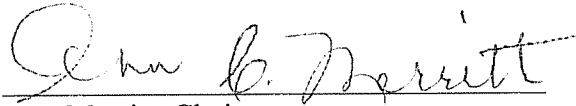


**North West Community Council**  
**October 23, 2008**

**TO:** North West Community Council

**SUBMITTED BY:**   
Ann Merritt, Chair  
North West Planning Advisory Committee

**RE:** Case 00970 - Bedford West Development Agreement, Sub Area 2

**DATE:** October 2, 2008

---

**ORIGIN**

North West Planning Advisory Committee meeting - October 1, 2008

**RECOMMENDATION**

The North West Planning Advisory Committee recommend that North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement presented in Attachment A of the staff report dated September 11, 2008, and schedule a public hearing;
2. Approve the proposed development agreement presented in Attachment A of the staff report dated September 11, 2008; and
3. Require the development agreement be signed within 120 days, or any extension thereof granted by the Community Council on request of the applicant, from the date of final approval of said agreement by the Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

**ATTACHMENTS**

Staff report dated September 11, 2008

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937  
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

North West Planning Advisory Committee  
October 1, 2008

**TO:** Chair and Members of North West Planning Advisory Committee

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Paul Dunphy".

Paul Dunphy, Director of Community Development

**DATE:** September 11, 2008

**SUBJECT:** Case 00970 - Bedford West Development Agreement, Sub Area 2

**ORIGIN**

Application by West Bedford Holdings Ltd. to permit a mixed residential / commercial community over a 175 acre parcel of land located to the east of the Kearney Lake Road and to the west of Highway 102, Bedford.

**RECOMMENDATIONS**

It is recommended that **North West Planning Advisory Committee recommend that North West Community Council:**

1. Give Notice of Motion to consider the proposed development agreement presented in Attachment A and schedule a public hearing.
2. Approve the proposed development agreement presented in Attachment A; and
3. Require the development agreement be signed within 120 days, or any extension thereof granted by the Community Council on request of the applicant, from the date of final approval of said agreement by the Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

## **EXECUTIVE SUMMARY**

West Bedford Holdings Ltd. is seeking approval of a development agreement pertaining to Sub Area 2 of the Bedford West Secondary Planning Strategy (the Secondary Plan). The lands, illustrated on Map 1 as Sub Area 2, encompass 175 acres to the east of the Kearney Lake Road, immediately to the west of the Highway 102 in Bedford.

The development proposal integrates parks and open space with a variety of housing types, institutional and community commercial developments. The development includes a greenway corridor that contains a component of a regional trail which will extend from the Clayton Park trail system to a new regional park at Jack's Lake.

The proposed agreement (Attachment A) includes terms pertaining to environmental protection, land development, parks and open space, the provision of municipal services and phasing. The agreement is subject to the approval of future capital cost contribution charges by the Municipality and Halifax Water.

## **BACKGROUND**

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

The Secondary Plan Area is divided into 12 sub areas which are illustrated on Map 1. West Bedford Holdings Ltd., a joint venture between Cresco Developments Ltd. and Clayton Developments Ltd., controls a large portion of land holdings in the Secondary Plan. On August 12, 2008, NWCC approved a development agreement for Sub Area 3 and 4 of Bedford West.

Bedford West Holdings has applied to enter into a development agreement for Sub Area 2. Sub Area 2 encompass approximately 175 acres (a portion of PID#40698367) and is illustrated on Map 2.

### **Proposal:**

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

The development is comprised of two key components: a community commercial area and a residential area.

### **Community Commercial**

Approximately 29 acres of the development is intended for community commercial purposes and will house a mix of multi-unit residential and community commercial land uses. This area could theoretically house the equivalent of 1,433 persons based on sewer capacities. The developer is proposing a population of approximately 1,020 persons distributed among:

- 160 multi-unit residential units;
- 18 townhouses; and
- several commercial buildings.

### **Residential**

The remaining lands, which cover approximately 147 acres, are intended to accommodate a mix of residential development. The area could theoretically house 2,942 persons based on sewer capacities. The applicant is proposing approximately 2,540 persons distributed among:

- 114 semi-detached or townhouse lots;
- 28 condominium townhouses;
- 87 single unit dwelling lots - 40' frontage;
- 95 single unit dwelling lots - 50' frontage;
- 34 single unit dwelling lots - 60' frontage;
- 476 multi-unit dwelling units; and
- 9 acres of institutional lands (n/a).

The residential neighbourhood area is proposed to contain approximately 834 housing units of a permitted maximum of 1,054 units. The development agreement (Clauses 3.4.2 and 3.4.4) allows the applicant to vary the housing mix and number of units provided the overall sewer generation and unit restrictions of the development agreement are maintained.

Approximately twenty acres (14 percent) of the site is reserved for parkland and open space. In addition to the land dedication, the developer is proposing the construction of a trail, soccer field and other site improvements.

### **DISCUSSION**

An evaluation of the development proposal against the policy criteria of the Secondary Plan is presented as Attachment B. Staff have identified the following areas for specific discussion.

*Environmental Protection:* The Bedford West SPS includes policies which require significant environmental protection. In compliance with the SPS, the following measures have been completed:

- Policies BW-1 and BW-2: A master stormwater management plan and water quality monitoring program have been prepared, reviewed by the Bedford Watershed Advisory Board and incorporated into the development agreement (see Section 4.5).
- Policy BW-10: Watercourses on the property, including wetlands greater than 2000 square metres, have been identified and will be confirmed onsite and the lands abutting

watercourses have been designated as non-disturbance areas. Wetlands are to be identified as non-disturbance areas. Much of the non-disturbance area is to be dedicated to the Municipality for parkland (see Schedules B, C and D and Sections 3.7, 3.8 and 3.9).

- Policy BW-1: A tree replanting program is mandated in accordance with the directive of the Secondary Planning Strategy (Section 3.5.9).

*Municipal Services:* The Bedford West SPS includes policies which require the provision of sufficient municipal infrastructure. In compliance with the SPS, the following measures have been completed:

- Policy BW-14: The design of the sewer and water systems has received a recommendation of approval from the municipal approvals engineer and Halifax Water.
- Policy BW-17: A series of sidewalks, walkways and secondary trails will be constructed by the applicant at the locations shown on Schedule E of the agreement.
- Policy BW-17: A 3 metre (9.8 foot) wide multi-purpose boulevard pathway is also proposed within the road right of way along the collector road. This pathway is proposed as part of a regional trail system that will extend from the existing trail system in Clayton Park to a regional park planned at Jack's Lake on the north side of the Hammonds Plains Road. Under the agreement, the Municipality is being requested to cost-share in the construction (see Budget Implications section of this report for further information).
- Policy BW-21: No subdivision approval will be granted until capital cost contributions have been approved for road upgrades by Regional Council and for sewer and water upgrades by Halifax Water (Section 3.3.2).
- Due to a possible need to replace trunk water infrastructure in Kearney Lake Road, the proposed agreement includes an option for Halifax Water to acquire a new easement through the proposed development for the installation of a new water line.
- Policy BW-16: The Bedford West SPS permits the consideration of directing limited sewer flows for Bedford West to the Mill Cove Treatment Plant on a temporary basis. The proposed development has not been designed for this option, but the agreement does permit this option to be considered as a non-substantial amendment should services from the Halifax system be unavailable.

*Land Use:* The Bedford West SPS includes policies which require that the proposed agreement provide good neighbourhood design. In compliance with the SPS, the following measures have been completed:

- Policy BW-25: Park dedication via land acquisition has been located to serve the recreation needs of the proposed community and aid to conserve natural features worthy of public

access (see Schedule F). The land acquisition (14%) reasonably conforms with the Park Dedication criteria of the Regional Subdivision By-law and the total area provided plus site development exceed the By-law requirements of ten per cent of the lands being subdivided. Further, the additional site preparation and sports field development are in excess of the minimum dedication requirements.

- Policy BW-32: A variety of housing types are provided and integrated with institutional and community commercial sites to serve the community. Multi-unit housing, institutional and community commercial developments are located on larger lots with frontage on the community collector roads. This pattern allows for reduced numbers of driveways which provides efficient traffic movement and an increased spacing between buildings which allows for a spacious environment. Lower density developments have frontage on local streets which are designed to preclude short cutting and excessive speeds.

**Public Participation:**

A public meeting was held on January 10, 2007 to consider the development agreement application. The minutes of the meeting are presented as Attachment C. Should Community Council schedule a public hearing for this application, public notices will be placed in the newspaper and property owners within the notification area will be contacted individually. The notification area is identified on Map 4.

Bedford Waters Advisory Board reviewed the proposed master stormwater management plan and water quality monitoring program. The Board's recommendation (Attachment D) included the following highlights which are addressed in the agreement:

- requiring homebuilders to place 8" of topsoil on front yards and 6" in rear yards;
- require each property owner to have a Rain Barrel installed;
- provision of a home owners guide to Best Management Practices for Lawn Care;
- if water quality test results show incremental trend in Total Phosphorus levels, the application of organic phosphorus fertilizer be prohibited;
- West Bedford Holdings Limited, in addition to street trees, to require homeowners on lots less than 50' wide to plant one (1) shade tree in front yard. For lots greater than or equal to 50' wide two (2) shade trees must be planted; and
- West Bedford Holdings Limited to require Best Management Practices for water quality on private commercial and institutional sites; further, these sites shall include bioretention facilities.

Staff are of the opinion that the proposed development agreement meets the intent of the Board's recommendations to the extent appropriate under a development agreement (Attachment A).

## **BUDGET IMPLICATIONS**

The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of the Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

### *Capital Cost Contribution:*

In accordance with the Municipality's capital cost contribution policies, the Municipality will be expected to cost share in certain infrastructure improvements needed to service the Secondary Plan Area. Negotiations regarding the related infrastructure, the expected cost and the financial responsibilities of each party are currently being negotiated by municipal staff, Halifax Water and property owners within the secondary plan area.

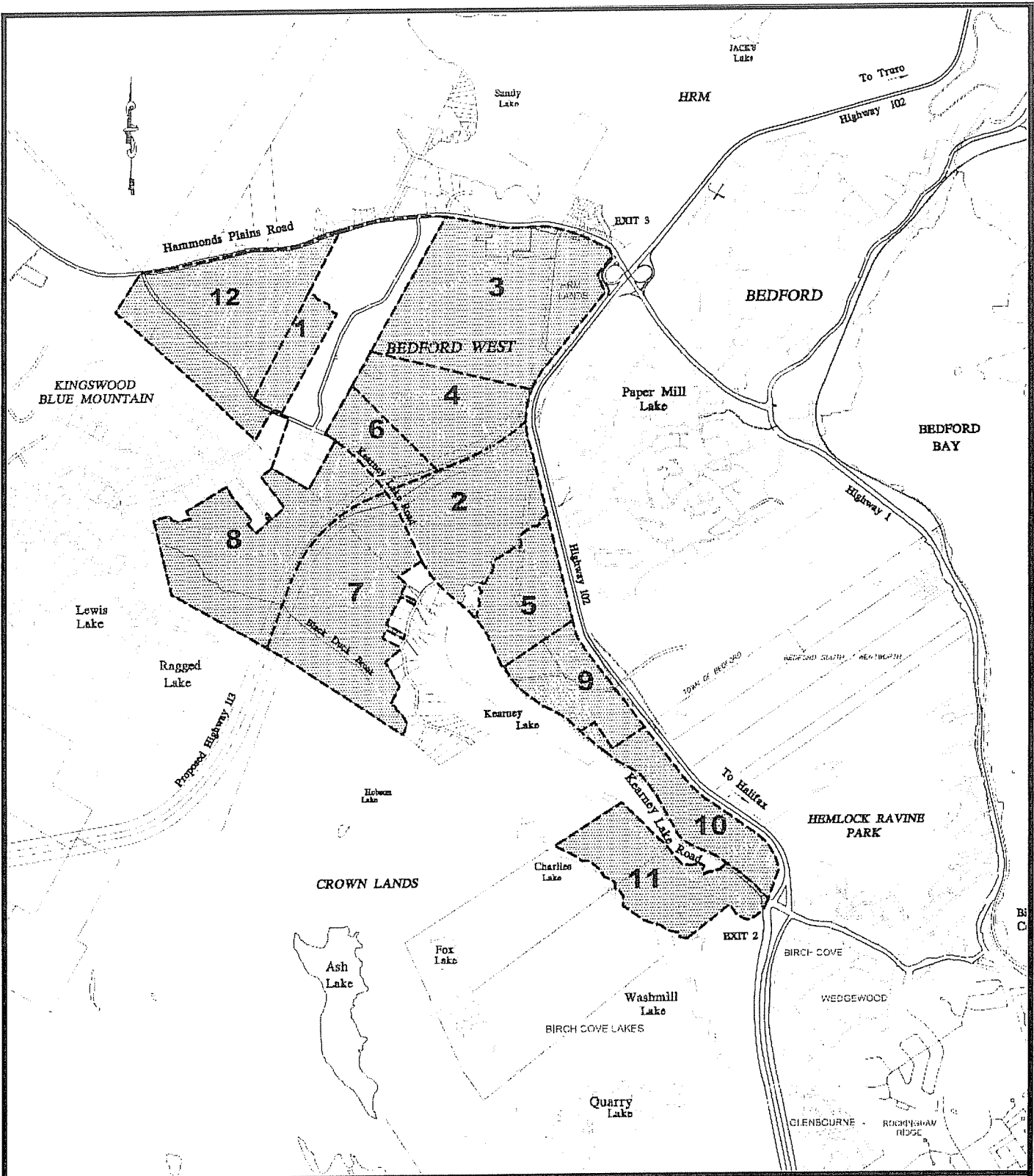
A report with a package of recommendations will be presented to Regional Council for consideration at some point in the near future. Contributions from benefiting property owners for transportation improvements will be proposed to be levied as infrastructure charges under the Regional Subdivision By-law and for sewer and water services under regulations proposed by Halifax Water. No subdivision approvals will be granted under the provisions of this development agreement until the cost sharing proposal has been approved by the Municipality and Halifax Water (reference Section 3.3.2 of the agreement).

### *Cost Sharing Proposal - Portion of the Regional Trail System:*

Staff have proposed that Council establish funding under the Capital Budget to cost share in a multi-purpose Boulevard Pathway within the road right of way which is to form part of a regional trail system. The Municipality would pay the developer for the difference in construction cost of a 3.0 metre (9.8 feet) wide asphalt multi-purpose trail over that of a 1.8 metre (5.9 foot) wide concrete sidewalk along the length of the collector roads. The Developer would normally be required to construct the 1.8 metre (5.9 feet) wide sidewalk but the Municipality would not be required to provide financial compensation for the additional metre of road right-of-way needed to accommodate the Boulevard Pathway.

The estimated cost to the Municipality has not been calculated. Detailed estimates would be provided at the time subdivision plans are submitted with sufficient detail to allow verification by staff. The work is expected to be completed in phases over a nine year period. The work is not included in the 2008/09 budget but would be added in future years once the capital cost contribution is finalized and approved by Council.

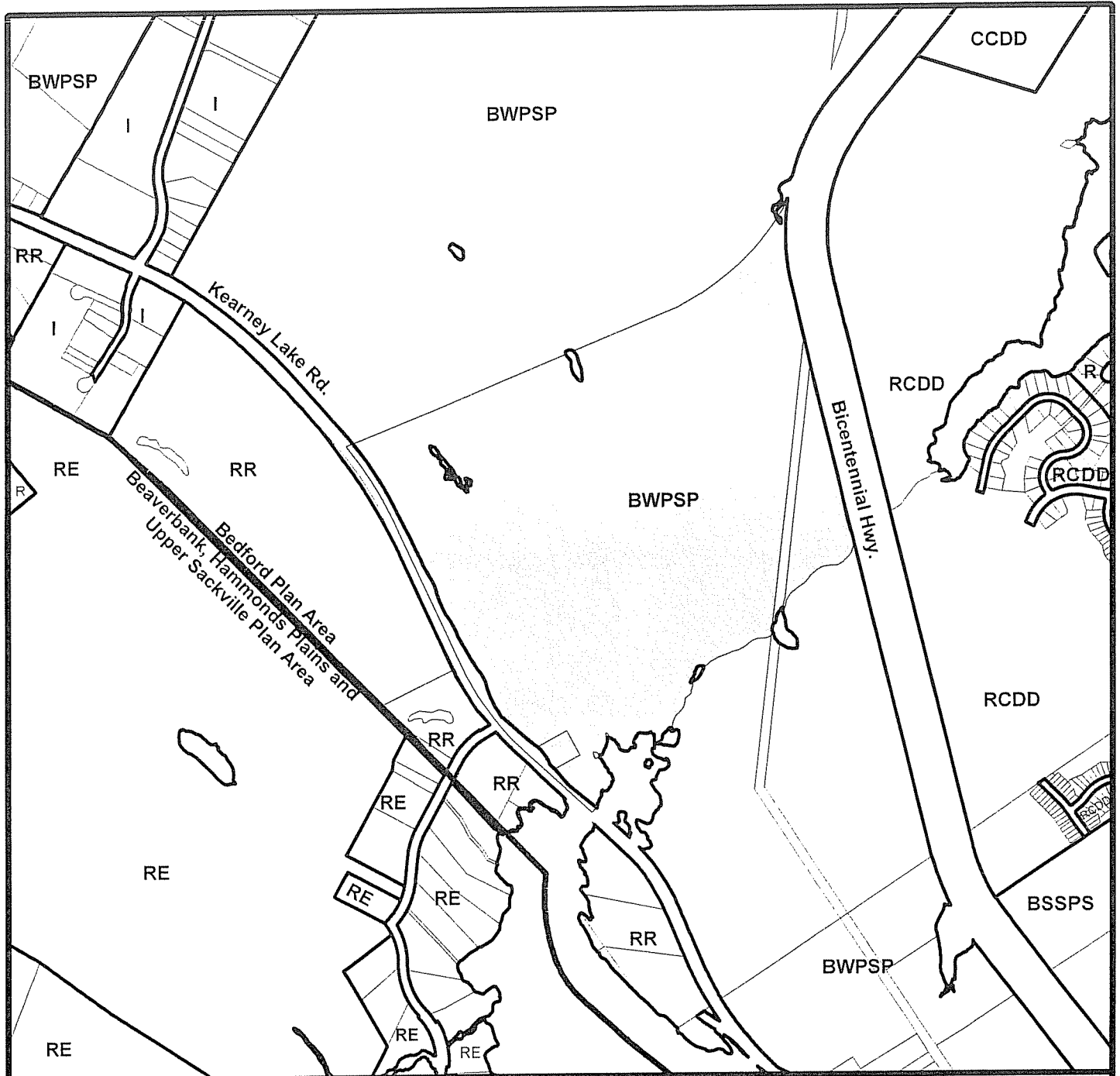
In the opinion of staff this proposal apportions costs fairly between the parties and provides a good opportunity to implement a municipal policy of extending a regional trail system to Jack's Lake at a reasonable cost.



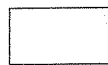
Map 1  
 Sub-Areas of Bedford West Secondary Planning Strategy







**Map 2  
Generalized Future Land Use**

 Lands Subject to Development Agreement

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services



**Beaverbank, Hammonds Plains and Upper Sackville Plan Area Designations**

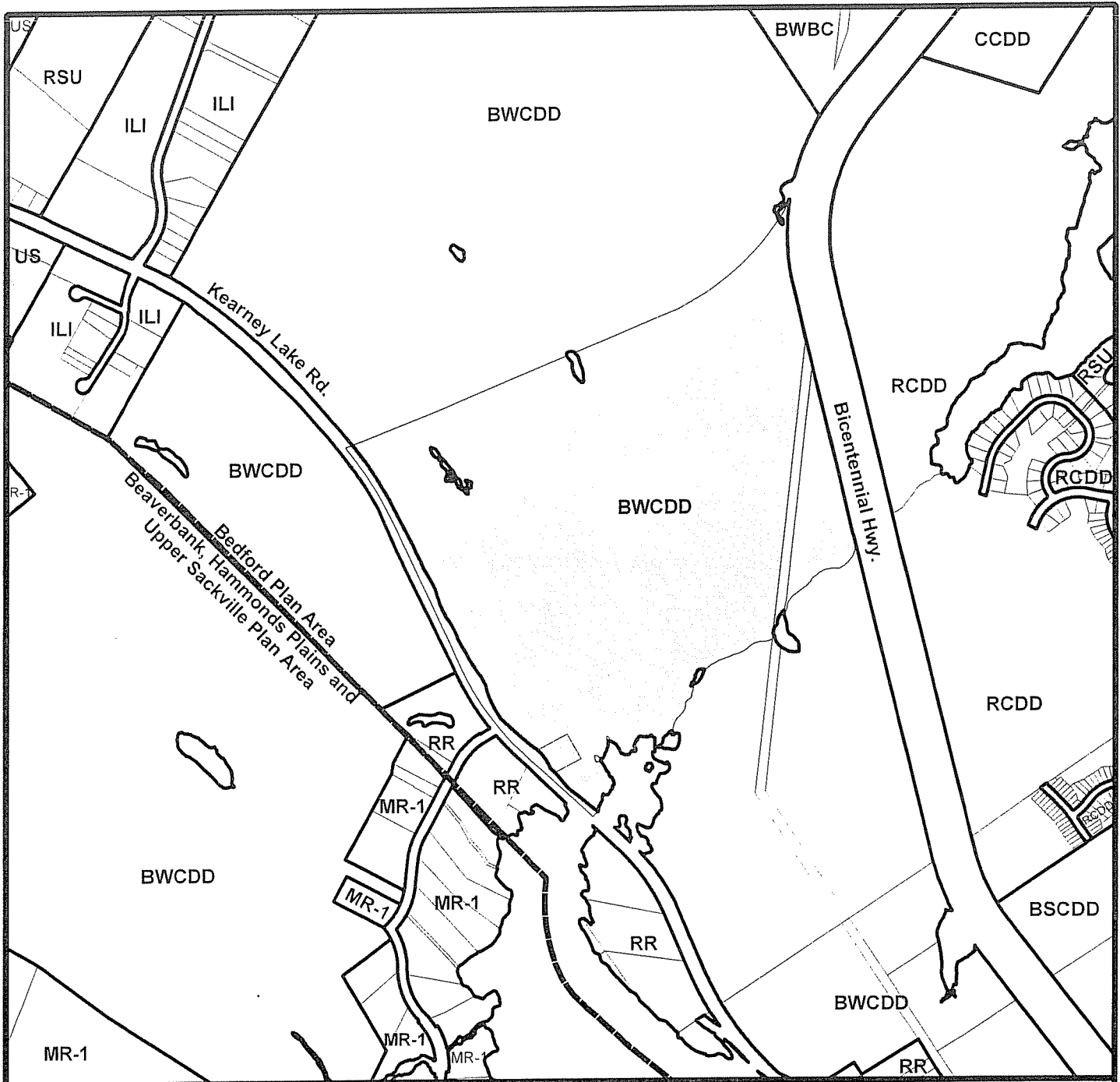
R Residential Designation  
RE Rural Resource Designation

**Bedford Plan Area Designations**

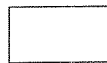
BWPSP Bedford West Secondary Planning Strategy  
CCDD Commercial Comprehensive Development District  
RCDD Residential Comprehensive Development District  
BSSPS Bedford South Secondary Planning Strategy

RR Residential Reserve Designation  
R Residential Designation  
I Industrial Designation





**Map 3  
Zoning**



Lands Subject to Development Agreement

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services



Beaverbank, Hammonds Plains and  
Upper Sackville Plan Area Zones

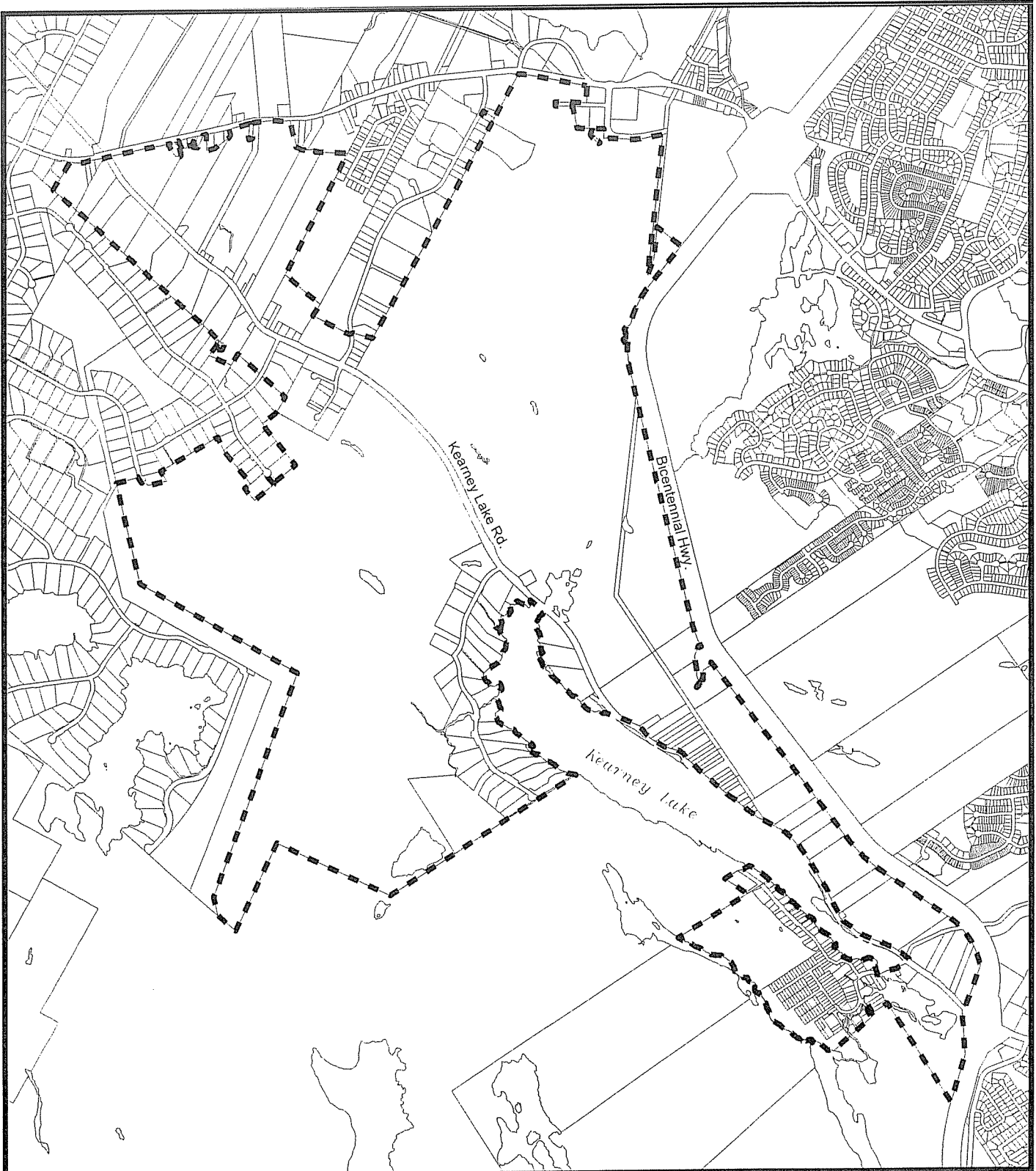
- R-1 Single Unit Dwelling Zone
- MR-1 Mixed Resource Zone
- BWCCD Bedford West Comprehensive Development District

Bedford Plan Area Zones

- BWBC Bedford West Business Campus Zone
- BWCCD Bedford West Comprehensive Development District
- CCDD Commercial Comprehensive Development District
- RCDD Residential Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District

- RR Residential Reserve Zone
- RSU Single Dwelling Unit Zone
- US Urban Settlement Zone
- ILI Light Industrial Zone





Map 4  
Notification Area

--- Notification Area



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

**Attachment A**  
**Proposed Development Agreement**

**THIS AGREEMENT** made this                    day of, 2008,

BETWEEN:

**WEST BEDFORD HOLDINGS LIMITED**  
a body corporate, in the Halifax Regional Municipality,  
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

-and-

**HALIFAX REGIONAL MUNICIPALITY,**  
a municipal body corporate,  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on the west side of the Bicentennial Highway, between the Hammonds Plains Road and Kearney Lake Road in Bedford and which said lands are identified by P.I.D. 40698367 and are described in Schedule A and further illustrated as Sub Area 2 in Schedule A-1 of this Agreement(hereinafter called the"Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for the construction of a mixed use development, consisting of residential, institutional and commercial uses on the Lands pursuant to the provisions of the *Municipal Government Act* and the Municipal Planning Strategy and Land Use By-law for Bedford;

AND WHEREAS a condition of the granting of approval of Council is that the Developer enter into an development agreement with the Halifax Regional Municipality;

AND WHEREAS North West Community Council approved this request at a meeting held on [INSERT - Date], referenced as Municipal Case No. 00970;

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 and use of the Lands shall comply with the requirements of the Bedford Land Use By-law (“the Land Use By-law”) and the Regional Subdivision By-law for Halifax Regional Municipality (“the Subdivision By-law”), as may be amended from time to time.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

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 or Subdivision By-laws to the extent varied by this Agreement), or any statute or regulation of the Provincial or Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

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 the sanitary sewer system, water distribution system, storm drainage system and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer except as provided for by an infrastructure charge collected under the provisions of the Subdivision By-law. All design drawings and information shall be certified by a Professional Engineer.

### **1.4 Conflict**

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 or Subdivision By-laws to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

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 regulations, by-laws or 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 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law.
- 2.2 In this Agreement, unless the context otherwise requires:
- (a) “building height” means the vertical distance between the average finished grade of a building to the soffit of a building, excepting gables.
  - (b) “community commercial uses” means uses identified in Schedule R.
  - (c) “lot frontage” means the distance between the side lot lines of a lot as measured in a perpendicular direction from the front lot line at a horizontal distance equal to 7.01 metres (23 feet).
  - (d) “Master Stormwater Management Plan” means the document entitled *Master Stormwater Management Plan for the Parks of West Bedford Subarea 2*, Project No. 1036719, prepared by Jacques Whitford NAWÉ Inc. in conjunction with Jacques Whitford Environment Ltd., for West Bedford Holdings Ltd., dated April 2008.
  - (e) “Secondary Planning Strategy” means the Bedford West Secondary Planning Strategy, adopted under the Bedford Municipal Planning Strategy, as amended from time to time.
  - (f) “Waters Advisory Board” means the Bedford Waters Advisory Board, as established by an administrative order of the Municipality.

## **PART 3 USE OF LANDS AND DEVELOPMENT PROVISIONS**

### **3.1 SCHEDULES**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement and the plans filed in the Halifax Regional Municipality as Case Number 00970:

The Schedules are:

Schedule A:	Illustration of the Lands
Schedule A-1:	Legal Description of the Lands
Schedule B:	Concept Plan
Schedule C:	Land Use Plan
Schedule D:	Non Disturbance Plan
Schedule E:	Streets, Sidewalks, Walkway and Trails Plan
Schedule F:	Parkland Plan
Schedule G:	Phasing Plan
Schedule H:	Sanitary Sewer Plan
Schedule I:	Water Service Plan
Schedule J:	Stormwater Servicing Plan
Schedule K:	Site Preparation Plan - Parks 1
Schedule L:	Site Preparation Plan - Park 2
Schedule M:	Proposed School Site - Option 1
Schedule N:	Proposed School Site - Option 2
Schedule O:	Urban Minor Collector with Multi-Use Trail
Schedule P:	Lake Monitoring Program
Schedule Q:	Design Guidelines for Townhouses and Apartment Buildings
Schedule R:	Community Commercial Uses
Schedule S:	Community Commercial Guidelines and Requirements
Schedule T:	Lighting Guidelines
Schedule U:	Trunk Waterline Easement

### **3.2 SUBDIVISION OF THE LANDS**

3.2.1 This Agreement shall be deemed to meet the requirements of the Subdivision By-law with respect to concept plan approval.

3.2.2 The development of the Lands shall generally conform to the Schedules.

3.2.3 Unless otherwise acceptable to the Development Officer, in consultation with the Development Engineer, final subdivision applications shall be submitted to the Development Officer in accordance with the phasing plan presented as Schedule "G" and the Development

Officer shall grant subdivision approvals for the phase for which approval is sought subject to and in accordance with the following terms and conditions:

- (a) Applications for subdivision approval shall encompass entire phases of the development as indicated on the Schedules;
- (b) Applications for subdivision approval shall be submitted in the order of their phasing, as set out in Schedule "G";
- (c) Final subdivision approval for any phase shall not be granted until final approval has been granted for the previous Phase;
- (d) Notwithstanding subsection 3.2.3 (c), the Development Officer may grant final subdivision approval of a Phase prior to granting final approval for the previous phase if the Developer submits performance security in the amount of 110 percent of the estimated cost of uncompleted services or if the Development Engineer determines that the portion of the incomplete phase is non-essential to the greater service network ; and
- (e) The Development Officer may grant final subdivision approval for partial Phases of the development.

3.2.4 Unless otherwise acceptable to Development Officer, prior to acceptance of any Municipal Service system, the Developer shall provide the following to the Development Officer:

- (a) Certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement (Section 5.1) ; and
- (b) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement (Section 4.5).

3.2.5 Site preparation for each Phase or portion thereof shall not occur until the Developer provides a subdivision grading plan to the Development Officer indicating where lot disturbance is to occur at the time of construction of municipal services, as set out in section 3.3.1 and 3.9.1 of this agreement.

3.2.6 Each subdivision application for each phase shall include a table with the number of units permitted by this agreement, the number of dwelling units for which municipal development permit applications are expected to be sought and the number of dwelling units which have received or are expected to receive municipal development permit approvals from previous



subdivision applications submitted for the development pursuant to the provisions of this Agreement. This table shall be attached to the application.

- 3.2.7 Each subdivision application for each phase shall include a table with the total capacities permitted by this agreement, sewer calculations for dwelling unit, institutional uses and commercial lands which municipal development permit applications are expected to be sought and the sewer calculations for the number of dwelling units, institutional uses and commercial lands which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the provisions of this Agreement. This table shall be attached to the application.

### **3.3 REQUIREMENTS PRIOR TO APPROVAL**

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

- 3.3.2 No subdivision approvals shall be granted unless the following conditions have been met:

- a) an infrastructure charge has been established over the Lands by Halifax Water;
- b) an infrastructure charge area has been established over the Lands under the Subdivision By-law;
- c) all required parkland preparations and trails have been agreed upon in accordance with the requirements of Sections 3.7.1 and 3.7.2 of this Agreement;
- d) non-disturbance areas have been delineated in accordance with the requirements of Section 3.9;
- e) if required, the Parties have reached an agreement for the multi-use trail in accordance with the requirements of Section 4.3.2;
- f) if required, notifications for the design of the storm drainage system have been received in accordance with the requirements of Section 4.5.8;

- g) a note for non-publicly owned driveways have been placed on the subdivision plan in accordance with the requirements of Section 4.3.5;
- h) an erosion and sedimentation control plan has been complied with in accordance with the requirements of Section 5.1;
- i) certification of the subdivision grading plan has been complied with in accordance with the requirements of Section 5.2.1;
- j) if required, a financial security for completion of the water quality monitoring program has been posted in accordance with the requirements of Clause 5.3.1 (e);
- k) copies for all required watercourse and wetland alteration permits for the subdivision phase have been provided to the Development Officer;
- l) for areas identified under the Regional Plan as areas of Archeological Risk and designated for residential, commercial or institutional development, an Archeological Assessments has been prepared. Such assessments shall meet the requirements of the Nova Scotia Museum; and
- m) construction of sewer and water services to the site have been completed.

3.3.3 No municipal development permit shall be granted unless:

- (a) a lot grading plan has been prepared in accordance with the requirements of Sections 5.2.2 and 5.2.3 of this Agreement and the plan has been approved by the Development Engineer; and
- (b) for all commercial, multi-unit residential and institutional land uses a landscaping plan has been prepared by a Professional Landscape Architect in accordance with the requirements of Section 3.10.
- (c) a lighting plan for commercial and multi-unit residential buildings has been prepared by a qualified person in accordance with the requirements of Section 3.6.
- (d) verification that the number of dwelling units and sewer flows have not been exceeded in accordance with the requirements of Sections 3.26, 3.27, 3.4.2 and 4.5.

3.3.4 No construction permit shall be granted for any multi-unit, commercial or institutional development unless the Developer has completed the Municipality's MICI (Multi-unit/Industrial/Commercial/Institutional) process.

3.3.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3.6 No Occupancy Permit shall be granted:

- (a) for any multi-unit, commercial or institutional development unless a certification has been received from a Professional Landscape Architect in accordance with Section 3.10 of this Agreement (Landscaping);
- (b) for any multi-unit or commercial development unless a certification has been received from a qualified person in accordance with Section 3.6.3 of this Agreement (Lighting) ;
- (c) for any single unit and semi-detached dwelling unless confirmation that rain barrels have been installed in accordance with clause 4.5.14 of this agreement.
- (d) trees have been planted or a security provided in accordance with the requirements of Clause 3.5.9; and
- (e) lot grading approval has been received or financial security provided for completion of the work in accordance with Section 5.2.

3.3.7 Prior to the acceptance of any streets and municipal services within any phase of subdivision, the Developer shall provide the Development Officer with certification from a Professional Engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required by Section 5.1 of this Agreement and that there is permanent and temporary stabilisation of all disturbed areas.

### **3.4 GENERAL DESCRIPTION OF LAND USE**

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

- (a) A mixed use development as enabled by this Agreement and as generally illustrated on the Schedules;

- (b) Use of the Lands in the development shall be limited to the following as defined in the Bedford Land Use By-law:
- i) single unit dwellings;
  - ii) semi-detached dwellings;
  - iii) townhouse dwellings;
  - iv) multi-unit dwellings;
  - v) institutional uses;
  - vi) community commercial uses as defined in Schedule P; and
  - vii) parkland and open space uses;
  - viii) home occupations in single unit, semi-detached, townhouse and apartment subject to the requirements of the Land Use By-law for Bedford, Part 5, Section 8 (a) through l) as amended from time to time.
  - ix) day care facilities, nursery schools, early learning centres, and after school care in single unit, semi-detached, townhouse and apartment subject to the requirements of the Land Use By-law for Bedford, Part 5, Section 9 a) through i) as amended from time to time.

3.4.2 The number of dwelling units within the Residential Neighbourhood of Sub Area 2 as identified in Schedule C shall not exceed 1054 units. Further the proportion of dwelling units shall comply with the following table:

Dwelling Type	Permitted Number of Units
Single Unit	minimum 15 % of 1054 ( 158 units)
Townhouse or Semi-Detached	minimum 10 % of 1054 (105 units)
Multiple Unit	maximum 60 % of 1054 (632 units)

3.4.3 Within Commercial Neighbourhoods, as identified in Schedule C, a maximum of fifty percent of the allocated sewage capacity may be developed as permitted residential units. For the purposes of this agreement, this shall mean a maximum of 318 units.

3.4.4 The location of land uses shall generally comply with Schedule B and C. Notwithstanding Schedule B and C, the Development Officer may permit modifications to the location of land uses provided they further the intent of this agreement.

3.4.4 Within Institutional lands, as identified in Schedule C, the Development Officer may permit the conversion of lands uses to single, semi-detached, townhouse or multi-unit dwellings subject to all other clauses of this agreement providing sewage calculations do those as required in Section 4.5.3.

3.4.5 For the purposes of this agreement the Developer shall comply with both unit densities identified above and sewage allotments of Section 4.5, whichever is more stringent.

### 3.5 DETAILED PROVISIONS FOR LAND USE

#### Land Use Requirements

3.5.1 No subdivision approval or municipal development permit shall be granted for any designated “single” development except in accordance with the following provisions:

- (a) Minimum lot frontage: 12.19 metres (40 feet)
- (b) Minimum lot area: 371.6 square metres (4,000 square feet)
- (c) Minimum front yard: 4.57 metres (15 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.83 metres (6 feet)
- (f) Minimum separation between buildings: 3.66 metres (12 feet) except for garages permitted under Section 3.5.7
- (g) Minimum flankage yard: 4.57 metres (15 feet).
- (h) Maximum lot coverage: 40%
- (i) Maximum building height: 9.14 metres (30 feet)

3.5.2 No subdivision approval or municipal development permit shall be granted for any designated “semi-detached” development except in accordance with the following provisions:

- (a) Minimum lot frontage: 9.14 metres (30 feet) per dwelling unit
- (b) Minimum lot area: 278.7 square metres (3,000 square feet) per dwelling unit
- (c) Minimum front yard: 4.57 metres (15 feet)
- (a) Minimum rear yard: 6.10 metres (20 feet)
- (b) Minimum side yard: 2.4 metres (8 feet), 0 on common boundary between units
- (c) Minimum flankage yard: 4.57 metres (15 feet)
- (d) Maximum lot coverage: 40%
- (e) Maximum building height: 9.14 metres (30 feet)

3.5.3 No subdivision approval or municipal development permit shall be granted for any designated “townhouse” development except in accordance with the following provisions:

- (a) Minimum lot frontage: 6.10 metres (20 feet) per dwelling unit

- (b) Minimum lot area: 185.8 square metres (2,000 square feet) per dwelling unit
  - (c) Minimum front yard: 4.57 metres (15 feet)
  - (a) Minimum rear yard: 6.10 metres (20 feet)
  - (b) Minimum side yard: 2.44 metres (8 feet) per block, 0 on common boundary between units
  - (c) Minimum flankage yard: 4.57 metres (15 feet)
  - (d) Maximum lot coverage: 40%
  - (e) Maximum building height: 9.14 metres (30 feet)
  - (f) Maximum driveway width: 3.65 metres (12 feet)
  
  - (g) each dwelling shall be served with a hard surface driveway that extends from the street curb cut to the front facade of the building and a parking space for an automobile in the dwelling (i.e. garage) measuring not less than 3.05 metres (10 feet) in width and 5.49 metres (18 feet) in length.
  
  - (h) the development conforms with the architectural design criteria for townhouses under Schedule Q.
- 3.5.4 No subdivision approval or municipal development permit shall be granted for any designated “institutional” development except in accordance with the provisions and requirements of the Institutional (SI) Zone of the Bedford Land Use By-law.
- 3.5.5 No subdivision approval or municipal development permit shall be granted for any designated “multiple” development except in accordance with the following provisions:
- (a) Minimum lot frontage: 30.48 metres (100 feet)
  - (b) Minimum lot area: 929 square metres (10,000 square feet)
  - (c) Minimum front yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater
  - (d) Minimum flankage yard: 4.57 metres (15 feet)
  - (e) Maximum lot coverage: 35%
  - (f) Building shall conform with the height restrictions shown on Schedule B. Where a building is not anticipated by the Schedules, the height shall not exceed eight storeys above grade facing the street.
  - (g) the minimum rear or side yard shall be the greater of 6.10 metres (20 feet) or one half the height of the building; and
  - (h) underground parking shall be provided to satisfy a minimum of fifty percent (50)% of the parking requirements of the Land Use By-law. Where the number of units in a building exceeds 48, this requirement may be met through the construction of a parking structure.

- (i) the development conforms with the architectural design criteria for apartment buildings under Schedule Q.

3.5.6 No subdivision approval or municipal development permit shall be granted for any “community commercial” development except in accordance with the following provisions:

- (a) Minimum lot frontage: 30.48 metres (100 feet)
- (b) Minimum lot area: 929 square metres (10,000 square feet)
- (c) Minimum front yard: 0 metres (0 feet)
- (d) Minimum side yard: 0 metres (0 feet)
- (e) Minimum rear yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater;
- (f) Minimum flankage yard: 0 metres (15 feet); 7.6 metre (25 feet) vision triangle for corner lots)
- (g) Maximum lot coverage: 50%
- (h) Building height nine storeys above grade facing the street
- (i) the development conforms with the Community Commercial Uses and Community Commercial Guidelines and Requirements under Schedule R and S.

**Encroachments**

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

Structural Element	Location	Maximum Encroachment
sills, cornices, eaves, gutters, chimneys and fire place inserts	any yard	0.61 metres (2.0 feet)
window bays	front and rear yards	0.91 metres (3 feet)
decks	rear and side yards	1.22 metres (4 feet) provided that a minimum 1.22 metre (4 foot) side yard is maintained. 3 metres (10 feet) in a rear yard.
Open, roofed porches not exceeding 1 storey in height	front and rear yards	1.22 metres (4 feet). 3 metres (10 feet) in a rear yard.
steps and stairs	any yard	1.22 metres (4 feet) provided that a minimum 1.22 metre (4 foot) side yard is maintained

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rain barrels	any yard	0.91 metres (3 feet)
attached garage (not including habitable space)	side yard	0.61 metres (2 feet) except for townhouses

### **General Provisions**

3.5.8 Any development of the Lands shall conform with the provisions and requirements of Part 5 of the Land Use By-law with the exception of clauses 21, 23, 24, 27, 32 and 33. For the purposes of Part 5, an RCDD Zone shall be deemed to apply to all residential and multi-unit residential land uses on the Lands and a CGB Zone shall be deemed to apply to all Community Commercial land uses on the Lands.

### **Tree Planting**

3.5.9 The Developer shall plant a minimum of one (1) tree on each lot designated for single, semi-detached or townhouse dwelling unit and two (2) trees for every lot designated for a single unit dwelling which is greater than or equal to 15.24 metres (50 feet) in width. Each tree shall be a type which is indigenous to Nova Scotia with a minimum height of 1.52 metres (5 feet) and a minimum diameter of 5 centimeters (2 inches). The location of the tree shall not interfere with services. The Development Officer may vary or waive the standard where it is determined that placement of tree(s) are not possible. No Occupancy Permit shall be granted unless this requirement has been satisfied or a security has been provided, in form acceptable to the Development Officer, in the amount of one hundred and twenty percent (120%) of the estimated cost of planting the required tree or trees as the case may be.

### **Variance**

3.5.10 The Municipality agrees that the variance provisions and procedures made under the Municipal Government Act shall apply to the development of the Lands permitted under this Agreement as established under the Bedford MPS.

### **Institutional Site**

3.5.11 In the event that the sites designated "Institutional" on Schedule C have not been acquired by the Municipality, the Halifax Regional District School Board or the Acadian School Board with the time frame specified below, then the designated Institutional sites may be developed with alternative institutional uses as permitted by the (SI) Institutional Zone of the Bedford Land Use By-law or residential use as generally shown in Schedule N or as provided in Section 3.4.4, provided that all other terms and conditions of this Agreement are satisfied provided:



- (a) five (5) years have elapsed since the date of entering into this Agreement; or
- (b) building permits have been granted for ninety percent (90%) of the lots which may be approved under this Agreement.; or
- (c) the Municipality, the Halifax Regional District School Board and the Acadian School Board decline this opportunity.

### 3.6 BUILDING AND SITE LIGHTING

- 3.6.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.6.2 Lighting fixtures for all commercial and multi-unit developments shall be fully shielded except as identified in Schedule "T".
- 3.6.3 The Developer shall prepare an exterior lighting plan for any Multi Unit Building and Community Commercial building and submit it to the Development Officer for review to determine compliance with this Agreement. The lighting plan shall contain, but shall not be limited to, the following:
  - (a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices;
  - (b) Description of the illuminating devices, fixtures, lamps, supports and other devices. This description may include, but is not limited to, manufacturers' catalog cuts and drawings including sections where required;
  - (c) The lighting plan and description shall be sufficient to ensure compliance with the requirements of this section of the agreement. If such plan and description cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the Developer shall submit evidence of compliance by certified test reports as performed by a recognized testing lab;
  - (d) The lighting plan and all lighting fixtures shall comply with Schedule "T" Lighting Guidelines;
  - (e) Should the Developer desire to substitute outdoor light fixtures or lamps and install them on the lands after a permit has been issued, the Developer shall submit all changes to the Development Officer for approval, with adequate information to assure compliance with this clause;
  - (f) The lighting plan shall include certification from a qualified person that the lighting design meet the requirements of this Agreement; and
  - (g) Prior to Occupancy Permits being issued the Developer shall provide to the Development Officer a letter from a qualified person that the installation of lighting meets the requirements of this Agreement;

### **3.7 PARKLAND**

- 3.7.1 Parkland dedication via land acquisition shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedules E, F, K, L and M or N with the final adjustments to configuration and grades of the site preparation areas to be agreed upon by Parkland Planning and the Developer prior to subdivision approval being granted. The parkland dedication shall include identified parkland, site improvements including driveways, parking areas and sports fields, and secondary trails. All improvements shall meet the requirements of the Municipality. Where the Municipality and the Developer agree, the location of Parkland may be varied, provided it does not violate the intent of this agreement.
- 3.7.2 The secondary trails illustrated on Schedule E and F shall have a minimum width of 1.52 metres (5 feet) and surfaced with crusher dust and the detailed design specifications and location shall be agreed upon prior to subdivision approval being granted.
- 3.7.3 The Municipality agrees that fulfillment of the requirements of Clauses 3.7.1 and 3.7.2 of this Agreement shall be deemed to satisfy all park dedication requirements of the Subdivision By-law for any subdivision approvals sought within Sub-area 2, as illustrated on Schedule BW-6 of the Secondary Planning Strategy.
- 3.7.4 Stormwater Infrastructure may be considered on lands proposed for park purposes, provided the conditions of clauses 4.5.9 and 4.5.10 are met.

### **3.8 WATERCOURSE PROTECTION**

- 3.8.1 No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake or Kearney Lake Run or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by this agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities. The 1 in 20 year floodplain shall be shown on the subdivision grading plan. Further Part 5, Section 21 (1)(a) through (f), (4) through (6) of the Bedford Land Use By-law shall apply.
- 3.8.2 Except as required for safety reasons or to allow for the installation of a municipal service systems or to allow for the construction of a park facility such as a trail, no lands shall be disturbed within the required setback from a watercourse unless a management plan has been prepared by a qualified consultant and submitted to the Community Council for approval. The plan shall be submitted to the Waters Advisory Board for recommendation of approval prior to the Community Council making a decision.

### 3.9 NON-DISTURBANCE AREAS

3.9.1 The Developer agrees that non-disturbance areas as identified on Schedule D and under Clause 3.8.1 shall be shown on a site plan submitted under the requirements of subsection 3.3.1 of this Agreement. Further, the plan shall identify all watercourse setbacks identified through clause 3.8.1 and all wetlands greater than or equal to 2000 square metres, as defined by Nova Scotia Environment. Further, no development, tree cutting or grade alteration shall be permitted within any non-disturbance area except where approved in writing by the Development Officer under one of the following circumstances:

- (a) To install municipal service systems and trails. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified professional which shall identify measures to minimize disturbance within the non-disturbance area to the satisfaction of the Development Officer;
- (b) To remove a tree that is dead, dying or in decline and which represents a danger to private property, public infrastructure or other natural trees and vegetation. Prior to granting approval for the removal of such a tree, the Development Officer shall have the discretion to require that the landowner engage a Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or other person with equivalent credentials to certify in writing that the tree poses a danger to people or property or is in severe decline. If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 3.9.1, the Developer shall replace each tree with a new tree of ½ inch (38mm) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units; or
- (c) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e.. Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.

3.9.2 Where a non-disturbance area is established over lots intended for development, the area shall be shown on a plan of subdivision as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement.

3.9.3 Where a non-disturbance area is established over lots intended for development, the area shall be shown on a lot grading plan for each individual property as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement.

### **3.10 LANDSCAPING**

3.10.1 Any municipal development permit submitted for a multi-unit development, commercial or institutional development pursuant to the provisions of Sections 3.5.4, 3.5.5 or 3.5.6 of this Agreement shall include a landscaping plan, prepared by a Professional Landscape Architect in good standing, which illustrates:

- (a) landscaping to be introduced to all areas disturbed during construction;
- (b) natural vegetation, landscaping or screening is to be employed around parking areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;
- (c) walkways extending from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property; and
- (d) guidelines and requirements of Schedule S for Community Commercial land uses.

3.10.2 No Occupancy Permit shall be granted unless a Professional Landscape Architect certifies that the landscaping has been undertaken in accordance with the landscaping plan submitted for approval, as required by Section 3.10.1, or a security has been provided, in form acceptable to the Development Officer, in the amount of one hundred and twenty percent (120%) of the estimated cost of completing the landscaping plan.

3.10.3 Residential landscaping shall include a minimum of 20 cm (8 inches) of topsoil in yards between a dwelling and a public street. All remaining yards shall have a minimum of 15 cm (6 inches) of topsoil. For the purposes of this section topsoil shall be rated to Landscape Nova Scotia Horticultural Trades Association Standard Topsoil Triangle, 1990, or latest revision, rating A or B. Certification from a qualified professional shall be provided to the Municipality prior to the issuance of the first occupancy permit identifying compliance with this section.

3.10.4 The developer shall provide a best practices guide to all owners of residential single unit, semi-detached and townhouse home owners prior to the first occupancy permit which outlines best practices for landscaping and maintenance of landscaping which minimizes the impact of development on watercourses. The Developer shall provide written confirmation to the Development Officer that the guide has been provided to the owner prior to issuance of the first occupancy permit. Prior to release, the developer shall forward a copy of the guide to the Bedford Waters Advisory Board for review and comment.

### **3.11 TEMPORARY DEVELOPMENTS**

3.11.1 A maximum of one ground sign shall be permitted at each street entrance to the Lands and at the street entrance to any Phase to denote the community or subdivision name. The

locations of such signs shall require the approval of the Development Officer and the Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 3.05 metres (10 feet) and the face area of any sign shall not exceed 4.65 square metres (50 square feet). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures. Any sign erected pursuant to this provision shall be removed within one (1) month of the date of the final municipal development permit being issued pursuant to the provisions of this Agreement. This section shall not preclude the construction of decorative permanent entrance gates.

3.11.2 A sales office may be located on the Lands provided that the location has been approved by the Development Officer. The sales office shall be closed or removed from the Lands within one (1) month of the final municipal development permit being issued pursuant to the provisions of this Agreement. Siting of a sales office shall be as per section 3.5.1 of this agreement. Any signs associated with the sales office shall not exceed 9.29 square metres (100 square feet).

### **3.12 TEMPORARY ROCK CRUSHER**

3.12.1 A temporary rock crusher may be used for the construction of the proposed development, and may not be used for the production of gravel for another site.

3.12.2 A non-illuminated sign indicating that rock crushing activity will be taking place must be posted in a visible location on the site at least 48 hours in advance of crushing.

### **3.13 CIVIC ADDRESSING**

3.13.1 Street Naming and Addressing shall meet the requirements of By-law C-300 respecting civic addressing and the HRM Civic Addressing Policy.

### **3.14 BICYCLE FACILITIES**

3.14.1 Bicycle facilities shall be provided as required in the Bedford Land Use By-law, Part 5, clauses 37a) through c), as amended from time to time.

### **3.15 MAINTENANCE**

3.15.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of buildings, 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 removal/salting of walkways and driveways.

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

### **4.1 General**

4.1.1 All construction shall satisfy Municipal Service Systems Design Guideline (MSS) unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer, in consultation with the Development Engineer, may give consideration to minor changes as identified in the Schedules , provided the modifications serve to maintain or enhance the intent of this Agreement.

### **4.2 Off-Site Disturbance**

4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.2.2 Nothing in this Agreement shall preclude the Developer from storing or removing rocks, soils or grubbing materials from other development phases established under the Secondary Planning Strategy, provided that all permission has been granted by the Engineer and all required municipal and provincial approvals have been obtained.

### **4.3 Streets**

4.3.1 Unless otherwise acceptable to the Development Engineer, streets, sidewalks and walkways shall conform with the locations and alignments illustrated on Schedule E. Further, the street system may include round-a-bouts, subject to the approval of the Development Engineer. The island identified on Road 2-2 may be permitted, subject to a review of the detailed specifications by the Development Engineer.

4.3.2 The Municipality may direct the Developer to construct the boulevard pathway shown on Schedule E and O provided that the Municipality pays to the Developer an amount equal to the estimated difference between the cost of constructing the street with boulevard pathway of the specifications presented on Schedule O and the street with a sidewalk which conforms with the requirements of the MSS. The additional land required for the street right-of-way shall not be included in the estimate and shall be provided by the Developer. The Developer shall supply sufficient information required by the Development Engineer to verify the estimate and the Municipality agrees to pay the agreed upon cost within one (1) year from the date of application for subdivision approval for the phase in which the multi-use trail is to be located. In the event that the Municipality does not direct that a boulevard pathway be constructed, the Developer shall, at it's cost, construct a sidewalk in accordance with the MSS.

- 4.3.3 The geometric design of Road 2-5 on Schedule E shall conform with the dimensions illustrated on Schedule O except that sufficient width for turning lanes shall be provided where determined to be warranted by the Development Engineer in accordance with the requirements of the MSS. Further, all roads internal to the development shall include turning lanes and, or other transportation infrastructure as required. The Developer shall provide a statement by a qualified Transportation Engineer acceptable to the Municipality outlining upgrades required as a result of the full build out of the Lands.
- 4.3.4 The Parties agree that traffic calming measures may be considered in the street design but any such proposal will only be accepted if recommended for approval by the Development Engineer;
- 4.3.5 Where any private driveway is proposed to service more than one building, no subdivision approvals shall be granted with lot frontage on the private driveway and a note shall be placed on the subdivision plan that the Municipality does not own or maintain the private driveway. Further if the proposed private driveway serves greater than twenty-five single, semi-detached or townhouse dwelling units, it shall be constructed to a municipal road standard.
- 4.3.6 Driveway access to Road 2-5 shall be restricted to commercial developments, multi-unit dwellings, institutions and clustered housing developments comprised of at least eight housing units with one driveway access.

#### **4.4 Water Distribution System**

- 4.4.1 The water distribution system shall conform with the Halifax Water Design and Construction Specifications and, unless otherwise required by Halifax Water, the water distribution system shall conform with the Bedford West Capital Cost Contribution Analysis, prepared by CBCL and Schedule I. A waterline may be required between Road 2-3 and Road 2-9. Final determination as to whether this connection is required is subject to review of the water distribution system analysis by Halifax Water. Further, where the water system crosses private land, appropriate easements shall be provided to Halifax Water.
- 4.4.2 The Developer shall work with Halifax Water to facilitate the implementation of a water line easement for a new trunk water line. The Developer shall provide an easement which shall be located as generally shown on Schedule U, unless otherwise acceptable to the Developer and Halifax Water. The easement shall be a minimum of 9.144 metre (30 feet) wide temporary construction easement which shall be reduced to 6.096 metre (20 feet) once construction is complete. The Developer shall provide the easement prior to final endorsement of the first phase of subdivision. Should Halifax Water no longer require the easement, they shall notify the Developer in writing that they are declining the opportunity and the Development Officer shall waive the requirement for an easement. Further, any easement shall meet the requirements of Nova Scotia Transportation and Infrastructure Renewal where the easement crosses the proposed Highway 113.

#### **4.5 Sanitary Sewer System and Storm Drainage System**

- 4.5.1 The sanitary sewer system and the storm drainage system shall conform with the MSS, unless otherwise acceptable to the Engineer.
- 4.5.2 Community Commercial lands shall be designed for a maximum population of 50 persons per acre. For the purposes of this agreement, these lands consist of 28.66 acres as identified on Schedule C. Community Commercial lands shall be shall be designed for a maximum population of 1433 persons. Density within Community Commercial lands may be transferred from lot to lot within these Community Commercial lands as required.
- 4.5.3 Institutional lands shall be designed for a maximum population of 30 persons per acre. For the purposes of this agreement, these lands consist of 9.0 acres as identified on Schedule C. Institutional Lands shall be designed for a maximum population of 270 persons.
- 4.5.4 The remainder of the lands as identified on Schedule C, consisting of 147.09 acres shall be designed for a maximum population of 20 persons per acre. These remainder lands shall be designed for a maximum population of 2942 persons, including lands identified in clause 4.5.3. Density within these remaining lands may be transferred from lot to lot within these remaining, with the exception of lands identified as Institutional as required.
- 4.5.5 The Developer acknowledges that all population and density associated with the proposed Highway 113 as shown on Schedule C has been allocated under this agreement to adjacent lands within Sub Area 2. Further, any additional density will require an amendment to the agreement and the Bedford West Secondary Planning Strategy. Nothing in this agreement shall preclude the transfer of unused density from this agreement to other Sub-Areas of Bedford West. Should the transfer of density to another Sub-Area be permitted by another development agreement, the developer shall provide an update density table for this development to the Development Officer which provides an updated density at the subdivision stage. The Development Officer shall not issue permits under this agreement for density transferred to another Sub-Area.
- 4.5.5A Changes to the phasing or transfer of density shall be subject to a review of the impact on infrastructure charges. Any change which will have a negative impact may be declined by the Municipality.
- 4.5.6 A qualified consultant shall provide professional certification that the storm drainage system conforms with the recommendations of the Master Stormwater Management Plan.
- 4.5.7 No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in the Master Stormwater Management Plan and in accordance with municipal and provincial guidelines.



- 4.5.8 Where the Developer proposes to incorporate Kearney Lake, Kearney Lake Run or Paper Mill Lake into the storm drainage system serving the Lands, the Developer shall secure all, permissions, permits and approvals as may be required from the Province and the license holder of the dams on Kearney Lake and Paper Mill Lake and the Developer agrees that nothing in this Agreement obligates the Municipality or Halifax Water to assume any responsibility for the ownership or maintenance of the dams on Kearney Lake or Paper Mill Lake or any other component of a storm drainage system that is not located with the boundaries of the Lands.
- 4.5.9 Where mitigative measures are proposed along a watercourse, no mitigative measure shall be located in a location which would negatively impact the 1 in 100 year floodplain for the watercourse. All stormwater plans shall indicate the 1 in 100 year floodplains as determined by a qualified professional.
- 4.5.10 Mitigative measures in proposed parks, watercourse buffers and non-disturbance areas may be considered by the Development Engineer in consultation with Parkland Planning (where applicable). The Development Engineer may permit such mitigative measures provided the proposed measure meets the design requirements of the Municipality (where required) subject to review of an environmental study which determines if the proposal adversely affects environmentally sensitive features as required by Policy BW-28 of the Bedford West Secondary Planning Strategy.
- 4.5.11 No subdivision approvals shall be granted in any Phase as shown on Schedule G of this Agreement unless:
- (a) the Engineer is satisfied that there is sufficient capacity remaining in the downstream sanitary sewer system directly affected by the Bedford West Development area; or
  - (b) the Municipality has established an infrastructure charge area under the Subdivision By-law and the Developer has entered into an infrastructure charge agreement with Halifax Water, for the upgrading and over sizing of infrastructure, and the Municipality for the upgrading of regional transportation infrastructure.
- 4.5.12 The Developer agrees to maintain all public stormwater treatment units proposed for the storm sewer system for a minimum of three (3) years from the date of receiving subdivision approval for the development phase in which the stormwater treatment units is located.
- 4.5.13 Roof leaders (downspouts) shall be directed to vegetated areas where possible rather than towards the storm drainage system.
- 4.5.14 Residential roof leaders (down pouts) of single and semi-detached residential units which discharge to the front yard shall include a minimum of one rain barrel as part of the storm

drainage system. Where a property is immediately adjacent a watercourse, an additional rain barrel shall be provided in the rear yard. The developer shall provide confirmation of the installation of the rain barrel prior to occupancy.

- 4.5.15 Commercial and institutional storm drainage systems shall include Best Management Practices to minimize storm flows and provide treatment of stormwater. Further these systems shall include bioretention facilities as a component and shall be shown on individual storm water management plans for each lot. For the purposes of this clause bioretention may include but not be limited to rain gardens (bioretention cell), filter strips, vegetated swales and other similar facilities.

#### **4.6 Solid Waste Facilities**

Within multi-unit, commercial or institutional buildings, the buildings shall include a designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources. This solid waste storage area shall be screened from public view by means of opaque fencing or masonry walls with suitable landscaping.

### **5.0 ENVIRONMENTAL PROTECTION MEASURES**

#### **5.1 Erosion and Sedimentation Control Plans**

- 5.1.1 The Developer agrees to have prepared by a Professional Engineer and submitted to the Municipality and the Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan for all development on the Lands. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented.
- 5.1.2 The Developer agrees to undertake all construction activities in accordance with the erosion and sedimentation control plan, unless otherwise directed by the Nova Scotia Environment and also agrees to assume sole responsibility for compliance with all environmental regulations of the Nova Scotia Environment. The Municipality may in conjunction with Nova Scotia Environment may direct the Developer and/or the Developer's agents to remedy any and all environmental problems that may result from development of the Lands. The developer shall be responsible for all costs in this regard;

## 5.2 Subdivision and Lot Grading Plans

- 5.2.1 Any Subdivision Grading Plan submitted for subdivision approval shall be certified by a qualified professional that the plan conforms with the recommendations of the Master Stormwater Management Plan;
- 5.2.2 Any non-disturbance area established pursuant to Section 3.9 of this Agreement shall be shown on any lot grading plan submitted pursuant to the requirements of the Municipality's Grade Alteration By-law.
- 5.2.3 The Developer shall prepare lot grading plans which comply with the Subdivision Grading Plan. Modifications to the site grading and proposed finished elevations may be approved by the Development Engineer. The Developer shall provide written confirmation of compliance that the lot has been graded in accordance with the lot grading plan and, where it has been determined that any lot grading has not been properly carried out, remedial or corrective measures shall be carried out by the Developer at its cost.
- 5.2.4 No occupancy permit shall be granted unless the requirements of Section 5.2.3 have been satisfied or a security deposit for the completion of the work has been provided in accordance with the requirements of Part 6 of the Municipality's Lot Grading By-law
- 5.2.5 Site grading plans are permitted to maintain a minimum positive slope of 0.5 percent away from foundations in a front yard beyond 3.048 metres (10 feet) from the foundation to encourage ground water recharge and minimize storm flows to the sanitary sewer.

## 5.3 Water Quality Monitoring Program

- 5.3.1 The Parties agree that a lake monitoring program shall be undertaken in conformity with the following requirements:
- (a) the consultant shall be selected by the Municipality and the Developer agrees to pay for all required costs;
  - (b) except as required by clause (d), monitoring shall be undertaken at each location shown on Schedule P three (3) times per year. Spring testing shall include the RCAP-MS suite, Total Phosphorus, Total Suspended Solids, Fecal Coliform bacteria and Chlorophyll A, plus standard field measurements (pH, oxygen, conductivity, temperature). Summer and Fall testing shall include the RCAP suite (without MS), Total Phosphorus, Total Suspended Solids, Fecal Coliform bacteria and Chlorophyll A, plus standard field measurements (pH, oxygen, conductivity, temperature);

- (c) monitoring shall be undertaken at least one time at each location illustrated on Schedule P prior to any initial disturbance being commenced within the upstream watershed of the Lands;
  - (d) in the event that threshold levels specified under 5.3.2(b) are exceeded, the Municipality may direct the consultant to undertake further testing deemed reasonable to verify results;
  - (e) except as provided for by clause (f), the program shall be undertaken until two (2) years after subdivision approval has been granted for the final phase of development permitted by this Agreement and, prior to subdivision approval being granted for the final phase, the Developer shall post a security in an amount deemed sufficient by the Municipality to complete the monitoring program;
  - (f) where further development agreement applications are approved within the Paper Mill Lake watershed which require that a lake monitoring program be undertaken pursuant to the requirements of the Secondary Planning Strategy, the Parties agree that the Developer may seek amendments to the requirements of this Section in accordance with the provisions of Clause 6.2 (c) of this Agreement.
- 5.3.2 The Municipality will designate a person to administer the requirements of Section 5.3.1 and receive the test results of the monitoring program. The designated person shall submit the test results to the Developer, the Community Council and the Waters Advisory Board within:
- (a) three (3) months of being received from the consultant; or
  - (b) if any total phosphorous measurement exceeds ten (10) micrograms per liter or if the geometric mean of any fecal coliform measurement within a given calendar year exceeds two hundred (200) counts (MPN) per 100ml at any location or if any fecal coliform measurement exceeds four hundred (400) counts (MPN) per 100ml, the findings will be reported immediately to the Developer and to the Waters Advisory Board and the Community Council at the next scheduled meeting. The Municipality shall make all reports provided to the Waters Advisory Board and the Community Council available to the public.

## **PART 6: AMENDMENTS**

### **6.1 Substantive Amendments**

Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

## 6.2 Non-Substantive Amendments

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

- (a) The granting of an extension to the date of commencement of construction as identified in Section 8.3 of this Agreement;
- (b) The granting of an extension to the length of time for the completion of the development as identified in Section 8.4 of this Agreement;
- (c) amendments to the Schedules of this Agreement provided that the Community Council is satisfied that such amendments are minor and conform with the intent and all applicable policies of the Secondary Planning Strategy;
- (d) amendments to permit sewer flows from this development to be pumped to the Bedford Mill Cove Sewage Treatment Facility on a temporary basis;
- (e) amendments to the development standards adopted under Parts 3 and 4 of this Agreement provided that the Community Council is satisfied that such amendments are minor and conform with the intent and all applicable policies of the Secondary Planning Strategy; or
- (f) amendments to the lake monitoring program adopted as Schedule P to this Agreement provided that a recommendation of approval has been received from the Waters Advisory Board.
- (g) amendments within the Community Commercial area as shown on the Schedule C which would permit greater than fifty percent multi-unit dwellings where buildings include ground floor commercial.
- (h) amendments to increase the density of development to 7 units per acre resulting from the transfer of density from other Sub-Areas of the Bedford West Development.

## PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

### 7.1 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 one day of receiving such a request.

## 7.2 Failure to Comply

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer fourteen days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:

- (a) Where trees or other vegetation are removed in contravention to the requirements of section 3.7 of this Agreement, the Development Officer may direct that a site rehabilitation plan be prepared with measures including but not limited to, the replanting of trees or vegetation of a similar size, age, and appearance within the disturbed area. The property owner shall pay all expenses associated with preparing and undertaking the plan and shall submit the plan to the Waters Advisory Board for a recommendation of approval and to the Community Council for approval before being undertaken;
- (b) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (c) 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 development 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 Lands and be shown on any tax certificate issued under the Assessment Act;
- (d) 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; and
- (e) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the *Municipal Government Act* or Common Law in order to ensure compliance with this Agreement.

## **PART 8: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **8.1 Registration**

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

### **8.2 Subsequent Owners**

8.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which is the subject of this Agreement until this Agreement is discharged by the Council.

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

### **8.3 Commencement of Development**

8.3.1 In the event that development of the Lands has not commenced within ten years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

8.3.2 For the purposes of this section, commencement shall mean subdivision of the first phase of the lands

### **8.4 Completion of development**

Upon the completion of the development or portions thereof, or within/after twenty years from the date of registration of this Agreement with the Registry of Deeds or Land Registry Office, whichever time period is less, 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; and
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17, as may be amended from time to time.





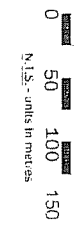


THE PARKS

Sub Area 2

February 2008

Conceptual Master Plan



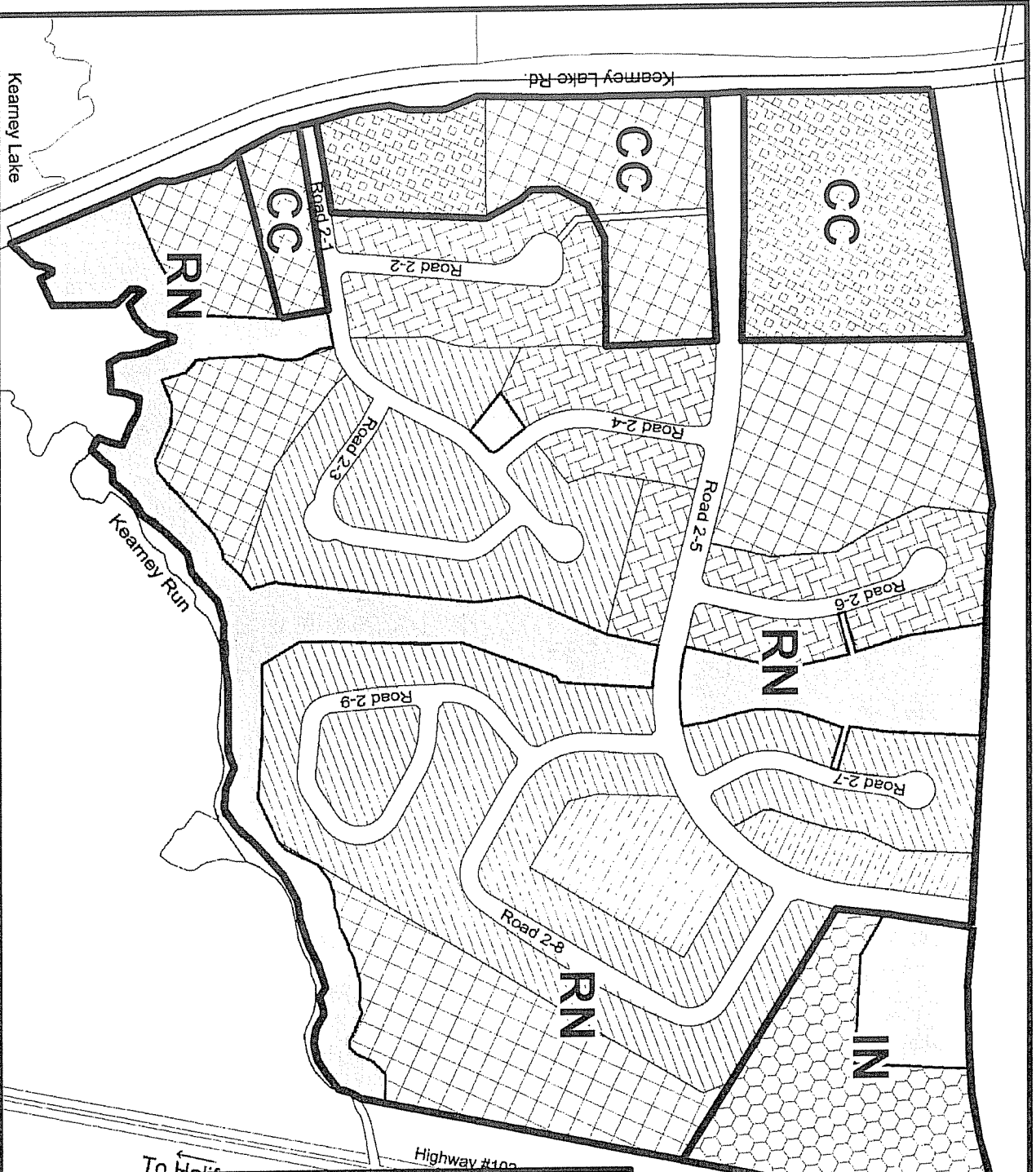
Schedule B  
Concept Plan

July 16, 2008

HRM does not guarantee the accuracy of any base map information on this map.

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Bedford West Sub-Area 2 Land Use	
	SINGLES
	TOWNHOUSE/SEMI-DETACHED/SINGLES
	MULTIPLE/TOWNHOUSE
	INSTITUTIONAL
	CONDOMINIUM TOWNHOUSES
	COMMUNITY COMMERCIAL
	HRM PARK
	Community Commercial Lands
	Residential Neighbourhood
	Institutional

Schedule C  
Land Use Plan

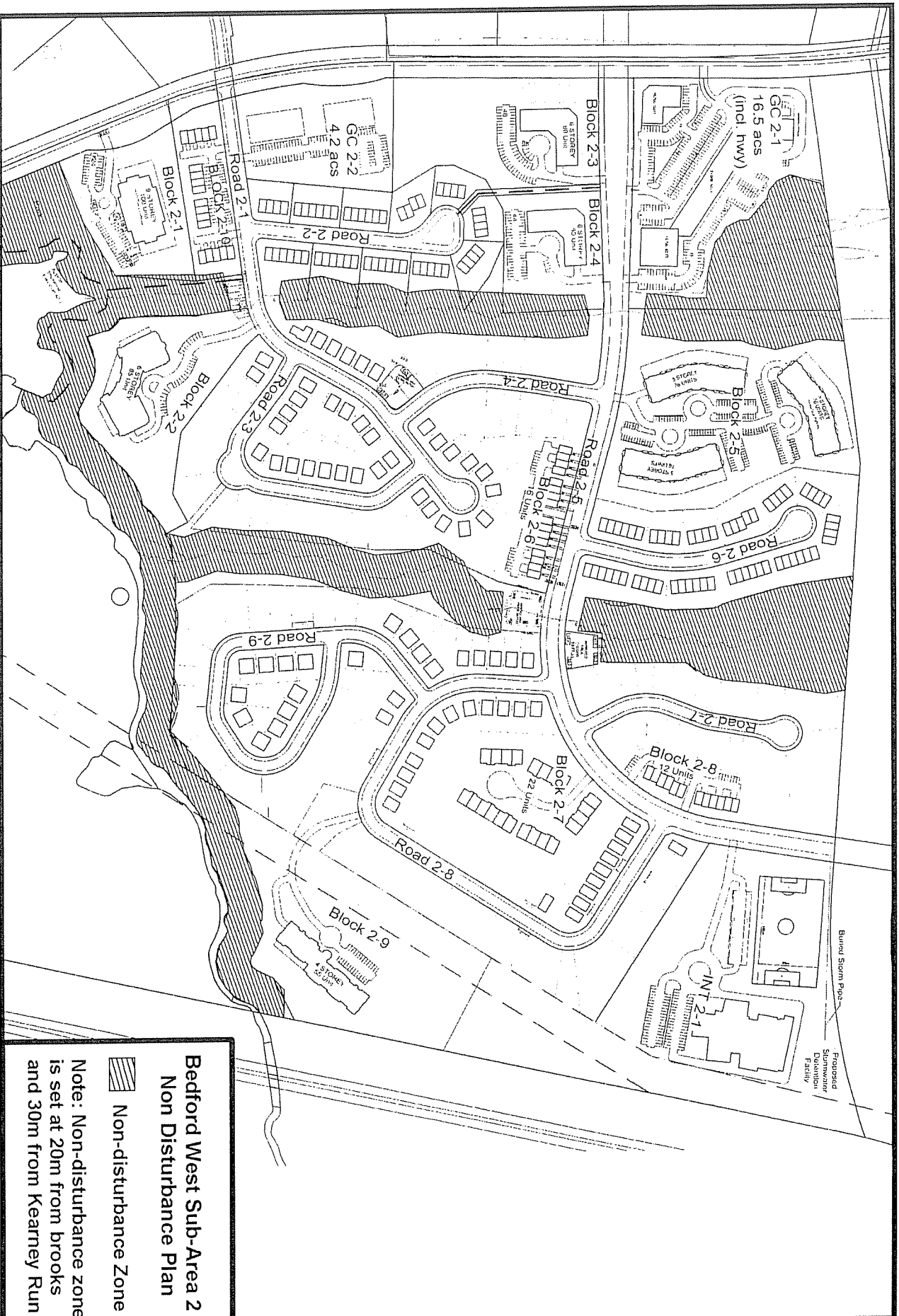


July 17, 2008

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Schedule D  
Non Disturbance Plan



**Bedford West Sub-Area 2  
Non Disturbance Plan**

 Non-disturbance Zone

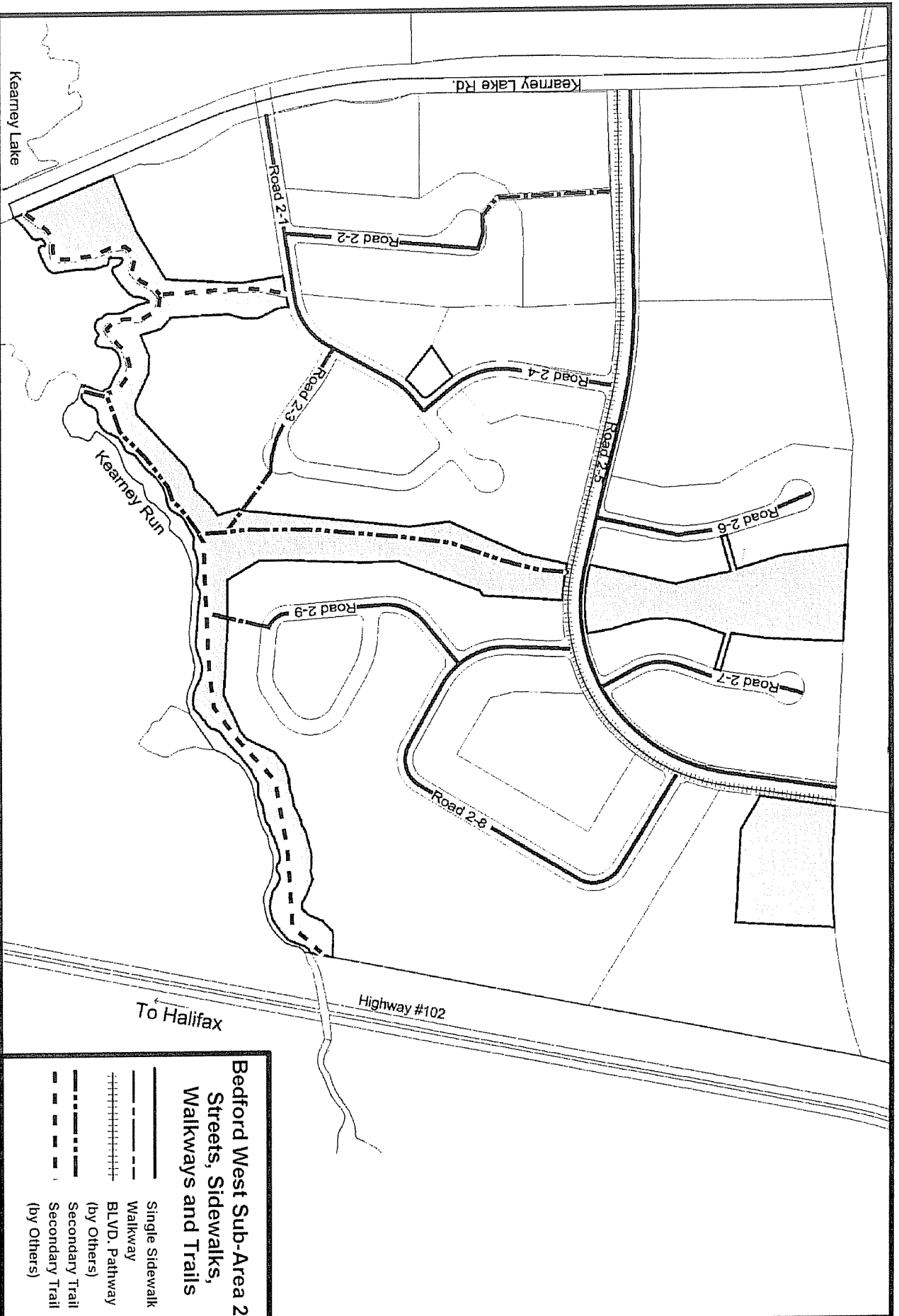
Note: Non-disturbance zone is set at 20m from brooks and 30m from Kearney Run

July 18, 2008

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**Schedule E  
Streets, Sidewalks, Walkways and Trails**



**Bedford West Sub-Area 2  
Streets, Sidewalks,  
Walkways and Trails**

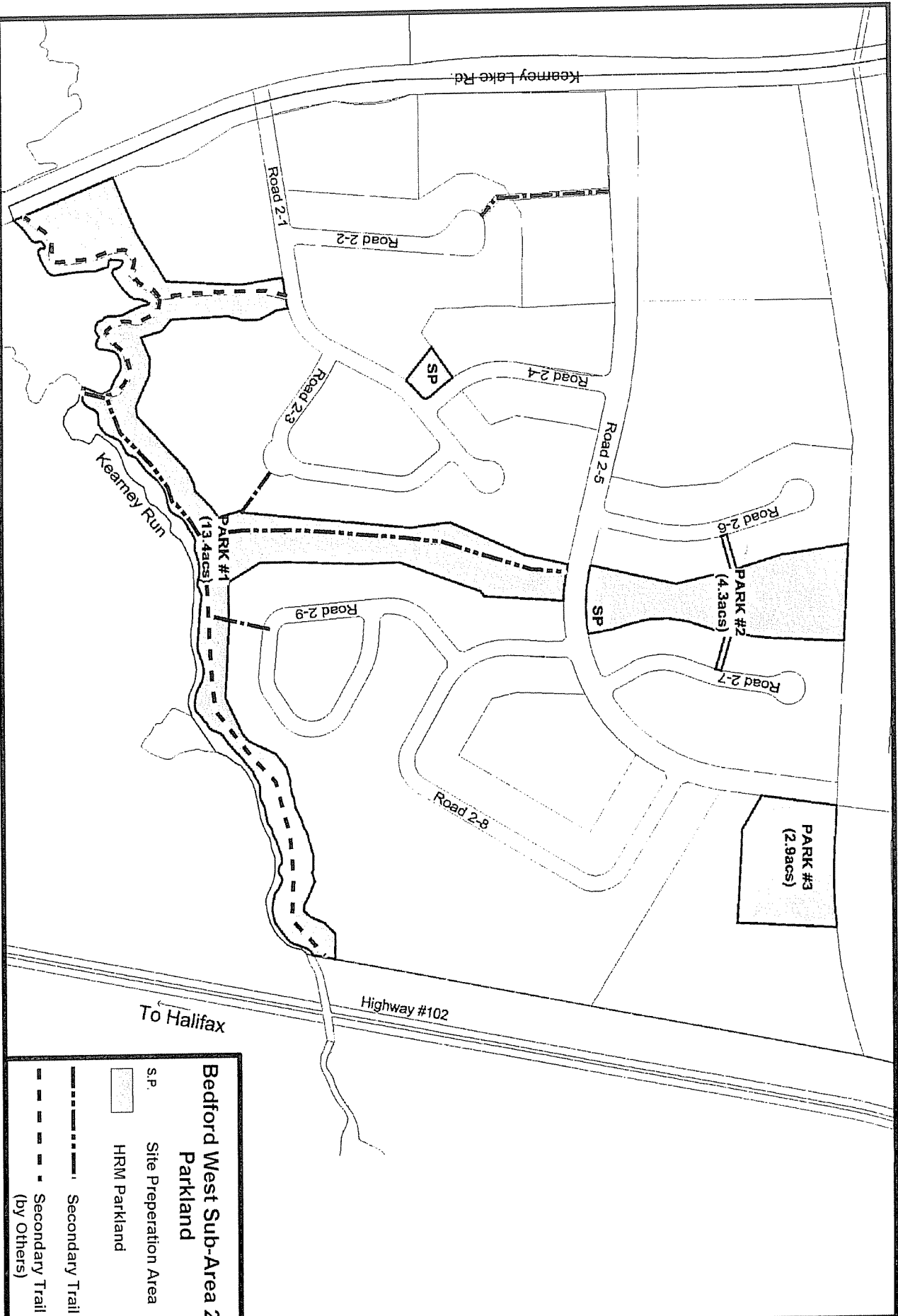
- Single Sidewalk
- - - Walkway
- +++++ BLVD. Pathway (by Others)
- Secondary Trail
- - - - - Secondary Trail (by Others)

July 17, 2008

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Schedule F  
Parkland Plan





July 17, 2008

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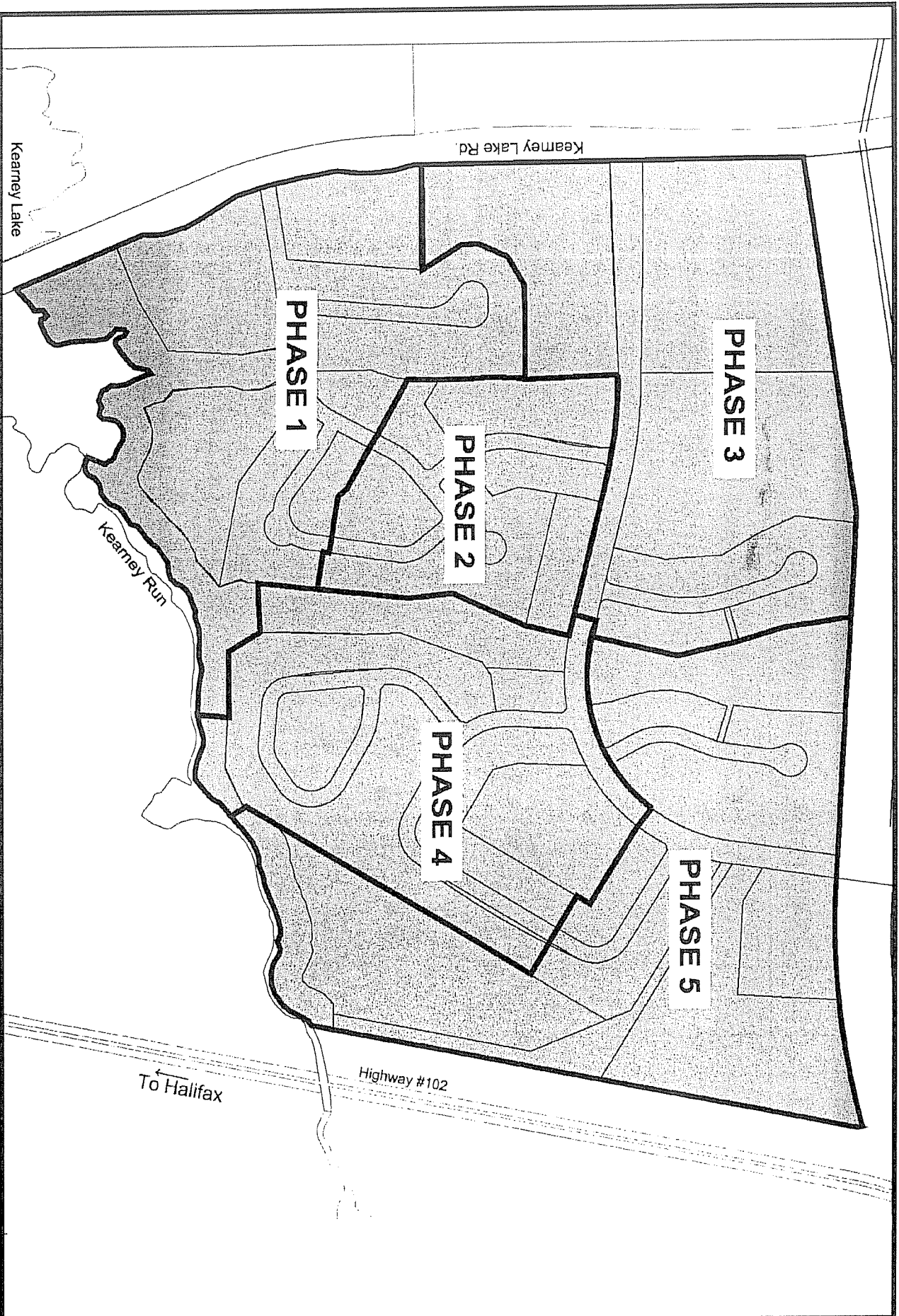
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**Bedford West Sub-Area 2  
Parkland**

-  S.P. Site Preparation Area
-  HRM Parkland
-  Secondary Trail
-  Secondary Trail (by Others)





Schedule G  
Phasing Plan

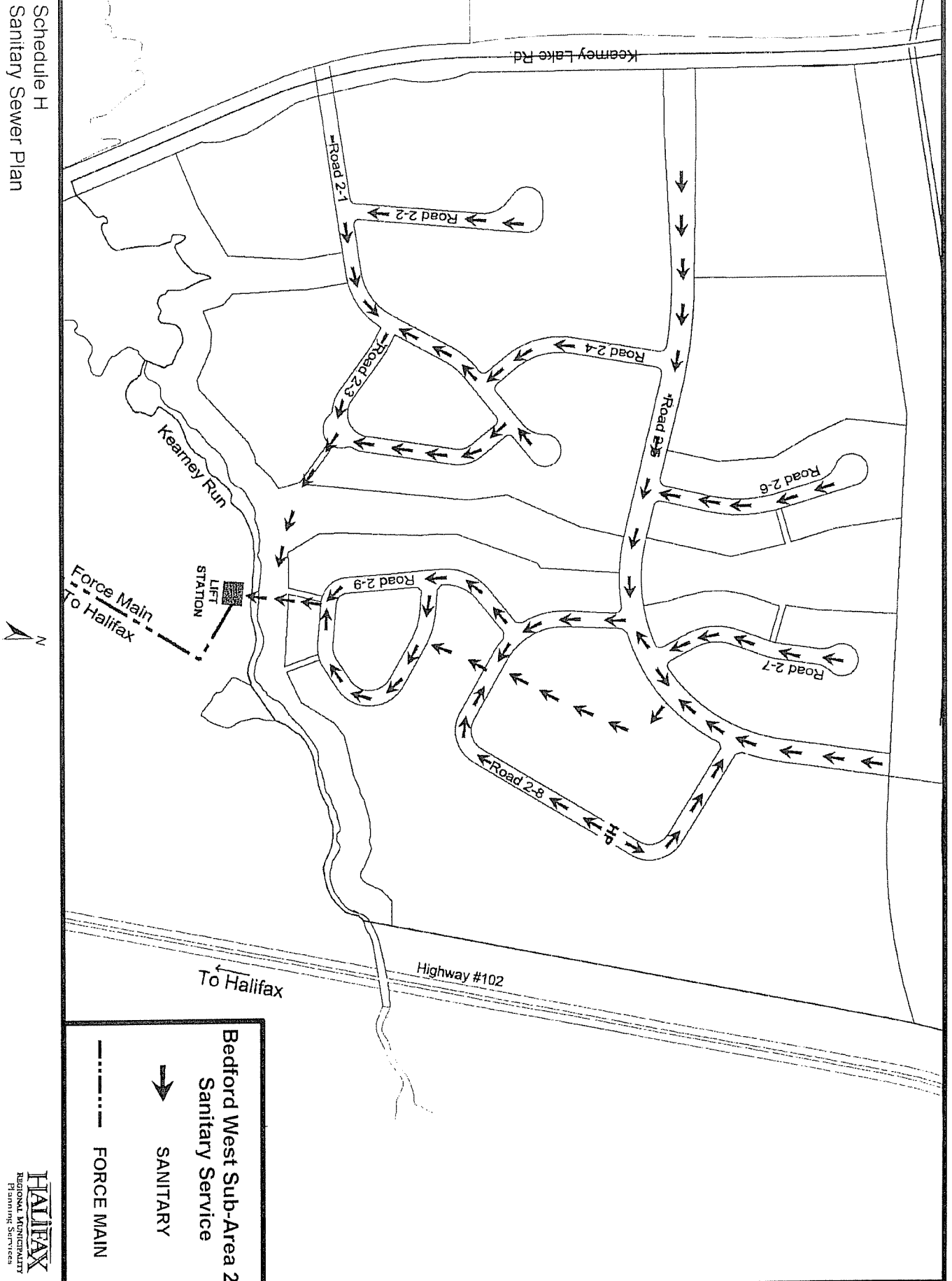


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Schedule H  
Sanitary Sewer Plan



**Bedford West Sub-Area 2  
Sanitary Service**

→ SANITARY

--- FORCE MAIN

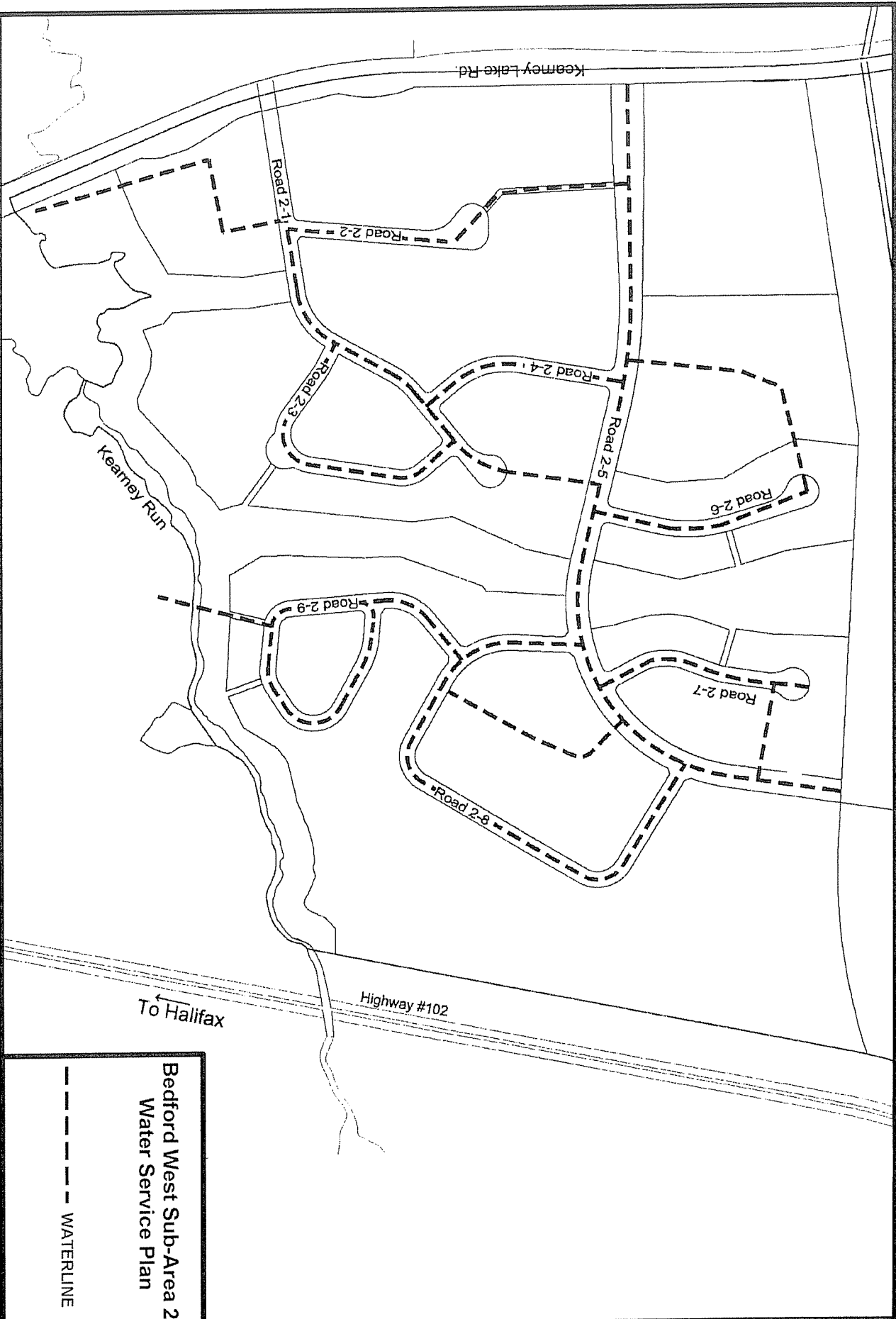


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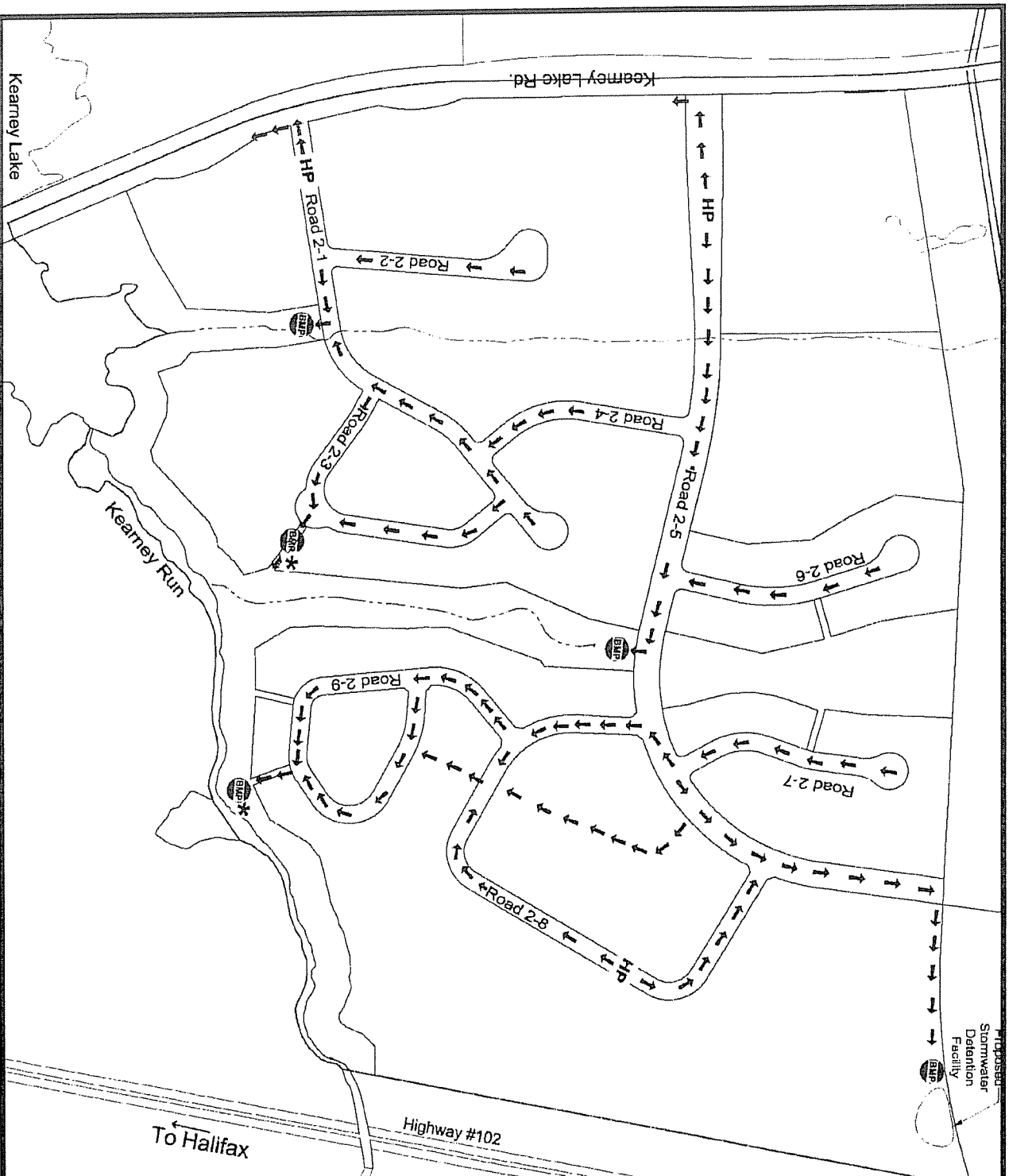
Schedule I  
Water Service Plan



Bedford West Sub-Area 2  
Water Service Plan

--- WATERLINE





Schedule J  
Stormwater Servicing Plan



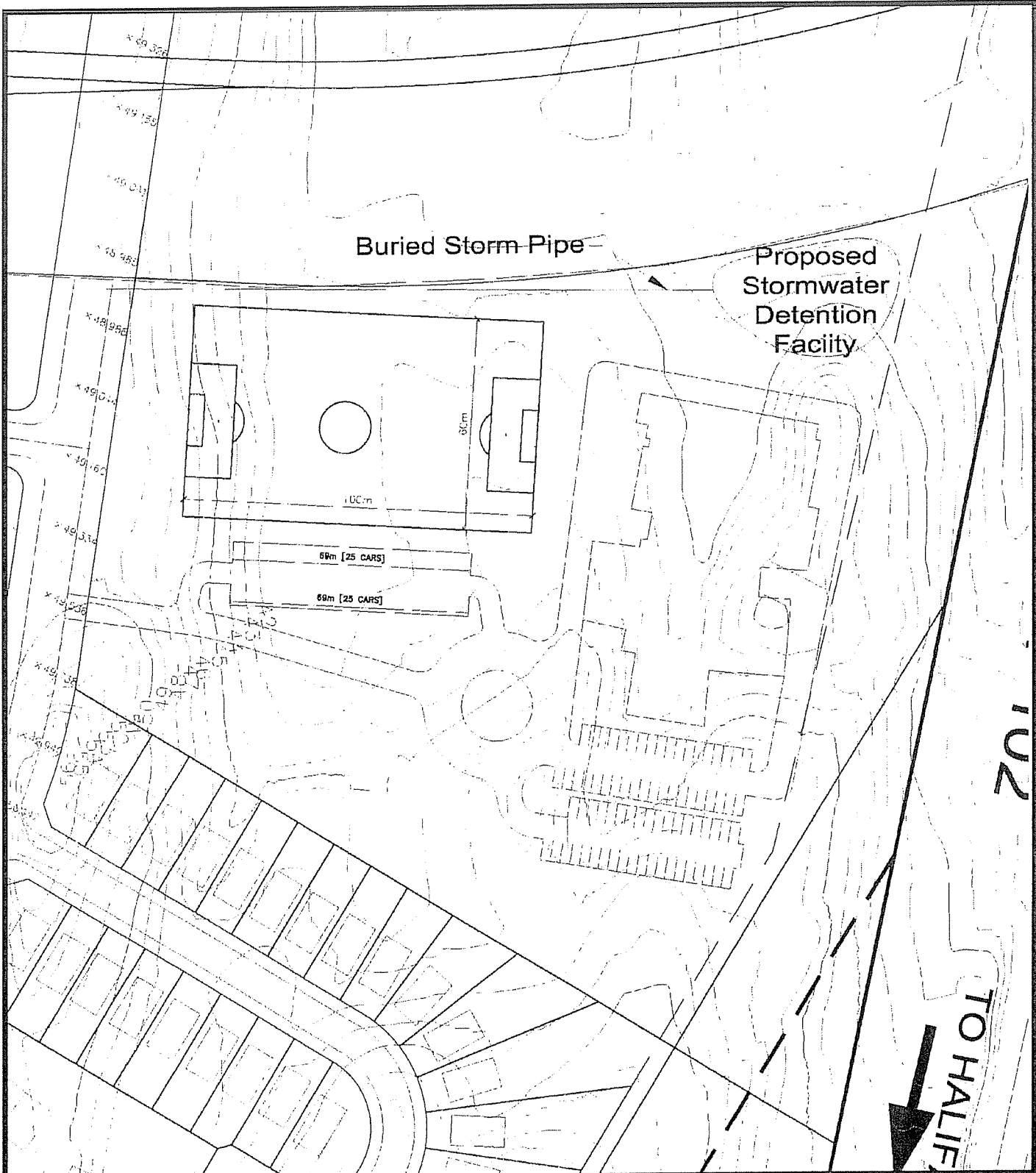
**Bedford West Sub-Area 2  
Stormwater Servicing**

Stormwater Flow  
 Best Management Practice per Stormwater Management Plan  
 \* A Stormwater Management BMP to detain stormwater may not be required at these locations if dam upgrades at Papermill Lake are preformed prior to development.



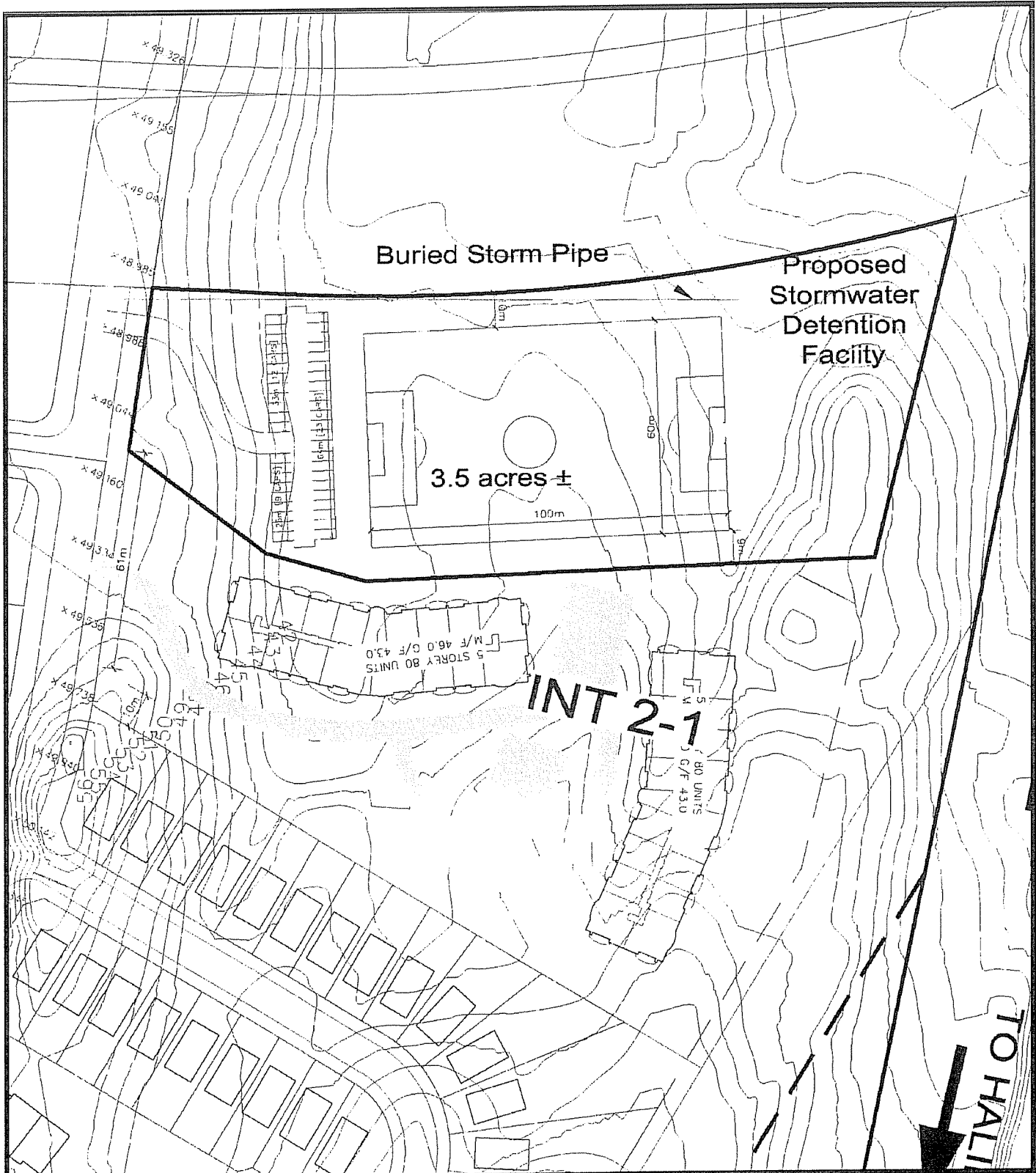


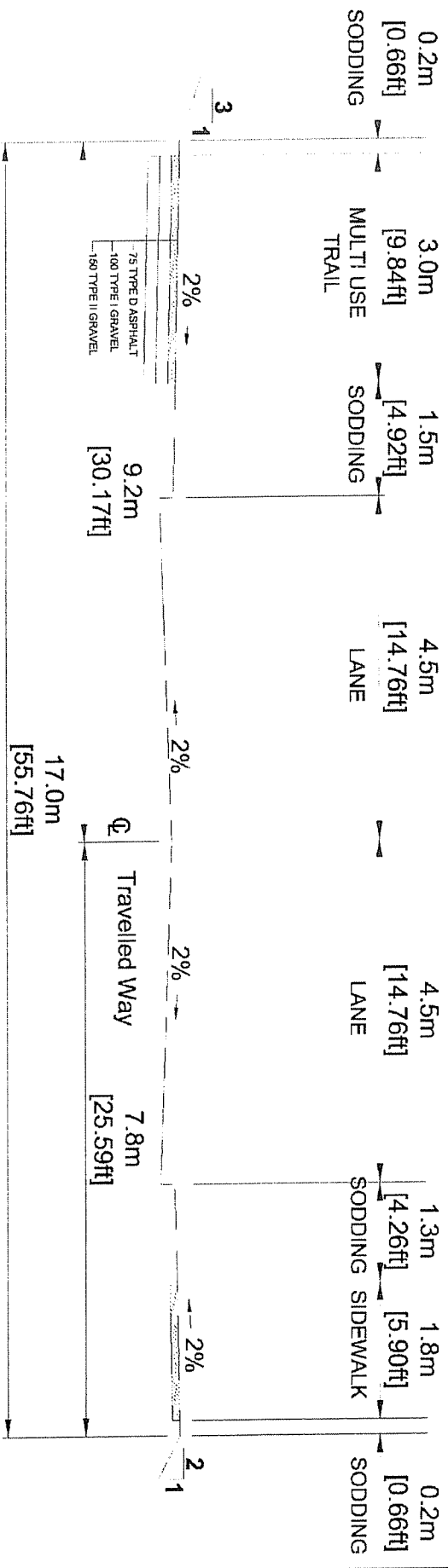




Schedule M  
 Site Preparation Plan - Park 4 - Option 1







# 17m URBAN MINOR COLLECTOR WITH MULTI-USE TRAIL

Jan. 2008

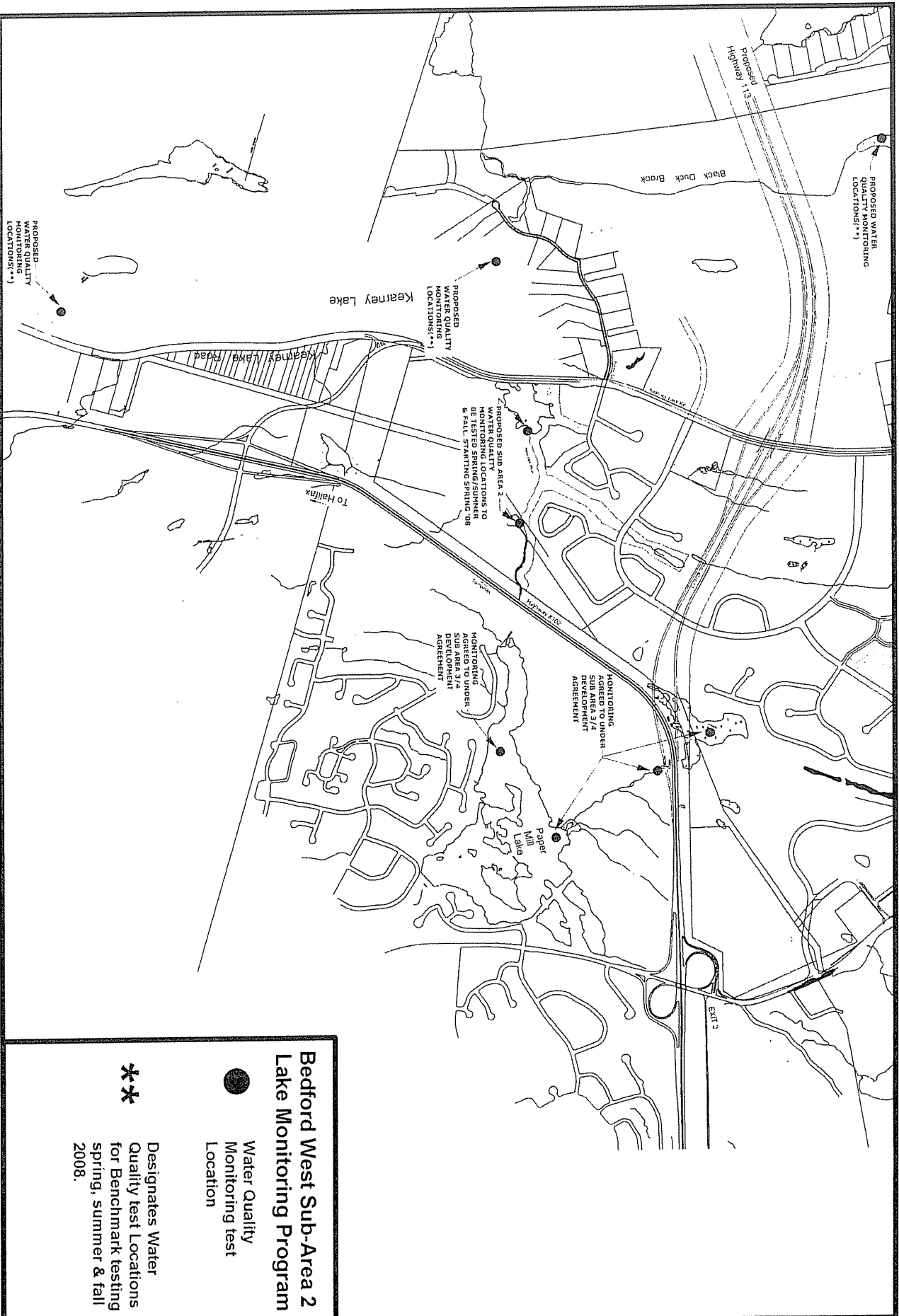
Schedule O  
Urban Minor Collector with Multi-Use Trail



July 18, 2008

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Schedule P  
Lake Monitoring Program



**Bedford West Sub-Area 2  
Lake Monitoring Program**

● Water Quality Monitoring test Location

\*\*\* Designates Water Quality test Locations for Benchmark testing spring, summer & fall 2008.

July 18, 2008

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### Schedule Q: Design Criteria for Townhouses and Multi-Unit Buildings

All townhouse developments shall conform with the following design criteria:

- (a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
- (b) Architectural treatment shall be continued around the sides of the building.
- (c) Vinyl siding may be utilized to a maximum of forty percent (40%) on front elevations. Vinyl siding may be permitted along the side and rear of the units.
- (d) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping.
- (e) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building.
- (f) Any exposed lumber on the front facade of any townhouse shall be painted or stained or clad in a painted metal or vinyl.
- (g) Any exposed foundation in excess of 1 metre (3.28 feet) shall be architecturally detailed, veneered with stone or brick, painted, stucco, or an equivalent.
- (h) Buildings should be oriented with the main entrance facing a public street where possible.

Multi-unit building developments shall conform with the following design criteria:

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



**Schedule R**  
**Community Commercial Uses**

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

- a) All Age/Teen Clubs
- b) Banks and Financial Institutions
- c) Billiard and Snooker Clubs
- d) Commercial Photography
- e) Daycare Facilities, Nursery Schools, Early Learning Centres
- f) Drycleaning Depots
- g) Funeral Homes
- h) Garden Markets
- i) General Retail exclusive of mobile home dealerships
- j) Hotels and Motels
- k) Ice cream stands
- l) Medical Clinics
- m) Neighbourhood Convenience Stores
- n) Office Uses
- o) Private Clubs (social)
- p) Full Service, Take Out and Drive-Thru Restaurants, Taverns and Lounges
- q) Service, Personal Service Shops, Health and Wellness Centres exclusive of massage parlours
- r) Service stations and gas bars
- s) Veterinary clinics
- t) Institutional (SI) uses, excluding cemeteries
- u) mixed use commercial/multi-unit residential buildings
- v) transit terminals and park and ride facilities
- w) parking lots and structures
- x) Multi-unit residential
- y) Townhouses
- z) Uses accessory to the foregoing uses

( All uses shall be defined as found in the Bedford Land Use By-law)

**Schedule "S"**  
**Bedford West - Sub Area 2 - Community Commercial Guidelines**

**Multi-Unit Residential:** Where a multi-unit dwelling is proposed in a Community Commercial area with no commercial space, the requirements of Section 3.5.5 of this agreement and are exempt from the requirements identified below.

**Pedestrian Access, Circulation and Parking**

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

**Required Pedestrian Connections** - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- a) The primary entrance or entrances to each commercial building, including pad site buildings;
- b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with community commercial development;
- c) Any public sidewalk system along the perimeter streets adjacent to the commercial development ; and
- d) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

**Minimum Walkway Width** - All site walkways shall be a minimum of 1.5 metres in width.

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

**Amount of Parking:** Parking shall be provided in accordance with the parking provisions of the Bedford Land Use By-law, as amended from time to time. The Development Office may permit a reduction in the required parking by 30 percent where parking is to serve multiple tenants or uses.

**Parking Lot Landscaping:**

- a) The perimeter of all parking areas shall be screened from adjacent streets, public sidewalks, and adjacent uses by either of the following methods:
  - i) A berm one (1) metre high with a maximum slope of 3 (horizontal) :1 (vertical) in combination with coniferous and deciduous trees and shrubs, or
  - ii) A low continuous landscaped hedge at least one (1) metre high, planted in a triangular pattern so as to achieve full screening at maturity; or

- iii) A low decorative masonry wall at least one (1) metre high in combination with landscaping; or
- iv) A combination of any of these methods.

**Location of Parking:**

- a) A maximum of fifty percent ( 50%) of the off-street surface parking spaces provided for a site shall be located between the facade of the closest building to the right-of-way of Kearney Lake Road or Road 2-5.

**Site Amenities Guidelines for Buildings Containing Commercial Uses**

**Standards for Site Amenities.**

**a) Minimum Area Devoted to Site Amenities.**

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

**b) Allowed Site Amenities.** Site amenities may consist of any of the following:

- i) Patio or plaza with seating area;
- ii) Mini-parks, squares, or greens;
- iii) Bus stops;
- iv) Customer walkways or pass-throughs containing window displays;
- v) Water feature;
- vi) Clock tower;
- vii) Public art;
- viii) Any other similar, deliberately shaped area and/or focal feature that, in the Municipality's judgment, adequately enhances such development and serves as a gathering place.

**c) Aggregation Allowed.** In commercial developments containing more than one building, the required area may be aggregated into one larger space, provided such space is within easy walking distance of the major tenant(s) in the development.

**d) Design Requirements.**

- (a) All site amenities within a commercial development shall be an integral part of the overall design and within easy walking distance of major buildings, major tenants, and any transit stops.

- (b) Any such amenity/area shall have direct access to the public sidewalk network.
- (c) The amenity/area shall be constructed of materials that are similar in quality to the principal materials of the primary buildings and landscape.

### **Building Design**

- a) **Variation in Massing** - A single, large, dominant building mass shall be avoided.
- b) **Minimum Wall Articulation for Commercial Buildings**
  - i) All buildings walls shall consist of a building bay or structural building system that is a maximum of ten (10) metres in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials, and fenestration pattern no less than thirty (30) centimeters in width. The only exception being the rear and side wall of a building greater than 4,645 square metres of gross floor area where the articulation can be widened to thirty (30) metres in width.
  - ii) Any wall exceeding ten (10) metres in length shall include at least one change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the entire length of the façade and extending at least twenty percent (20%) of the entire length of the façade.
  - iii) All building walls shall include materials and design characteristics consistent with those on the front.

**Building Walls Facing Public Areas** - In addition to the above, building walls that face public streets, connecting walkways, or adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or alternate architectural detail that defines human scale, along no less than sixty percent (60%) of the façade.

**Windows Adjacent Walkways, Sidewalks and Parking areas** - In addition to the above, building walls that face sidewalks, connecting walkways, shall include windows which provide natural surveillance over these public areas.

**Building Height Adjacent Sidewalks** - The height of buildings within 12.19 metres (40 feet) of a sidewalk to be owned by the Municipality shall be limited to four storeys. Buildings may be stepped back from the four storey section to achieve greater heights.

### **Miscellaneous Requirements**

- (a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
- (b) Architectural treatment shall be continued around all sides.

- (c) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping .
- (d) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building.
- (e) Any exposed foundation in excess of 0.61 metres (2 feet) in height and 1.86 square metres (20 square feet) in total area shall be architecturally detailed or veneered with stone or brick
- (f) Any exposed lumber on the exterior shall be painted, stained or clad on a painted metal or vinyl.
- (g) Mechanical equipment shall be screened from view by a combination of architectural treatments, fencing and landscaping.

## Schedule "T" Lighting Guidelines

### **1. Purpose**

The intent of these guidelines are to establish lighting which is compatible with surrounding land uses.

### **2. Lighting Configuration**

(a) The mounting of light fixtures shall be governed by the following:

- (i) Building mounted light fixtures shall be attached only to walls and the top of the fixture shall not be higher than the top of the parapet or roof, whichever is greater; and
- (ii) Freestanding light fixtures shall not exceed eighteen (18) feet in height in any residentially designated area or within fifty (50) feet of any area intended for single family, semi-detached or townhouses; and
- (iii) Freestanding light fixtures shall not exceed twenty-five (25) feet in height within fifty (50) to one hundred fifty (150) feet of any area intended for single family, semi-detached or townhouses; and
- (iv) Freestanding light fixtures shall not exceed thirty (30) feet in all other locations; and
- (v) For the purpose of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.

(b) Transitional lighting shall be incorporated in exterior areas going to and from the building(s) or use(s) within the site.

(c) All exterior lighting shall be directed downward and away from adjoining property, with luminaries shielded to prevent unnecessary glare.

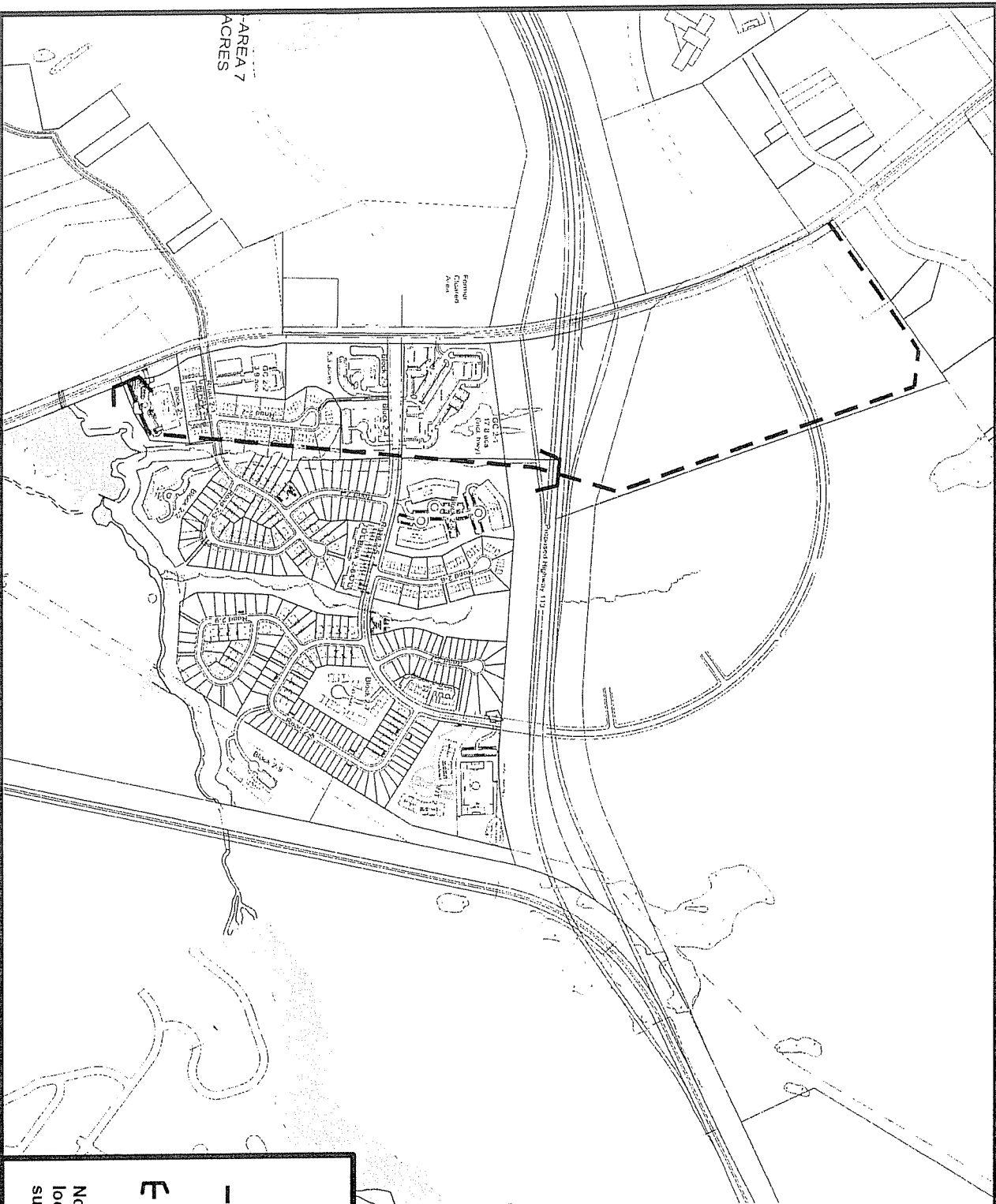
(d) Any exterior lighting device (luminaire) designed for security lighting shall be protected by weather and vandal-resistant covering, a managed light source, directed down, to minimize glare and intrusiveness.

## **5. Definitions.**

- (a) Outdoor light fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for:
- (1) Buildings and structures, including canopies and overhangs;
  - (2) Parking lot lighting;
  - (3) Landscape lighting;
  - (4) Billboards and signs;
  - (5) Display and service areas.
- (b) Fully shielded shall mean fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

## **6. Restrictions.**

- (a) Outdoor building, landscaping and signs. The unshielded outdoor illumination of any building or landscaping is prohibited except with incandescent fixtures with lamps of one hundred (100) watts or less (or equivalent illumination level). Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall comply with the shielding requirements.
- (b) Construction and emergency lighting. Lighting necessary for construction or emergencies is exempt from the provisions of these guidelines, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.



**Bedford West  
Sub-Area 2**

--- TRUNK WATERLINE  
EASEMENT

-.-.-.- AREA SUBJECT TO  
SUB AREA 2 AGREEMENT

Note: Final Waterline Easement  
location to be determined at  
subdivision stage

Schedule U





**Attachment B  
Policy Evaluation**

***ENVIRONMENTAL:***

***Policy BW-1:***

*No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall:*

- a) identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures;*
- b) provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;*
- (c) outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and*
- (d) conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.*

A Master Stormwater Management Plan for Sub-areas 2 was prepared by Jacques Whitford (dated April 2008) and reviewed by the Bedford Watershed Advisory Board (BWAB). BWAB recommended approval of the report. The BWAB recommendations have been incorporated into the agreement.

The Development Engineer has reviewed the document with Halifax Water and has advised that it is satisfactory. The Master Stormwater Management Plan addresses the policy criteria.

***Policy BW-2:***

*No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.*

The agreement requires that certification from a consultant that stormwater management and subdivision grading plans, submitted for subdivision approval, conform with the master stormwater management plan (Sections 4.5.6 and 5.2.1)

***Policy BW-3:***

*A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the*

*Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall:*

- a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-construction and post-construction phase);*
- b) specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);*
- c) establish physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted;*
- d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.*

A water quality monitoring program is included in Section 5.3 of the agreement which confirms with the policy criteria and the recommendations of BWAB. Both BWAB and the Community Council will receive the test results of the program.

***Policy BW-6:***

*No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.*

The master stormwater management plan conforms with this directive. Clause 4.5.7 of the agreement requires compliance with this policy.

***Policy BW-7:***

*No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.*

The agreement conforms with this policy (reference Sections 3.8.1).

***Policy BW-8:***

*No development agreement shall be entered into over lands on which trees have been removed except:*

- a) as may be required for a bonafide land survey;*
- b) to satisfy any provincial or federal requirements; or*
- c) where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.*

There is no evidence that trees have been cut in contravention of this policy.

***Policy BW-9:***

*Within any watercourse protection setback established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement.*

The agreement conforms with this policy (see Section 3.8 and 3.9 and clause (a) of Section 7.2).

***Policy BW-10:***

*Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.*

Watercourses have been identified and delineated as non-disturbance areas over privately owned land or are included as parkland dedication to the Municipality. A continuity of non-disturbance areas has been achieved. Further the agreement requires that all wetlands greater than or equal to 2000 square metres are to be identified and delineated as non-disturbance areas (see Schedule D of the Agreement).

***Policy BW-11:***

*A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.*

A tree replanting program is specified for single unit, semi-detached and townhouse dwellings under Section 3.5.9 and for apartment buildings under Section 3.10.

***Policy BW-12:***

***Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.***

The site includes several rock ridges with slopes exceeding 25%. Several of these ridges are protected in whole or in part by non-disturbance areas along watercourses. Further where development is proposed in areas where ridges are present, blasting will minimize these features to a point where they are not a hazard.

***Policy BW-13:***

***The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.***

No specific provisions have been made in the agreement.

***MUNICIPAL SERVICES:***

***Policy BW-14:***

***The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.***

The Water Commission (now Halifax Water) has accepted the proposed schematic which is consistent with the that presented on Schedule BW-3. Halifax Water is satisfied that this proposal will achieve required service standards and meet their requirements.

The design will also be required to conform with a consulting study that was prepared in support of the Capital Cost Contribution study and accepted by Halifax Water (Section 4.4 of the agreement).

***Policy BW-15:***

***The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on***

*an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses<sup>1</sup>.*

The sanitary sewer system conforms with these requirements.

**Policy BW-16:**

*Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:*

- b) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 2, 6, 7 and 8 as illustrated on schedule BW-7 or proposed for general commercial uses within Sub-Area 9 and 12;*
- c) for all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and*
- d) the temporary pumping station and forcemain, illustrated as "PS (TEMP)" and "FORCEMAIN (TEMP)" on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant ( as illustrated on schedule BW-4) . This requirement may be waived if:
  - a) the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and*
  - ii) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.**

*In the event that any Sub-Area is not developed to the maximum permitted density, the Municipality may consider allowing the difference to be allocated to another Sub-Area provided that the development proposal conforms will all other policies established under this secondary planning strategy.*

The development agreement limits the sewage capacity to comply with this policy (Section 4.5). The proposed agreement does not utilize a temporary pumping station or force main as identified.

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

Should this be required, the development agreement will have to be amended. Staff have identified such an amendment as a non-substantive amendment in the proposed agreement.

***Policy BW-17:***

***A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied:***

***b) the Community Collector Road shall be designed as an urban minor collector with sufficient right-of-way width for two lanes of traffic, turning lanes, where required, and sidewalks on both sides. Direct driveway access shall be restricted to commercial developments, apartment buildings, institutions and clustered housing developments comprised of at least eight housing units with one driveway access to the Community Collector Road. One or more rotaries may be permitted;***

***c) a regional trail system shall be designed to connect with the destination nodes illustrated on BW-5.***

The location and design of the community collector road with a boulevard pathway on one side are illustrated on Schedules C and E of the development agreement. The collector road design and abutting developments conform with this policy.

The boulevard pathway will be a 3.0 metre (9.8 feet) paved surface that will be located within the collector road right-of-way on one side of the street with a standard sidewalk on the other side. The trail is intended to be part of a regional trail system which will extend from the trail system in Clayton Park, through Bedford South and Bedford West, to the proposed regional park at Jack's Lake. By being beside the collector road, the boulevard pathway will also serve as an active transportation route for destinations with the Bedford West Community (school sites, the business campus and the community commercial centre).

***d) community trail systems shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. Trails shall be designed and constructed in accordance with the Guidelines of the Nova Scotia Trails Federation unless otherwise acceptable to the Municipality. Variations to the Municipal Service Specifications for sidewalks may be considered where a trail is proposed which would provide improved accessibility for pedestrian travel in the community;***

The applicant will construct all secondary trails shown on the streets, sidewalks and trails plan presented as Schedule E to the agreement. The Municipality would agree to waive the requirement for a sidewalk on portions of Road 2-1, Road 2-3 and Road 2-9 (see Schedule F).

## ***DEVELOPMENT PHASING AND COST RECOVERY***

### ***Policy BW-20:***

*A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:*

- (a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;*
- (b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;*

The proposal conforms with these policy criteria. The draft agreement includes provision which give the Halifax Water the ability to deny approvals if capacity within the service systems are not available. Through infrastructure charges (not yet approved), regional water, sewer and transportation improvements are enabled which will serve this proposed development and the greater Bedford west area.

### ***Policy BW-21:***

*In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.*

This stipulation is made under Section 3.3.2 of the agreement.

### ***LAND USE:***

### ***Policy BW-23:***

*The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.*

The proposal conforms with the Community Concept Plan.

***Policy BW-24:***

*To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area. If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.*

*If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved. (RC-July 8/08;E-Aug 9/08)*

The main variance to the land use by-law standards is the provision for single unit dwellings with lot frontages and areas less than that required by the RSU (Residential Single Unit) Zone which requires a minimum of 60 feet and 6,000 square feet respectively. The agreement permits a reduction to 4000 square feet of area and 40 feet of frontage. Standards have been introduced in the agreement to ensure sufficient on-site parking while maintaining a well landscaped streetscape that is not dominated by paving or garages.

Some minor variations to setback requirements and the measurement of building height have been provided for. The lot area and (private) recreation space requirements for multi-unit dwellings have been waived due to the surplus of useable public parkland provided. The development standards established under the agreement for apartment buildings are found under Section 3.5.5.

***Policy BW-25:***

*The areas designated as Open Space on Schedule BW-7 shall be reserved for recreational uses, conservation uses including stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Open Space Designation may be varied where such changes provide:*

- a) enhanced protection of environmentally sensitive site features;*
- b) more opportunity for preservation of significant aesthetic features;*
- c) more suitable lands for recreational uses; or*
- d) a more functional trail system for pedestrians and cyclists.*

*The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be allocated to satisfy the Municipality's Subdivision By-law requirements for parkland dedication.*

The proposal generally meets the requirements of this policy. Further, two small community parks have been added to enable small scale parkland development. The intended purpose of each



open space dedication was explained in submissions in support of the agreement and discussed with Parkland Planning. Staff are satisfied that the proposal conforms with the dedication criteria established under the Regional Subdivision By-law.

***Policy BW-26:***

***Street crossings of the Open Space Designation shall be minimized and any trail development within a watercourse buffer zone established under policy BW-7 shall be subject to the requirements of policy BW-9.***

The agreement conforms with this policy (see Sections 3.6.2 and 3.7).

***Policy BW-27:***

***No stormwater management, sanitary sewer or water service system shall be located within the Open Space Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended.***

Sanitary and water service intrusion into the Open Space designation has been minimized. Complete avoidance of the designation is not possible and there are several crossings required. Where possible, these intrusions will be in areas where trails are proposed. Further the agreement permits the establishment of stormwater management features within the Open space designation. The establishment of these features requires a review of an environmental study and a determination as to the impact of the feature. Parkland Planning will review each proposed feature to ensure the feature meets the aesthetic and parkland requirements. Staff are satisfied that the proposal conforms with this policy.

***Policy BW-28:***

***In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.***

See Policy BW-27 (above).

***Policy BW-29:***

***The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.***

Parkland planning staff are satisfied that the application conforms with the guidelines adopted by Council under the Regional Subdivision By-law.

***Policy BW-30:***

***Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.***

The intended function of each parkland dedication was outlined in a submission accompanying the application and further negotiations were held with staff with consideration given to the parkland dedication criteria of the Regional Subdivision By-law. The developer has agreed to undertake site improvement and site preparation work, as illustrated on Schedules E, F, K and L of the Agreement, in order that these dedications can be used for their intended purpose. Staff is satisfied that this policy has been satisfied.

***Policy BW-31:***

***Community parks are intended to be located on lands reserved for schools within the Institutional/Residential designation shown on Schedule BW-7. In the event that schools are not developed on these lands, the Municipality may require that these lands or portions thereof be reserved for community parks.***

The development agreement conforms with this policy provision (see Schedule B and Section 3.7 of the agreement).

***Policy BW-32:***

***The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:***

- a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;***

The development agreement allows for six units per acre as identified in the policy (see Section 3.4.2 of the Agreement).

- b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;*

Lands dedicated for institutional uses and community commercial uses are located on Loop Road and along Kearney Lake Road. (see Schedule B and C of the Agreement). Institutional uses are to be developed in accordance with the Institutional (SI) Zone of the Bedford Land Use By-law and community commercial uses in accordance with the requirements of the agreement (Sections 3.5.6 of the agreement).

- c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;*
- d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;*

The Streets, Sidewalks and Trails Plan (Schedule E of the Agreement) has been reviewed by Transportation and Traffic Services and Regional Transportation Planning. Staff are satisfied that the plan conforms with the intended objectives of clauses (c) and (d) above.

- e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;*

A variety of housing types is provided in this phase, integrated with parkland dedications and open space areas so as not to appear congested. An evaluation of policies R-12A, R-12B and R-12C is provided at the end of this policy set.

- f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;*
- g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;*

These matters are addressed in the evaluation of policies R-12A, R-12B and R-12C.

- h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;*

The application conforms with this policy.

- i) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;*

The agreement requires that landscaping plans be provided for all institutional, commercial and multi-unit buildings with screening employed around parking areas (Section 3.10 and Schedule S). At least 50 percent of required parking for all multi-unit developments must be underground (clause (h) of Section 3.5.5).

- j) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;*

This sub-area does not directly abut any existing development.

- k) all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality;*

Parkland planning are satisfied that the dedications conform with this policy.

- l) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.*

Staff is satisfied that the proposal conforms with this policy.

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

#### **Policy R-12A:**

*It shall be the intention of Town Council to require architectural design standards for RCDD projects. These standards are intended to achieve architectural variation in neighbourhoods by limiting design repetition and encouraging varying facial designs. Small multiple unit buildings shall be designed so they appear more like large single unit buildings. Large multiple unit buildings shall have bends and jogs rather than flat*

*facades and shall be limited to a maximum of 36 units per building and three storeys in height unless site conditions justify a taller building by minimizing site disturbance, maximizing tree retention and screening from the street. In the architectural design of all buildings in RCDD projects. Consideration shall be given to the following techniques: roof slopes with 6:12 pitch or greater; door and window trim and detailing; exterior materials of brick, masonry, clapboard or wood; exterior colours of earth and natural tones with complementary coloured trim; use of side doors on semi detached and townhouse units; garage entrances on the side rather than the front of homes; garage entrances be set back from the front facade to minimize its impact on the streetscape; decorative front facade details such as brick, shutters, awnings; utility wires, installation of underground electrical secondary services and electrical metres attached to side or back of homes. Specific architectural guidelines shall be included in development agreements. For multiple unit buildings and commercial buildings consideration shall be given to the site's location and visibility within the Town, in establishing building size and design.*

Architectural design criteria for townhouses and apartment buildings are found under Schedule Q of the development agreement. All apartment buildings must have underground parking for at least 50 percent of the required parking and landscaping plans are required.

Apartment buildings are restricted to eight storeys in the residential neighbourhood and nine storeys in the community commercial area as identified in Schedule C. Where identified the building can exceed this requirement.

All townhouses are required to have an attached garage to ensure sufficient on-site parking. The garage is restricted to a maximum width of 4.27 metres (14 feet) with a maximum driveway width of 3.66 metres (12 feet) so that the streetscape is not dominated by garages or front yard parking.

Staff are satisfied that these measures address the intended objective of this policy.

**Policy R-12B:**

*It shall be the intention of Town Council to identify non-site disturbance areas and to require landscaping for RCDD projects. Non-site disturbance areas are intended to preserve natural open space and to provide neighbourhoods with a natural or "green" environment. Landscaping requirements are intended to provide buffers between buildings, buffers between buildings and streets, and provide a visual break in parking lots. Non-site disturbance areas shall be determined by designing buildings that fit the site and utilizing construction practices that minimize site disturbance and maximize tree retention. Horticultural practices shall be utilized to maintain the health of vegetation within non-site disturbance areas and landscaped areas, such as: covering of exposed roots with adequate soil and mulch; protecting specimen trees with barriers to prevent damage from machinery; slope stabilization; planting of trees that comply the CNTA Canadian Standards for Nursery Stock etc. Consideration of storm water drainage patterns shall be considered when identifying non-site disturbance areas and landscaped*

*areas. The "no net loss" approach shall be used for non-site disturbance areas ie: any removal or damage to a non-site disturbance area during or after construction shall be replaced via landscaping somewhere on the site so there is no net loss to the vegetated portion of the site.*

The Regional Subdivision By-law requires that trees be planted within street right-of-ways and the agreement requires that trees be planted on all residential lots (Section 3.5.9) and that landscaping plans be submitted for multi-unit residential and commercial developments (Section 3.10). Trees must also be retained with the required setbacks of all watercourses (Section 3.9) and trees will be retained over significant portions of the parkland dedications. The developer is also required to prepare guidelines for healthy lawn care which is to be distributed to lot purchasers (Section 3.10.4).

These requirements should ensure that existing trees are maintained to the extent reasonably possible and that new trees are introduced so as to allow for the establishment of a new community, well integrated with a cover of trees.

**Policy R-12C:**

*It shall be the intention of Town Council to require streetscape design standards for RCDD projects. These standards are intended to achieve an attractive streetscape upon completion of the project. In designing the streetscapes, parking for small lots shall be provided in the side yards except where a garage is provided in the front yard. In addition, for all streetscapes, consideration shall be given to: varied front yard setbacks; street patterns that utilize curves, bends and change in grades; street standards that reflect the function of the street; parking in side yards; landscaping to screen parking lots from the street for large buildings ie: multiple unit, commercial, townhouses; driveway locations for multiple unit projects considered in terms of the view from the street and to buffer these in order to minimize the impact of the parking lot and building on the streetscape; provision of street trees for both public and privately owned streets. Buffering and screening shall be provided in the form of natural vegetation and landscaping. Street patterns utilizing local through streets is encouraged over the use of cul-de-sacs to facilitate improved traffic movement and to assist snow clearing operations. Through streets shall not be accepted in preference to cul-de-sacs in situations where it is incompatible with the physical topography and where site disturbance of environmentally sensitive areas will be increased. Sidewalks shall be required on both sides of arterial and collector streets. To minimize their impact on collector roads, small lots should be located on local streets and be dispersed throughout the development.*

This policy is addressed by locating multi-unit housing, institutional and community commercial developments on the community collector roads where a combination of larger lots, tree retention and landscaping measures integrated with parkland dedications provide for a spacious feel. Single unit dwellings are located on local streets which are designed to preclude short cutting and integration with the natural environment

***Policy BW-33:***

***A range of community commercial, higher density residential, institutional, and recreational uses may be permitted within the Community Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:***

- a) preference is given to limiting parking or loading areas between a building and the Kearney Lake Road or the Community Collector Road and any buildings with commercial occupancies should be located in close proximity to the street line;***

Community Commercial Guidelines (Schedule S) limit the location of parking.

- b) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;***

Community Commercial Guidelines (Schedule S) require adequate pedestrian connections and screening of parking areas.

- c) sidewalks and plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;***

Community Commercial Guidelines (Schedule S) require the establishment of private amenity space. Further the agreement requires the preparation of a lighting plan for all commercial properties and requires windows adjacent walkways to ensure safety.

- d) provisions are made for the storage of bicycles;***

Section 3.14 of the agreement requires the establishment of bicycle facilities.

- e) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;***

Community Commercial Guidelines (Schedule S) will assist in creating a secure and interesting environment.

- f) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;***

Community Commercial Guidelines (Schedule S) will assist in creating a sense of interest from public streets.

- g) the massing and height of buildings are consistent with and contribute to an pedestrian oriented environment;***

Community Commercial Guidelines (Schedule S) limit building height to four storeys within 40 feet of a sidewalk.

- h) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.*

The Community Commercial area meets the requirements of the Secondary Planning Strategy.

***Policy BW-34:***

*The Municipality may enter into an agreement to lease or purchase lands within the Community Commercial Centre Designation for public transit and park-and-ride facilities on either a temporary or permanent basis. Site preference will be given to lands directly abutting a Community Collector Road and from which access from Kearney Lake Road or the Community Collector Road could be conveniently and safely secured. Such facilities may include parking structures.*

The Municipality is acquiring lands for a park and ride in another location near Hammonds Plains Road, No interest was expressed for lands within Sub Area 2.

***Policy BW-35:***

*Lands designated Institutional on Schedule BW-7 are intended for development of schools or other civic buildings, such as libraries or churches, which could benefit from being located on a collector road at central locations within the community, as well as community parks. No development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of five years from the date of entering into a development agreement for the development Sub-Area in which the site is located or building permits have been granted for 90 percent of the lots within the development Sub-Area. In the event that the School Board or the Municipality does not acquire the site within this time frame, the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-31 and BW-32.*

The proposed agreement meets the requirement of this policy. Further staff have added institutional uses as permitted uses within the Community Commercial lands, thus ensuring that there are additional options.



**Attachment C**  
**Minutes Public Information Meeting - January 10, 2007**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE NO. 00970 - Sub-Area 2, Bedford West**

**7:00 p.m.**

**Wednesday, January 10, 2007**

**Basinview Drive Community Elementary School**

**IN ATTENDANCE:** Paul Morgan, Senior Planner, HRM Planning Services  
Cara McFarlane, Administrative Support, HRM Planning Services

**ALSO PRESENT:** Mike Hanusiak, Clayton Developments Limited  
Kevin Neatt, Clayton Developments Limited  
Bill MacIntyre, Clayton Developments Limited  
Councillor Gary Martin, District 21  
Councillor Debbie Hum, District 16

**PUBLIC IN ATTENDANCE:** Approximately 44

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The meeting commenced at approximately 7:01 p.m.

**1. Opening remarks/Introductions/Purpose of meeting - Paul Morgan**

Mr. Morgan introduced himself as the Planner guiding this application through the development agreement process; Councillor Gary Martin, District 21; Councillor Debbie Hum, District 16; Gloria Lowther, NWPAC member; Mike Hanusiak, Clayton Developments Limited; and Cara McFarlane, Administrative Support, Community Development.

The purpose of this meeting is to introduce the public to the development proposal being put forward by Clayton Developments as well as for staff to receive some feedback from the public.

**2. Presentation of Proposal - Paul Morgan**

This application is for a development agreement for the first of development in the Bedford West Master Plan Area. The planning for this whole community commenced in February, 2003, when Regional Council approved the Terms of Reference for the study and the Public Participation Committee (PPC) with representations from three community councils. The Bedford West Master Plan Study's boundaries were shown (Hammonds Plains Road, Kearney Lake Road, Bicentennial Highway - the lands also extend southwest of Kearney Lake Road). The feasibility of extending service development was studied. In the end, Council cut the boundaries (Sub-Areas 2B and 5B) due to the feasibility of extending sewer and water to these areas being very difficult.

The PPC oversaw the input from residents and people interested in the program. They also worked with staff and property owners in producing policies for the framework of this area and they conferred with the Regional Planning Committee (RPC). This was happening concurrently with the Regional Plan.

Many studies were undertaken including the Regional Greenfield Study that identified this area as the most favourable area for the Municipality's allowance of new development in respect to cost. There were also a number of studies done regarding dam rehabilitation, watersheds and stormwater management. A lot of emphasis was put on the watershed because there were two lakes involved (Kearney Lake and Paper Mill Lake) that are used for swimming and recreation activities.

The PPC had a number of consultations (three public meetings, fourteen PPC meetings) and conferred with the Bedford Watershed Advisory Board (BWAB) and North West Planning Advisory Committee (NWPAC). Regional Council held a public hearing where all of the policies were approved in July, 2006.

The three main components of the study were environmental protection, municipal services and land use. The policy document (copies available), the Bedford West Secondary Planning Strategy (SPS), is an overview of all the policies that are now in effect and that this development agreement application has to be considered in light of.

Environment protection: There are requirements for a water quality monitoring program to ensure the lakes are not deteriorating. There are policies to preserve environmentally sensitive areas, watercourses, and tree planting.

Municipal services: The trunk service schematics have been agreed upon and the development phasing was linked to the provisions of these services. Cost recovery for service upgrades are being discussed with property owners and will have to be approved by Regional Council before any subdivision or development activity can occur.

The master plan area is divided into 12 sub-areas. Each sub-area has to be approved in its entirety in any one development agreement application. The first sub-area being considered is Sub-Area 2.

Land use: A concept plan has been prepared. At the time these policies were prepared, Annapolis Group owned Sub-Areas 2, 3, 4, 6, 7 and 8 and a concept plan was prepared for all of these areas as well as a parcel of land that was owned by HRM which has now been conveyed to Research In Motion for a new customer service centre. A lot of emphasis was put on public transit, pedestrian friendly development, a mix use of housing types for various income levels while at the same time giving the developer flexibility to respond to market demands and needs.

Community plan: The green areas shown on the plan are open space areas including major watercourses (Kearney Lake, Kearney Run, Black Duck Brook, and a few others). The brown areas are intended to be business campuses off of the Hammonds Plains Road and a major commercial centre is intended directly off the Kearney Lake Road. The location of the proposed Highway 113 was shown. The plan made provisions for this highway but will still work if the highway is never approved.

Major Infrastructure: Major community roads would lead to and from this development and would give access to Hammonds Plains Road as well as Kearney Lake Road. A proposed interchange that would connect with Larry Uteck Boulevard leading down to the Bedford Highway was shown.

Following this meeting, there will be a review by BWAB and NWPAC who would make recommendations after some negotiations and staff feel confident to present the proposal to NWCC. NWCC would hold a public hearing to hear the merits of the application, the public's comments and decide whether or not to approve the application. Regional Council would also have to approve the infrastructure charges (land owner helps to pay for the infrastructure needed to service this community).

**3. Presentation - Mike Hanusiak, Senior Vice President and General Manager, Clayton Developments Limited (See Attachment A)**

Mr. Hanusiak introduced Kevin Neat and Andrew Connors, Principal Designers, Clayton Developments Limited; Mary Ann McGrath, former MLA; and Walter Regan, NWPAC and Sackville River Association (SRA).

A PowerPoint presentation was shown to the public and can be made available upon request.

The application is for a proposal from a numbered company, 3090214 Nova Scotia Limited. There are two principal partners associated with the company, Cresco and Clayton Developments Limited. The numbered company will eventually give way to a registered company that will be doing business in this area for the next 20 to 25 years. Those business names have been submitted to the Joint Registry of Stock and 3090214 will give way to a more formal business name.

The Bedford West Master Plan Area encompasses approximately 2600 acres of land. The area this application deals with is Sub-Area 2 which has a gross acreage of approximately 179 acres; however, a portion of that, 27 acres, is destined by acquisition by the Province for the proposed Highway 113. The workable area within Sub-Area 2 is approximately 153 acres.

The lands shown in grey encompass Sub-Areas 2, 3, 4, 5, 6, 7, 8 and the business campus. Those 1200 acres of land are the lands that 3090214 purchased from Annapolis Group over the summer. Throughout the plan there are approximately twenty specific policies that relate directly to the 1200 acres of land. Some of the policies are specific to Sub-Area 2 especially those that relate to Kearney Run. Other policies relate more to the business campus or lands that are in and around proposed Highway 113.

The plan is a long term vision (20 to 25 years) of a new community that will be centered around the proposed Highway 113. As part of the SPS, there was a future land use designation that helps guide what can take place in the area known as Sub-Area 2. The areas shown in red are the community commercial designations, the areas in striped brown are the residential areas. During the course of the public participation committee meetings it was identified that areas along Kearney Run and a watercourse that runs up through the property be designated and preserved as Park and Open Space. The power line that runs from Clayton Park West through the site on its way to Jack Lake was shown on the map. These lands were designated Park and Open Space as well as a possible route for a regional trail from Clayton Park to Jack Lake. These are mandatory Park and Open Space areas.

An aerial photo of the property was shown. The 179 acres of Sub-Area 2 is approximately 1100 metres from the dam area over to the proposed interchange and approximately 1000 metres across from Kearney Lake to Highway 102. The land is characterized by wooded tree cover and a series of minor ridges and valleys. There is one building structure within Sub-Area 2 (Matheson Doors and Windows building).

The applicant is required to provide staff with sufficient information to evaluate submitted plans. This is done by way of slope analysis. The aerial photos and contour lines along with digital imaging allows the preparation of these plans. The areas shown in pale yellow are virtually flat (between 0% and 5% grade), the darker areas are between 10% and 20% grade, and the dark brown areas are roughly 20%. The areas that are 20% and greater are the areas under the SPS that are supposed to be respected and left in tact unless there is a clear plan to stabilize the slopes. When ridges run fairly close together, the developer should walk the site to determine if there are any watercourses on the site.

When the land was acquired, several prepared studies done by the municipality and others as part of the Bedford West Master Plan were acquired. A number of studies that were prepared by the Annapolis Group speaking to water quality, lake monitoring, transportation and so on are of public record. Many of these are identified in the SPS.

Copies of the series of stormwater management plans that were prepared by the Annapolis Group and others were available at the meeting. The plans speak to the dams, the future of the dams, how they work in terms of stormwater management and flood projections. The document from Jacques Whitford that focusses on Sub-Area 2 was available. The document proposes the manner in which stormwater management will be managed and how the impact will mitigate to the downstream environment. These documents as well as the plans shown at this meeting will be submitted to BWAB for a formal look at Sub-Area 2.

The density for the areas in Bedford West are not to exceed six residential units per acre (approximately 18 to 20 persons per acre) per sub-area. There is a provision within the SPS that would allow the developer to go up to 7 residential units per acre if the density from another sub-area was less than six units per acre. The developer can ask that the density be added to another sub-area. The land use for the plan is to be a mixed use development. Development must be on municipal water and sewer. Everything is conditional upon HRM indicating that there is sufficient capacity to handle development in this area.

There are a lot of documentation and policies that speak to the type of parks and open space that have to be preserved and would serve this and surrounding sub-areas.

The loop road is intended to go through all quadrants of the lands that have been acquired. It will be the principle loop road for transit in association with the Kearney Lake Road and the main entrance into Sub-Area 2. There is a minor (local) street opposite Bell Street which will carry traffic in the quadrant shown (southwest quadrant). All the lands that were shaded (shown on plan) are to be deeded to HRM as public open space. The applicant also owns the land on the south side of Kearney Run (Sub-Area 5) and there is an equal expectation that when a future development agreement is done that there be a land dedication for public purposes on both sides. There are two

smaller areas for multiple units. Along the Kearney Lake Road there will be two community commercial areas. The rest of the site for the most part will be low density residential (a combination of single family dwellings and townhouses). In the northeast quadrant of the site there is a requirement for a school property. If the Province chooses not to acquire this for a school there is still expectation that an area of about four acres will be dedicated as an active sports field and the remainder of the land in the absence of the school would be developed for residential purposes.

The conceptual master plan was shown. The area in green along Kearney Run shows existing trees. There is a principle stream core that runs all the way through that site that will be retained. Under the Regional Plan the developer has to dedicate and preserve a 20 metre (66 feet) setback from either side of a watercourse. There is approximately 125 feet of undisturbed buffer zone that will be turned over to the public trust. A seasonal stream corridor was found while walking the site. A decision was made to maintain that stream. There is a bog area (shown on the plan) which, according to Jacques Whitford, housed a quarry many years ago impairing some drainage. For the time being, that area has to be treated as wetland unless otherwise directed by Department of Environment (DOE).

The intention for southeast quadrant (closest to Bell Street and Kearney Run) when the street is built through is to build a formal walking path to connect Street 21 down to the waterfront. There are two multi unit buildings. The developer is looking for development entitlement of six storeys for one site and seven to nine storeys for the other site (Matheson Doors and Windows site).

The footprint of the six storey building is taken from The Tides Condominium, Bedford. There is a large amount of area that is being proposed as a non-disturbance area. The developer has to build generally in accordance to what is shown on the plans.

The other multi unit dwelling will be built on the former Matheson Doors and Windows site. The intention is to remove the existing building, rehabilitate the site, and in its place construct a seven to nine storey building. The model being used is Tierra Gardens (six storeys), Clayton Park. The idea is to use the same footprint but add a few more storeys. The building will sit well back on the site and is actually 460 feet from the closest house on Bell Street. The houses on Bell Street will not see this building.

The two sites will be dictated by market as to whether they are apartments or condominiums. The quality of buildings over six storeys is considerable better than any four storey wood framed building. The footprint is kept relatively small with a lot of parking underground to minimize disturbance of the site.

The rest of the area is set up as townhouses and single family dwellings. There is a small community commercial area in the corner (shown on the plan). There are no specific tenants for that area. In lieu of specifics, the developer has asked staff to consider, under the development agreement, to put in place a site plan approval. In the SPS there are about ten design considerations. The developer may ask staff to take this plan and work with the design considerations. The site plan approval requires notice to be given to nearby property owners. If the Planning Act or SPS does not allow this, then the developer will seek development approvals for the building arrangement shown on the plan.

Road 2-5 is the loop road (shown on the plan). This will be the signature entrance to the property and will carry the bulk of the traffic. The idea of keeping the multiple units and commercial sites close to the Kearney Lake Road and Road 2-5 is so the bulk of the traffic is in close proximity to the future transit routes (Kearney Lake and Road 2-5). It also keeps the bulk of the traffic from migrating down through the lower density residential areas.

A small community plaza was shown on the plan. The developer would like to bring the building out close to the street line which would encourage people to walk through to the site. There will be sidewalks on both sides of the streets. A corner building will be intended to mask some of the parking and a large portion of the parking would be located at the rear of the site. A mandatory buffer zone was shown on the plan.

The final area of the site is predominately townhouses and residential units. The developer has tried to stay at 50% low density and 50% multiples. As household sizes decrease and people get older the split becomes for like 45%:50%. The bulk of the land in Sub-Area 2 will be dedicated to single family dwellings.

The school site was shown. The site is approximately 9.5 to 10 acres in size. There are two or three alternatives for the Province and HRM to consider. One thing that was looked at was bringing the sports field closer to the street so it would be more visible.

The developer is proposing some type of walking trail along Kearney Run. One thought was for it to be a formal trail or on the other hand it could be left alone. The developer will let HRM, the community councillors, police, and residents decide what the trail should be in the future. The developer is also proposing a formal trail (shown on plan) with a full walkway which is intended to bring people from the neighbourhood to enjoy the pond area. There is also potential for some type of hiking trail up through the corridor that will link across the site (shown on plan).

There are three neighbourhood parks being proposed (all shown on the plan). There has been talk about a potential one down around the dam. It was suggested to let the community decide on this park. The developer will dedicate the land and take suggestions from the community on how that land should be set up and managed.

In terms of transportation, the intention on the loop road is to have dual sidewalks. The developer has proposed to take the outside sidewalk and turn it into a dual purpose cyclist trail. In terms of vehicular traffic, there was a study prepared by Delphi as part of the master plan (available from HRM) and the recommendations will be followed in terms of enhancements to Kearney Lake Road and other areas unless otherwise directed.

Only a certain amount of development can happen within Bedford South before a new interchange (102/Larry Uteck Drive Interchange) is to be constructed. That interchange (Bedford South SPS) was approved by the Province and Regional Council in 2002. There is a cost sharing arrangement between the Province and HRM and all private land developers to help pay for the cost of that interchange. When this interchange was approved, one of the ideas was to take Kearney Lake Road and reroute it up to connect into the interchange. The lakefront portion of Kearney Lake is intended then to "T" into this road. The idea being that the bulk of the traffic will come inbound on Kearney

Lake Road, along the lake and into the Castle Hill Drive area and then find its way right up to the 102. The interchange is still on the books for 2009. Development in Sub-Area 2 will hardly be started before the interchange is done. While the developer is allowed to develop Sub-Area 2 and potentially Sub-Area 5, there are restrictions that Sub-Area 7 and 8 cannot be developed until such time that this connection road is through. This is roughly half of the land that 3090214 Nova Scotia Limited owns. Developers pay equal share of the cost of the interchange and the connector road.

#### **4. Questions and Comments**

Bob MacDonald, Halifax, has been following the proposal for Highway 113 and does not recall in the latest iteration that there is going to be an interchange at Kearney Lake and he doesn't believe there will be any interchange on Kearney Lake Road at all because the area is so close to the intersection on Highway 102. Mr. Hanusiak showed the right of way area that the Province wants to acquire. At this point, the plans received show an interchange.

Frank Jones, Bedford, asked if there are plans for underground services and is there a time frame set for the development. Mr. Hanusiak explained that HRM has to complete the discussion on capital cost contribution. There is a requirement to take the sewer from an area (shown on plan) back through to the Petro Canada system. There is an option of taking the sewer back to Halifax or, according to the MPS, actually taking it to the Mill Cove system. HRM has to decide which direction and under what time frame. The developer would expect to start construction later this Fall or early next Spring. This area would take about six years to complete all the roads if market conditions stay where they are and about seven years for the lots to fill up. Underground services is not a requirement of HRM at the present time. Industry is not in favour of total underground. The cost is overwhelming. More details can be given by Earl Richardson, Clayton Developments Limited. Secondary services will be underground.

One resident asked who will be responsible for funding the development of the water parks. Mr. Hanusiak explained that the developer will be making a capital cost contribution to the park areas by grading them to a specific level and sodding them. The developer anticipates making a cash contribution for playground equipment. The developer will be building a crusher dust path coming into the area (shown on plan). There is a foot bridge required (shown on plan) that the developer will build. There is a plan, if the community agrees, to build a small passive park (shown on the plan). If HRM does not want it, the land will be given.

One resident asked who is responsible for the maintenance of the dam. Once the dams are brought up to date will they be turned over to the Province and HRM? Mr. Hanusiak mentioned that Annapolis Group is responsible for all the dams. Mr. Morgan said the dams were intended for commercial purposes when they were first built but now they are used by the public. Annapolis Group would like to see some public entity take over the dams. There is one more dam to rehabilitate and perhaps once that is done discussions will proceed.

Walter Regan, member of NWPAC and SRA, asked if there were any plans to build fishways over the dams. Mr. Hanusiak said the dams are the responsibility of Annapolis Group in consultation with the Province.

Mr. Regan understands that Kearney Lake and Hammonds Plains Roads are going to be upgraded to four lanes by the developer. Will there be a full bridge with sidewalks over Kearney Lake? Mr. Hanusiak explained that the design of the off roads to Kearney Lake Road is the responsibility of HRM through the capital cost charge. The developer will not be doing the upgrades themselves but will make a capital cost contribution. When looking at including cyclist paths and other things, Mr. Hanusiak suggested that perhaps there isn't the need for four full blown lanes to move traffic. Maybe there is the opportunity to slow traffic down a bit and create capacity at the intersections. Mr. Morgan explained that the traffic study done for Kearney Lake Road did stipulate that this would be four lanes (distance shown on plan). He wasn't sure if this will be revisited. Aesthetically it might be best to keep it the two lanes.

Mr. McDonald asked if the water quality monitoring has started yet or will it start before development occurs. Mr. Morgan mentioned that HRM Environmental Services has already started monitoring a number of the lakes in the region. Mr. Hanusiak said HRM has to put in place the phosphorus loading models which will predict the future phosphorus levels in the water. A large amount of that work has been done.

Mr. McDonald is concerned about the large white pine trees (some one metre in diameter) in the area. Will there be any special attempt to preserve these? Mr. Hanusiak said their surveyors will walk the site to get a good look at where those trees are and try to work around them. There is a large tree in the middle of the Matheson Doors and Windows parking lot which the developer will try to keep. The developer showed a grading plan which shows existing and future grades and areas of non-disturbance. Some trees are identified and everything will be done to keep those. This site has close to 20% of park and open space dedication. In addition, there are areas of private open space which would make park and open space dedication well beyond the 20%. The Municipal Government Act (MGA) requires 10%.

One resident asked if there is a provision in the SPS to increase the water setback when the grade is greater than 20%. Mr. Hanusiak mentioned that it has already been implemented into the site plan in some areas. A lot of the homes back onto the open space; therefore, there would be a transition between the backyards and the ravine areas. Mr. Morgan said that at Kearney Run and along Kearney Lake Road there is a minimum requirement of 100 feet and in a lot of cases here the requirement has been exceeded.

Mr. Regan asked if there was any thought given to a green roof design. Mr. Hanusiak suggested he speak to Mr. Richardson on that subject.

One resident asked if there is a provision within the Bedford West SPS that states the percentage of lot coverage. Mr. Hanusiak mentioned there will be a 12 foot clearance between homes. Mr. Morgan mentioned that the general rule is 40%. Mr. Hanusiak said there is a trend to turn back to smaller units, townhouses and condos because the cost to build is getting very significant. As the lot gets smaller the proportion for lot coverage should stay the same.

Rick Hattin mentioned that the water quality study done in relation to the Bedford West Master Plan area indicated that average peak sodium chloride concentration has gone up 83% in the last six years in Kearney Lake. This is contributed mainly to road salt. Increased amounts of asphalt in the area



there will contribute to the increase in concentration. He realizes that the water quality monitoring plan is in place to keep track of the concentrations but what happens when there is an increase. Ms. McGrath mentioned there should be no salting between Highway 102 interchange up along Kearney Lake Road. Mr. Hanusiak said the salting in that particular watershed area has dramatically been reduced over the years. The roads are the jurisdiction of HRM. If HRM decides to sand instead of salt the concentration levels should not rise. Mr. Morgan added that not only water quality monitoring is going to be done but there will be certain indicators that establish when the thresholds are exceeded. Mr. Hattin is concerned about the runoff from the asphalt. He would like to see the development agreement and see how this will be managed.

One resident asked if the bicycle ladders are a zigzag to get up to grade from the waterfront park. Mr. Hanusiak said now that there is a cycle path we should incorporate a place for people to park their bicycle and then walk into the area.

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

## 5. Adjournment

The meeting adjourned at approximately 8:30 p.m.

**Attachment D**  
**Draft Recommendation of the Bedford Watershed Advisory Board**

MOVED BY Mr. Hill, seconded by Mr. Murphy that the following components be included in the Development Agreement for the West Bedford Stormwater Management Plan Sub -Area 2:

1. A restrictive covenant requiring homebuilders to place 8" of topsoil on front yards and 6" in rear yards;
2. Jacques Whitford to recommendation on topsoil chemistry to maximize phosphorus removal;
3. West Bedford Holdings Limited to require each property owner to have a Rain Barrel installed;
4. West Bedford Holdings Limited to provide a home owners guide to Best Management Practices for Lawn Care.
5. Bedford Watershed Advisory Board to review and comment on the Best management Practices for Lawn Care education program;
6. HRM to amend the lot grading By-law to allow 0.5% minimum slopes on residential lots
7. Fertilizer applications be limited to one per year.
8. If water quality test results show incremental trend in Total Phosphorus levels, the application of organic phosphorus fertilizer be prohibited.
9. West Bedford Holdings Limited in addition to street trees to require homeowners on lots less than 50' wide to plant one (1) shade tree in front yard. For lots greater than or equal to 50' wide two (2) shade trees must be planted.
10. West Bedford Holdings Limited to require Best Management Practices for water quality on private commercial and institutional sites; Further these sites shall include bioretention facilities.
11. Underground parking should be required.
12. Erosion and sedimentation control plans shall be designed and used for all sites.

### Council Report Sign-Off Sheet

**Subject:** Case 00970 - Development Agreement, Bedford West, Sub-area 2

Meeting Date: October 1, 2008       Regular Council    In Camera    Information Report  
 Community Council       North West P.A.C.

Prepared by: Andrew Bone, Community Development      Date: September 11, 2008

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
√	CD	T. Langille, M. McGonnell, K. Warner, R. Jahncke	Sept 23/08  Aug 27/08 Aug 25/08		
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager				
	Fire				
	HR				
√	IAM	P. Duncan, C. Deacoff	Aug 12/08 Aug 19/08		
	Legal - By-Laws - Admin Orders - Other				
	Police				
	TPW				
	Library				
√	Halifax Water	K MacKenzie,	Sept 19/08		
	Councillor(s)				
	Regional Youth Advisory Committee (RYAC)				