

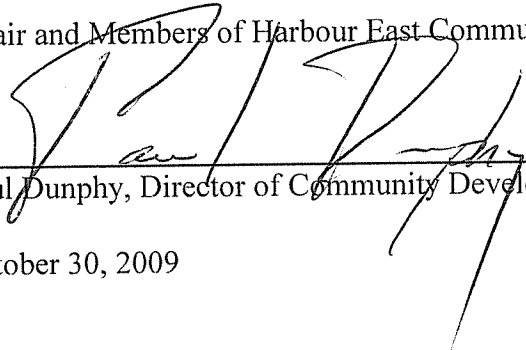
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PO Box 1749
Halifax, Nova Scotia
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Harbour East Community Council
November 12, 2009

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: October 30, 2009

SUBJECT: Case 01270: Discharge of Heritage Hills Development Agreement

SUPPLEMENTARY REPORT

ORIGIN

Harbour East Community Council at its meeting on October 1, 2009 approved the rezoning of the Heritage Hills development, excluding the junior high school property, in Eastern Passage from Comprehensive Development District (CDD) Zone to various zones which reflect current land uses. The rezonings were intended to allow for the discharge of the development agreement which applies to the entire development.

RECOMMENDATION

It is recommended that Harbour East Community Council:

Approve the discharging resolution, as set out in Attachment "A" to this report, for those lands located within the Heritage Hills development as shown on Map 1.

BACKGROUND

All properties that fall under the existing development agreement for Heritage Hills have now been rezoned to a zone which reflects their current use. Single unit dwellings have been rezoned R-1, and two unit dwellings R-2. All park and conservation lands have also been rezoned to the applicable Community Facility (P-1) or Environmental Conservation (EC) zone. The provisions of the R-1 and R-2 zones have been amended to reflect the variety of lot sizes and building and site development standards that were approved as part of the development agreement.

The only exception to the rezonings was the Eastern Passage Education Centre, a junior high school which is owned by Scotia Learning Centres and leased to the province. The owner requested that the CDD Zone be retained on the site to accommodate potential future redevelopment of the lands after they are no longer needed for a school. The CDD zone was amended to allow schools as a permitted uses, so that the facility would not become a non-conforming use.

DISCUSSION

With the rezonings and zone amendments having become effective on October 26, 2009 the development agreement can now be discharged. A discharging agreement is not required. The terms of the development agreement state that Council may discharge the agreement by resolution once the land use by-law has been amended. This criteria has been satisfied. With the adoption of the discharging resolution as attached to this report, the appropriate documents will be filed at the Registry of Deeds, which will release all of the nearly 600 properties from the development agreement.

Public Information Meeting

A public information meeting was held to discuss the rezonings, zone amendments and development agreement discharge on July 6, 2009. The minutes of this meeting were previously presented to Council on October 1, 2009 as part of the original staff report.

BUDGET IMPLICATIONS

There are no budget 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 Agreement. The administration of the Agreement can be carried out within the approved budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

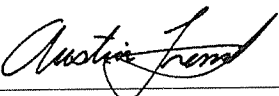
1. Council could choose to discharge the existing development agreement and allow the subject properties to revert back to the new zoning under the Eastern Passage/Cow Bay Land Use By-law. This is the recommended action.
2. Council could choose not to discharge the existing development agreement. This is not recommended as amendments have been made to the land use by-law which render the development agreement redundant.

ATTACHMENTS

- Map 1 Location Map - Heritage Hills CDD
- Attachment "A" Discharging Resolution

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mitch Dickey, Planner, Community Development, 490-5719

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717

**Attachment A
DISCHARGING RESOLUTION**

**IN THE MATTER OF the Halifax Regional Municipality Charter
being Chapter 39 of the Acts of 2008**

- and -

**IN THE MATTER OF the development of certain lands
known as Heritage Hills;**

WHEREAS the Municipal Council of the former Halifax County Municipality granted approval on March 1, 1994 of a development agreement for a Comprehensive Development District known as Heritage Hills (hereinafter called the "Lands") for the area as shown on Map 1, which was recorded at the Registry of Deeds in Halifax as Document Number 19252 in Book 5565, Page 988 (hereinafter called the "Agreement");

AND WHEREAS amendments to the Agreement were approved by the former Halifax County Municipality on March 22, 1995, which were recorded at the Registry of Deeds as Document Number 10337 in Book 5699, Page 219;

AND WHEREAS further amendments to the Agreement were made by Harbour East Community Council on:

- July 24, 1996, which were recorded at the Registry of Deeds as Document Number 49421 in Book 5978, Pages 87-90;
- April 3, 1997 which were recorded at the Registry of Deeds as Document Number 23750 in Book 6067, Pages 147-154;
- December 4, 2003 which were recorded at the Registry of Deeds as Document Number 4699 in Book 7603, Pages 1137-1148; and
- February 3, 2005 which were recorded at the Registry of Deeds as Document Number 81592835 in Book 8030, Pages 215-226;

AND WHEREAS pursuant to the procedures and requirements contained in the *Halifax Regional Municipality Charter*, the Harbour East Community Council approved the discharge of this Agreement by resolution at a meeting held on the ___th day of November 2009, referenced as Municipal Case Number 01270;

NOW THEREFORE this resolution approves as follows:

1. The Agreement, including all amendments thereto, is hereby discharged and shall no longer have any force or effect; and

2. Any future development of the Lands which were subject to the Agreement shall conform with all applicable provisions and requirements of the Eastern Passage/Cow Bay Land Use By-law, as amended from time to time, and any future subdivision of the Lands shall conform with all applicable provisions and requirements of the Regional Subdivision By-law, as amended from time to time.

I HEREBY CERTIFY that the motion as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009.

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009.

Municipal Clerk

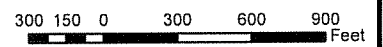



Map 1 Heritage Hills CDD

Heritage Hills,
Eastern Passage



COMMUNITY DEVELOPMENT
PLANNING SERVICES



 CDD Comprehensive Development District

This map is an unofficial reproduction of a portion of the Eastern Passage/Cow Bay Plan Area

Eastern Passage/Cow Bay Plan Area

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