Development Officer;
 - ii.) To remove a tree that is dead, dying or in decline and which represents a danger to private property, public infrastructure or other natural trees and vegetation. Prior to granting approval for the removal of such a tree, the Development Officer shall have the discretion to require that the landowner engage a Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or other person with equivalent credentials to certify in writing

- iii.) that the tree poses a danger to people or property or is in severe decline; Notwithstanding subsection (f)i.) through ii.), the selective removal of vegetation to maintain the overall health of the watercourse setback, wetland or non-disturbance area may be authorized by the Development Officer where a management plan is submitted by a Certified Arborist, Landscape Architect, Urban Forester, Forestry Technician;
- iv.) Management plans shall meet the following requirements:
 - (a) the management plan shall be prepared by a person qualified to make the required determinations;
 - (b) the management plan shall provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake.

The Development Officer may issue a permit for work identified in a management plan once it is determined that that the management plan meets all requirements of this agreement.

- (g) If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Clause 16(f), the Developer shall replace each tree with a new tree of 38mm (2 inch) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units;
- (h) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required watercourse setbacks, wetlands and non-disturbance areas, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this Agreement;
- (i) The 1 in 100 year floodplain shall be shown on the subdivision plans and subdivision grading plan; and
- (j) Development within any 1 in 100 year flood plain shall not be permitted without the flood proofing of any affected buildings.

17. Natural Hazards And Yard Requirements

Where in this agreement a front yard, side yard or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 20% or more from the horizontal, then the required yard shall be measured from the nearest main wall from the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the rim of the said river bank or watercourse, or to the top of the said cliff or embankment if the said area is closer than the lot line.

18. Abutting Use Requirements

Where a Community Commercial use abuts existing residential uses, or park uses and/or designation, in order to provide a buffer, visual or noise barrier between these uses, the following shall apply:

- (a) the minimum distance between the main buildings shall be 12.2 metres (40 feet);
- (b) no open storage nor outdoor display shall be permitted in required yards ;
- (c) where parking spaces are provided in a required yard such parking shall be screened by a buffer, fence, or combination thereof;
- (d) in addition to the provisions of clause 35, signs located in a required yard shall be subject to the following requirements:
 - i) all signs shall be non-illuminated;
 - ii) only directional or business identification signs shall be permitted;
 - iii) the maximum sign area shall be 1.8 square metres (20 square feet);
 - iv) the maximum height of a ground sign from the grade level to the highest part of the

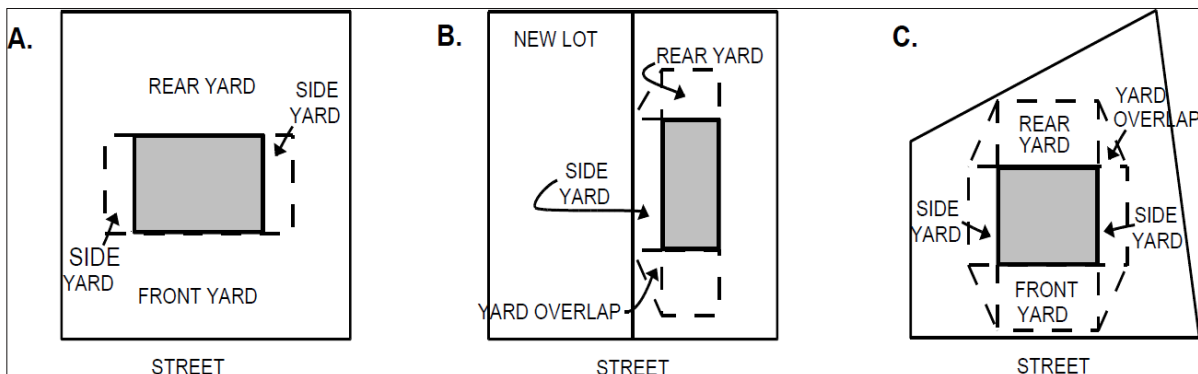
- v) sign (including the sign structure) shall be 4.6 metres (15 feet); and
- v) all signs shall be setback at least 3.05 metres (10 feet) from the abutting property line.
- (e) objectionable uses shall not be located in required yards.

19. Height Regulations

The height regulations of this agreement shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, solar panels, ventilators, skylights, satellite dishes, chimneys or clock towers.

20. Yard Measurement

- (a) In determining yard measurements for a lot which is either square or rectangular in shape, the minimum horizontal distance from the respective lot lines shall be measured as illustrated in Diagram 'a' and expressed in the following definitions:
 - i) flankage yard- means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure;
 - ii) front yard- means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot;
 - iii) rear yard- means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; a "minimum" rear yard means the minimum depth of a rear yard on a lot between a rear lot line and the nearest main wall of any main building or structure on the lot; and
 - iv) side yard- means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; a "minimum" side yard means the minimum width of side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot;
- (b) For a lot which contains a dwelling unit and is being subdivided, the required minimum yards shall be measured from the respective wall(s) of the structure (Diagram 'B'); and
- (c) For an irregularly shaped lot the required front yard shall be determined as in a) above, while yards of the applicable minimum depth shall be maintained at the rear and sides of a structure for the entire length and width of the structure (Diagram 'C').



GENERAL PROVISIONS: ACCESSORY BUILDINGS OR STRUCTURES

21. Accessory Uses Permitted

Where this agreement provides that any land may be used or a building or structure may be erected or used for a purpose the purpose includes any accessory use thereof.

22. Accessory Buildings

- (a) Accessory uses, buildings and structures shall be permitted in any designation within this agreement but shall not:
 - i) be used for human habitation;
 - ii) be located within the required front yard of a lot;
 - iii) be built closer than 1.21 metres (4 feet) to any lot line except for common semi-detached garages which may be centred on the mutual side lot line;
 - iv) exceed 4.6 metres (15 feet) in height in any Residential designation;
 - v) exceed 69.7 square metres (750 square feet) in total floor area for all accessory space on a lot in any Residential designation, except for public buildings and uses *and* swimming pools;
 - vi) be built within 1.82 metres (6 feet) of the main building; and
 - vii) be considered an accessory building if attached to the main building in any way or be considered an accessory structure if located completely underground.
- (b) Notwithstanding anything else in this Agreement, drop awnings, clothes poles, flag poles, garden trellises, fences, children play structures, satellite dishes, uncovered decks no higher than 0.60 metres (2 feet) and retaining walls shall be exempted from any requirements for accessory uses under subsection (a.);
- (c) Garbage collection bins and stalls shall be subject to the accessory building provisions of this section and shall be fenced or otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property; and
- (d) Swimming pools shall be completely enclosed with fencing, a minimum of 1.52 metres (5 feet) in height.

23. Shipping Containers

- (a) Shipping containers shall not be used as accessory buildings or for the storage of materials on the Lands.
- (b) Shipping containers shall not be used as a dwelling or other form of accommodation, including offices.

24 Restrictions on Outdoor Storage/Outdoor Display and Sales

- (a) Outdoor storage and display with garden markets is permitted within Community Commercial areas provided it is screened with opaque screening, excluding chain-link or any other type of open fencing.
- (b) Outdoor storage and display shall not exceed twenty (20) per cent of the gross area of any lot.
- (c) No outdoor storage shall be permitted within any required front or side yard.
- (d) No outdoor storage or outdoor display shall be permitted within any yard where such yard abuts any residential, institutional or park use, except where a fence or other visual and physical barrier is provided with the abutting yard, excluding chain-link or any other type of open fencing.
- (e) Outdoor display is permitted adjacent to the primary façade (façade with principal customer entrance) and shall extend no more than eight feet from such façade.
- (f) Outdoor display shall be located no closer than five feet from any public entrance to a building.
- (g) Outdoor display shall occupy no more than 30 percent of the horizontal length of any building façade.

- (h) Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

GENERAL PROVISIONS: PARKING AND LOADING FACILITIES

25. Parking Requirements

- (a) For every building or structure to be erected or enlarged, off-street parking located within the same designation as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

<u>TYPE OF BUILDING</u>	<u>PARKING REQUIRED</u>
A dwelling containing dwelling units	2 parking spaces not more than 3 for each dwelling unit.
Condo Town House, Stacked Townhouse and multiple unit dwellings	1.5 spaces for each dwelling unit.
Churches, church halls	Where there are fixed auditoria seats 1 parking space for every 5 seats, or 10 feet of bench space. Where there are no fixed seats, 1 parking space for each 9.29 square metres (100 square feet) of floor area devoted to public use.
Elementary schools	1.5 parking spaces per each teaching classroom.
High schools	4 parking spaces for each teaching classroom.
Hospitals and nursing homes	1 parking space for each 2 beds or each 37.16 square metres (400 square feet) of floor area, whichever is the greater.
Senior Citizen apartments	1 parking space for every 2 dwelling units.
Hotels, motels, staff houses	1 parking space per tourist cabins, guest houses bedroom <u>plus</u> parking spaces as per the listed requirements for accessory uses such as restaurants, lounges, retail space, etc.
Ice Cream Stand	5 spaces or 5 spaces per 92.9 square metres (1000 square feet) of floor area devoted to public use, whichever is greater.
General Retail	4.5 parking spaces per 92.9 square metres (1000 square feet) of gross leasable floor area.
Office Commercial	3.5 parking spaces per 92.9 square metres (1000 square feet) of gross leasable floor area.
Restaurants Full Service	1 space for every 4 seats provided or 20 spaces per 92.9 square metres (1000 square feet) of floor area devoted to public use, whichever is greater.
Drive-Thru/Fast Food	8 spaces per 92.9 square metres (1000 square feet) of floor area devoted to public use.
Take out	16 spaces per 92.9 square metres (1000 square feet) of floor area devoted to public use.
Medical/Dental	2 spaces per consulting room
Banks and Trust Companies	5 parking spaces per 92.9 square metres (1000 square feet) of gross leasable area.
Entertainment/Recreational	1 parking spaces per 6 seats.
All other commercial uses	4.5 parking spaces per 92.9 square metres (1000 square feet) of gross leasable space.
Warehouses	1 parking space for every 279 square metres (3000 square feet) of gross floor area, plus parking space as per the requirements for any office space.
Day Care Facilities	1.5 spaces per 37.2 square metres (400 square feet)(of gross floor area

- (b) Handicapped parking stalls shall be provided at a ratio of 4 percent of the total required in each lot with a minimum of 1 stall per lot where required parking is for 5 stalls or greater.

- These spaces shall be located near building entrances which shall be wheelchair accessible; and
- (c) The parking requirements for multiple occupancy buildings which contain a mix of different uses shall be determined by calculating the sum of the parking requirements for each use and then reducing the number by twenty percent to allow for the shared usage of spaces by building occupants.

26. Standards for Parking Areas

Where parking facilities for more than 3 vehicles are required or permitted:

- (a) all parking areas including individual parking spaces, visitors and service spaces, shall be clearly marked;
- (b) individual parking spaces shall be 2.74 metres by 5.48 metres (9 feet by 18feet) except in the case of handicapped parking. Handicapped parking spaces shall be 3.96 metres (13 feet) wide unless two are located together in which case a total width of 6.40 metres (21 feet) is acceptable. Parking stalls for small cars, where provided, shall be 2.44 metres by 4.58 metres (8 feet x 15 feet) and shall not exceed 25% of the total parking spaces provided. Curb parking shall be 2.43 metres by 6.40 metres (8 feet by 21feet). All parking areas including driveways and manoeuvring areas shall be maintained with a permanent hard surfaced with asphalt, concrete or equivalent and shall be defined by a concrete curb, ornamental brick, planting, fence or other landscaped feature;
- (c) all parking areas must provide for ingress and egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted;
- (d) curbs or other appropriate methods of delineating a pedestrian right of way shall be provided to ensure safety between pedestrian and vehicular movements in all parking lots that have greater than ten (10) parking stalls;
- (f) all parking areas shall provide manoeuvring areas to permit vehicles to leave the property in a forward motion;
- (g) all parking layouts shall make provision for the stock-piling of snow in a manner which will not reduce the amount of required parking space available; or reduce visibility within corner vision triangles of adjacent street intersections as defined in Section 16 of this Schedule and corner vision triangles at the intersection of the driveway(s) with the street;
- (h) where a parking area for a multiple-unit residential building, a commercial building, abuts existing or designated residential uses, such parking areas shall be screened by a buffer, fence, or combination thereof;
- (i) where windows and doors exist on the ground floor of a residential building, no parking shall be located within 6.1 metres (20 feet) of such windows and doors;
- (j) for institutional and commercial land uses, if off street parking is available on a permanent basis within 91.44 metres (300 feet) of the building and is designated commercial or institutional, as well as being clearly signed to indicate the use it is intended to serve, the parking requirements shall be deemed to be satisfied;
- (k) the approaches or driveways shall not be closer than 15.24 metres (50 feet) from the limits of the right-of-way at a street intersection;
- (l) the width of a driveway leading to a parking or loading area, or aisle in a parking area, shall be a minimum width of 3.05 metres (10 feet) for one-way traffic and 6.1 metres (20 feet) for two-way traffic, unless the driveway is fulfilling the function of a fire access in which case the driveway shall be a minimum width of 6.1 metres (20 feet);
- (m) The Developer shall convey all required rights-of-way over properties, as required, to provide access to all properties; and
- (n) Clearly signed visitor parking areas shall be provided for all multiple unit dwellings, mixed use (residential /commercial) or clustered, condo or stacked attached housing units. Visitor parking shall be provided from the required parking for the land use at a ratio of 1 visitor parking space per 4 units.

27. Commercial Motor Vehicles in Residential Designation

- (a) Not more than one commercial motor vehicle with a maximum weight of 5000 kg. (11,022 lbs.) shall be kept in a Residential Designation and this vehicle shall be owned or operated by the occupant of the lot, and parked on the lot.
- (b) Commercial motor vehicles over 5000 kg. (11,022 lbs.) shall not be permitted.

28. Loading Spaces

- (a) In any designation, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, or other uses involving the frequent shipping, loading or unloading of animals or goods, unless there is maintained on the same premises with every such building, structure or use:

<u>Gross Floor Area</u>	<u>No. of Spaces</u>
Less than 464.4 sq. m.	0
464.5-1393.4 sq. m.	1
1393.5-3251.4 sq. m.	2
More than 3251.5 sq. m.	3

- (b) Each loading space shall be at least 3.66 metres (12 feet) by 12.19 metres (40 feet) with a minimum of 4.27 metres (14 feet) height clearance. No such loading spaces shall be located within any required front yard or be located within any required yard which abuts a Residential designation;
- (c) Each loading space shall not be obstructed by any other parking space or accessory structure; and
- (d) The requirements in a), b), and c) above may be waived if it is indicated that the uses which are to occupy a building do not require loading space(s).

29. Bicycle Parking Facilities

- (a) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Restaurants	1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces

	Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m ² GFA 50% Class A/ 50% Class B

(b) Bicycle parking requirements shall not be required for the following land uses:

- i.) Single unit dwelling;
- ii.) Semi-detached dwelling;
- iii.) Townhouses dwellings;
- iv.) Stacked attached dwellings;
- v.) Self storage facilities;
- vi.) Car washes;
- vii.) Cemeteries; and
- viii.) Funeral homes.

(c) Each Class B bicycle parking space shall:

- i.) be a minimum of 0.6 metres (2 feet) wide and 1.8 metres (6 feet) long;
- ii.) have a minimum overhead clearance of 2.0m (6.5 feet); and
- iii.) be located a minimum of 0.6 metres (2 feet) from any wall or other obstruction.

(d) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2 metres (4 feet) in width, to be provided and maintained beside or between each row of bicycle parking.

(e) Class A bicycle parking spaces shall have a minimum door opening of 0.6 metres (2 feet) be no less than 1.8 metres (6 feet) long and 1.2 metres (4 feet) in height, with an aisle width of not less than 1.5 metres (5 feet). Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

30. Location of Bicycle Parking

- (a) Class B bicycle parking shall be located no more than 15 metres (49.2 feet) from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30 metres (98.4 feet) from an entrance.
- (b) Class A bicycle parking may be located up to 200 metres (656.2 feet) from an entrance.
- (c) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (d) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

31. Special Bicycle Parking Facility Requirements

- (a) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor

- vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (b) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
 - (c) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

32. Areas of Elevated Archaeological Potential)

As per the Bedford Land Use By-law and the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, as amended from time to time.

GENERAL PROVISIONS: SIGNS

33. Signs

1. General

- (a) No person shall erect a sign without first obtaining a development permit from the Development Officer;
- (b) All signs shall be located on the lot containing the business being advertised; and
- (c) The number of signs permitted shall not exceed two signs per business;

1A. Temporary Signage

These requirements shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).

2. Signs Permitted In All Designations

The following signs shall be permitted in all designations;

- (a) name and street number of residential and non-residential buildings;
- (b) "No Trespassing" signs and other such signs regulating the use of a property, provided said sign does not exceed 0.19 square metres (2 square feet) in area;
- (c) "For Sale" or "For Rent" signs, provided such signs do not exceed 0.56 square metres (6 square feet) per face in any residential designation and 2.97 square metres (32 square feet) per face in any non-residential designation;
- (d) signs regulating traffic within the lot or giving direction or identifying the function of part or all of a building, provided that such signs do not exceed 0.46 square metres (5 square feet) in area;
- (e) signs erected by a governmental body or public authority such as traffic signs, railroad crossing signs, signs identifying public properties and buildings without limitation as to the maximum sign areas, and lists of electors;
- (f) memorial signs or tablets and signs denoting the date or erection of a building as well as signs identifying historic sites;
- (g) flag, pennant, or insignia of any government or religious, charitable, or fraternal organization;
- (h) signs which are incidental to construction and are located on the same lot, provided that such sign shall not exceed 5.95 square metres (64 square feet) in area; and
- (i) notices of religious or patriotic demonstrations and public exhibitions.

3. Signs Prohibited In All Designations

The following signs shall not be permitted or erected in any designation, notwithstanding anything else contained in this agreement:

- (a) signs having flashing or moving illumination which varies in intensity or colour, signs having moving parts, whether caused by mechanical apparatus, electrical pulsation, or normal wind current;
- (b) portable signs except for once per business for a maximum period of sixty (60) continuous

- days for new business openings;
- (c) any sign which creates a hazard to public safety;
- (d) any sign proximate to a roadway or driveway which obstructs the vision of vehicular drivers whether by virtue of its sign location, appearance or illumination or which obscures or obstructs any traffic control sign or device of any public authority;
- (e) any sign which obstructs access to or from a fire escape, door, window, or other required fire exit;
- (f) signs which resemble traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;
- (g) any sign which advertises a product which is no longer sold or a business which is no longer in operation;
- (h) signs which are not located on the same lot as the commercial establishment, which state the name of the said establishment and the type of business or products of said establishments;
- (i) signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;
- (j) string lights, other than for temporary holiday decoration whose illumination is unshielded from adjacent properties;
- (k) searchlights, pennants, spinners, banners, and streamers, except for temporary uses such as grand openings and exhibitions;
- (l) signs located on or affixed to the roof of any structure; and
- (m) signs affixed to natural objects (trees, stones).

4. Facial Wall Signs

Facial wall signs shall meet the following requirements:

- (a) Shall not extend above the top of the wall on which it is affixed;
- (b) Shall not extend beyond the extremities of the wall on which it is affixed;
- (c) Shall not have an area which exceeds ten (10) percent of the area of the wall on which it is attached;
- (d) Shall not have a total area for all facial wall signs which exceed fifteen (15) percent of the area of the wall to which they are attached;
- (e) For the purposes of this agreement, all facial wall signs per business shall count as one sign; and
- (f) On an individual building may contain more than one message per business premise.

5. Projecting Wall Signs

Projecting wall signs shall meet the following requirements:

- (a) Shall not project over a public right-of-way unless otherwise provided for in this Agreement;
- (b) Shall not project more than 1.83 metres (6 feet) from the wall on which it is attached;
- (c) Shall not project above the eaves, parapet or roof line of a building;
- (d) Shall not be erected below a height of 3.05 metres (10 feet) above grade;
- (e) Shall not have a single face area greater than 1.49 square metres (16 square feet); and
- (f) Canopies and awnings incorporating signage are not subject to subsections a), c), d), and e);

6. Ground Signs Or Free Standing Signs

Ground sign shall meet the following requirements:

- (a) Shall not exceed a height of 4.88 metres (16 feet) from the grade to the highest part of the sign;
- (b) Shall not be set back less than 1.52 metres (5 feet) from the front lot line, or the flankage lot line of a corner lot, in any commercial designation, subject to Clause 16 of this Schedule; and
- (c) Notwithstanding a) and b) the lands designated Community Commercial may include where a multiple tenant building exists, a multiple tenant shared sign. No multiple tenant sign shall exceed 10.67 metres (35 feet) in height or exceed 23.23 square metres (250 square feet) in size per face. No sign shall be set back less than 3.05 metres (10 feet) from the front lot line,

or the flankage lot line of a corner lot, subject to Clause 16 of this Schedule.

7. Signs in a Residential Designation

Unless otherwise regulated in this Agreement, no sign in any Residential designation shall exceed 0.28 square metres (3 square feet) in sign area or be higher than 1.53 metres (5 feet) from grade to the top of the sign in the case of a ground sign.

8. Illuminated Signs

Illuminated signs shall be permitted provided the lighting for signage does not create a safety hazard and provided such illumination is directed away from adjoining properties and any adjacent streets.

34. GENERAL PROVISIONS: WIND ENERGY FACILITIES

As per the applicable Land Use By-law (Bedford Land Use By-law or the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law), as amended from time to time.

Schedule U
Park and Open Space Uses

No development permit shall be issued in a Park or Open Space area except for one or more of the following uses:

- a) Community and Recreation Centres;
- b) Playground, Playing Fields;
- c) Recreation Uses;
- d) Public Parks;
- e) Public and Private Open Space;
- f) Uses of a similar nature to the foregoing; and
- g) any uses accessory to the foregoing including a refreshment booth or pavilion.

Attachment B Policy Evaluation – Bedford West SPS

Note: The proposed subdivision includes lands within the Bedford and Beaver Bank, Hammonds Plains and Upper Sackville MPS areas. Both MPS areas contain policies for the Bedford West SPS. While only portions of each Sub Area are within each MPS area and subject only to the relevant portions of the SPS, many policies speak to general features that may be partially located in either MPS area, a full review of the Sub Areas is provided under all relevant or potentially relevant policies for simplicity purposes.

Policy Criteria	Comment
<p><i>Policy BW-1: No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall:</i></p> <ul style="list-style-type: none"> <i>a) identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures;</i> <i>b) provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;</i> <i>(c) outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and</i> <i>(d) conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.</i> 	<p>a) through (d) A Master Stormwater Management Plan for Sub-areas 7 and 8 was prepared by Stantec which meets the noted criteria. The study was reviewed by the Regional Watershed Advisory Board (RWAB) and the Municipality's Development Engineer. RWAB recommended the subdivision proceed. The RWAB recommendations will be circulated to Council under separate report..</p> <p>The Development Engineer has reviewed the document with Halifax Water and has advised that it is satisfactory. The Master Stormwater Management Plan addresses the policy criteria.</p>
<p><i>Policy BW-2: No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.</i></p>	<p>The agreement requires that certification from a consultant that stormwater management and subdivision grading plans, submitted for subdivision approval, conform with the master stormwater management plan (Sections 4.5.5 and 5.3.1)</p>
<p><i>Policy BW-3: A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall:</i></p> <ul style="list-style-type: none"> <i>a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of</i> 	<p>A water quality monitoring program is included in Section 5.4.1 and 5.4.2 of the agreement which confirms with the policy criteria of BW-3 and the recommendations of BWAB. Both BWAB and the Community Council will receive the test results of the program.</p> <p>Due to recent water quality results in the Kearney Lake watershed which exceed recommended guidelines, staff are currently investigating what may have caused these results. Further discussion on this matter can be found in the discussion section of the staff report.</p>

Policy Criteria	Comment
<p><i>time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-construction and post-construction phase);</i></p> <p>b) <i>specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);</i></p> <p>i.) <i>establish physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted;</i></p> <p>f.) <i>conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.</i></p>	
<p><i>Policy BW-5: In the event that water quality threshold levels, as specified under clause (c) of policy BW-3, for Paper Mill Lake or Kearney Lake are reached, the Municipality shall undertake an assessment and determine an appropriate course of action respecting watershed management and future land use development in the area. An assessment shall consider the CCME guidelines. Water quality thresholds and any assessment reports shall be made available to the public.</i></p>	<p>Due to recent water quality results in the Kearney Lake watershed which exceed recommended guidelines, staff are currently investigating what may have caused these results. Further discussion on this matter can be found in the discussion section of the staff report.</p>
<p><i>Policy BW-6: No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.</i></p>	<p>The master stormwater management plan conforms with this directive. Clause 4.5.5 of the agreement requires compliance with this policy.</p>
<p><i>Policy BW-7: No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.</i></p>	<p>The agreement conforms with this policy (reference Sections 3.11.1 and Schedule T (Section 17)).</p>
<p><i>Policy BW-8: No development agreement shall be entered into over lands on which trees have been removed except:</i></p> <p>a) <i>as may be required for a bonafide land survey;</i></p> <p>b) <i>to satisfy any provincial or federal requirements; or</i></p> <p>c) <i>where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.</i></p>	<p>There is no evidence that trees have been cut in contravention of this policy.</p>
<p><i>Policy BW-9: Within any watercourse protection setback</i></p>	<p>The agreement conforms with this policy (see Section</p>

Policy Criteria	Comment
<i>established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement.</i>	3.11.1 and Schedule T (Section 17).
<i>Policy BW-10: Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.</i>	Wetlands and watercourses have been identified and delineated as non-disturbance areas over privately owned land or are included as parkland and open space. A continuity of areas to be protected has been achieved. Specifically a series of wetlands have been protected as well as lands adjacent Black Duck Brook
<i>Policy BW-11: A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.</i>	A tree replanting program is specified for single unit, semi-detached and townhouse dwellings under Section 3.14.8.
<i>Policy BW-12: Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.</i>	The site includes several rock ridges with slopes exceeding 25%. Several of these ridges are protected in whole or in part by non-disturbance areas along watercourses. Further where development is proposed in areas where ridges are present, blasting will minimize these features to a point where they are not a hazard.
<i>Policy BW-13: The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.</i>	No significant modifications have been agreed to in the agreement.
<i>Policy BW-14: The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.</i>	<p>The Water Commission (now Halifax Water) has accepted the proposed schematic which is consistent with that presented on Schedule BW-3. Halifax Water is satisfied that this proposal will achieve required service standards and meet their requirements.</p> <p>The design will also be required to conform with a consulting study that was prepared in support of the Capital Cost Contribution study and accepted by Halifax Water (Section 4.3 of the agreement).</p>
<i>Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general</i>	The sanitary sewer system conforms with these requirements.

Policy Criteria	Comment
<p><i>commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses.</i></p>	
<p><i>Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:</i></p> <ul style="list-style-type: none"> <i>b) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 2, 6, 7 and 8 as illustrated on schedule BW-7 or proposed for general commercial uses within Sub-Area 9 and 12;</i> <i>c) for all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and</i> <i>d) the temporary pumping station and forcemain, illustrated as "PS (TEMP)" and "FORCEMAIN (TEMP)" on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant (as illustrated on schedule BW-4) . This requirement may be waived if:</i> <ul style="list-style-type: none"> <i>i. the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and</i> <i>ii) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.</i> 	<p>(b) and (c) The development agreement limits the sewage capacity to comply with this policy (Section 3.3.2 and 3.3.4). The tables in the specified clause show the permitted population per area based on the required sewer calculation.</p> <p>(d) The proposed agreement does not utilize a temporary pumping station or force main as identified, the system uses the permanent system designed to service the Bedford West area.</p>
<p><i>Policy BW-17: A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied:</i></p> <ul style="list-style-type: none"> <i>b) the Community Collector Road shall be designed as an urban minor collector with sufficient right-of-way width for two lanes of traffic, turning lanes, where required, and sidewalks on both sides. Direct driveway access shall be restricted to commercial developments, apartment buildings, institutions and clustered housing developments comprised of at least eight housing units with one driveway access to the Community Collector Road. One or more rotaries may be permitted;</i> <i>c) a regional trail system shall be designed to connect with the destination nodes illustrated on BW-5.</i> 	<p>(b) The location and design of the community collector road with a boulevard pathway on one side are illustrated on Schedule G of the development agreement. The collector road design and abutting developments conform with this policy.</p> <p>(c) The development agreement includes a boulevard pathway option. This option includes a 3.0 metre (9.8 feet) paved surface that will be located within the collector road right-of-way on one side of the street with a standard sidewalk on the other side. The trail is intended to be part of a regional trail system which will extend from the trail</p>

Policy Criteria	Comment
<p>d) <i>community trail systems shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. Trails shall be designed and constructed in accordance with the Guidelines of the Nova Scotia Trails Federation unless otherwise acceptable to the Municipality. Variations to the Municipal Service Specifications for sidewalks may be considered where a trail is proposed which would provide improved accessibility for pedestrian travel in the community;</i></p>	<p>system in Clayton Park, through Bedford South and Bedford West. By being beside the collector road, the boulevard pathway will also serve as an active transportation route for destinations with the Bedford West Community (school sites, the business campus and the community commercial centre).</p> <p>(d) The applicant will construct all secondary trails shown on Schedule G of the development agreement.</p>
<p><i>Policy BW-19: Variations to municipal service system standards may be considered where such variations conform with the principles set forth in the Transportation Association of Canada's AA New Vision for Urban Transportation or any other guidelines or policies acceptable to the Municipality. Consideration shall be given to the objectives and policies established under this Municipal Planning Strategy, public safety, environmental and lifestyle factors, and capital and operating costs as well as other benefits to the Municipality, such as construction of trail systems on public lands.</i></p>	<p>No significant variations to municipal service system standards are proposed except for the frequency of road connections to existing surrounding subdivisions. Only one road connection each has been provided to Blue Mountain Estates subdivision and the Belle St/Collins Road subdivision. At least one additional road connection would have typically been provided, but in order to minimize the impact on these surrounding subdivisions and attempt to maintain the more rural nature of these subdivisions, road connections were minimized. Where these road connections were not provided, pedestrian and cyclist facilities were provided to connect the existing neighbourhoods to the new development in Bedford West Sub Area 7 and 8</p>
<p><i>Policy BW-20: A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:</i></p> <p>(a) <i>Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;</i></p> <p>(b) <i>any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;</i></p> <p>(f) <i>no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon;</i></p>	<p>.</p> <p>(a) The agreements give Halifax Water the ability to deny approvals if capacity within the service system is not available, however this is not anticipated as the service systems (sewer and water) were recently extended and expanded to accommodate this development.</p> <p>(b) The draft agreement includes provision for the entirety of each Sub Area (7 and 8).</p> <p>(f) The Highway 102/ Larry Uteck Boulevard interchange and connector road are fully constructed and operational.</p>
<p><i>Policy BW-21: In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.</i></p>	<p>An infrastructure charge area is in place and in effect for the Bedford West area.</p>
<p><i>Policy BW-23: The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use</i></p>	<p>The proposal conforms with the Community Concept Plan and the intents of the Plan. The lands are within the</p>

Policy Criteria	Comment
<p><i>allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.</i></p>	<p>Bedford West Comprehensive Development District Zone.</p>
<p><i>Policy BW-24: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.</i></p> <p><i>If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.</i></p>	<p>Because the application includes lands located under the jurisdiction of the Bedford Land Use By-law (LUB) and the Beaver Bank, Hammonds Plains and Upper Sackville LUB, and to maintain consistency through the Bedford West area, the proposed development agreement includes provisions which effectively create its own Land Use By-law. These provisions are modelled on the Bedford LUB as the majority of the Bedford West area is within the Bedford MPS area.</p> <p>Variations to standards enabled in the Bedford LUB and Beaver Bank, Hammonds Plains and Upper Sackville LUB have enabled the greatest variety of housing types available in any of the Bedford West development agreements. Of specific note, the following are new to this development agreement: (a) more detailed architectural requirements for taller multiple unit dwellings and mixed use commercial/residential buildings; (b) increased building height (15 storeys) at the northern intersection of the Community Collector Road (Road 78 (Broad Street)); (c) the ability to include an accessory dwelling unit on lots with larger road frontages; (d) the use of 34 foot wide lots and 3400 square feet as the base lot size for low density development; and (d) the inclusion of stacked townhouse as a permitted form of lower density housing. Stacked townhouses are a building or structure divided vertically and horizontally into three or more dwelling units, each dwelling unit having private access to the outside yard area adjacent to the building.</p>
<p><i>Policy BW-25: The areas designated as Open Space on Schedule BW-7 shall be reserved for recreational uses, conservation uses including stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Open Space Designation may be varied where such changes provide:</i></p> <ul style="list-style-type: none"> <i>a) enhanced protection of environmentally sensitive site features;</i> <i>b) more opportunity for preservation of significant aesthetic features;</i> <i>c) more suitable lands for recreational uses; or</i> <i>d) a more functional trail system for pedestrians and cyclists.</i> <p><i>The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be</i></p>	<p>The proposal development agreement meets the requirements of this policy. Additional parks have been added to enable small scale parkland development within individual sections of the community. The intended purpose of each open space dedication was explained in submissions in support of the agreement and discussed with Parkland Planning. Schedules H and I identify all parkland and open space proposed. The proposal provides significant protection for wetlands, watercourses and creates a significant parkland corridor along Black Duck Brook and an adjacent former military road which parallels the brook which provides an existing base for a trail network. The proposal provides for a functional trail system for both pedestrians and cyclists.</p> <p>Staff are satisfied that the proposal conforms with this criteria and the requirements of the Regional Subdivision By-law.</p>

Policy Criteria	Comment
<i>allocated to satisfy the Municipality's Subdivision By-law requirements for parkland dedication.</i>	
<i>Policy BW-26: Street crossings of the Open Space Designation shall be minimized and any trail development within a watercourse buffer zone established under policy BW-7 shall be subject to the requirements of policy BW-9.</i>	The agreement conforms with this policy (see Schedule T, Section 17).
<i>Policy BW-27: No stormwater management, sanitary sewer or water service system shall be located within the Open Space Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended.</i>	Sanitary and water service intrusion into the Open Space designation has been minimized. Complete avoidance of the designation is not possible and there are several crossings required. The schedules identify the limited location of stormwater and sanitary crossings. All crossings are subject to the requirements of NS Environment. The limited crossings are not anticipated to adversely affect environmentally sensitive areas, detract from the aesthetics or impair recreational functions. Staff are satisfied that the proposal conforms with this policy.
<i>Policy BW-28: In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.</i>	Staff have not required additional analysis as crossings have been minimized.
<i>Policy BW-29: The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.</i>	Parkland planning staff are satisfied that the application conforms with the guidelines adopted by Council under the Regional Subdivision By-law.
<i>Policy BW-30: Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.</i>	The intended function of each parkland dedication was outlined in a submission accompanying the application and further negotiations were held with staff with consideration given to the parkland dedication criteria of the Regional Subdivision By-law. The developer has agreed to undertake site improvement and site preparation work, as illustrated on the Schedules and identified in the development agreement in order that these dedications can be used for their intended purpose. Staff is satisfied that this policy has been satisfied.
<i>Policy BW-31: Community parks are intended to be located on lands reserved for schools within the Institutional /Residential designation shown on Schedule BW-7. In the event that schools are not developed on these lands, the Municipality may require that these lands or portions thereof be reserved for community parks.</i>	The two locations identified for Institutional uses in Neighbourhoods 7 and 8 are not particularly desirable for community parks. There is an existing park and play area adjacent the institutional site on Broad Street (Road 78) already and the expansion of these lands are not needed. The other institutional location on Larry Uteck Boulevard is not a desirable park location and other park locations have been appropriately integrated within the community as shown on Schedule H.
<i>Policy BW-32: The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:</i> a) <i>the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not</i>	(a) The development agreement allows for six units per acre for the entire sub area, within the Residential Neighbourhood Designation (see Section 3.3.2 and 3.3.4

Policy Criteria	Comment
<p><i>achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;</i></p>	<p>of the Agreement). Clause 4.5.2 and 6.1.1(c) allows Council to consider the transfer of dwelling units to other Sub-Areas via a non-substantive amendment to this agreement. Further Clause 3.3.11 requires any transfers in to the agreement must be multiple unit dwellings as there is not adequate space within these Sub Areas to accommodate additional low density housing.</p>
<p>b) <i>community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;</i></p>	<p>(b) Lands dedicated for institutional uses and community commercial uses are located on the Community Collector Road (Road 78 (Broad Street) and along Larry Uteck Boulevard (see Schedule C of the Agreement). The proposed agreement does not enable these uses within residential neighbourhoods as Community Commercial lands are proximate to these neighbourhoods.</p>
<p>c) <i>sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;</i></p>	<p>(c) and (d) The development agreement (Schedule G) includes a full sidewalk, walkway and path network that provides a complete pedestrian network throughout the Sub Areas and adjacent existing communities that enables convenient pedestrian travel and convenient connections to any future transit network. Further the network is cyclist friendly and includes an option for a boulevard pathway (multi use trail) along the community collector road (Road 78 (Broad Street)). Staff are satisfied that the agreement conforms with the intended objectives.</p>
<p>d) <i>the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;</i></p>	<p>(e) A variety of housing types is provided in these Sub Areas, integrated with parkland dedications and open space areas so as minimize congested streetscapes. It should be noted that due to the large amount of open space and parkland in these Sub Areas, that in order to achieve desired densities a significant concentration of multiple unit dwellings and mixed use buildings is required, primarily within the centre area of the Community Collector Road (Road 78 (Broad Street) and in Community Commercial areas. An evaluation of policies R-12A, R-12B and R-12C is provided at the end of this policy review.</p>
<p>e) <i>a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;</i></p>	<p>(f)The application conforms with this policy. The placement of higher density uses is focused on Larry Uteck Boulevard and the Community Collector (Road 78/Broad Street) to create a hub of higher density activities. Lower density uses have been placed adjacent existing neighbourhoods to provide effective integration with established neighbourhoods.</p>
<p>f) <i>the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;</i></p>	<p>(g) The agreement requires architectural controls and land use regulations that facilitate good design and landscaping that reinforce pedestrian friendly design. Where possible transitions in the scale of development are provided to natural areas.</p>
<p>g) <i>building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;</i></p>	<p>(h) Single unit dwellings are located in areas which are part of the Beaver Bank, Hammonds Plains and Upper Sackville MPS. This plan has different parameters for development than indicated in this clause. See Attachment C for a full review.</p>
<p>h) <i>single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;</i></p>	<p>(i) Section 3.14.2 of the development agreement requires screening or landscaping of parking areas. The agreement (Section 3.4.8) requires a minimum of 50 percent of the parking required for multiple unit dwelling be provided</p>
<p>i) <i>natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or</i></p>	<p></p>

Policy Criteria	Comment
<p><i>more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;</i></p> <p><i>j) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;</i></p> <p><i>k) all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality;</i></p> <p><i>l) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.</i></p>	<p>through underground parking.</p> <p>(i) Section 3.14.2 of the development agreement requires screening or landscaping of parking areas. The agreement (Section 3.4.8) requires a minimum of 50 percent of the parking required for multiple unit dwelling be provided through underground parking.</p> <p>(k) Open space proposed meets the requirements of policies and administrative guidelines.</p> <p>(l) Staff is satisfied that the proposal conforms with this policy as identified in Attachment B and C.</p>
<p><i>Policy BW-33: A range of community commercial, higher density residential, institutional, and recreational uses may be permitted within the Community Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:</i></p> <p><i>a) preference is given to limiting parking or loading areas between a building and the Kearney Lake Road or the Community Collector Road and any buildings with commercial occupancies should be located in close proximity to the street line;</i></p> <p><i>b) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;</i></p> <p><i>c) sidewalks and plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;</i></p> <p><i>d) provisions are made for the storage of bicycles;</i></p> <p><i>e) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;</i></p> <p><i>f) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;</i></p> <p><i>g) the massing and height of buildings are consistent with and contribute to an pedestrian oriented environment;</i></p>	<p>(a) Community Commercial Guidelines (Schedule K) limit the location of parking. The adjacent section of Kearney Lake Road has been renamed Larry Uteck Boulevard. The land use regulations for Community Commercial areas enable buildings to be located in close proximity to the street line.</p> <p>(b) A landscaping berm, wall or landscaping is required (Schedule K) to screen parking areas. Requirements for complete and easy access to buildings is also required (Schedule K).</p> <p>(c) Requirements for walkways in private developments and sidewalks along public roads and connections to adjacent developments is required (Schedule K).</p> <p>(d) Section 3.17 and Schedule T of the agreement requires the establishment of bicycle facilities.</p> <p>(e) Community Commercial Guidelines (Schedule K) require the establishment of private amenity space and which could include street furniture. Further the agreement requires the preparation of a lighting plan for all commercial properties and requires windows adjacent walkways to ensure public safety. The use of exposed lumber is managed to maintain a high quality design.</p> <p>(f) Community Commercial Guidelines (Schedule K) and the General Provisions (Schedule T) will assist in creating a sense of interest from public streets and are intended to fulfil this requirement.</p> <p>(g) Community Commercial Guidelines (Schedule K) and the General Provisions (Schedule T) will assist with creating a pedestrian oriented design and environment and are intended to fulfil this requirement. As discussed above, there is one Community Commercial site that</p>

Policy Criteria	Comment
<p><i>h) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.</i></p>	<p>employs buildings of a greater height (15 storeys) than previously used in Bedford West (12 storeys). Staff offer that controls proposed will manage the impact on the pedestrian environment, (h) Staff is satisfied that the proposal conforms with this policy as identified in Attachment B and C.</p>
<p><i>Policy BW-34: The Municipality may enter into an agreement to lease or purchase lands within the Community Commercial Centre Designation for public transit and park-and-ride facilities on either a temporary or permanent basis. Site preference will be given to lands directly abutting a Community Collector Road and from which access from Kearney Lake Road or the Community Collector Road could be conveniently and safely secured. Such facilities may include parking structures.</i></p>	<p>The Municipality is acquiring lands for a park and ride in another location near Hammonds Plains Road, No interest was expressed for lands within Sub Area 7 and 8.</p>
<p><i>Policy BW-35: Lands designated Institutional on Schedule BW-7 are intended for development of schools or other civic buildings, such as libraries or churches, which could benefit from being located on a collector road at central locations within the community, as well as community parks. No development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of five years from the date of entering into a development agreement for the development Sub-Area in which the site is located or building permits have been granted for 90 percent of the lots within the development Sub-Area. In the event that the School Board or the Municipality does not acquire the site within this time frame, the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-31 and BW-32.</i></p>	<p>The proposed agreement meets the requirement of this policy. The development agreement permits the conversion of institutional uses to clustered or stacked townhouses should institutional uses not be established. Further staff have added institutional uses as permitted uses within the Community Commercial lands, thus ensuring that there are additional options for institutional uses.</p>

Policies R-12A, R-12B and R-12C of the Bedford Municipal Planning Strategy

<p><u>Policy R-12A:</u> <i>It shall be the intention of Town Council to require architectural design standards for RCDD projects. These standards are intended to achieve architectural variation in neighbourhoods by limiting design repetition and encouraging varying facial designs. Small multiple unit buildings shall be designed so they appear more like large single unit buildings. Large multiple unit buildings shall have bends and jogs rather than flat facades and shall be limited to a maximum of 36 units per building and three storeys in height unless site conditions justify a taller building by minimizing site disturbance, maximizing tree retention and screening from the street. In the architectural design of all buildings in RCDD projects. Consideration shall be given to the following techniques: roof slopes with 6:12 pitch or greater; door and window trim and detailing; exterior materials of brick, masonry, clapboard or wood; exterior colours of earth and natural tones with complementary coloured trim; use of side doors on semi detached and townhouse units; garage entrances on the side rather than the front of homes; garage entrances be set back from the front facade to minimize its impact on the streetscape; decorative front facade details such as brick, shutters, awnings; utility wires, installation of underground electrical secondary services and electrical metres attached to side or back of homes. Specific architectural guidelines shall be included in development agreements. For multiple unit buildings and commercial buildings consideration shall be given to the site's location and visibility within the Town, in establishing building size and design.</i></p>	<p>Architectural design criteria for townhouses, apartment buildings and mixed use buildings are found under Schedule K, M, N, Q and S of the development agreement. All apartment buildings must have underground parking for at least 50 percent of the required parking and landscaping plans are required.</p> <p>Apartment buildings are restricted to 12 storeys except the one grouping of 15 storey buildings as previously noted.</p> <p>Staff are satisfied that these measures address the intended objective of this policy, specifically as such policy would apply in the development context for the Bedford West area..</p>
<p><u>Policy R-12B:</u> <i>It shall be the intention of Town Council to identify non-site disturbance areas and to require landscaping for RCDD projects. Non- site disturbance areas are intended to preserve natural open space and to provide neighbourhoods with a natural or "green" environment. Landscaping requirements are intended to provide buffers between buildings, buffers between buildings and streets, and provide a visual break in parking lots. Non-site disturbance areas shall be determined by designing buildings that fit the site and utilizing construction practices that minimize site disturbance and maximize tree retention. Horticultural practices shall be utilized to maintain the health of vegetation within non-site disturbance areas and landscaped areas, such as: covering of exposed roots with adequate soil and mulch; protecting specimen trees with barriers to prevent damage from machinery; slope stabilization; planting of trees that comply the CNTA Canadian Standards for Nursery Stock etc. Consideration of storm water drainage patterns shall be considered when</i></p>	<p>The Regional Subdivision By-law requires that trees be planted within street right-of-ways and the agreement requires that trees be planted on all residential lots (Section 3.14.8) and that landscaping plans be submitted for multi-unit residential and commercial developments (Section 3.14). Trees must also be retained within the required setbacks of all watercourses (Schedule T) and trees will be retained over significant portions of the parkland dedications. The developer is also required to prepare guidelines for healthy lawn care which is to be distributed to lot purchasers (Section 3.14.3).</p> <p>These requirements should ensure that existing trees are maintained to the extent reasonably possible and that new trees are introduced so as to allow for the establishment of a new community which has existing and newly established tree cover and landscaping.</p>

<p><i>identifying non-site disturbance areas and landscaped areas. The "no net loss" approach shall be used for non-site disturbance areas ie: any removal or damage to a non-site disturbance area during or after construction shall be replaced via landscaping somewhere on the site so there is no net loss to the vegetated portion of the site.</i></p>	
<p><i>Policy R-12C: It shall be the intention of Town Council to require streetscape design standards for RCDD projects. These standards are intended to achieve an attractive streetscape upon completion of the project. In designing the streetscapes, parking for small lots shall be provided in the side yards except where a garage is provided in the front yard. In addition, for all streetscapes, consideration shall be given to: varied front yard setbacks; street patterns that utilize curves, bends and change in grades; street standards that reflect the function of the street; parking in side yards; landscaping to screen parking lots from the street for large buildings ie: multiple unit, commercial, townhouses; driveway locations for multiple unit projects considered in terms of the view from the street and to buffer these in order to minimize the impact of the parking lot and building on the streetscape; provision of street trees for both public and privately owned streets. Buffering and screening shall be provided in the form of natural vegetation and landscaping. Street patterns utilizing local through streets is encouraged over the use of cul-de-sacs to facilitate improved traffic movement and to assist snow clearing operations. Through streets shall not be accepted in preference to cul-de-sacs in situations where it is incompatible with the physical topography and where site disturbance of environmentally sensitive areas will be increased. Sidewalks shall be required on both sides of arterial and collector streets. To minimize their impact on collector roads, small lots should be located on local streets and be dispersed throughout the development.</i></p>	<p>This policy is addressed by locating multi-unit housing, institutional and community commercial developments on the community collector roads where a combination of larger lots, tree retention and landscaping measures integrated with parkland dedications provide for a spacious feel, especially in areas intended for low density development. Single unit dwellings are located on local streets which are designed to preclude short cutting and integration with the natural environment</p>

Attachment C
Policy Evaluation – Beaver Bank, Hammonds Plains and Upper Sackville MPS
Bedford West SPS

Note: The proposed subdivision includes lands within the Bedford and Beaver Bank, Hammonds Plains and Upper Sackville MPS areas. Both MPS areas contain policies for the Bedford West SPS. While only portions of each Sub Area are within each MPS area and subject only to the relevant portions of the SPS, many policies speak to general features that may be partially located in either MPS area, a full review of the Sub Areas is provided under all relevant or potentially relevant policies for simplicity purposes.

Policy Criteria	Comment
<p><i>Policy BW-1: No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall:</i></p> <p>a) <i>identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures;</i></p> <p>b) <i>provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;</i></p> <p>c) <i>outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and</i></p> <p>d) <i>conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.</i></p>	<p>a) through (d) A Master Stormwater Management Plan for Sub-areas 7 and 8 was prepared by Stantec which meets the noted criteria. The study was reviewed by the Regional Watershed Advisory Board (RWAB) and the Municipality's Development Engineer. RWAB recommended the subdivision proceed. The RWAB recommendations will be circulated to Council under separate report..</p> <p>The Development Engineer has reviewed the document with Halifax Water and has advised that it is satisfactory. The Master Stormwater Management Plan addresses the policy criteria.</p>
<p><i>Policy BW-2: No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.</i></p>	<p>The agreement requires that certification from a consultant that stormwater management and subdivision grading plans, submitted for subdivision approval, conform with the master stormwater management plan (Sections 4.5.5 and 5.3.1)</p>
<p><i>Policy BW-3: A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall:</i></p> <p>a) <i>specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-</i></p>	<p>A water quality monitoring program is included in Section 5.4.1 and 5.4.2 of the agreement which confirms with the policy criteria of BW-3 and the recommendations of BWAB. Both BWAB and the Community Council will receive the test results of the program.</p> <p>Due to recent water quality results in the Kearney Lake watershed which exceed recommended guidelines, staff are currently investigating what may have caused these results. Further discussion on this matter can be found in the discussion section of the staff report.</p>

Policy Criteria	Comment
<p>(b) <i>construction and post-construction phase); specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);</i></p> <p>(c) <i>establish physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted;</i></p> <p>(d) <i>conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.</i></p>	
<p><i>Policy BW-5: In the event that water quality threshold levels, as specified under clause (c) of policy BW-3, for Paper Mill Lake or Kearney Lake are reached, the Municipality shall undertake an assessment and determine an appropriate course of action respecting watershed management and future land use development in the area. An assessment shall consider the CCME guidelines. Water quality thresholds and any assessment reports shall be made available to the public.</i></p>	<p>Due to recent water quality results in the Kearney Lake watershed which exceed recommended guidelines, staff are currently investigating what may have caused these results. Further discussion on this matter can be found in the discussion section of the staff report.</p>
<p><i>Policy BW-6: No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.</i></p>	<p>The master stormwater management plan conforms with this directive. Clause 4.5.5 of the agreement requires compliance with this policy.</p>
<p><i>Policy BW-7: No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.</i></p>	<p>The agreement conforms with this policy (reference Sections 3.11.1 and Schedule T (Section 17).</p>
<p><i>Policy BW-8: No development agreement shall be entered into over lands on which trees have been removed except:</i></p> <p>(a) <i>as may be required for a bonafide land survey;</i></p> <p>(b) <i>to satisfy any provincial or federal requirements; or</i></p> <p>(c) <i>where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.</i></p>	<p>There is no evidence that trees have been cut in contravention of this policy.</p>
<p><i>Policy BW-9: Within any watercourse protection setback established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a</i></p>	<p>The agreement conforms with this policy (see Section 3.11.1 and Schedule T (Section 17).</p>

Policy Criteria	Comment
<i>development agreement.</i>	
<i>Policy BW-10: Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.</i>	Wetlands and watercourses have been identified and delineated as non-disturbance areas over privately owned land or are included as parkland and open space. A continuity of areas to be protected has been achieved. Specifically a series of wetlands have been protected as well as lands adjacent Black Duck Brook
<i>Policy BW-11: A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.</i>	A tree replanting program is specified for single unit, semi-detached and townhouse dwellings under Section 3.14.8.
<i>Policy BW-12: Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.</i>	The site includes several rock ridges with slopes exceeding 25%. Several of these ridges are protected in whole or in part by non-disturbance areas along watercourses. Further where development is proposed in areas where ridges are present, blasting will minimize these features to a point where they are not a hazard.
<i>Policy BW-13: The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.</i>	No significant modifications have been agreed to in the agreement.
<i>Policy BW-14: The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.</i>	The Water Commission (now Halifax Water) has accepted the proposed schematic which is consistent with that presented on Schedule BW-3. Halifax Water is satisfied that this proposal will achieve required service standards and meet their requirements. The design will also be required to conform with a consulting study that was prepared in support of the Capital Cost Contribution study and accepted by Halifax Water (Section 4.3 of the agreement).
<i>Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses¹.</i>	The sanitary sewer system conforms with these requirements.
<i>Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions: (a) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 7 and 8 as illustrated on schedule BW-7;</i>	(a) and (b) The development agreement limits the sewage capacity to comply with this policy (Section 3.3.2 and 3.3.4). The tables in the specified clause show the permitted population per area based on the required sewer

¹ For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.

Policy Criteria	Comment
<p>(b) <i>For all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and</i></p> <p>(c) <i>the temporary pumping station and forcemain, illustrated as APS (TEMP)@ and AFORCEMAIN (TEMP)@ on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant (as illustrated on schedule BW-4). This requirement may be waived if:</i></p> <p>(i) <i>the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and</i></p> <p>(ii) <i>there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.</i></p> <p><i>In the event that any Sub-Area is not developed to the maximum permitted density, the Municipality may consider allowing the difference to be allocated to another Sub-Area provided that the development proposal conforms will all other policies established under this secondary planning strategy.</i></p>	<p>calculation.</p> <p>(c) The proposed agreement does not utilize a temporary pumping station or force main as identified, the system uses the permanent system designed to service the Bedford West area.</p>
<p><i>Policy BW-17: A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied:</i></p> <p>(b) <i>the Community Collector Road shall be designed as an urban minor collector with sufficient right-of-way width for two lanes of traffic, turning lanes, where required, and sidewalks on both sides. Direct driveway access shall be restricted to commercial developments, apartment buildings, institutions and clustered housing developments comprised of at least eight housing units with one driveway access to the Community Collector Road. One or more rotaries may be permitted;</i></p> <p>(c) <i>community trail systems shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. Trails shall be designed and constructed in accordance with the Guidelines of the Nova Scotia Trails Federation unless otherwise acceptable to the Municipality. Variations to the Municipal Service Specifications for sidewalks may be considered where a trail is proposed which would provide improved accessibility for pedestrian travel in the community; and</i></p>	<p>(b) The location and design of the community collector road with a boulevard pathway on one side are illustrated on Schedule G of the development agreement. The collector road design and abutting developments conform with this policy.</p> <p>(c) The development agreement includes requirements for several community trail systems.</p>
<p><i>Policy BW-19: Variations to municipal service system standards may be considered where such variations conform with the principles set forth in the Transportation Association of Canada's A New Vision for Urban Transportation or any other guidelines or policies acceptable to the Municipality.</i></p>	<p>No significant variations to municipal service system standards are proposed except for the frequency of road connections to existing surrounding subdivisions. Only one road connection each has been provided to Blue Mountain Estates subdivision and the Belle St/Collins Road</p>

Policy Criteria	Comment
<p><i>Consideration shall be given to the objectives and policies established under this Municipal Planning Strategy, public safety, environmental and lifestyle factors, and capital and operating costs as well as other benefits to the Municipality, such as construction of trail systems on public lands.</i></p>	<p>subdivision. At least one additional road connection would have typically been provided, but in order to minimize the impact on these surrounding subdivisions and attempt to maintain the more rural nature of these subdivisions, road connections were minimized. Where these road connections were not provided, pedestrian and cyclist facilities were provided to connect the existing neighbourhoods to the new development in Bedford West Sub Area 7 and 8</p>
<p><i>Policy BW-20: A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:</i></p> <p>(a) <i>Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;</i></p> <p>(b) <i>any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;</i></p> <p>(c) <i>no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon;</i></p>	<p>(a) The agreements give Halifax Water the ability to deny approvals if capacity within the service system is not available, however this is not anticipated as the service systems (sewer and water) were recently extended and expanded to accommodate this development.</p> <p>(b) The draft agreement includes provision for the entirety of each Sub Area (7 and 8).</p> <p>(c) The Highway 102/ Larry Uteck Boulevard interchange and connector road are fully constructed and operational.</p>
<p><i>Policy BW-21: In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.</i></p>	<p>An infrastructure charge area is in place and in effect for the Bedford West area.</p>
<p><i>Policy BW-22: The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.</i></p>	<p>The proposal conforms with the Community Concept Plan and the intents of the Plan. The lands are within the Bedford West Comprehensive Development District Zone.</p>
<p><i>Policy BW-23: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.</i></p> <p><i>If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved. (RC-May 20/14;E-Jun 14/14)</i></p>	<p>Because the application includes lands located under the jurisdiction of the Bedford Land Use By-law (LUB) and the Beaver Bank, Hammonds Plains and Upper Sackville LUB, and to maintain consistency through the Bedford West area, the proposed development agreement includes provisions which effectively create its own Land Use By-law. These provisions are modelled on the Bedford LUB as the majority of the Bedford West area is within the Bedford MPS area.</p> <p>Variations to standards enabled in the Bedford LUB and Beaver Bank, Hammonds Plains and Upper Sackville LUB have enabled the greatest variety of housing types available in any of the Bedford West development agreements. Of specific note, the following are new to this development agreement: (a) more detailed architectural requirements for taller multiple unit dwellings and mixed use</p>

Policy Criteria	Comment
	commercial/residential buildings; (b) increased building height (15 storeys) at the northern intersection of the Community Collector Road (Road 78 (Broad Street)); (c) the ability to include an accessory dwelling unit on lots with larger road frontages; (d) the use of 34 foot wide lots and 3400 square feet as the base lot size for low density development; and (d) the inclusion of stacked townhouse as a permitted form of lower density housing. Stacked townhouses are a building or structure divided vertically and horizontally into three or more dwelling units, each dwelling unit having private access to the outside yard area adjacent to the building.
<p><i>Policy BW-24: The areas designated as Open Space on Schedule BW-7 shall be reserved for recreational uses, conservation uses including stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Open Space Designation may be varied where such changes provide:</i></p> <p>(a) <i>enhanced protection of environmentally sensitive site features;</i></p> <p>(b) <i>more opportunity for preservation of significant aesthetic features;</i></p> <p>(c) <i>more suitable lands for recreational uses; or</i></p> <p>(d) <i>a more functional trail system for pedestrians and cyclists.</i></p> <p><i>The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be allocated to satisfy the Municipality's Subdivision By-law requirements for parkland dedication.</i></p>	<p>The proposal development agreement meets the requirements of this policy. Additional parks have been added to enable small scale parkland development within individual sections of the community. The intended purpose of each open space dedication was explained in submissions in support of the agreement and discussed with Parkland Planning. Schedules H and I identify all parkland and open space proposed. The proposal provides significant protection for wetlands, watercourses and creates a significant parkland corridor along Black Duck Brook and an adjacent former military road which parallels the brook which provides an existing base for a trail network. The proposal provides for a functional trail system for both pedestrians and cyclists.</p> <p>Staff are satisfied that the proposal conforms with this criteria and the requirements of the Regional Subdivision By-law.</p>
<p><i>Policy BW-25: Street crossings of the Open Space Designation shall be minimized and any trail development within a watercourse buffer zone established under policy BW-7 shall be subject to the requirements of policy BW-9.</i></p>	<p>The agreement conforms with this policy (see Schedule T, Section 17).</p>
<p><i>Policy BW-26: No stormwater management, sanitary sewer or water service system shall be located within the Open Space Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended.</i></p>	<p>Sanitary and water service intrusion into the Open Space designation has been minimized. Complete avoidance of the designation is not possible and there are several crossing required. The schedules identify the limited location of stormwater and sanitary crossings. All crossings are subject to the requirements of NS Environment. The limited crossings are not anticipated to adversely affect environmentally sensitive areas, detract from the aesthetics or impair recreational functions. Staff are satisfied that the proposal conforms with this policy.</p>
<p><i>Policy BW-27: In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.</i></p>	<p>Staff have not required additional analysis as crossings have been minimized.</p>
<p><i>Policy BW-28: The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.</i></p>	<p>Parkland planning staff are satisfied that the application conforms with the guidelines adopted by Council under the Regional Subdivision By-law.</p>
<p><i>Policy BW-29: Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to</i></p>	<p>The intended function of each parkland dedication was outlined in a submission accompanying the application and further negotiations were held with staff with consideration</p>

Policy Criteria	Comment
<p><i>be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.</i></p>	<p>given to the parkland dedication criteria of the Regional Subdivision By-law. The developer has agreed to undertake site improvement and site preparation work, as illustrated on the Schedules and identified in the development agreement in order that these dedications can be used for their intended purpose. Staff is satisfied that this policy has been satisfied.</p>
<p><i>Policy BW-30: Community parks are intended to be located on lands reserved for schools within the Institutional/Residential designation shown on Schedule BW-7. In the event that schools are not developed on these lands, the Municipality may require that these lands or portions thereof be reserved for community parks.</i></p>	<p>The two locations identified for Institutional uses in Neighbourhoods 7 and 8 are not particularly desirable for community parks. There is an existing park and play area adjacent the institutional site on Broad Street (Road 78) already and the expansion of these lands are not needed. The other institutional location on Larry Uteck Boulevard is not a desirable park location and other park locations have been appropriately integrated within the community as shown on Schedule H.</p>
<p><i>Policy BW-31: The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:</i></p> <p>(a) <i>the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;</i></p> <p>(b) <i>community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;</i></p> <p>(c) <i>sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;</i></p> <p>(d) <i>the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;</i></p> <p>(e) <i>a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes;</i></p> <p>(f) <i>the allocation of housing and the massing and</i></p>	<p>(a) The development agreement allows for six units per acre for the entire sub area, within the Residential Neighbourhood Designation (see Section 3.3.2 and 3.3.4 of the Agreement). Clause 4.5.2 and 6.1.1(c) allows Council to consider the transfer of dwelling units to other Sub-Areas via a non-substantive amendment to this agreement. Further Clause 3.3.11 requires any transfers in to the agreement must be multiple unit dwellings as there is not adequate space within these Sub Areas to accommodate additional low density housing.</p> <p>(b) Lands dedicated for institutional uses and community commercial uses are located on the Community Collector Road (Road 78 (Broad Street) and along Larry Uteck Boulevard (see Schedule C of the Agreement). The proposed agreement does not enable these uses within residential neighbourhoods as Community Commercial lands are proximate to these neighbourhoods.</p> <p>(c) and (d) The development agreement (Schedule G) includes a full sidewalk, walkway and path network that provides a complete pedestrian network throughout the Sub Areas and adjacent existing communities that enables convenient pedestrian travel and convenient connections to any future transit network. Further the network is cyclist friendly and includes an option for a boulevard pathway (multi use trail) along the community collector road (Road 78 (Broad Street)). Staff are satisfied that the agreement conforms with the intended objectives.</p> <p>(e) A variety of housing types is provided in these Sub Areas, integrated with parkland dedications and open space areas so as minimize congested streetscapes. It should be noted that due to the large amount of open space and parkland in these Sub Areas, that in order to achieve desired densities a significant concentration of multiple unit dwellings and mixed use buildings is required, primarily within the centre area of the Community Collector Road (Road 78 (Broad Street) and in Community Commercial areas. An evaluation of policies R-12A, R-12B and R-12C is provided at the end of this policy review.</p> <p>(f) The application conforms with this policy. The placement</p>

Policy Criteria	Comment
<p><i>placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;</i></p> <p>(g) <i>building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;</i></p> <p>(h) <i>single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;</i></p> <p>(i) <i>natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;</i></p> <p>(j) <i>Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;</i></p> <p>(k) <i>all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and</i></p> <p>(l) <i>the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.</i></p>	<p>of higher density uses is focused on Larry Uteck Boulevard and the Community Collector (Road 78/Broad Street) to create a hub of higher density activities. Lower density uses have been placed adjacent existing neighbourhoods to provide effective integration with established neighbourhoods.</p> <p>(g) The agreement requires architectural controls and land use regulations that facilitate good design and landscaping that reinforce pedestrian friendly design. Where possible transitions in the scale of development are provided to natural areas.</p> <p>(h) See policy BW-31A (below)</p> <p>(i) Section 3.14.2 of the development agreement requires screening or landscaping of parking areas. The agreement (Section 3.4.8) requires a minimum of 50 percent of the parking required for multiple unit dwelling be provided through underground parking.</p> <p>(j) Section 3.14.2 of the development agreement requires screening or landscaping of parking areas. The agreement (Section 3.4.8) requires a minimum of 50 percent of the parking required for multiple unit dwelling be provided through underground parking.</p> <p>(k) Open space proposed meets the requirements of policies and administrative guidelines.</p> <p>(l) Staff is satisfied that the proposal conforms with this policy as identified in Attachment B and C.</p>
<p><i>Policy BW-31A: Notwithstanding clause (h) of policy BW-31, within Sub-Areas 7 and 8 of Schedule BW-6, single unit dwelling lots may be permitted on lots with a minimum street frontage of 34 feet, a minimum area of 3,400 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings provided that each dwelling contains on-site parking for two vehicles with one being an enclosed parking space within the dwelling and consideration is given to policy BW-23.</i></p>	
<p><i>Policy BW-32: A range of community commercial, higher density residential, institutional, and recreational uses may be permitted within the Community Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:</i></p> <p>(a) <i>preference is given to limiting parking or loading areas between a building and the Kearney Lake Road or the Community Collector Road and any buildings with commercial occupancies should be located in close proximity to the street line;</i></p> <p>(b) <i>natural vegetation, landscaping or screening is employed around parking areas and measures are</i></p>	<p>(a) Community Commercial Guidelines (Schedule K) limit the location of parking. The adjacent section of Kearney Lake Road has been renamed Larry Uteck Boulevard. The land use regulations for Community Commercial areas enable buildings to be located in close proximity to the street line.</p> <p>(b) A landscaping berm, wall or landscaping is required (Schedule K) to screen parking areas. Requirements for</p>

Policy Criteria	Comment
<p><i>employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;</i></p> <p>(c) <i>sidewalks and plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;</i></p> <p>(d) <i>provisions are made for the storage of bicycles;</i></p> <p>(e) <i>exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;</i></p> <p>(f) <i>the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;</i></p> <p>(g) <i>the massing and height of buildings are consistent with and contribute to an pedestrian oriented environment;</i></p> <p>(h) <i>the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.</i></p>	<p>complete and easy access to buildings is also required (Schedule K).</p> <p>(c) Requirements for walkways in private developments and sidewalks along public roads and connections to adjacent developments is required (Schedule K).</p> <p>(d) Section 3.17 and Schedule T of the agreement requires the establishment of bicycle facilities.</p> <p>(e) Community Commercial Guidelines (Schedule K) require the establishment of private amenity space and which could include street furniture. Further the agreement requires the preparation of a lighting plan for all commercial properties and requires windows adjacent walkways to ensure public safety. The use of exposed lumber is managed to maintain a high quality design.</p> <p>(f) Community Commercial Guidelines (Schedule K) and the General Provisions (Schedule T) will assist in creating a sense of interest from public streets and are intended to fulfil this requirement.</p> <p>(g) Community Commercial Guidelines (Schedule K) and the General Provisions (Schedule T) will assist with creating a pedestrian oriented design and environment and are intended to fulfil this requirement. As discussed above, there is one Community Commercial site that employs buildings of a greater height (15 storeys) than previously used in Bedford West (12 storeys). Staff offer that controls proposed will manage the impact on the pedestrian environment,</p> <p>(h) Staff is satisfied that the proposal conforms with this policy as identified in Attachment B and C.</p>
<p><i>Policy BW-32A : Within the Community Commercial area it shall be the intention to enable the sale of gasoline at gas bars located proximate to the commercial and transportation core of Bedford West. Further, the establishment of other Highway Commercial uses such as automotive service uses shall not be considered as they are more appropriate in the General Commercial area. Council may consider the establishment of design, architectural and aesthetic guidelines for gas bars within the Community Commercial area to ensure that gas bars are designed appropriately. Regulations shall be established through the Bedford Land Use By-law to limit the permitted location of gas bars as follows:</i></p> <p>i) <i>Gas bars shall be permitted in Sub-Area 8;</i></p> <p>ii) <i>Where permitted, gas bars shall be located within 180 metres (590 feet) of Kearney Lake Road and have driveway access to Kearney Lake Road or the community collector road; and</i></p> <p>iii) <i>Within Sub-Area 8, gas bars shall be located to the north of the community collector road.</i></p>	
<p><i>Policy BW-33: The Municipality may enter into an agreement to lease or purchase lands within the Community Commercial Centre Designation for public transit and park-and-ride facilities on either a temporary or permanent basis. Site preference will be given to lands directly abutting a Community Collector Road and from which access from</i></p>	<p>The Municipality is acquiring lands for a park and ride in another location near Hammonds Plains Road, No interest was expressed for lands within Sub Area 7 and 8.</p>

Policy Criteria	Comment
<p><i>Kearney Lake Road or the Community Collector Road could be conveniently and safely secured. Such facilities may include parking structures.</i></p>	
<p><i>Policy BW-34: Lands designated Institutional on Schedule BW-7 are intended for development of schools or other civic buildings, such as libraries or churches, which could benefit from being located on a collector road at central locations within the community, as well as community parks. No development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of five years from the date of entering into a development agreement for the development Sub-Area in which the site is located or building permits have been granted for 90 percent of the lots within the development Sub-Area. In the event that the School Board or the Municipality does not acquire the site within this time frame, the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-30 and BW-31.</i></p>	<p>The proposed agreement meets the requirement of this policy. The development agreement permits the conversion of institutional uses to clustered or stacked townhouses should institutional uses not be established. Further staff have added institutional uses as permitted uses within the Community Commercial lands, thus ensuring that there are additional options for institutional uses.</p>

Attachment D
Minutes of the Public Information Meeting (December 2, 2014)

Case No. 18781

Monday, December 2, 2013
7:00 p.m.

Bedford Hammonds Plains Community Centre

STAFF IN

ATTENDANCE: Andrew Bone, Senior Planner, HRM Planning Applications
Paul Burgess, HRM Planning and Infrastructure
Alden Thurston, Planning Technician, HRM Planning Applications
Cara McFarlane, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Councillor Tim Outhit, District 16
Councillor Matt Whitman, District 13
Kevin Neatt, West Bedford Holdings Limited

PUBLIC IN

ATTENDANCE: Approximately 40

The meeting commenced at approximately 7:05 P.M.

1. Call to Order, Purpose of Meeting – Andrew Bone

Mr. Bone, HRM Development Approvals, introduced himself as the Senior Planner facilitating this application through the Planning Process; Councillor Tim Outhit, District 16, and Councillor Matt Whitman, District 13; Cara McFarlane and Alden Thurston, HRM Development Approvals; Paul Burgess, HRM Planning & Infrastructure; and, Kevin Neatt, West Bedford Holdings.

Case No. 18781 is an application by West Bedford Holdings Limited for a Development Agreement to allow a mixed-use residential subdivision with a commercial component for Sub-Areas 7 and 8 of the Bedford West area.

The purpose of the Public Information Meeting (PIM) is to advise that HRM has received an application, give background on the proposal and receive feedback from the public. No decisions are made during the PIM.

The PIM Agenda was reviewed.

Mr. Bone pointed out that there was a mistake in the mail out fact sheet in regards to the number of proposed multiple dwelling units in the proposal. It was overstated by about 556 units. There is approximately a total of 2,115 units.

The Bedford West area is approximately 1,200 acres of land. In 2006, it was designated the next Urban Growth Area (sewer, water and densities of about 20 persons/acre) in HRM. Also in 2006, a set of Planning Policies came into effect that divided the Bedford West area into a number of Sub-Areas and identified it for Urban Growth.

There is a proposed Provincial Highway, Highway 113, that runs through the middle of Sub-Areas 7 and 8. Tonight's proposal and all of the Sub-Areas of Bedford West are proposed to happen with or without the construction of Highway 113. The Province has acquired the land from the property owner but they have not placed this proposed highway in the budget for the next five years. The Province works on a five-year plan and to date has not committed to building Highway 113.

A map of Sub-Areas 7 and 8 was shown pointing out areas of wetlands, buffers, extreme grades, non-disturbance area, etc.

There is a long list of Planning Policies in the Bedford and Hammonds Plains/Beaver Bank/Upper Sackville Municipal Planning Strategies (MPS) and within those Strategies is a set of Secondary Plans called the Bedford West Secondary Planning Strategy (BWSPS). Those Policies are located in the Halifax, Bedford, and Beaver Bank/Hammonds Plains/Upper Sackville Plans. In this case, we are dealing primarily with Beaver Bank/Hammonds Plains/Upper Sackville MPS because the majority of the site is within that Plan. Relevant Policies in this area require that all development in the Bedford West area happen by Development Agreement. Tonight's proposal and all future proposals for the Bedford West area are reviewed under the Policies of the BWSPS and are reviewed by North West Community Council (NWCC).

Mr. Bone described a Development Agreement.

2. Overview of Planning Process – Andrew Bone

The Planning Process for this application is as follows: a) PIM; b) a review by Regional Watershed Advisory Board (RWAB); c) a detailed internal review; d) Staff will draft a Development Agreement with the Developer; e) Staff will write a Staff Report with a recommendation to NWCC to either approve or reject the proposal; f) NWCC will schedule a Public Hearing (First Reading); g) at this point, the Staff Report (and Development Agreement) becomes public; h) the Public Hearing is another opportunity for the public to express their opinion of the proposal to NWCC; i) NWCC will render a decision; j) there is a 14-day appeal period when an aggrieved person or the Developer (if the proposal is rejected) have the ability to appeal to the Nova Scotia Utility and Review Board; k) if no appeals are filed, the Development Agreement is approved, signed and registered becoming a binding legal document; and l) Subdivision and Permit Applications can then be issued. Future land owners are also bound by the terms of this Development Agreement.

3. Presentation of Proposal – Paul Burgess, HRM Planning & Infrastructure

A Capital Cost Contribution (CCC) Charge is a fee collected by HRM at the Subdivision or Building Permit stage to help offset the cost of future upgrades to the infrastructure resulting from growth. Currently, CCCs are collected for water, sewer, solid waste and transportation. CCCs are typically stated as a per acre charge. The Bedford West Transportation CCC was approved by Regional Council in 2009 and is collected at the Subdivision stage. There is close to \$46 million in transportation upgrades and projects within the Bedford West CCC area. Of that amount, the Federal and Provincial government has cost shared on about 30% of that (the bulk of that was with the Larry Uteck Interchange project). Developers have about a 36% share and HRM has a share of 34%. The 34% is not a subsidy for Developers, it represents HRM's share in the project and the existing traffic that are on these streets.

A couple of projects in the area have been completed: the Hammonds Plains Road widening project in 2008 and 2009, and the Larry Uteck Interchange project done by the Province in 2009. Next year, the Kearney Lake Connector project will be done. Following that, the Kearney Lake Road widening project which is anticipated to start around 2017 spreading out over a four-year period.

Mr. Burgess echoed Mr. Bone's remarks about Highway 113.

In 2009, the Bedford West Transportation Master Plan, consisting of four signalized intersections along Kearney Lake Road, was approved. Since that time, Regional Council and the Province have approved a Policy to consider roundabouts. No decisions have been made regarding the use of roundabouts on Kearney Lake Road and public consultations must be done when roundabouts are going to be tendered.

Questions and Comments

Ken McLeod, Kearney Lake Road – With respect to the "Peanut Loop", members of the Kearney Lake Residents Association have a big concern that as the area grows, traffic coming down Kearney Lake Road to get to Highway 102 will increase. Traffic out of those areas should go up the Larry Uteck Connector onto Highway 102. **Mr. Burgess** explained that that is trying to be achieved. The Larry Uteck Interchange was built and sized to accommodate a 75% diversion. In fact, the idea is to keep traffic away from the lower end of Kearney Lake Road as it is going to remain a two-lane section.

Councillor Matt Whitman, District 13 – Was the Kearney Lake Road widening project considered when Halifax Regional Water Commission (HRWC) replaced the water lines? **Mr. Burgess** said that it was coordinated with HRWC. Preliminary plans and information of the future widening of Kearney Lake Road were shared with HRWC. He pointed out that 2017 is a date that the project is planned to start but it is subject to Regional Council's approval. **Mr. Bone** mentioned that some of the long-term timelines are based on assumptions for growth in the Bedford West area. If the market is not what was anticipated and the uptake on the units is less, it may take more time for some of these projects to progress and vice versa.

Councillor Whitman – Will the four intersections on the Kearney Lake Road be all roundabouts or all traffic lights? **Mr. Burgess** explained that two of the intersections (the ones on the ramps) are going to be owned and maintained by the Province. Their preference, at this point, would be to put two roundabouts at those ramp terminals. The two outside intersections are going to be HRM intersections which are up for debate at this point. The decision will be based on the projected traffic volumes.

Peter Davidson, Whitehills – Have you considered the growth to the north and west feeding into Kearney Lake and Hammonds Plains Roads and the developments that have been approved? **Mr. Burgess** answered yes. HRM developed a Regional Travel Demand Model which was done in conjunction with the Regional Plan review and factors in exactly that.

Terry Choyce, Bedford – Are bike lanes being provided along Kearney Lake Road? **Mr. Burgess** answered yes.

Ms. Choyce – Is it true that when Highway 113 hooks up to Highway 102, there won't be any provisions for going south into Halifax? Why? **Mr. Burgess** said it is true but he is unable to explain because it is a Provincial project. If someone did want to go to Halifax, they would take the Interchange and the Kearney Lake Connector or Larry Uteck to Highway 102.

Ms. Choyce – What about a bus terminal to promote transit? **Mr. Burgess** is unable to comment on Metro Transit's plans for the area. **Mr. Bone** said that the densities in Bedford West are intended to support transit and Bedford West is intended to be a transit-friendly community. **Councillor Outhit** mentioned that a study was released stating that the Bedford Highway could handle five more developments. He publicly rejected that study until some decisions have been made on what is going to be done in Bedford as far as transit and improvements to the Bedford Highway and Hammonds Plains Road through the CCC program. Yes, the intention is to put a Park and Ride Transit Terminal type facility around the BMO area, have it link along Highway 102 and have buses down to the waterfront to trains or ferries, etc., as well as some road improvements. **Mr. Bone** said that the densities in the Bedford West area certainly support transit.

Mr. Miller, Kingswood – Who would be paying for transit for this proposed project – user-paid system or tax-payer dollars? **Mr. Bone** said that the Councillor has been a strong advocate to user-pay where possible. The Bedford Highway Corridor Study is looking at developments paying the fees to related services like transit. **Councillor Outhit** said that transportation will always be subsidized by the tax-payer (between 30% and 70% depending on where a person lives).

Doug Botchett, Glen Arbour – Are all of these developments on City water and sewer? **Mr. Bone** said yes, it is a fully-serviced proposal. Any existing development would remain as is at this point.

Presentation of Proposal – Kevin Neatt, Associate Planner, West Bedford Holdings Limited

Mr. Neatt introduced Michael Hanusiak, Senior Vice President/General Manager; Peter Greenwood, Vice President of Sales and Marketing; Christina Baker, Sales Associate; and Craig Doyle, Planning Technician; all from West Bedford Holdings Limited.

West Bedford Holdings Limited is a partnership between Clayton Developments Limited and Cresco. Cresco is a prominent home builder in metro and has been in business for at least 20 years and has built well over 2,000 homes. Clayton Developments started in 1959. Typically, large tracks of land are purchased and communities are built within.

The Bedford West Master Plan is approximately 1,200 acres of which West Bedford Holdings Limited

owns approximately 1,100 acres. Regional Council initiated the Master Plan for West Bedford in 2003. Many public consultations were held and technical studies done. In 2004, a Greenfield Study performed by CBCL identified this area as one of the lower cost growth areas. In 2006, the draft Regional Plan identified the West Bedford lands as a growth area and in April 2006, Regional Council approved that BWSPS. The BWSPS sets out the parameters and guidelines of development within the Bedford West area.

Sub-Areas 3, 4, 2, 5 and 9 are underway. Sub-Areas 7 and 8 are roughly 387 acres. The density is at approximately 20 persons per acre. The Master Plan contains a land use plan that sets out the major transportation corridors that Mr. Burgess pointed out earlier in his presentation. The slide shows road connections and areas of residential, institutional uses, etc. Any proposals for the West Bedford area have to match this Master Plan and any provision within the MPS.

Various land uses were shown on the screen. All the density is clustered into the centre core of the property and as the community spreads out from the core, the land use intensity drops. There is approximately 137 acres of parkland and/or open space (approximately 37% of the gross site). The single family dwellings have varying lot sizes. In fact, the MPS directs the developer to have a range of land uses and housing options.

Consultants perform a Stormwater Management Plan which looks at the quality and quantity of water run-off. The water coming off of the site is balanced. The quality of the water is maintained through stormwater ponds and public education (residents receive a Home Owner's Guide). A significant part of the Stormwater Management Plan is lake monitoring which is done through HRM and paid by the Developer.

The design guidelines refer to the look and feel in the community (from architectural detail to color pallet).

Parklands and how they are used by the residents is of utmost importance. Not only is 134 acres provided but the Developer will improve the land and make it usable for everybody (trails, fields, etc.).

Again, the MPS dictates that there be a range of housing options. Examples were shown. There is a Supplemental Tree Planting program as well. A product provided for a range of demographic. Multi-unit dwellings are an important component to our developments.

The multiple unit dwellings clustered in the centre have a height range from four to eight storeys and the ones on the commercial side, next to the proposed interchange, range in height between twelve and fifteen storeys.

Questions and Comments

Joy McKay, Hammonds Plains Road – Who do we address our questions and concerns to regarding traffic flow from roads leading into this area? Volume, speed and road markings are definite issues.

Ms. Choyce – Can the holding ponds, or whatever is being used, be able to handle more than normal year storms? Can they handle a lot of run-off? **Mr. Kneatt** assured her that they can handle 1:100 year storms even in winter conditions.

Ms. Choyce – Are there provisions for low-income housing? She believes currently there are 21 new constructions of high-rises on Larry Uteck Boulevard and not one of them has apartments that are in the \$800 vicinity. **Mr. Bone** explained that in projects like this there is no Policy that talks about or requires any portion of the site to be affordable housing. The pricing is market-based. There is Policy in the Downtown Plans for affordable housing. **Ms. Choyce** believes there should be a Policy as there aren't pockets of poverty throughout HRM.

Ms. Choyce – In terms of traffic congestion, a lot of this is on the backs of the residents currently living in the area. Basically, \$30 million of the CCC distribution comes from the tax-payers' money. Essentially, the tax-payers are paying for this development. They are also paying through increased traffic, overcrowded schools, etc. The park area is fantastic and the environmental issues are being addressed but take into account the people who already live in the area and enjoy the more natural setting.

Sarah Graven, Maplewood on the Lake Subdivision – Highway 113 should be built before the houses to allow traffic to access the 100 series highways rather than clogging the Hammonds Plains and Kearney Lake Roads? **Mr. Burgess** said that the plan is to direct traffic to the new Larry Uteck Boulevard Extension from Kearney Lake Road. He mentioned that if Highway 113 does not proceed, there is a plan in place for transportation improvements that will accommodate the traffic.

Andy Ruiter, Kingswood – Where will water be retained after the trees have been cut and replaced with shingles and asphalt? **Mr. Neatt** explained that pre- and post-development water volumes have to remain the same. Stormwater is collected at multiple points and a pipe allows the water to disperse into the environment naturally at the pre-development rate. There is a series of retention ponds that are lined with trees. **Mr. Bone** said that the Policy for this area requires no discharge into a watercourse without first providing some level of treatment. The Stormwater Management Plan has to be reviewed by RWAB (requirements regarding water quality testing).

Mr. Miller – Are there plans to mitigate the total destruction of ancient trees and vegetation? **Mr. Neatt** said that the plan shown tonight is exactly what it will look like once complete. The chance of retaining natural trees in the central corridor of a road is remote due to putting in services. If planned properly, you can maintain some of the natural vegetation. A mandated tree planting program will allow for large trees within ten years and help enhance and bring back that natural environment.

Richard DeLong, Blue Mountain – What is the total number of residential units in West Bedford? **Mr. Kneatt** did not have the exact number. The MPS sets out the density at 6 units per acre. **Mr. Bone** will get an accurate number. **Mr. DeLong** is trying to get a better idea on the density for the surrounding communities. Commercial and office space will mean additional density above the residents resulting in additional traffic flow. He referred to a previous meeting held by Annapolis Group where traffic volumes were given. This type of information is important to present to people living in the surrounding communities. Highway 113 may be part of the solution but nobody really knows when and if that is going to take place. He would like to see some more concrete numbers: how many residential units, how many 12 to 15 storey commercial office buildings are expected. Also, a large amount of the parkland seems to be unusable. **Mr. Bone** said in general terms, the Bedford West area, when complete, will roughly double the size of Bedford. He'll try to put something on the website regarding total numbers. **Mr. Neatt** explained that a reasonable amount of land is given and the Developer will improve the land. Through a variety of methods, there is a good compliment of parkland in the plan. **Mr. Bone** mentioned that through the Regional Subdivision By-law, the maximum parkland requirement is 10%. Anything more is a positive. As part of the review process, HRM Parkland Planning will be reviewing these parklands. The plan must be usable. **Mr. Hanusiak** ensured Mr. DeLong that the Mater Plan, as well as the traffic projections and density figures approved in 2006, remain the same today. **Mr. Burgess** said there are a couple of things that are changing with respect to what was said back in 2003. The Regional Plan has targets to introduce transit and mobile split. One of the nice things about an integrated development is that you don't have cars that are leaving the site in the morning and coming back in the evening. If you have an integrated development it's been shown to reduce traffic flows; therefore, as far as the numbers go, probably a little less traffic is expected compared to what would have been forecasted back in 2003.

Nick Antoft, Lucasville –What are the plans or the capacity of the drainage easements that go from Belle Street into Kearney Lake? What happens when the water quality degrades? **Mr. Kneatt** reiterated that the two drainage areas will be balanced pre- and post-development. The culverts that go underneath Belle Street toward Kearney Lake will not overload. This is the benefit of having a Stormwater Management Plan. The water quality monitoring is done four times a year. The monitoring stations are in place to get several years of baseline study. **Mr. Bone** said Department of Environment (DOE) steps in if a problem arises. **Mr. Hanusiak** said that environmental integrity is very significant to them. Long before Sub-Areas 3 and 4 started, the Lake Monitoring program was approved by Bedford Watershed Advisory Board (BWAB). There is close to three years of running data collected and before starting in this area, there will be upwards of five years of baseline data. The City has the ability to say what is going on and undertake corrective actions which could lead to stopped development. Because of the other preventative measures and programs in place, that shouldn't happen. **Mr. Bone** mentioned that the Environmental Management group has a website containing some data on-line. One of the goals of the Water Quality Monitoring program is to maintain the integrity of the lakes from a recreational standpoint as well because if development is not done appropriately, it can affect the ability to use those lakes for recreational

purposes.

Mr. LoPresti, Blue Mountain – Flooding is now a regular occurrence at the bottom of Bluewater Road raising questions for future developments in the area. **Mr. Kneatt** said it comes back to balancing the water run-off. The section referred to is actually in the Sandy Lake Watershed. **Mr. Hanusiak** explained that the issue at that particular location is the level of the road relative to Sandy Lake. The water can't run aggressively out in discharge so it pools. Until such time that the road is raised and out of the floodplain, the issues will remain. **Mr. LoPresti** finds the flooding worse since the West Bedford development. **Mr. Hanusiak** and the Councillor would be happy to look into that.

Patti Card, Blue Mountain Estates – With sewer coming in adjacent to our Subdivision, is there any possibility of extending the sewer to existing homes? A couple of homes on the street have already had sewer failures resulting in new septic fields at the cost of about \$25,000. **Mr. Bone** explained that with sewer services adjacent, there is the potential although the Blue Mountain area has not been looked at. He suggested that Ms. Card talk to the surrounding property owners, get a group together and then talk to the area Councillor. Many times the dollar figure scares people away because the cost of extending sewer services into a Subdivision are borne by the residents of that Subdivision.

Pam Simpson, Kingswood – Is a hydrogeological study of the groundwater going to be done before development starts? If there is an impact on the wells, who is responsible and how will that be fixed? **Mr. Hanusiak**, referring to the Bedford South project, said a risk assessment of the groundwater conditions, existing wells and septic systems was done. Those risk assessments will continue to happen for the Developer's own benefit. HRM does have a Blasting By-law which requires a pre-blast survey be done (radius around a development). The Developer carries the appropriate insurance, which is validated by HRM, to ensure that any well damage is remedied (repaired or replaced). **Ms. Simpson** asked what the radius is. **Mr. Bone** said it varies depending on the charge used.

Mr. Ruiter – Where does infrastructure stand for water and sewage from HRM's and the Developer's perspective? **Mr. Kneatt** explained that in 2009, Regional Council and the Review Board approved the CCC Charge that allowed for the trunk sewer and trunk structures to take place. **Mr. Bone** said that because this area was part of a Master Plan, cost of services is one of the first things looked at. Sub-Areas 7 and 8 are being serviced by Halifax so they will be extending the trunk sewer. That is all in the process of being engineered but long planned and long considered as part of a cost of developing in this area and that cost is apportioned to each individual lot via for acreage charge and passed back onto the homeowner. Extension of the services is underway. **Mr. Hanusiak** intends to have an operational sewer system along this section of the Kearny Lake Road by this time next year.

4. Closing Comments

Mr. Bone thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 9:07 p.m.