



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

**Item No.**  
**North West Community Council**  
**November 17, 2014**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** Original signed  
\_\_\_\_\_  
Bob Bjerke, Director of Planning and Development

**DATE:** October 21, 2014

**SUBJECT:** **Case 18897: Development Agreement to enable an expansion of a Commercial Recreation Use at 1840 Hammonds Plains Road, Hammonds Plains**

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**ORIGIN**

Application by WSP Group, on behalf of Brian Hatfield.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipal Charter, Part VIII, Planning and Development*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of this report, to permit an expansion of existing commercial recreation uses at 1840 Hammonds Plains Road and to schedule a public hearing;
2. Approve the proposed development agreement as contained in Attachment A of this report to permit an expansion of existing commercial recreation uses at 1840 Hammonds Plains Road;
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;

**RECOMMENDATIONS CONTINUES ON PAGE 2**

4. Approve, by resolution, the discharge of the existing development agreement and amending development agreement that apply to the lands, as shown in Attachment B of this report, to take effect upon the registration of the new development agreement; and
5. Require the discharge 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**

An application by WSP, on behalf of Brian Hatfield, has been submitted to discharge the existing Hatfield Farm development agreement and enter into a new development agreement at 1840 Hammonds Plains Road, Hammonds Plains. The subject lands are home to an existing commercial recreation use known as Hatfield Farm. In 1993, Halifax County Municipality entered into an agreement to allow a commercial trail riding facility on the subject lands. In 1997, Western Region Community Council entered into a second development agreement to permit an expansion to the commercial recreation use. In 2005, Western Region Community Council entered into an amending agreement to allow additional uses and expansions to some of the existing uses on the lands. The application proposes the expansion of existing commercial recreation uses and the introduction of new uses, some of which include: an indoor riding ring/barn; a fruit and vegetable stand; cabins; splat shot area and a recreational obstacle course.

**Location, Designation, Zoning and Surrounding Land Use:**

Subject Property	1840 Hammonds Plains Road (PID 00644591), 1842 Hammonds Plains Road (PID 41257809) and a portion of the property described as PID 40742777 (Map 1)
Location	Hammonds Plains, located approximately 1 kilometer west of the intersection of Lucasville Road and Hammonds Plains Road
Lot Area	136.5 acres (55.2 hectares), lot area subject to development agreement 89.9 acres (36.4 hectares)
Regional Designation	Rural Commuter (majority of the property) and Open Space and Natural Resource (rear portion of the property)
Community Designation	Mixed Use B (MU-B) and Rural Resource (RR) designation under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (Map 1)
Zoning	MU-1 (Mixed Use 1) and MR-1 (Mixed Resource) Zone under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB)
Surrounding Uses	Mixed Use development including primarily single unit residential development and some agricultural; forestry; excavating and institutional uses (church)
Current Use	Commercial trail ride facility consisting of: horse and sleigh riding trails; a barn; horse shelter; overnight cottages and cabins, rubber rodeo, restaurant, etc.

**Enabling Policy**

The Beaver Bank, Hammonds Plains and Upper Sackville MPS enables Community Council to consider, within the Mixed Use A, B and C and Rural Resource designations, proposed expansions of existing commercial recreation uses as well as the development of new commercial recreation uses by development agreement. The proposal may be considered by North West Community Council (NWCC), pursuant to Policies P-27, P-56 and P-137 of the Beaver Bank, Hammonds Plains and Upper Sackville MPS (Attachment C). The intent of the policies is to allow for commercial recreation development,

provided such uses are considered in areas that have a high commercial recreation potential and which can be developed while minimizing negative impacts on the natural environment and adjacent development.

### **Proposal**

Brian Hatfield has applied to enter into a new development agreement (Attachment A) to consider an expansion to the existing commercial recreation use. As proposed, the expansion will consist of additions to existing structures including: the barn; parking lot; the restaurant; main lodge; rubber rodeo attraction building; and wagon house. In addition to expanding existing uses, the developer has proposed new uses including: an indoor riding barn; blacksmith shop/workshop; tack shop; petting pen; mini golf course; slide and pool; cottages/cabins; employee cabins; corporate meeting rooms; recreational obstacle course; paintball course; and new parking area. A site plan of existing and proposed uses is attached as Map 3.

### **Existing Development Agreement**

Under the terms of the existing development agreement, expansions to existing structures and new uses, as proposed, are not permitted. Further, the existing development agreement was written and approved by Community Council approximately 17 years ago. A non-substantive amendment was approved by Community Council in 2005. The changes required to amend the existing agreement represent a substantial amendment, therefore the creation of a new agreement serves to better achieve the administration of the development proposal. A discharge of the existing agreement and amending agreement from the Lands is recommended (Attachment B) should Community Council choose to approve the proposed agreement.

## **DISCUSSION**

The proposal has been reviewed relative to the applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS. Policy P-27 sets out specific criteria for commercial recreation development, while policy P-137 includes more general criteria that apply to the implementation of various MPS policies. The proposal is reasonably consistent with all applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS.

The following matters, including some applicable criteria from policy P-27, have been identified for more detailed discussion. A more detailed review of additional criteria is set out in Attachment C.

### *Location Suitability*

Policy P-27 requires that commercial recreation uses are considered on sites that exhibit characteristics which make the location particularly suitable. The subject property has been in operation for over 20 years as a commercial trail riding facility. The proposal represents a substantial expansion to the existing commercial recreation use, however it is to be accommodated on a large site that measures approximately 40 hectares (99 acres) in total area. This large property provides considerable space and adequate separation distance to accommodate the proposed uses. Many portions of the site contain existing mature tree stands which serve to reduce potential noise and light generated by the proposed development. In addition to the existing physical characteristics of the subject site, the development agreement includes controls which require fencing and the posting of signage along various portions of the property to ensure all aspects of the proposed operation are contained within the boundary of the proposed site.

### *Traffic, Access and Sighting Distance*

A traffic analysis was submitted by the Developer and was found to meet HRM guidelines, however HRM staff did request additional information pertaining to stopping sight distance. Through analysis, it was determined the existing driveway did not satisfy requirements for stopping sight distance. As a result, the proposed development agreement requires, prior to the issuance of any development permits, that the existing driveway be relocated to improve stopping sight distance. Further, prior to the issuance of development permits for specific uses anticipated to increase traffic, the proposed development

agreement requires that the developer undertake an analysis of a dedicated left turn lane on Hammonds Plains Road. In the event a left turn lane is required, the developer will be responsible for all costs associated with construction of the turning lane.

*Reducing Potential Impact on Adjacent Development*

Policy P-27 requires that measures be taken to mitigate potential noise and visual intrusion. The proposed development agreement contains provisions which require that proposed buildings are setback an adequate minimum distance from property lines. The overall layout of the subject site encourages uses and activities at the front of the property (near Hammonds Plains Road and adjacent to existing residential development) which are more associated with daytime use and typically generate less noise than those uses located in the rear wooded portion of the property where licensed facilities and overnight accommodations are provided. Hours of operation prescribed in the proposed development agreement reinforce daytime use within the front portion of the lands and allow for structured late night use in the rear wooded portion which is located approximately 830 meters (2,723 feet) from Hammonds Plains Road and existing residential development. The development agreement also requires that proposed lighting on the site be shielded and directed to driveways, parking areas and building entrances so as to divert light away from Hammonds Plains Road and adjacent properties.

*On-site sewerage and water services*

The subject property is not located within the municipal services boundary and not eligible for central services. As proposed, the site will be serviced with on-site sewer and water infrastructure. As such, approval of on-site service systems is subject to the requirements of Nova Scotia Environment. As per section 1.3.2 of the proposed development agreement, the developer is responsible for securing all applicable approvals associated with the on-site servicing systems required to accommodate the development.

*Environmental Considerations*

Policy P-27(j) requires that consideration be given to potential environmental concerns related to the proposed development and in particular, potential effects on watercourses. The proposed development agreement contains measures which help mitigate potential impact of the development on the environment. As per section 3.2 of the proposed development agreement, prior to the issuance of any development permits, the developer is required to submit an overall site disturbance plan, a stormwater management plan and an erosion and sedimentation control plan. Additionally, prior to the issuance of any municipal occupancy permit, the developer is required to submit certification from a professional engineer that the Developer has complied with the required overall site disturbance plan.

The proposed development agreement contains provisions regarding the proper storage of animal manure. Subject to section 3.4.3 of the proposed development agreement, animal manure is required to be located a minimum of 91.5 meters (300 feet) from any watercourse. Further, the developer is required to satisfy all watercourse setback requirements as prescribed under the Beaver Bank, Hammonds Plains and Upper Sackville LUB.

**North West Planning Advisory Committee**

The North West Planning Advisory Committee (NWPAC) reviewed this application on March 5, 2014 and April 2, 2014. The committee recommended that North West Community Council approve the application to amend the existing Hatfield Farm development agreement contingent upon further consideration of concerns related to: traffic and access; the adequacy of on-site sewerage and water services, and; the protection of watercourses as it relates to the storage and location of animal manure on the subject site. The Committee's concerns with respect to the proposed development have been addressed. The results are included in the discussion above. A report to NWCC from the PAC will be provided under separate cover.

### **Conclusion**

The proposed development agreement is consistent with the MPS for Beaver Bank, Hammonds Plains and Upper Sackville. It is recommended that North West Community Council approve the proposed development agreement as identified in the recommendation section 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 budget with existing resources.

### **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 two Public Information Meetings held on March 30, 2009 and February 6, 2014 (See Attachments D and E for Minutes). The length of time this file has remained ongoing is not typical, but was the result of a property boundary dispute and land use compliance issue related to unauthorized development on the property. These matters have now been resolved. Notices for the Public Information Meetings were posted on the HRM Website, in the newspaper, and mailed to property owners within the notification area as shown on Map 2.

A public hearing must be held by Community Council before they can consider approval of the 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 2 will be notified of the hearing by regular mail.

The proposed development agreement will potentially impact local residents, property owners and adjacent businesses.

### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all relevant environmental policies contained in the MPS. No additional concerns have been identified beyond those raised in this report.

### **ALTERNATIVES**

1. 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 MPS. A decision of Council to reject this Development Agreement, with or without a public hearing, is appealable to the N.S Utility & Review Board as per Section 262 of the *HRM Charter*.
2. 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 this Development Agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Community Council may choose to refuse to approve the proposed Discharging Development Agreement and, in doing so, must provide reasons why the agreement does not reasonably carry

out the intent of the MPS. A decision of Council to reject this Discharging 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:	Proposed Site Plan
Attachment A:	Proposed Development Agreement
Attachment B:	Proposed Discharging Agreement
Attachment C:	Beaver Bank, Hammonds Plains and Upper Sackville Policy Evaluation
Attachment D:	Minutes of the Public Information Meeting (March 30, 2009)
Attachment E:	Minutes of the Public Information Meeting (February 6, 2014)
Attachment F:	Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> 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: Tyson Simms, Planner 1, 902-490-4843

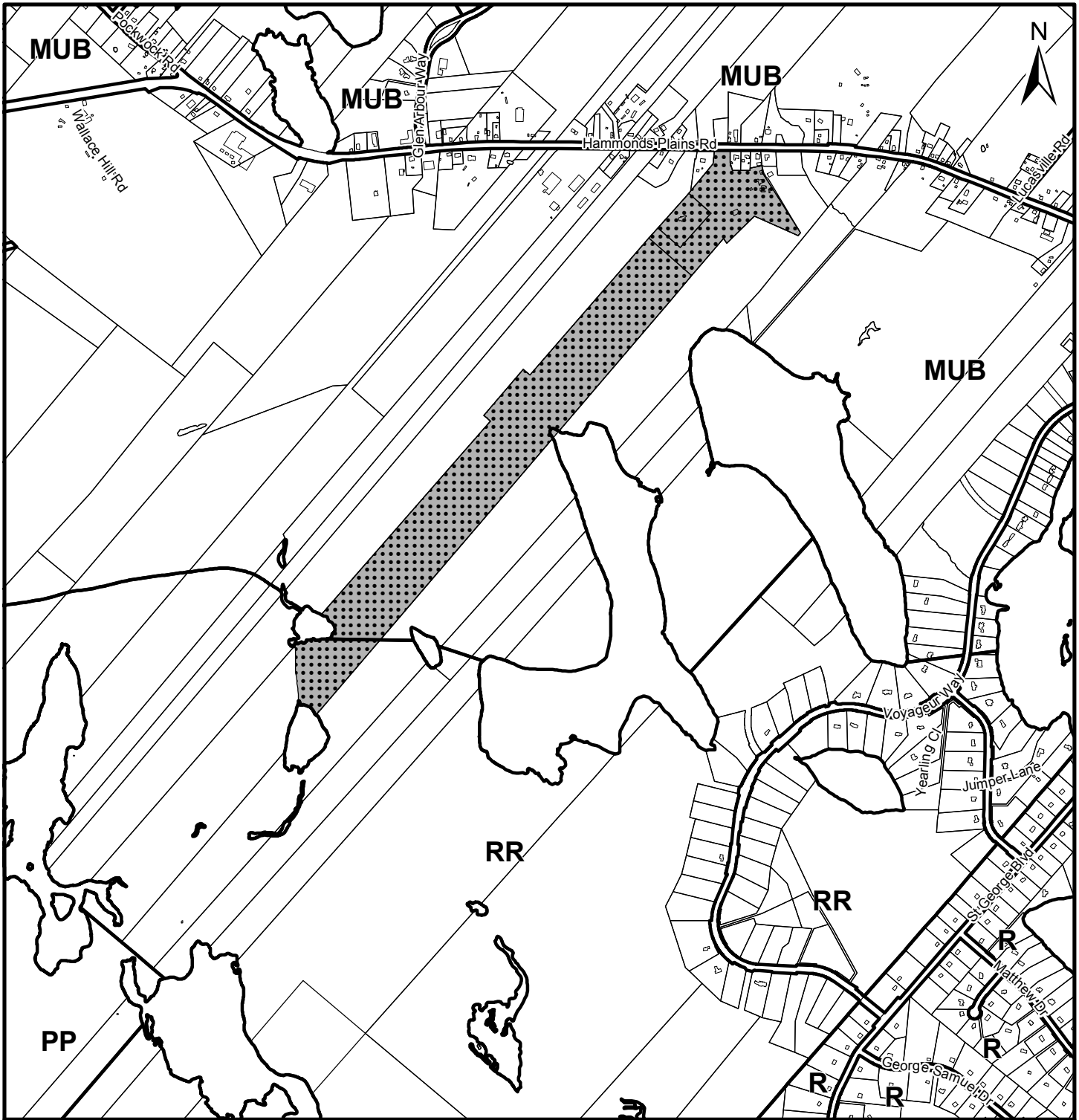
Original signed

Report Approved by: 

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 Kelly Denty, Manager- Development Approvals, 902-490-4800


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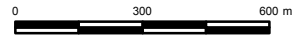
**Map 1 - Generalized Future Land Use**

1840 Hammonds Plains Road  
Hammonds Plains

**HALIFAX**

 Area of proposed development agreement

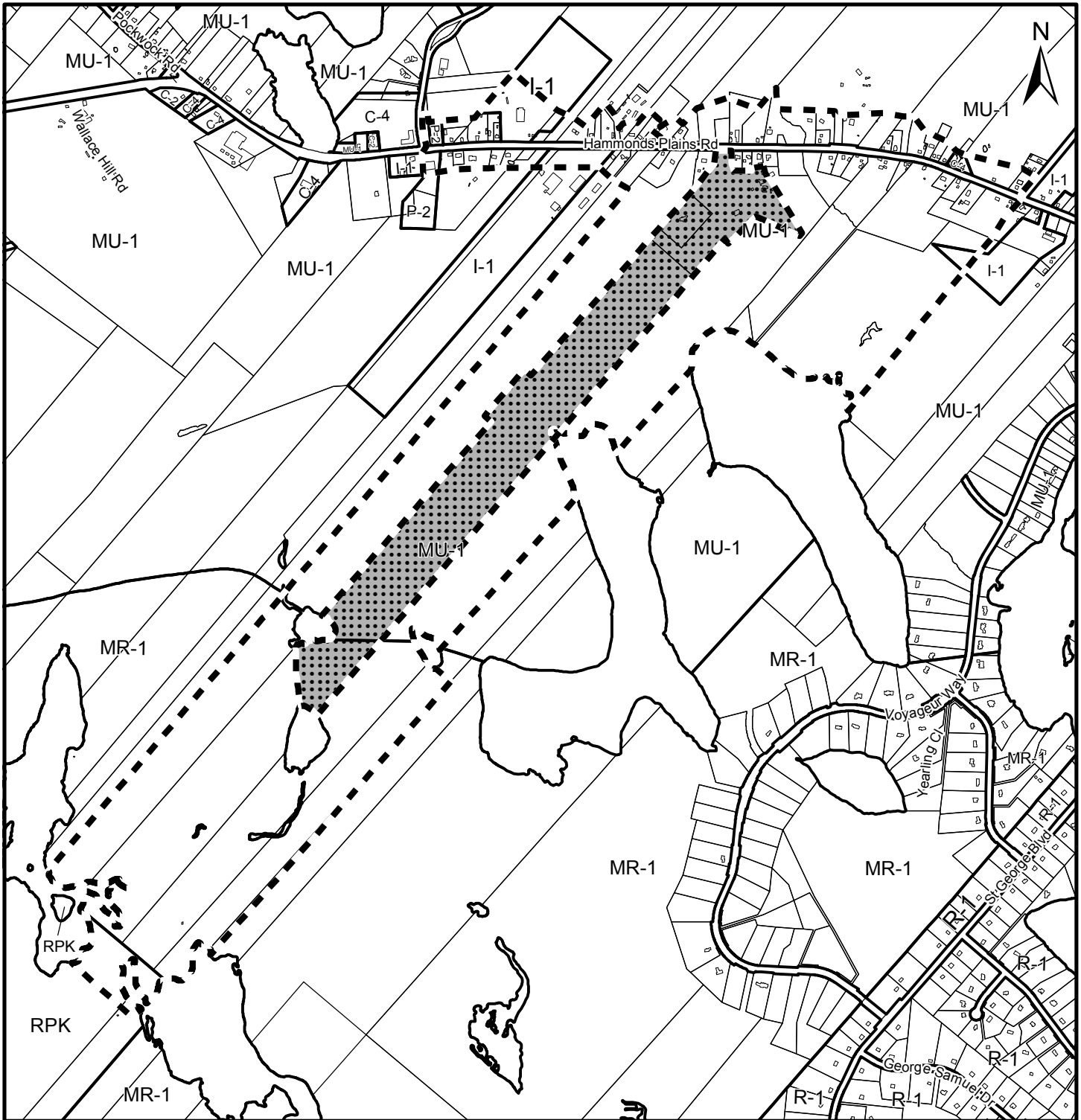
**Designation**  
 R Residential  
 RR Rural Resource  
 MUB Mixed Use B  
 PP Provincial Park



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

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



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



## Map 2 - Zoning and Notification

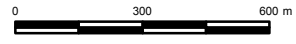
1840 Hammonds Plains Road  
Hammonds Plains

**HALIFAX**

-  Area of proposed development agreement
-  Area of notification

**Zone**

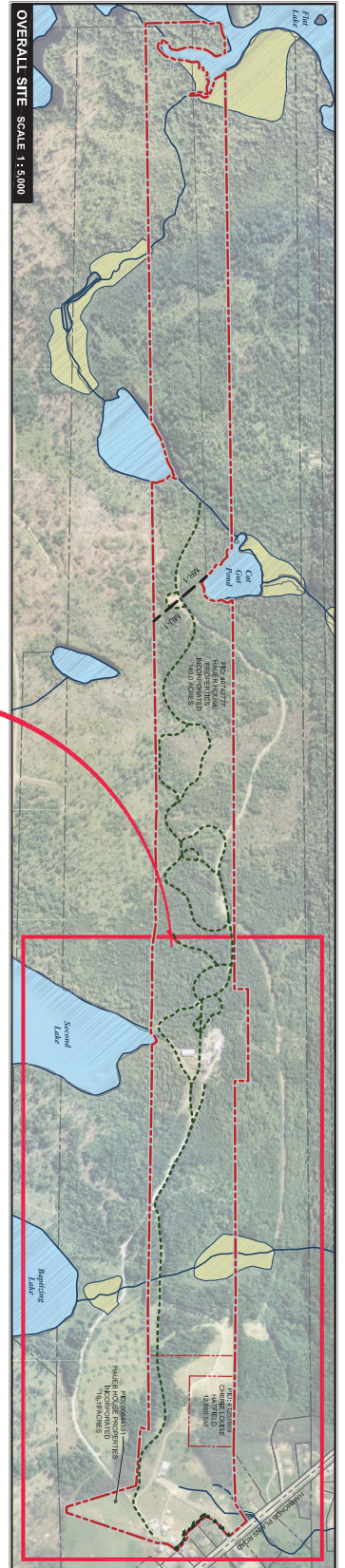
R-1	Single Unit Dwelling
MU-1	Mixed Use 1
MR-1	Mixed Resource
RPK	Regional Park
P-2	Community Facility
C-2	General Business
C-4	Highway Commercial
I-1	Mixed Industrial



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

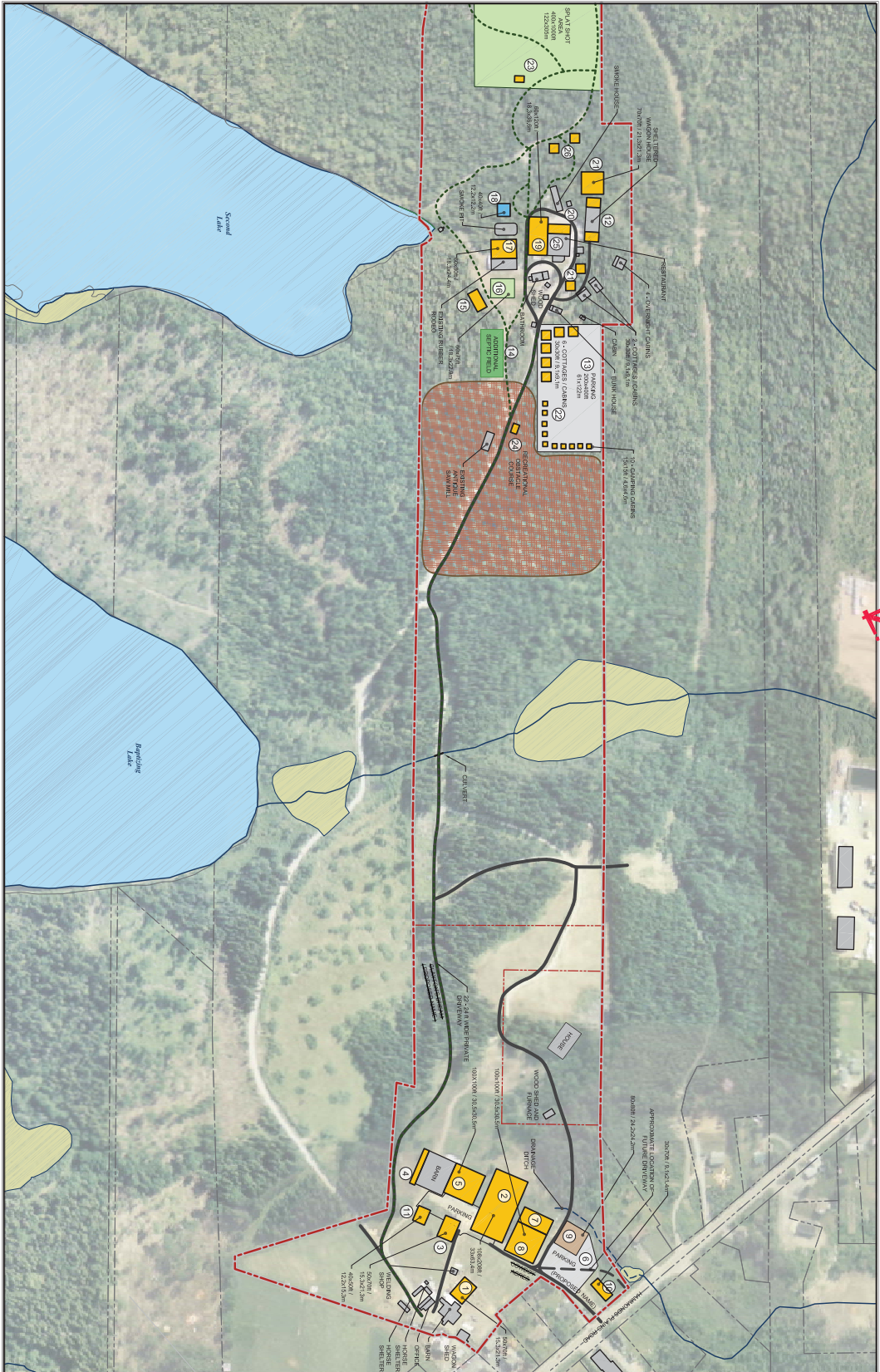
The accuracy of any representation on this plan is not guaranteed.





**LEGEND**

- Site Boundary
- Existing Internal Property Line
- Adjacent Property Line
- Gravel Road / Trails
- Approximate Future Driveway
- Water Features
- Wetland
- Existing Buildings
- Proposed Buildings, Expansions
- Riding Trail



**FUTURE DEVELOPMENT**

- 1 - BARN EXPANSION
- 2 - INDOOR RIDING RING / BARN
- 3 - BLACKSMITH SHOP / WORKSHOP
- 4 - HORSE SHELTER
- 5 - HAY STORAGE
- 6 - PARKING LOT EXPANSION
- 7 - HORSE PARKING / WAGON AND SLEIGH PARKING
- 8 - STORE / RECEPTION / WASHROOMS / RESTAURANT
- 9 - PAVILION
- 10 - FRUIT AND VEGETABLE STAND (NO CONC. PAD)
- 11 - TACK SHOP
- 12 - WAGON HOUSE EXPANSION
- 13 - ADDITIONAL PARKING
- 14 - ADDITIONAL SEPTIC FIELD
- 15 - GETTING PEN
- 16 - MINI GOLF
- 17 - EXPANSION TO RUBBER RODEO BUILDING
- 18 - SLIDE AND POOL
- 19 - EXPANSION TO MANI LOGE
- 20 - HORSE AND WAGON PARKING AREA
- 21 - CHURCH GROUPS AND CORPORATE MEETINGS ROOMS
- 22 - COTTAGES / CABINS
- 23 - SPLIT SHOT AREA WITH ORIENTATION BUILDING
- 24 - RECREATIONAL OBSTACLE COURSE WITH ORIENTATION BUILDING
- 25 - RESTAURANT EXPANSION
- 26 - WORKERS HOUSING

Sources:  
 • 2010 Parcel-Id Mapping, Parcel-Id Property Mapping,  
 • Google Maps, Satellite, Aerial / 2000  
 • GENIVAR survey plan B050326224wg dated September 17, 2012.

Designer: K.Winters  
 Planner: B.Morison

**VERSION 2.0**

**HATFIELD FARM**  
 AUGUST 06 2014 B05032108\_V20

**SCALE**  
 60 40 20 0 100m  
 1:12,000

**NORTH**

**WSP**  
 1 SPECTACLE LAKE DRIVE  
 DARTMOUTH, NOVA SCOTIA CANADA, B3B 1G7  
 PHONE: 549 529-9999 FAX: 549 529-1453 WWW.WSPNS.COM

**Attachment A:  
Proposed Development Agreement**

THIS AGREEMENT made this        day of **[Insert Month]**, 2014,

BETWEEN:

**INSERT NAME OF CORPORATION/BUSINESS LTD.**

a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

And

**INSERT NAME OF INDIVIDUAL**

an individual in the Halifax Regional Municipality in the Province of  
Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 1840 Hammonds Plains Road, Hammonds Plains and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Municipality entered into a Development Agreement with Vida Mae Doucet to allow a commercial trail ride facility, which was registered at the Land Registry Office in Halifax as Document Number 18864 (hereinafter called the "Original Agreement");

AND WHEREAS Vida Mae Doucet transferred her interest in the Lands to Hauer House Properties Incorporated on December 15, 1995, said transfer having been registered at the Land Registry Office in Halifax as Document Number 51181;

AND WHEREAS the Municipality entered into a Development Agreement with Hauer House Properties Incorporated which was registered at the Land Registry Office in Halifax as Document Number 51716 (hereinafter called the "Second Agreement");

AND WHEREAS the Municipality entered into an amendment to the Second Agreement with Hauer House Properties Incorporated which was registered at the Land Registry Office in Halifax as Document Number 84124172 (hereinafter called the "Amending Agreement");

AND WHEREAS Hauer House Properties Incorporated transferred its interest in PID 41257809 to Cherie Louise Hatfield on January 14, 2008, said transfer having been registered at the Land Registry Office in Halifax as Document 91796533;

AND WHEREAS the Developers have requested that the Original, Second and Amending Agreement be discharged;

AND WHEREAS the Developers have requested that the Municipality enter into a Development Agreement to allow for a commercial recreation use on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies P-27, P-56 and P-137 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Section 3.6 (a) of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law;

AND WHEREAS the North West Community Council of the Municipality, at its meeting on **[Insert – Date]**, approved the said Agreement to allow a commercial recreation use and a single unit residential dwelling on the Lands subject to the registered owner of the Lands described herein entering into this Agreement, and at the same meeting, approved the discharge of the Original, Second and Amending Agreements as it applies to the Lands, referenced as Municipal Case Number 18897, said discharge to take effect upon the registration of this Agreement;

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 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-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

### **1.4 Conflict**

1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

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

### **1.5 Costs, Expenses, Liabilities and Obligations**

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 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:

- (a) "Indoor Riding Ring" means a building used for the exercising of horses and uses related to the operation of the Commercial Recreation Use as permitted under this agreement.
- (b) "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects, and;
- (c) "Overall Site Disturbance Plan" means plan that is prepared and endorsed by a qualified professional engineer. The Overall Site Disturbance Plan shall include the limits of disturbance. The Overall Site Disturbance Plan shall include measures to implement the requirements of the Erosion and Sedimentation Control Plan and the Stormwater Management Plan as per this agreement.
- (d) "Professional Engineer" means a professional, full member in good standing with the Association of Professional Engineers of Nova Scotia;

## **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 the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case 18897:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan – Plan Number 18897-01
Schedule C	Preliminary Landscaping Plan – Plan Number 18897-02
Schedule D	Required Fencing Plan – Plan Number 18897-03

### **3.2 Requirements Prior to Approval**

3.2.1 Prior to the issuance of a development permit the developer shall provide the Development Officer with:

- (a) A site plan, stamped and signed by a professional engineer, which denotes the proposed driveway re-alignment and removal of the existing (previous) driveway;
  - (b) Written confirmation from a Professional Engineer which the Development Officer may accept as sufficient record of compliance with plan required under Section 3.2.1 (a);
  - (c) An overall Site Disturbance Plan in accordance with this agreement;
  - (d) An Erosion and Sedimentation Control Plan in accordance with this Agreement, and;
  - (e) A Stormwater Management Plan in accordance with this Agreement.
- 3.2.2 Prior to the issuance of the first Development Permit for any development located within the area identified in Schedule C, the Developer shall provide the Development Officer with:
- (a) A Landscaping Plan in accordance with Section 3.8.1 of this Agreement.
- 3.2.3 Prior to the issuance of a development permit for uses identified on Schedule B as 8 (restaurant portion); 10; 19, 21, 22, 23, 24 or 25 the developer shall provide the Development Officer with:
- (a) A Traffic Impact Statement, conducted by a professional engineer, which investigates and analyses need for a left turn lane from Hammonds Plains Road to the subject property;
  - (b) Unless otherwise permitted by the Development Officer, written confirmation from a Professional Engineer which the Development Officer may accept as sufficient record of compliance with the Traffic Impact Statement.
- 3.2.4 Prior to the issuance of the first Municipal Occupancy Permit for any development located within the area identified in Schedule C, the Developer shall provide the Development Officer with:
- (a) Written confirmation from a Landscape Architect which the Development Officer may accept as sufficient record of compliance with the Landscaping Plan and Fencing Plan required pursuant to this agreement.
- 3.2.5 Prior to the issuance of any Municipal Occupancy Permit the Developer shall provide the Development Officer with:
- (a) Certification from a professional engineer that the Developer has complied with the required overall site disturbance plan as required by this agreement.
- 3.2.6 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) Uses and facilities in conformance with Schedule B of this agreement;
- (b) Accessory uses/buildings associated with the uses permitted under this agreement. ;
- (c) Existing buildings as indicated on Schedule B of this Agreement;

- (d) Agricultural uses except intensive agricultural uses as defined by the Land Use By-law;
- (e) Forestry uses as defined by the Land Use By-law, and;
- (f) One (1) Existing Residential Single Unit Dwelling as identified on Schedule B of this agreement.

3.3.2 MU-1 (Mixed Use 1) Zone provisions of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law shall apply to the subject property unless otherwise varied by this Development Agreement.

3.3.3 Existing buildings may be used for the uses referred to on Schedule B of this Agreement and no enlargement of or change of occupancy to any Existing Building as identified on Schedule B of this Agreement shall be permitted unless provided for by this Development Agreement.

### **3.4 Siting and Architectural Requirements**

#### *Siting*

3.4.1 All buildings (including accessory buildings and structures) and areas shall be in accordance with all setback requirements of the MU-1 Zone as per the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law unless varied by this Development Agreement.

3.4.2 Buildings shall be sited as generally shown on Schedule B of this Agreement and comply with the following:

- (a) The Barn Expansion, identified as Item #1 on Schedule B, shall be setback a minimum of 30.4 m (100 ft.) from the nearest property line;
- (b) The Indoor Riding Barn/Barn, identified as Item #2 on Schedule B, shall be setback a minimum of 50 m (164 ft.) from any neighbouring property line and a minimum of 91.4 m (300 ft.) from any watercourse;
- (c) The Store/Reception/Washrooms/Restaurant, identified as Item #8 on Schedule B, shall be setback a minimum of 15.4 m (50 ft.) from the nearest property line;
- (d) The Horse Shelter, identified as Item #4 on Schedule B, shall be setback a minimum of 15.4 m (50 ft.) from the nearest property line;
- (e) The Church Groups and Corporate Meeting Rooms, identified as Item #21 on Schedule B, shall be setback a minimum of 15.4 m (50 ft.) from the west property line;
- (f) The Fruit and Vegetable Stand, identified as Item #10 on Schedule B, shall be setback a minimum of 9.1 m (30 ft.) from the front property line and 4.5 m (15 ft.) from any side property line, and;
- (g) The Developer shall provide wooden post and rail style or post and rope style fencing along the property boundaries as identified on Schedule D.
- (h) Required fencing located near Hammonds Plains Road, as shown on Schedule D, shall consist of a solid wood board fence or a combination of fencing and landscaping which in the opinion of the Development Officer serves as an adequate buffer to protect adjacent properties

#### *Manure Storage:*

3.4.3 Any disposable area for livestock waste associated with the Equestrian Stable shall be setback:

- (a) Setback a minimum of 91.5 m (300 ft.) from any watercourse or potable water supply, except for a potable water supply that is located on the same property, and;

(b) Setback a minimum of 91.5 m (300 ft.) from any dwelling that is not located on the same lot.

3.4.4 Any proposed building or structure associated with the keeping of livestock, with the exception of the Horse Shelter, identified as Item #4 on Schedule B, shall be sited a minimum of 30.4 m (100 ft.) from any dwelling or potable water supply that is not located on the same lot.

*Building height*

3.4.5 The maximum height of the proposed indoor riding barn, as identified on Schedule B as #2, shall not exceed 12.1 m (40 ft.).

3.4.6 The maximum height of all buildings, notwithstanding the proposed indoor riding barn as noted in Section 3.4.5, shall not exceed 10.6 m (35 ft.).

*Development Officer*

3.4.7 The Development Officer may permit a 5 % increase to the provisions identified under Section 3.4.2, provided the intent and all other specific provisions of this Agreement have been adhered to.

*Building Footprint*

3.4.8 The maximum footprint of proposed buildings, structures or designated areas, shall be as identified on Schedule B of this Agreement and comply with the following:

- (a) 325 sq. m (3,500 sq. ft.) for the **Barn Expansion**, identified as **Item #1** on Schedule B;
- (b) 2,090 sq. m (22,500 sq. ft.) for the **Indoor Riding Ring/Barn**, identified as **Item #2** on Schedule B;
- (c) 325 sq. m (3,500 sq. ft.) for the **Blacksmith Shop/Workshop**, identified as **Item #3** on Schedule B;
- (d) 186 sq. m (2,000 sq. ft.) for the **Horse Shelter**, identified as **Item #4** on Schedule B;
- (e) 929 sq. m (10,000 sq. ft.) for the **Hay Storage Barn Expansion** identified as **Item #5** on Schedule B;
- (f) 464.5 sq. m (5,000 sq. ft.) for the **Horse Parking/Wagon and Sleigh Parking** identified as **Item #7** on Schedule B;
- (g) 929 sq. m (10,000 sq. ft.) for the **Store/Reception/Washroom and Restaurant**, identified as **Item #8** on Schedule B;
- (h) 594.5 sq. m (6,400 sq. ft.) for the **Playground**, identified as **Item #9** on Schedule B;
- (i) 185.5 sq. m (2,000 sq. ft.) for the **Workshop**, identified as **Item #11** on Schedule B;
- (j) 195 sq. m (2100 sq. ft.) for the **Fruit and Vegetable Stand**, identified as **Item # 10** on Schedule B;
- (k) 200 sq. m (2,150 sq. ft.) for the **Petting Pen**, identified as **Item #15** on Schedule B;
- (l) 418 sq. m (4,500 sq. ft.) for the **Mini Golf Course**, identified as **Item #16** on Schedule B;
- (m) 446 sq. m (4,800 sq. ft.) for the Expansion to the **Rubber Rodeo Building**, identified as **Item #17** on Schedule B;

- (n) 148.6 sq. m (1,600 sq. ft.) for the **Slide and Pool**, identified as **Item #18** on Schedule B;
- (o) 668.9 sq. m (7,200 sq. ft.) for the **Expansion to the Main Lodge**, identified as **Item #19** on Schedule B;
- (p) 223 sq. m (2,400 sq. ft.) for the **Horse and Wagon Parking Area** identified as **Item #20** on Schedule B;
- (q) 455 sq. m (4,900 sq. ft.) for the large **Meeting Room and 84 sq. m (900 sq. ft.) for each of the two (2) smaller Meeting Rooms**, identified as **Item #21** on Schedule B;
- (r) 83.6 sq. m (900 sq. ft.) for each of the six (6) **Cottages**, identified as **Item #22** on schedule B;
- (s) 20.9 sq. m (225 sq. ft.) for each of the ten (10) **Cabins**, identified as **Item #22** on schedule B;
- (t) 46.4 sq. m (500 sq. ft.) for the **Orientation Building associated with the paint ball area**, identified as **Item #23** on Schedule B;
- (u) 46.4 sq. m (500 sq. ft.) for the **Orientation Building associated with the Recreational Obstacle Course**, identified as **Item #24** on Schedule B;
- (v) 195 sq. m (2100 sq. ft.) for the **Restaurant Expansion**, identified as **Item #25** on Schedule B;
- (w) 84 sq. m (900 sq. ft.) for the two (2) **Employee Cottages**, identified as **Item #26** on Schedule B;

#### *Architectural Requirements*

- 3.4.9 Exterior materials of buildings located on the portion of the Lands located between Hammonds Plains Road and the existing residence on the property shall not include vinyl siding and shall be constructed with similar materials used on existing buildings, such as wood and tin or an acceptable equivalent in the opinion of the Development Officer.

#### *Functional Elements*

- 3.4.10 Rooftop equipment on Buildings #2, #8 and #10, as identified on Schedule B, including but not limited to, satellite and other telecommunication equipment, air handling units, cooling towers and exhaust fans shall be screened (visually) from Hammonds Plains Road and adjacent properties. The screening shall include but not limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

### **3.5 Subdivision of the Lands**

- 3.5.1 Any subdivision application shall be in accordance with the requirements of the Regional Subdivision By-law.

### **3.6 Parking, Circulation and Access**

#### *Parking/Circulation*

- 3.6.1 The **parking area**, identified as **Item #6** on Schedule B, shall maintain a minimum front yard setback of 60 feet and a minimum side yard setback of 8 feet.
- 3.6.2 The **parking area**, identified as **Item #6** on Schedule B, shall provide a maximum area of 2,415 sq. m (26,000 sq. ft.).
- 3.6.3 The **parking area**, identified as **Item #13** on Schedule B, shall provide a maximum area of 7,432 sq. m (80,000 sq. ft.).



- 3.6.4 Gravel may be used on the parking lot but shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- 3.6.5 The limits of the **parking area**, identified as **Item #6** on Schedule B, shall be defined by wood post and rail fencing.

#### *Access*

- 3.6.6 The Driveway connecting lands located between Hammonds Plains Road and the rear developed portion of the property, near Baptizing Lake, as identified on Schedule B, shall comply with the requirements of the National Building Code, including requirements related to required access routes for Fire Services.

### **3.7 Outdoor Lighting**

- 3.7.1 Lighting shall be shielded and directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to divert the light away from Hammonds Plains Road, adjacent properties and buildings.

### **3.8 Landscaping**

#### *Landscape Plan*

- 3.8.1 Prior to the issuance of the first Development Permit for any development located within the area identified in Schedule C, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and conforms to the overall intentions of the Preliminary Landscape Plan shown on Schedule C. The Landscape Plan shall be prepared by a Landscape Architect and comply with all provisions of this section.

#### *Landscape Plan Details*

- 3.8.2 The developer shall plant a minimum of one (1) tree every 20 feet along the front property line as shown on Schedule D. Each tree shall be a type which is indigenous to Nova Scotia with a minimum height of 1.52 m (5 feet) and a minimum diameter of 5 centimetres (2 inches).
- 3.8.3 Notwithstanding Section 3.8.2, the developer may provide fencing in lieu of landscaping along the front property line as shown on Schedule D. Fencing along the front property line shall be in accordance with the requirements of Section 3.8.7.
- 3.8.4 Planting details for each type of plant material proposed on the plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).
- 3.8.5 All landscaped areas, as shown on Schedule C, shall be grassed, or alternatively, shall incorporate the use of natural ground covers such as water features, stone (washed or flat), mulch, perennials, annuals and features deemed acceptable by the Municipality.
- 3.8.6 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.

#### *Fencing*

- 3.8.7 The Developer shall provide a solid panel wood fence, or equivalent, a minimum of 1.5 m (5 ft.) in height but no greater than 1.8 m (6 ft.) in height, along the front property line, as identified on Schedule D. As per Section 3.8.2, landscaping may be provided in lieu of required fencing.
- 3.8.8 The Developer shall provide a post and rail or post and rope style fence using rope (1"- 2" in diameter), or equivalent, a minimum of 1.2 m (4 ft.) in height but no greater than 1.8 m (6 ft.) in height as identified on Schedule D.

- 3.8.9 The Developer shall provide directional signage to ensure patrons of the amusement park remain on the Lands at all times. Where required, as shown on Schedule D, signage shall be placed at a minimum interval of 100 feet. Signs shall have a minimum sign face of 0.37 sq. m (4 sq. ft.).

*Compliance with Landscaping Plan*

- 3.8.10 At the time of issuance of the first Occupancy Permit, for any development located within the area identified in Schedule C, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.8.11 Notwithstanding Section 3.8.10, prior to the completion of construction as identified in Section 7.5.1, where the weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of the Occupancy Permit that the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

**3.9 MAINTENANCE**

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

*Reinstatement*

- 3.9.2 All disturbed areas shall be reinstated to original condition or better.

**3.10 SIGNS**

- 3.10.1 The developer shall be permitted to retain and maintain the existing ground sign.
- 3.10.2 Any application for a new ground sign shall comply with the provisions of Section 3.10.3;
- 3.10.3 Notwithstanding section 3.10.1, a maximum of one (1) ground sign shall be permitted for the commercial recreation use. The ground sign shall be located as shown on Schedule C, provided the ground sign:
- (a) does not exceed 4.5 m (20 ft.) in vertical height above established grade and is setback a minimum of 3m (10ft.) from any street line, and 6 m (20 ft.) from any abutting property;
  - (b) does not exceed 13.9 square meters (180 square feet) in area per sign face; and
  - (c) is not internally illuminated or backlit.
- 3.10.4 Notwithstanding section 3.10.1, ground signs shall only be externally illuminated.
- 3.10.5 Directional signage shall be required as referenced under 3.8.9 of this development agreement.

### **3.11 SCREENING**

- 3.11.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.11.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from the Hammonds Plains Road and 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.
- 3.11.3 Mechanical equipment shall be permitted on the roof of proposed buildings, provided the equipment is screened and not visible from the Hammonds Plains Road and adjacent residential properties, and/or incorporated into the architectural treatments and roof structure.

### **3.12 HOURS OF OPERATION**

- 3.12.1 Commercial recreation uses shall be permitted to operate between the hours of 7:00 am and 12:00 am Monday to Sunday, with the following exceptions:
  - (a) existing cabins/cottages, proposed cabins/cottages and areas identified as workers housing, identified on Schedule B as Items #22 and #26, shall be permitted to operate 24 hours to accommodate overnight use.
  - (b) the Main Lodge, identified as Item #19 on Schedule B, shall be permitted to operate between the hours of 7:00 am and 2:00 am Monday to Sunday.
  - (c) The Restaurant, identified as item #26, shall be permitted to operate between the hours of 7:00 am and 2:00 am Monday to Sunday.
  - (d) The Restaurant, identified as item #8, shall be permitted to operate between the hours of 7:00 am and 10:00 pm Monday to Sunday.
  - (e) Existing and proposed uses, identified as Items #1-#11 (except item #8) generally located near the Hammonds Plains Road, shall be permitted to operate between the hours of 7:00 am and 9:00 pm.
  - (f) The paint ball and recreational obstacle course areas, identified as Items #23 and #24 shall be permitted to operate between the hours of 7:00 am and dusk.
- 3.12.2 Deliveries to the property, and the collection of refuse and recyclables, shall occur only between the hours of 7:00 am and 9:00 pm Monday to Sunday.
- 3.12.3 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### *General Provisions*

- 4.1 All design and construction of primary and secondary service systems shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

### *Off-Site Disturbance*

- 4.2 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.

#### *Outstanding Site Work*

- 4.3 Securities for the completion of outstanding on-site work at the time of issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

#### *On-Site Sanitary System*

- 4.4 The Lands shall be serviced through privately owned and operated sewer/septic systems and treatment facilities. The Developer agrees to have prepared by a qualified professional and submitted to the Municipality, the NS Department of Environment and any other relevant agency, a design for all private sewer systems. No development permit shall be issued prior to the Development Officer receiving a copy of all permits, licenses, and approvals required by NS Environment respecting the design, installation, construction of the on-site sewage disposal system.

#### *Solid Waste Facilities*

- 4.5 Buildings shall include designated space for five (5) stream source separation services. This designated space for source separation services shall be shown on any submitted building plans. Source separation services shall be provided in the indoor riding barn, the full service restaurant/store/reception/washrooms, the main lodge, church groups and corporate meeting rooms and the fruit and vegetable stand.
- 4.6 Refuse containers and waste compactors shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.7 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 effect on abutting property owners by means of opaque fencing and suitable landscaping.

### **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

- 5.1 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 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 Plans*

- 5.3.1 The Developer shall engage a Professional Engineer to prepare a Stormwater Management Plan which identifies structural and vegetative stormwater management measures such as, infiltration, retention, and detention controls, wetlands, vegetative swales, filter stripes, and buffers to minimize any significant adverse impacts on receiving watercourses during and after construction. The plans shall indicate the sequence of construction, the areas to be disturbed, all proposed erosion and sedimentation and control measures and stormwater management measures which are to be in place prior to and during development of that phase. The Stormwater Management Plan shall conform with the following:
- (a) schematics and information presented on Schedule B, and;
  - (b) requirements of the Nova Scotia Department of the Environment and the Municipal Service Systems Manual.
- 5.3.2 The Developer agrees to construct at its own expense the Stormwater Management System pursuant to this section. The Developer shall provide certification from a qualified professional that the system, or any phase thereof, has been constructed in accordance with the approved design.

#### *Compliance*

- 5.4 If the Developer fails at any time during any site work or construction to fully conform to the approval plans as required under Section 5, the Municipality shall require that the site and construction work cease, except for works which may be approved by the Development Engineer to ensure compliance with the Erosion Sedimentation Control Plan, Grading Plan, and Storm Water Management Plan.

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Changes to the siting requirements as detailed in Section 3.4.2, or which in the opinion of the Development Officer, do not conform with Schedule B;
- (b) Changes to the landscaping requirements as detailed in Sections: 3.8.2; 3.8.5; 3.8.7; 3.8.8 and 3.8.9 or which in the opinion of the Development Officer, do not conform with Schedules C and/or D;
- (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement;

### **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 5 (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 issuance of a Construction Permit.

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(c) 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**

Upon the completion of the whole development or complete phases of the development, 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 Beaver Bank, Hammonds Plains and Upper Sackville, as may be amended from time to time.

## **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.

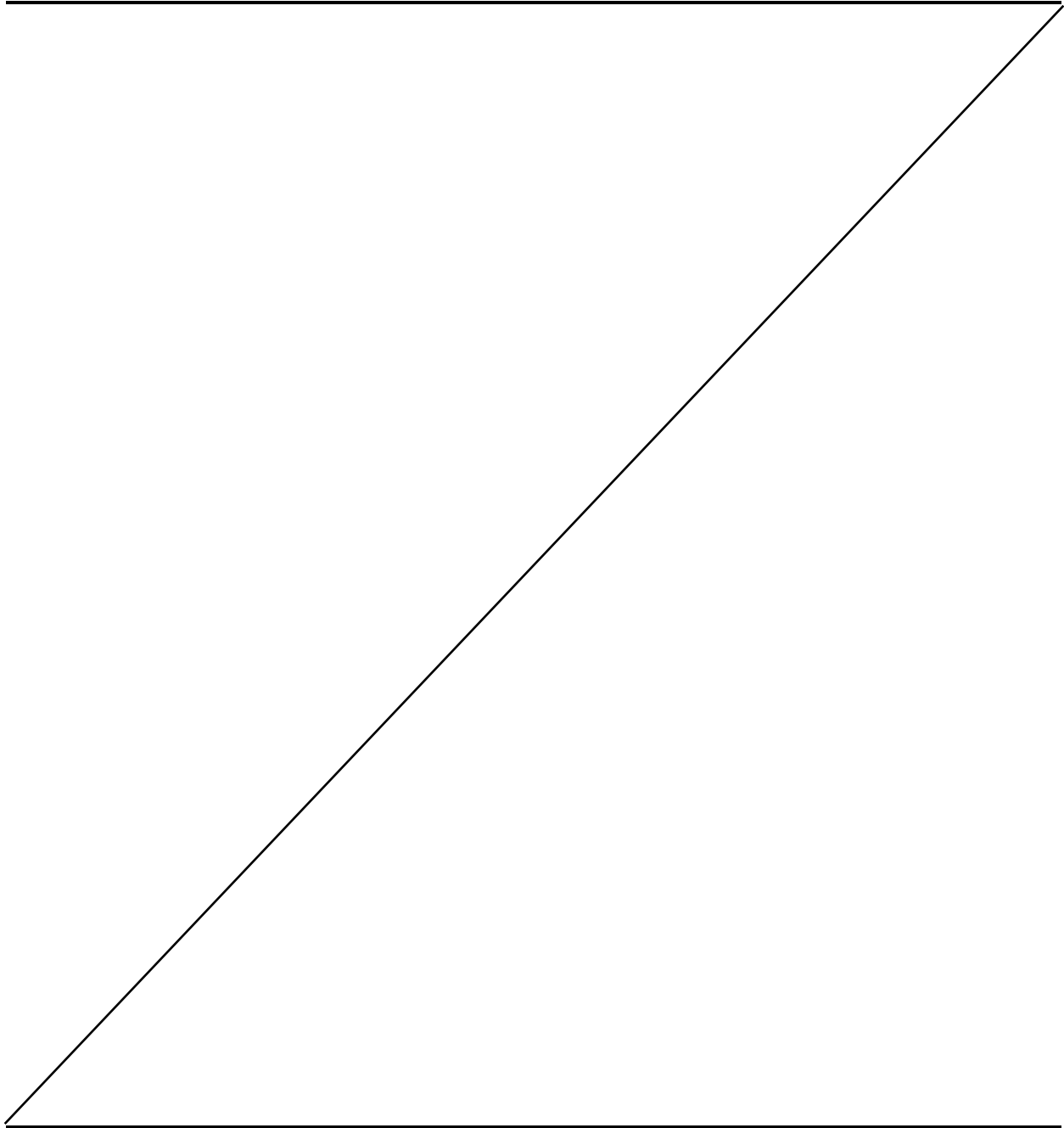
### **8.2 Failure to Comply**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 14 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; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.



**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Corporation Name and Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

\_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

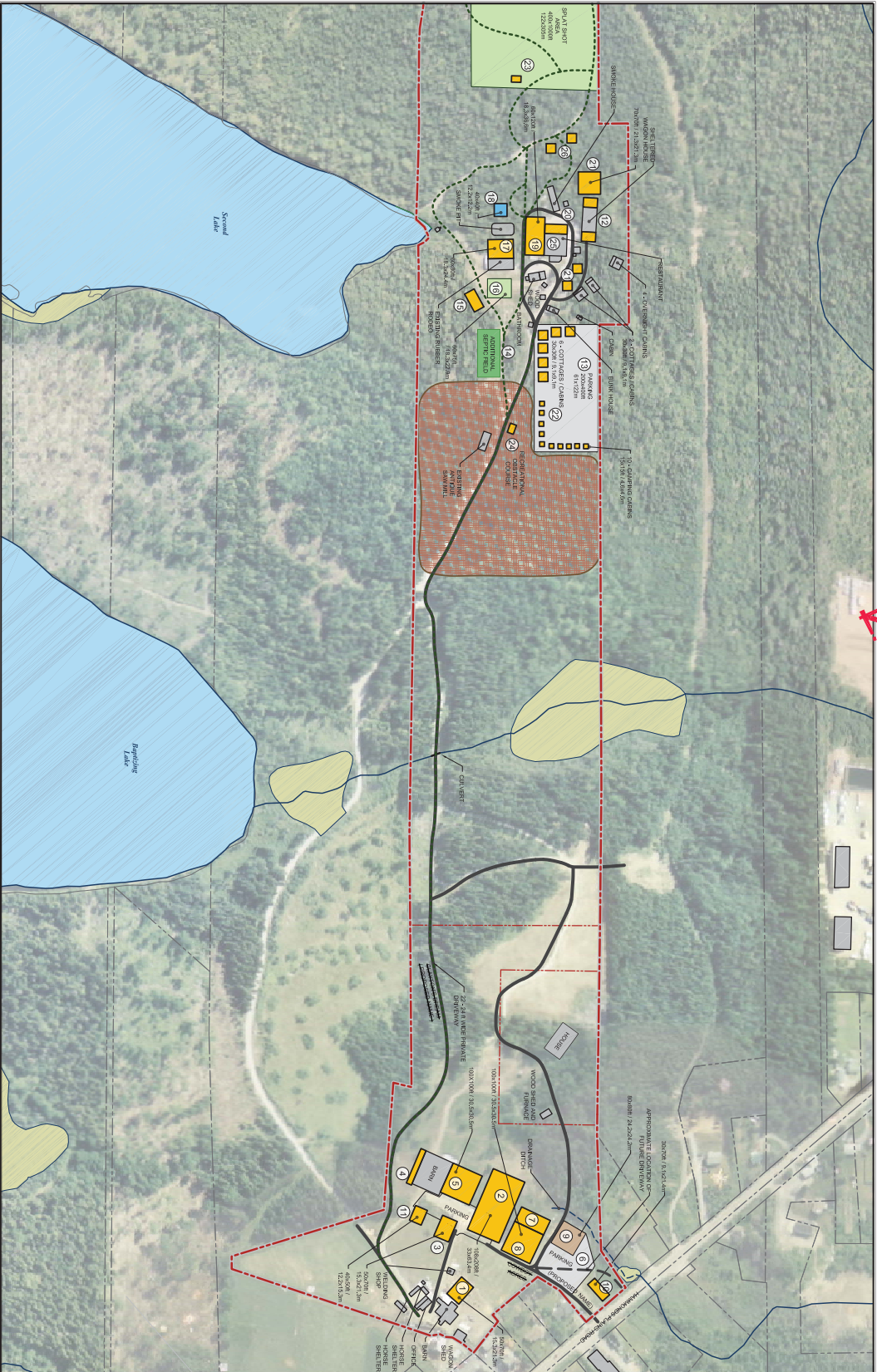
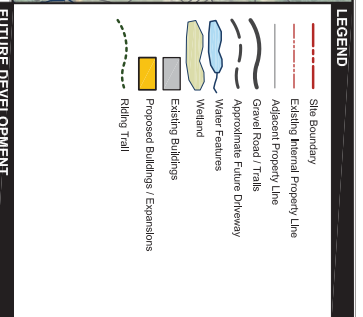
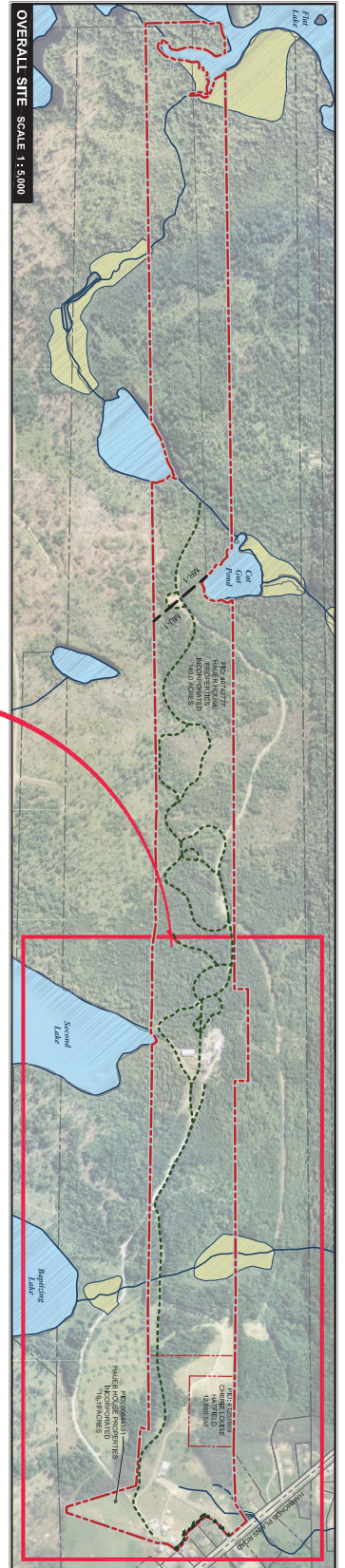
\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK





**FUTURE DEVELOPMENT**

- 1 - BARN EXPANSION
- 2 - INDOOR RIDING RING / BARN
- 3 - BLACKSMITH SHOP / WORKSHOP
- 4 - HORSE SHELTER
- 5 - HAY STORAGE
- 6 - PARKING LOT EXPANSION
- 7 - HORSE PARKING / WAGON AND SLEIGH PARKING
- 8 - STORE / RECEPTION / WASHROOMS / RESTAURANT
- 9 - R- BACKGROUND
- 10 - FRUIT AND VEGETABLE STAND ( NO CONC. PAD )
- 11 - TACK SHOP
- 12 - WAGON HOUSE EXPANSION
- 13 - ADDITIONAL PARKING
- 14 - ADDITIONAL SEPTIC FIELD
- 15 - PETTING PEN
- 16 - MINI GOLF
- 17 - EXPANSION TO RUBBER RODEO BUILDING
- 18 - SLIDE AND POOL
- 19 - EXPANSION TO MINI LODGE
- 20 - HORSE AND WAGON PARKING AREA
- 21 - CHURCH GROUPS AND CORPORATE MEETINGS ROOMS
- 22 - COTTAGES / CABINS
- 23 - SPLAT SHOT AREA WITH ORIENTATION BUILDING
- 24 - RECREATIONAL OBSTACLE COURSE WITH ORIENTATION BUILDING
- 25 - RESTAURANT EXPANSION
- 26 - WORKERS HOUSING

**LEGEND**

- Site Boundary
- Existing Internal Property Line
- Adjacent Property Line
- Gravel Road / Trails
- Approximate Future Divergency
- Water Features
- Wetland
- Existing Buildings
- Proposed Buildings, Expansions
- Riding Trail

**SCALE**

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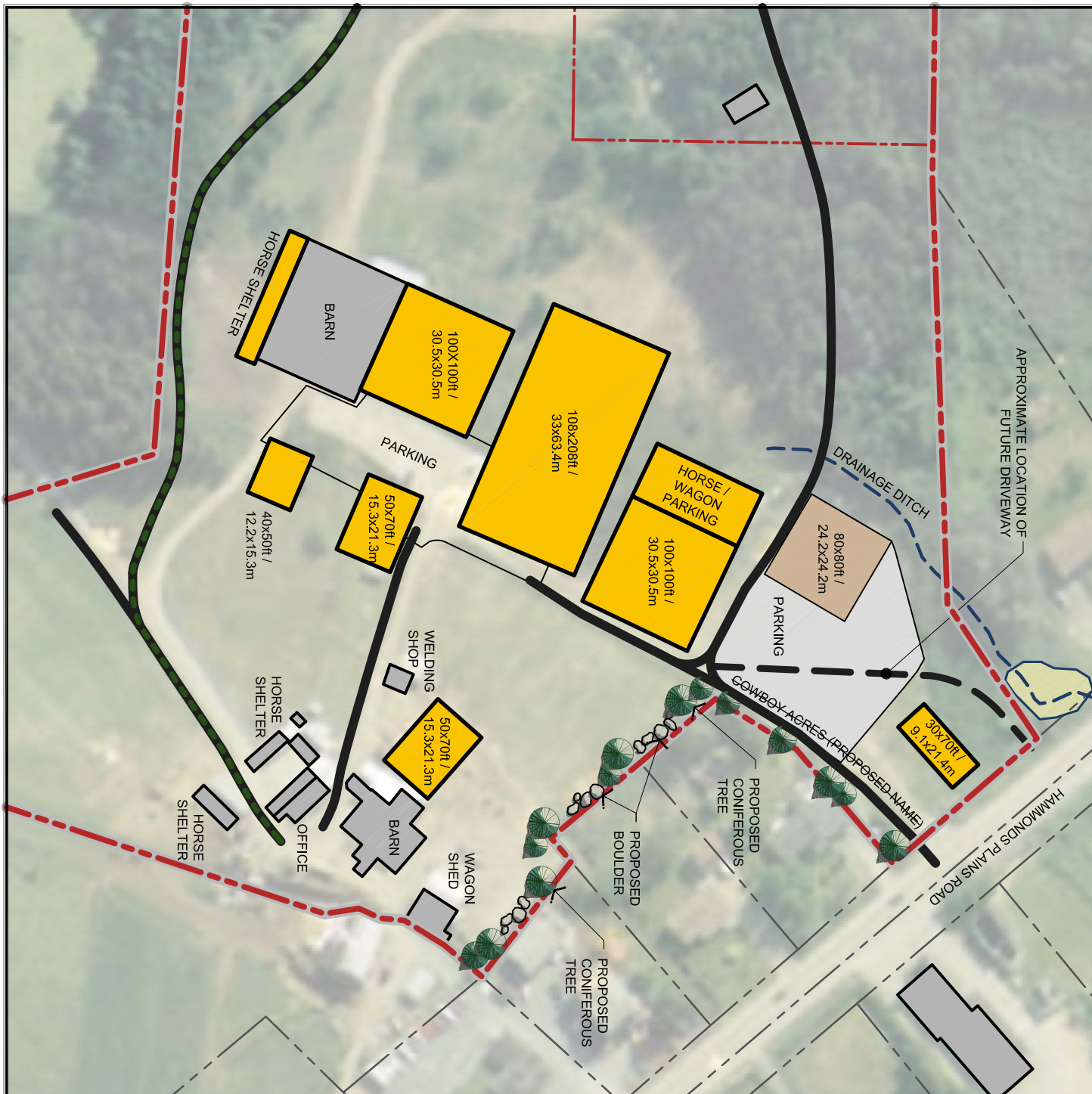
**DESIGNER:** K. Walters  
**PLANNER:** B. Morrison  
**VERSION:** 2.0

**CONCEPT PLAN FUTURE DEVELOPMENT HAMMONDS PLAINS, NOVA SCOTIA**

**HATFIELD FARM**  
AUGUST 06, 2014 B05027108\_V20

**SOURCES:** 2000 Provincial Mapping, Provincial Property Mapping, Google Maps, Satellite, GENIVAR survey plan B05026224WG dated September 17, 2012.

**WSP**  
1 SPECTACLE LAKE DRIVE  
DARTMOUTH, NOVA SCOTIA CANADA, B3B 1G7  
PHONE: 902-529-9999 FAX: 902-529-9955 WWW.WSPNS.COM



**LEGEND**

- Site Boundary
- Existing Internal Property Line
- Adjacent Property Line
- Gravel Road / Trails
- Water Features
- Wetland
- Existing Buildings
- Proposed Buildings / Expansions
- Riding Trail

Data Sources: 1:10,000 Provincial Mapping, Provincial Property Mapping, Google Maps Satellite Imagery (2006)

**LANDSCAPING PLAN**  
**HAMMONDS PLAINS, NOVA SCOTIA**

**HATFIELD FARM**

AUGUST 14, 2011 B05032108\_V19

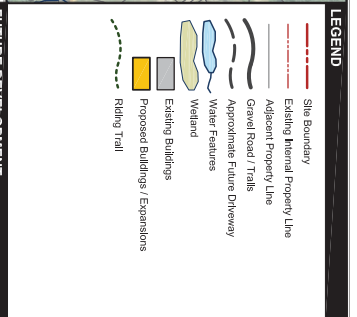
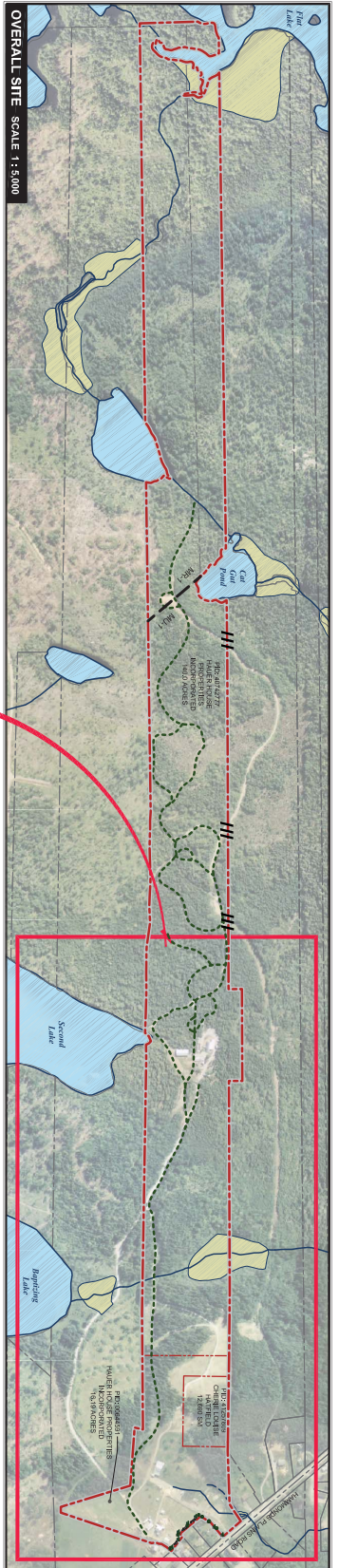
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**GENIVAR**

1 SPECTACLE LAKE DRIVE  
 DARTMOUTH, NOVA SCOTIA  
 CANADA B5B 1X7  
 PHONE: 902 835-9351 - FAX: 902 835-1645  
 WWW.GENIVAR.COM



**FUTURE DEVELOPMENT**

- 1- BARN EXPANSION
- 2- INDOOR RIDING RING / BARN
- 3- BLACKSMITH SHOP / WORKSHOP
- 4- HORSE SHELTER
- 5- HAY STORAGE
- 6- PARKING LOT EXPANSION
- 7- HORSE PARKING / WAGON AND SLEIGH PARKING
- 8- STORE / RECEPTION / WASHROOMS / RESTAURANT
- 9- PAVILION
- 10- FRUIT AND VEGETABLE STAND (NO CONC. PAD)
- 11- TACK SHOP
- 12- WAGON HOUSE EXPANSION
- 13- ADDITIONAL PARKING
- 14- ADDITIONAL SEPTIC FIELD
- 15- GETTING PEN
- 16- MINI GOLF
- 17- EXPANSION TO RUBBER RODEO BUILDING
- 18- SLIDE AND POOL
- 19- EXPANSION TO MANU LOGE
- 20- HORSE AND WAGON PARKING AREA
- 21- CHURCH GROUPS AND CORPORATE MEETING ROOMS
- 22- COTTAGES / CABINS
- 23- SPLAT SHOT AREA WITH ORIENTATION BUILDING
- 24- RECREATIONAL OBSTACLE COURSE WITH ORIENTATION BUILDING
- 25- RESTAURANT EXPANSION
- 26- WORKERS HOUSING

Sources: 2000 Parcelled Mapping, Parcelled Property Mapping, Google Maps, Satellite, GENIVAR survey plan B050326224wg dated September 17, 2012.

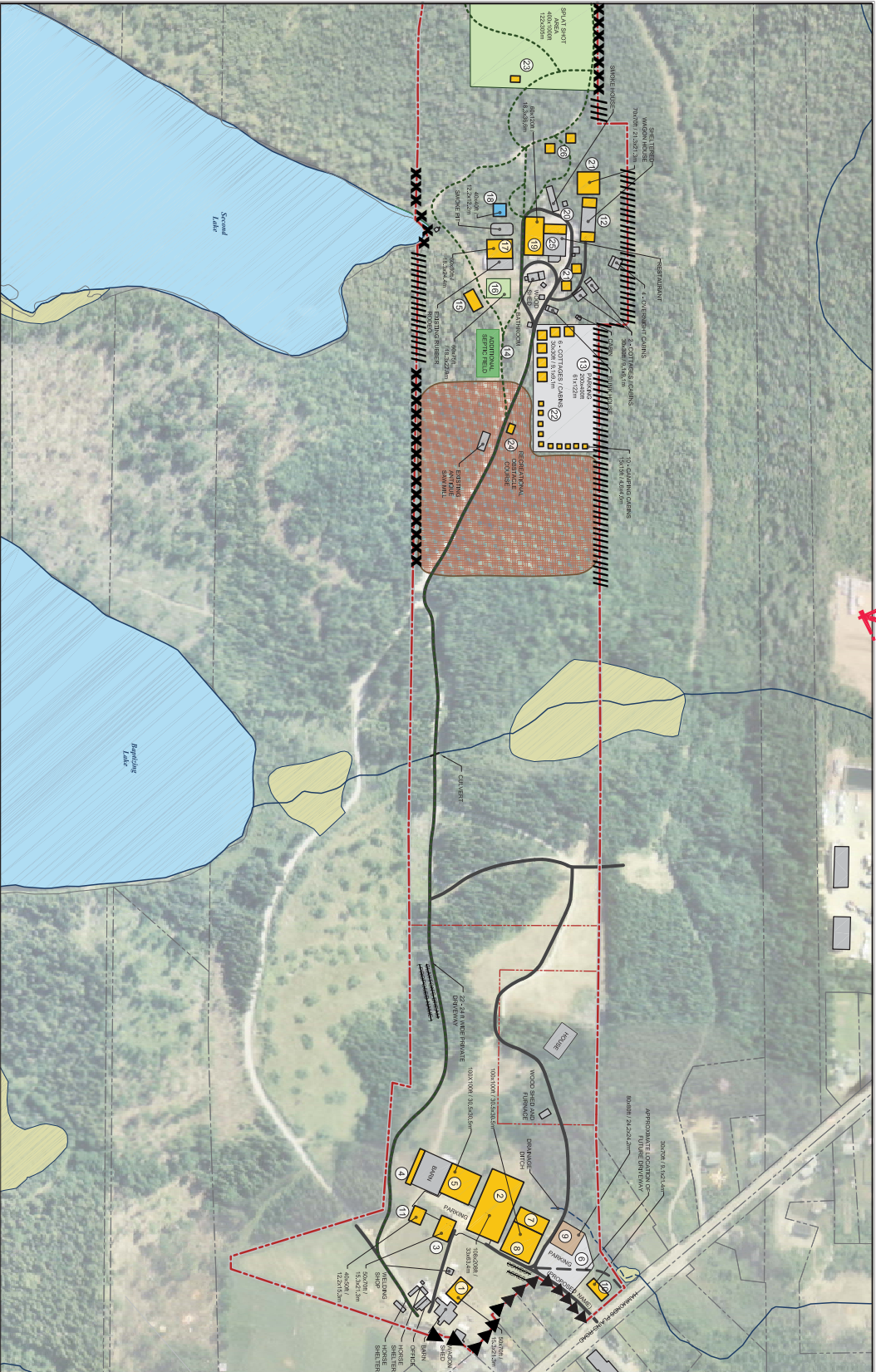
Designer: K.Walters  
Planner: B.Morison  
VERSION: **2.0**

**CONCEPT PLAN  
FUTURE DEVELOPMENT  
HAMMONDS PLAINS, NOVA SCOTIA**

**HATFIELD FARM**  
AUGUST 06, 2014 B05032108\_V20



1 SPECTACLE LAKE DRIVE  
DARTMOUTH, NOVA SCOTIA CANADA, B3B 1G7  
PHONE: 902-295-9955 FAX: 902-295-9955 WWW.WSPGROUP.COM



Required Fencing or Landscaping

Required Fencing (Wood Post and Rope) Required Directional Signage

**Attachment B:  
Proposed Discharging Agreement**

THIS DISCHARGING AGREEMENT made this       day of                               , 2014,

BETWEEN:

**INSERT NAME OF CORPORATION/BUSINESS LTD.**

a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

And

**INSERT NAME OF INDIVIDUAL**

an individual in the Halifax Regional Municipality in the Province of  
Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 1840 Hammonds Plains Road, Hammonds Plains and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Halifax County Municipality granted approval on May 17<sup>th</sup>, 1993, for a development agreement allowing the development of a commercial trail riding facility which was recorded at the Registry of Deeds as Document Number 18864 (hereinafter called the "First Existing Agreement");

AND WHEREAS the Western Region Community Council for the Halifax Regional Municipality granted approval on October 20, 1997, for a development agreement allowing the continued operation of a commercial trail ride facility which was recorded at the Registry of Deeds as Document Number 51716 (hereinafter called the "Second Existing Agreement");

AND WHEREAS the Western Region Community Council for the Halifax Regional Municipality granted approval on December 28, 2005, for an amendment to the Second Existing Agreement, allowing for construction of a barn for the keeping of livestock and identify certain buildings and additions as permitted uses and structures under the Second Existing Agreement, which was recorded at the Registry of Deeds as Document Number 84124172 (hereinafter called the "Amending Agreement");

AND WHEREAS the Existing Agreements and Amending Agreement applies to the Lands shown on Schedule A attached hereto;

AND WHEREAS the Developer has requested that the Existing Development Agreements and Amending Agreement be discharged from the Lands;

AND WHEREAS, pursuant to the procedures and requirements contained in the Halifax Regional Municipality Charter, the North West Community Council of the Municipality approved this request by resolution at a meeting held on [INSERT – date], referenced as Municipal Case Number 18897;

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

That the Lands are hereby discharged from the Existing Agreements and Amending Agreement.

WITNESS that this Discharging Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Corporation Name and Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

**Attachment C:  
Beaver Bank, Hammonds Plains and Upper Sackville Policy Evaluation**

**Policy P-27:** Within the Mixed Use A, B and C Designations, it shall be the intention of Council through the land use by-law to provide for the continued use of commercial recreation uses to the extent they presently exist (Policy P-9 and P-12). Further, Council may consider any proposed expansion of existing commercial recreation uses as well as the development of new commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act. In considering any new or expanded commercial recreation use, Council shall have regard to the following:

<b>Policy Criteria</b>	<b>Comment</b>
(a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;	The subject property has been home to a commercial recreation use for over 20 years. The total area of the property subject to the development agreement (approximately 40 hectares) provides space and separation distance to accommodate the proposed uses and to limit potential nuisance generated by the proposed development.
(b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation and littering;	Requirements have been included in the proposed development agreement (Attachment A) to limit adverse effects on adjacent properties, these requirements include: appropriate hours of operation, required fencing, buffering and separation from adjacent properties. Requirements have also been adopted to 1) require an immediate relocation of the existing driveway and, and 2) require a future analysis of the potential requirement for a dedicated left turn lane from Hammond Plains Road into the subject property.
(c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;	Building setbacks are prescribed within the proposed development agreement from the front (north and north east) property lines to ensure adequate separation. Further, fencing and/or vegetation through the planting of trees is required to serve as an appropriate buffer between the subject site and adjacent development.
(d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site;	The total area of the property subject to the development agreement is approximately 40 hectares. This large area provides adequate space and separation distance to ensure all aspects of the proposed use are contained within the boundaries of the subject site. Further, the development agreement contains requirements for fencing and signage to ensure users of the site are aware of their location relative to the boundaries of the subject site.

Policy Criteria	Comment
(e) the impact on traffic circulation and in particular sighting distances and entrances and exits to the site.	A traffic impact statement (TIS) was provided as part of the application. The TIS identified an increase of vehicle trips to/from the site, however identified that these trips can be accommodated within the existing road network. At the request of HRM staff, a stopping sight distance (SSD) analysis was conducted. The analysis determined that the existing driveway did not satisfy requirements for SSD. As a result, the development agreement requires, as an initial step, that the developer relocate the existing driveway to improve SSD. The development agreement also requires that future analysis be conducted regarding the requirement for a left turning lane from Hammond Plains Road to the site.
(f) the layout and design of the facility;	Activities and uses which are likely to generate higher levels of potential nuisance (recreational obstacle course) are proposed to be located to the rear of the site to reduce impact on adjacent development.
(g) general maintenance of the facility;	The development agreement requires five stream source separation services to ensure proper management of solid waste on the subject site. The agreement also prescribes minimum setback requirements for the location of animal manure.
(h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;	No sewage treatment plant is proposed as part of this application. The site is proposed to be serviced with on-site water and septic infrastructure. Construction and approval of on-site infrastructure is administered under Provincial authority and therefore shall be in accordance with the requirements of Nova Scotia Environment.
(i) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage;	As per requirements of the proposed development agreement, all proposed development located within the front portion of the site (near Hammonds Plains Road) are to incorporate exterior building materials that are consistent with materials used on existing buildings. With the exception of the proposed indoor riding ring/bar, which has a permitted maximum height of 40 feet, all other buildings on the subject site shall be subject to the Land Use By-law maximum building height requirement of 35 feet.
(j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses;	Watercourses and Wetlands have been identified and delineated as shown on Map 3. As proposed, no development is proposed near the identified natural features. Further, as noted above, the development agreement has provisions to ensure animal manure is setback an appropriate distance from any watercourse.

<b>Policy Criteria</b>	<b>Comment</b>
(k) the requirement for any applicable provincial approvals; and	Section 1.3 of the proposed development agreement requires that the developer shall comply with any applicable statute or regulation of the Provincial Government as may be amended from time to time.
(l) hours of operation; and	Section 3.12 of the proposed development agreement contains requirements regarding the permitted hours of operation. In brief, uses located at the front of the property (near Hammonds Plains Road) have limited hours of operation while uses located at the rear of the property (near Second Lake), away from existing adjacent development, have extended hours.
(m) the provisions of Policy P-137.	See Below

**Policy P-56:** Notwithstanding Policy P-49, within the Rural Resource Designation, it shall be the intention of Council to consider permitting commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act and having regard to the following:

<b>Policy Criteria</b>	<b>Comment</b>
(a) the potential impact of the proposed development on the environment and in particular, potential effects on watercourses;	As proposed, lands subject to P-56 (located within Rural Resource Designation) will provide an existing trail for horse riding and sleigh rides. No new development is proposed on lands subject to P-56. See above (Policy P-27(g) and (j) for discussion related to environmental protection measures and maintenance requirements.
(b) the potential for adversely affecting adjacent development by virtue of noise, visual intrusion, traffic generation and littering;	Lands subject to P-56 are located a considerable distance from adjacent development. The development agreement contains requirements regarding waste management, as noted above (Section P-27(g)).
(c) the layout and design of the facility;	See above (P-27(f)).
(d) general maintenance of the facility;	See above (P-27(g)).
(e) the location and level of treatment of any proposed sewage treatment plant;	See above (P-27(h)).
(f) the requirement for any applicable provincial approvals;	See above (P-27(k)).
(g) hours of operation; and	See above (P-27(l)).
(h) the provisions of Policy P-137.	See below.



**Policy P-137:** In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

Policy Criteria	Comment
(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;	The proposal is in conformity with the intent of the MPS and Policy which allows for the consideration of commercial recreation uses and associated development. The proposal meets all requirements of the Beaver Bank, Hammonds Plains and Upper Sackville LUB with the exception of the maximum building height requirement (35 feet), which has been relaxed by an additional 5 feet to accommodate the proposed indoor riding ring/barn.
(b) that the proposal is not premature or inappropriate by reason of:	---
(i) the financial capability of the Municipality to absorb any costs relating to the development;	No concerns were identified regarding potential financial implications for HRM.
(ii) the adequacy of central or on-site sewerage and water services;	No concerns were identified regarding the capacity of on-site sewer or water. Section 1.3.2 of the proposed development agreement requires the developer to secure all applicable approvals associated with the on-site servicing system.
(iii) the adequacy or proximity of school, recreation or other community facilities;	Not applicable.
(iv) the adequacy of road networks leading or adjacent to or within the development; and	Information pertaining to the adequacy of road networks leading or adjacent to or within the development is provided above (Policy P-27(e)).
(v) the potential for damage to or for destruction of designated historic buildings and sites.	Not applicable.
(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
(i) type of use;	Permitted land uses are identified within the development agreement. The proposed new uses and expansion of existing uses represent land uses which are consistent with the existing commercial recreation development.

<b>Policy Criteria</b>	<b>Comment</b>
(ii) height, bulk and lot coverage of any proposed building;	The proposed development agreement requires: minimum building setbacks from adjacent properties; maximum total building area requirements and maximum total height requirements.
(iii) traffic generation, access to and egress from the site, and parking;	Discussed above.
(iv) open storage;	The proposed agreement requires that landscaping measures be planned and certified by a Landscape Architect. Open storage is not permitted.
(v) signs; and	The proposed development agreement allows for the continued use of the existing ground sign, however, if removed, new applications for signage will be subject to requirements as identified under Section 3.10 of the proposed development agreement.
(vi) any other relevant matter of planning concern.	Section 3.7 of the development agreement contains provisions which require downcast lighting so as to reduce impact on adjacent or nearby land uses.
(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	No concerns have been identified.
(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)	Not applicable.

**Attachment D**  
**Minutes of the Public Information Meeting (March 30, 2009)**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE NO. 01238 (Case 18897) - Hatfield Farm**

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**7:00 p.m.**  
**Monday, March 30, 2009**  
**Hammonds Plains Community Hall**

**STAFF IN**

**ATTENDANCE:** Leticia Smillie, Planner, HRM Planning Services  
Miles Agar, Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Cara McFarlane, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:** Councillor Peter Lund, District 23  
Brian Hatfield, Applicant

**PUBLIC IN**

**ATTENDANCE:** Approximately 14

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

**1. Opening Remarks/Introductions/Purpose of Meeting - Ms. Smillie**

Ms. Smillie introduced herself and Miles Agar as the Planners guiding this application through the planning process; Brian Hatfield, the applicant; Councillor Peter Lund, District 23; and Alden Thurston and Cara McFarlane, HRM Planning Services, Central Region.

The agenda and purpose of the meeting were reviewed.

The location of the site was shown.

The portion where Hatfield Farm is located and where the commercial recreation uses are located is zoned MU-1 (Mixed Use 1) which allows for a range of uses included agriculture and small scale commercial uses. However, under the current zoning, commercial recreation, including trail rides, is only permitted through the development agreement process. The current operation at Hatfield Farm was negotiated through development agreement in 1993 with some changes to that agreement in 1997 and 2005.

A development agreement was explained to the public.

Under the current policy, expansions to commercial recreation uses would involve an amendment and changes to the existing development agreement on the property.

**2. Overview of Planning Process - Ms. Smillie**

The development agreement process was reviewed: the first step is a public information meeting; the proposal is sent to a review team; staff would draft a development agreement based on feedback from the

public, the review team comments and concerns, and a policy review; the development agreement would then be negotiated with the developer; the negotiated development agreement would be attached to a staff report providing a recommendation to community council; a public hearing is then scheduled; council would typically make a decision on the application.

### **3. Presentation of Proposal - Mr. Agar**

Ms. Smillie provided a map for each table. The map is a recent aerial photo with an overlay of the proposal.

There are some new uses associated with the commercial recreation or existing trail ride facility that are proposed as part of this application. There are also a collection of additions and/or renovations to existing uses. The following aspects of the proposal were highlighted:

New uses include:

- a new restaurant/store/farm offices at the front of the property (Phase 1)
- playground at front portion (Phase 1)
- indoor riding barn (Phase 1)
- petting pen (Phase 1)
- blacksmith/tack shop/retail store (Phase 2)
- fruit/veggie stand near the road (Phase 1)
- splat shot (paintball) behind rear camp (Phase 1)
- conference centre at the rear camp (Phase 2)
- horse/wagon shelter/sleigh parking (Phase 1)
- pool & slide at the rear camp (Phase 2)
- mini golf (nine holes) & driving range net (Phase 1)
- workshop at the front portion (Phase 1)

Additions and expansions:

- barn to the front portion (Phase 1)
- rubber rodeo at the back camp (Phase 2)
- eight one-storey cabins at the back camp (Phases 1 and 2)
- lodge at back camp (Phase 2)
- horse shelter & hay storage at the front portion (Phase 2)

Parking and trails:

- parking lots:           200' x 200' at front entrance (Phase 1)  
                                  200' x 400' near existing barn (Phase 1)  
                                  225' x 400' at rear camp (Phase 2)
- internal trails and vehicle corridors: two lane gravel corridor leading from front to back of the camp

As this proposal moves forward, a collection of agencies will be consulted from the development officers and development engineer through to Provincial agencies (eg: Department of Health regulations, Environment). A traffic impact assessment has been provided by an engineer which will be sent to an HRM engineer and traffic services.

The proposal will be reviewed and will form part of the basis for a recommendation to community council. Neighbourhood and environmental impact will be discussed (i.e.: buffering, parking, vegetation, potential lake disturbance, etc.), maintaining natural features on the site (i.e.: significant stands of trees that help to minimize noise and lake pollution) and setbacks to adjacent properties.

### **4. Questions/Comments**

Keith Ayling, Masthead News, wondered, subject to the public hearing process, if there are any timelines in place for when Phase 1 and 2 might be underway. Mr. Hatfield mentioned that this would be over a ten year period. Building a new road is his first priority then a new office at the front of the property. Previously, he

has built slowly and in small amounts and would like to continue the same over the next ten years.

Mr. Ayling asked who the project would be funded by to which Mr. Hatfield said he would be funding it himself.

Ross Evans, Hammonds Plains, said he would be interested in tree buffering between the parking lots and houses. He also suggested lighting that only projects downwards. He agrees with the proposal for Hammonds Plains as it would create jobs and is good for recreation. Also, the Hammonds Plains Road needs to be upgraded by HRM.

Mr. Ayling asked what kind of traffic the business brings in over the run of a month. Mr. Hatfield keeps a log of customers coming in. There is approximately 50,000 visitors a year (not necessarily cars as there are approximately 2 to 4 people in a car).

## **5. Closing Comments**

Mr. Agar thanked everyone for coming to the meeting and expressing their concerns and comments.

## **6. Adjournment**

The meeting adjourned at approximately 7:23 p.m.

**Attachment E  
Minutes of the Public Information Meeting (February 6, 2014)**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 18897**

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**7:00 p.m.  
Thursday, February 6, 2014  
Hammonds Plains Elementary School  
2180 Hammonds Plains Road, Hammonds Plains**

**STAFF IN  
ATTENDANCE:** Tyson Simms, Planner, Planning Applications  
Holly Kent, Planning Technician  
Jennifer Purdy, Planning Controller

**ALSO IN  
ATTENDANCE:** Councillor Matt Whitman  
Blaise Morrison, WSP Canada Inc.  
Brian Hatfield, Hatfield Farms

**PUBLIC IN  
ATTENDANCE:** 22

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The meeting commenced at approximately 7:03 p.m.

**Opening remarks/Introductions/Purpose of meeting**

**Mr. Tyson Simms**, Planner, Planning Applications, called the meeting to order at approximately 7:03 p.m. in the Hammonds Plains Elementary School, 2180 Hammonds Plains Road, Hammonds Plains.

He introduced himself as the planner guiding this application through the process and also introduced Councilor Matt Whitman, District 13; Holly Kent, Planning Technician, HRM Planning Services and Jennifer Purdy, Planning Controller, HRM Planning Services.

He advised that the application is by Brian Hatfield to amend the existing Hatfield Farm development agreement (1840 Hammonds Plains Road, Hammonds Plains) to enable an expansion of commercial recreation activities on the property.

Mr. Simms reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. The application will then be brought forward to the North West Community Council for a decision to be made.

**Presentation on Application**

Viewing a presentation slide, Mr. Simms explained that the subject property is located in the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area; the plan designation is Mixed Use B at the front and Rural Resource at the rear. Its zoning is MU-1 (Mixed Use 1) and the rear of the property is MR-1 (Mixed Resource).

This application is to amend the existing Hatfield Farm Development Agreement (1840 Hammonds Plains Road, Hammonds Plains) to enable an expansion of commercial recreation activities on the property. Mr. Simms discussed some of the planning tools staff use when reviewing an application. He noted that Policy P-27 is the applicable policy to consider commercial recreation development. He explained that Community Council may consider any proposed expansion of existing commercial recreation uses as well as the development of new commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act. In considering any new or expanded commercial recreation use, he noted some of the items that Council shall have regard to as part of reviewing a proposal, these included:

- Potential for adversely affecting adjacent development by virtue of noise, visual intrusion, traffic generation and littering;
- Landscaping or buffering from adjacent development and any public road.
- Designed so as to entirely contain all aspects of the operation within the boundary of the proposed site;
- The impact of traffic.
- Compatibility of buildings with the surrounding area in terms of scale, exterior finish and signage;
- Environment concerns related to the proposed development; and
- Hours of operation.

**Presentation on Application, Blaise Morrison, WSP Canada Inc.**

Mr. Morrison introduced himself as a Planner working on behalf of Hatfield Farms. He explained that the subject property is approximately 160 acres however; the application is only for the front half of the property and added that the policy does not allow them to consider developments at the rear end of the property. He explained that since the original application that was brought forward in 2009, there have been a few changes in terms of the property boundaries and a couple of additional uses.

At this time, Mr. Morrison reviewed a slide of the property viewing the 2009 concept plans explaining that the proposed uses are:

- Barn expansion;
- Indoor riding ring/barn;
- Blacksmith shop;
- Horse shelter;
- Hay storage;
- Parking lot expansion;
- Wagon and sleigh parking;
- Store / reception/ restaurant;
- Playground;
- Fruit and Vegetable Stand;
- Tack Shop;
- Wagon House Expansion;
- Additional parking;
- Additional septic field;
- Petting zoo;
- Mini golf;
- Expansion to rubber rodeo building;
- Slide and pool;
- Expansion to main lodge;
- Paintball course;
- Church groups and corporate meeting rooms;
- Cottages/cabins;
- Canoe storage;
- Recreational obstacle course;
- Restaurant Expansion, and;
- Workers Housing

He added that most of the uses are located near the back of the property and this is where the entertainment activities will be located; quite far away from any adjacent properties.

Mr. Morrison explained that there are only two new proposed uses that have been added since the original development agreement proposal in 2009. They are the Tack Shop and the Workers Housing. He added that the Store/Reception/Restaurant proposal and the Fruit & Vegetable Stand proposal both require a traffic study. He added that these uses are not uses that will generate a lot of traffic.

He added that these proposed uses will not happen at one time; it will be gradual over the next 20-30 years and is only being requested now so that the applicant does not have to come back and make additional applications.

### **Questions and Answers**

Mr. Ross Evans, Pockwock Road explained that his family has resided in the area since 1780. He believes that this is a good thing for Hammonds Plains and added that he hopes that this will help with fixing up the road and noted that he would like to see a left hand lane at Hatfield Farms and at the Drug Store.

Mr. Wayne Shellnut, Kingswood explained that he supports Mr. Hatfield's intentions to development his property. He asked about the water functions and aquatic uses as well as the cottage developments for employees and asked if this could also be used as cottages that people could rent for a week and take advantage of the situation. He added that there is a wide scope, and a lot of land.

Mr. Simms explained that planning staff and various HRM departments, through the planning process, will undertake a review of all proposed uses to determine if they are consistent with enabling plan policy.

Mr. Shellnut asked why there was such a long delay as the original application commenced in 2009.

Mr. Simms explained that the application was placed on hold due to a dispute between property owners regarding a property boundary. He also indicated that land uses were identified on the property that were not identified on the original site plan.

Mr. Shellnut explained that back in 2009 the Province maintained the highway and now HRM does. He expressed concern regarding the roads and how they should have been fixed 20 years ago. He added concern regarding "passing the buck" and that the roads need to be fixed but, should not be held as a penalty for someone who has submitted an application to improve the community.

Mr. Simms explained that a traffic impact statement (TIS) was submitted as part of the application. He noted that HRM engineering staff and HRM traffic services will review the TIS, make comments and will indicate if additional information or analysis is required.

Mr. Shellnut explained that he is in favor of the proposed application.

Mr. Brian Murray, Hammonds Plains Road explained that he often works with the Community and identified himself as a member of the North West Planning Advisory Committee. He asked if the existing development agreement identified the commercial use of all of the subject lands.

Mr. Simms explained that the current development agreement applies to the entire property.

Mr. Murray referring to the side, he asked if now with the amendment if the agreement will now stop at the line shown on the slide.

Mr. Simms confirmed that the development will stop at that particular spot.

Pointing to lands next to the Hatfield's property, Mr. Murray added concern with the survey that had been completed by the applicant and explained that this was not a full survey and it was his understanding that there



would be a full survey completed, that would have the property lines cut out and marked with property markers. Not having this completed, does not show a definitive mark of where the property line is which has caused concern with using the adjacent property without permission. He expressed concern that this issue would not be resolved if there is not a proper survey completed. He also added concern with HRM allowing a proposal with not having to have proof of property boundaries before entering into a development application; this should be required. Mr. Murray also raised concern with a proposed outdoor activity that will be located very close to the property line near first lake.

Mr. Murray addressed concern with the traffic study and how the proponents are the ones who are writing the studies; he believes this puts them in a position that is favorable to their-self. He explained that the driveway has been grandfathered and does not meet the requirements for a commercial driveway. The original intention of this business was to have it open 6 months of the year for a trail/wagon ride business that would be shut down in the winter. Mr. Murray indicated this is why they allowed the grandfathering of the driveway. However, this business proposal has changed and the rates of accidents have increased in this area as well as traffic gridlocks. He explained this is an on-going issue and explained that postponing the installation of a third lane in is not a good idea. He suggested that planning staff review the proposal more closely and that it is up to city staff to ensure that this development is done in a reasonable and respectable manner. He added that the time specific events such as wedding are what cause the traffic congestion.

Mr. Simms explained that the traffic study has been submitted by a professional engineer and will be reviewed by HRM staff. He also explained that during a review of the policy and drafting of a development agreement, staff will identify potential measures to discourage activity from happening on adjacent properties.

Mr. Chris Hilton, Hammonds Plains Road explained that he is mainly concerned with development that will be taking place closer to the highway to his backyard. He expressed concern with the proposed building height, if it will result in the blocking of natural light and asked if the guidelines are set out by the City or if it is being looked at under agricultural requirements. He expressed concern with his wells and the water quality. He explained that hours of operation may also become a concern, especially in the summer months with noise pollution. He added that noise travels a lot more since wooded land was removed from the site. He expressed concern with construction and property values being lowered and asked if the City is responsible for declining property values. He also asked if the 2009 development agreement application has been approved or if this proposal forms part of the original application.

Mr. Simms explained that the development agreement from 2009 has not been approved and that this proposal represents a continuation of the original planning application from 2009. He explained that when the process got to the stage of negotiating a development agreement, issues arose which resulted in the application being placed on hold.

Mr. Hilton added concern regarding traffic and gave an example of when there is a wedding being held at Hatfield Farms, that it is almost impossible to make a left hand turn exiting his driveway. He explained that the parking lot can sometimes have between 100 and 125 cars. He added that he has no concerns with the activities that occur in the woods.

With respect to the building height concerns, Mr. Simms explained that staff often refers to the applicable provisions of the Land Use By-Law for guidance. He added that staff will examine building height especially for proposed buildings which may exceed the building height requirement in the Land Use By-Law.

Councillor Whitman explained that he is in support of Hammonds Plains businesses as well as Hatfield Farms. He raised concerns with traffic, the left turning lane and ensuring the land uses take place on the Hatfield's property and not on adjacent lands. He asked for clarification regarding a previous statement by Mr. Simms during the meeting where he said "the policy lends itself to this application".

Mr. Simms explained that staff has tools at their disposal, through use of Policy P-27, to draft a development agreement that will discourage use of adjacent lands. If there is an aspect of the proposal which is located in

close proximity to adjacent lands, staff can consider measures such as appropriate buffering, signage, fencing etc.

Councillor Whitman asked when these stages take place and asked future clarification regarding the planning process.

Mr. Simms explained that the next stages will include: an internal staff review of the application/proposal, drafting of a proposed development agreement and negotiation of the proposed agreement with the applicant. The agreement along with a staff report will be tabled with Community Council. At which time, Community Council may consider entering into the agreement and approving the proposed development.

Councillor Whitman explained that he has always had concerns with traffic studies and added that the numbers presented within this traffic study seem low. He added that he would like to see a turning lane at this property and directed residents to view his website where they will find a diagram indicating where the turning lanes and active transit lanes will be put in over the next couple of years. He explained that these plans do not include a turning lane and explained that the view is similar to the layout of Kearney Lake Road. The lanes will be wide enough to allow for vehicles to get around those who will be turning. He asked about Phase 2 and what the magic number is when this application will require or deserve a turning lane.

Mr. Simms explained that Phase 3 identifies the introduction of a full service restaurant and a fruit/vegetable stand. He explained that the TIS identified these two uses as the activities which may result in a need for a left hand turning lane, however he cautioned that HRM Engineering Staff still have the ability to review the TIS and make comment.

Councillor Whitman read from an excerpt that "Hammonds Plains Road has well managed access and dedicated left hand turning lanes at major intersections from highway 103 exit 5 to just before Pockwock Road" however, from there on it is the worst. He stated that the Hammonds Plains Road is broken and that it represents his number one priority. He explained that turning lanes currently installed at the Voyager Lakes development represents a great layout and that he would like to see something similar at this location.

Mr. Reg Jones, Saddleback Road explained that they run a business complimentary to Hatfield Farms and explained that he would like to see a left hand turning lane as well as a larger driveway entrance. He would like to see this widened significantly, paved and extremely well illuminated; he expressed concern regarding safety.

Mr. Peter Lund explained that he is pleased to see the Hatfields going through this expansion application. He asked for clarification regarding the traffic report where it indicated that none of the driveways in the study section have left hand turning lanes and explained that it is a weak justification to not having a left hand turning lane at this location. He explained that other commercial uses should have been examined. He asked how many cars it will take to require the left hand turning lane.

Mr. Simms explained that engineering staff and traffic engineers will typically examine the type of proposed use. These uses will often correspond with an anticipated total number of vehicle trips. He noted that HRM engineering will need to review the TIS and the application to ascertain a greater understanding of the potential need for a left turning lane.

Mr. Lund explained that he is surprised that the number of accidents has not been looked at. There are approximately 160 accidents per year along the Hammonds Plains Road; this information may be helpful. He also asked when this section of the road will be completed.

Councillor Whitman explained that there is no plan for a left hand turning lane. The improvement of the road are set to take place in 2014 however, he anticipates 2016.

Mr. Lund explained that most of the traffic that is generated is from weekend activities and is not during rush hour traffic; the traffic pattern is different on the weekend than what it is during the week. He asked if the numbers indicated within the traffic study are estimating 92 cars going in and out.

Mr. Simms explained that he will seek further clarification from Traffic Engineers and get back to him regarding his traffic questions.

Mr. Bob Stronach, Hammonds Plains Road expressed concern with residents being more concerned with the highway rather than the actual proposal. He explained that besides the uses at Hatfield Farms, there is a lot of truck traffic and other heavy traffic on the Hammonds Plains Road that has nothing to do with this application. He expressed concern with Hammonds Plains Road becoming another Sackville Drive and would like to keep this area as residential with some nice businesses along the road. He does not want to see it lose its character.

There was some discussion regarding the Hammonds Plains Bypass.

Mr. Jeff Lee, Hammonds Plains, expressed concern regarding traffic and asked if the left-hand turn will fit within the 60 foot right-of-way and expressed concern that if greater, that it will impact the existing neighbours. He also spoke in favor of the Hammond Plains Bypass.

Mr. Simms noted that he will bring this question forward for review.

Mr. Lee also addressed concern with noise disturbance.

Mr. Simms explained that HRM Noise By-Law applies to all properties and will remain in effect.

Mr. Keith Ayling, Masthead News, also commented on the Hammonds Plains Bypass and asked if there is a timeline in place when phase 1 will get started.

Mr. Simms suggested returning to discussions on the subject application. He explained that planning staff are aiming to have the application considered by Community Council, through a public hearing process, sometime during the summer of 2014. He added, if approved by Council, the applicant has flexibility regarding when they may wish to start construction of the development.

Mrs. Hatfield explained the improvements that they will be looking at completing first are the barn and the office and hope to complete this immediately.

Mr. Simms explained that the next steps are as follows:

- HRM staff review;
- Draft development agreement;
- Prepare Staff report with recommendation;
- Report tabled and reviewed by North West Community Council (NWCC)
- Public Hearing held and decision provided by North West Community Council.

### **Closing Comments**

Mr. Simms thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

### **Adjournment**

The meeting adjourned at approximately 8:27p.m.

**Attachment F**  
**Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB**

**PART 13: MU-1 (MIXED USE) 1 ZONE**

**13.1 MU-1 USES PERMITTED**

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Boarding and rooming houses
- Bed and Breakfast
- Senior citizens housing
- Existing mobile dwellings
- Existing multiple unit dwellings
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings

Other Uses

- Institutional uses, except fire and police stations
- Open space uses
- Commercial uses permitted in the C-2 (General Business) Zone
- Trucking, landscaping, excavating and paving services
- Agriculture uses
- Forestry uses and wooden furniture manufacturing
- Composting operations (see section 4.29)

**13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES**

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

**13.3 MU-1 ZONE REQUIREMENTS: OTHER USES**

In any MU-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,064 square feet (2700 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

**13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES**

(a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.

(b) Outdoor display shall not be permitted:

- (i) within 10 feet of the front lot line or within the required side yard;
- (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
- (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

(a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:

- (i) be less than fifty (50) feet from any side lot line;
- (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
- (iii) be less than three hundred (300) feet from any watercourse or water body;
- (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.

(b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.

- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

**13.10 EXEMPTION: EXISTING MOBILE HOME PARKS**

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

**13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES**

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.

**PART 21: MR-1 (MIXED RESOURCE) ZONE**

**21.1 MR-1 USES PERMITTED**

No development permit shall be issued in any MR-1 (Mixed Resource) Zone except for the following:

- Agriculture uses
- Intensive agriculture uses
- Kennels
- Forestry uses
- Fishing uses
- Communications transmission stations
- Single unit dwellings
- Mobile dwellings
- Business uses in conjunction with permitted dwellings
- Open space uses
- Hunting and fishing lodges
- Recreation uses
- Composting operations (see section 4.29)

**21.2 MR-1 ZONE REQUIREMENTS**

In any MR-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7432 m <sup>2</sup> )
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

### 21.3 OTHER REQUIREMENTS: AGRICULTURAL AND INTENSIVE AGRICULTURAL USES

Where agricultural and intensive agricultural uses are permitted in any MR-1 Zone, the following shall apply:

(a) No barn, stable, or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals shall be located:

- (i) less than fifty (50) feet from any side lot line;
- (ii) less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
- (iii) less than three hundred (300) feet from any watercourse.

(b) No intensive agricultural use shall be less than five hundred (500) feet from any residential (R-1) zone nor shall have access through a residential (R-1) Zone, except where no other access can be granted by the Department of Transportation.

### 21.4 OTHER REQUIREMENTS: FORESTRY

Where forestry uses are permitted in any MR-1 Zone, the following shall apply:

(a) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than one hundred (100) feet from any dwelling except a dwelling located on the same lot or directly related to the forestry use.

(b) No sawmill or other industrial mill related to forestry with more than 2,000 sq. ft. of gross floor area shall be located within three hundred (300) feet of a residential or rural residential zone.

(c) No sawmill or other industrial mill related to forestry with more than 2,000 sq. ft., of gross floor area shall have access through a residential (R-1), zone except where no other access can be granted by the Department of Transportation.

(d) Where any sawmill or other industrial mill related to forestry abuts a residential or rural residential zone, a visual and physical barrier shall be provided.

### 21.5 OTHER REQUIREMENTS: BUSINESS USES

Where business uses in conjunction with a dwelling are permitted in any MR-1 Zone, the following shall apply:

(a) Any residential lot used for businesses purposes shall contain the principle residence of the operator of the business.

(b) No more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of all buildings devoted to a business use exceed one thousand (1000) square feet.

### 21.6 EXEMPTION: EXISTING GOLF COURSE

Notwithstanding Section 21.1, Halifax Golf and Country Club (Ashburn), LIC Number 526863, shall be a permitted use to the extent to which it is in existence on the effective date of the By-law. Any expansion shall be subject to Section 3.6 of this By-law (Uses Considered by Development Agreement).