

HALIFAX

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

Item No.14.1.8
Halifax Regional Council
July 18, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: May 26, 2017

SUBJECT: **Case 20976: MPS amendments for Civic 65 and 79 Shore Drive and PID 40018079, Bedford.**

ORIGIN

Application by Kathleen O'Donovan, on behalf of Bedford Bay Limited

LEGISLATIVE AUTHORITY

See Attachment E.

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Remove the lands at 65 and 79 Shore Drive, and PID 40018079 from the *Bedford Waterfront Design Study*;
2. Initiate a process to consider amendments to the Municipal Planning Strategy for Bedford and Land Use By-law for Bedford to re-designate and rezone the lands at 65 and 79 Shore Drive, and PID 40018079 to allow for residential single unit dwelling development on a new public street; and
3. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

4. **BACKGROUND**

Kathleen O'Donovan, on behalf of Bedford Bay Limited, is applying to develop lands at the southwestern end of Shore Drive, Bedford, with single unit dwellings. The proposal cannot be considered under existing planning policy; therefore, the applicant is seeking amendments to the Municipal Planning Strategy for Bedford (MPS) and the Land Use By-law for Bedford (LUB).

Subject Site	65 and 79 Shore Drive, and PID 40018079 (Crown-owned water lot), Bedford
Regional Plan Designation	Harbour
Community Plan Designation (Map 1)	Commercial under the Bedford MPS
Zoning (Map 2)	General Business District (CGB) Zone under the Bedford LUB
Size of Site	65 and 79 Shore Drive are two lots composed of 6,833.8 metres (73,561 square feet); PID 40018079 is a Crown-owned water lot that has been partially infilled.
Street Frontage	23.6 metres (77.4 feet)
Current Land Use(s)	Vacant and one single unit dwelling (formerly a commercial boatyard and two single unit dwellings)
Surrounding Use(s)	Located on the Bedford Basin, the subject site is immediately adjacent to single unit dwellings on Shore Road and the CN railway line. Townhouses and multi-unit dwellings are located south of the subject site on Waterfront Drive; there is pedestrian access by walking trail but no road access to that area from the subject site.

Proposal Details

The applicant wishes to construct an extension to the public street and subdivide the property at 65 and 79 Shore Drive into six lots for single unit dwellings. This can be accommodated by re-designating these properties with the Residential designation and rezoning to the Residential Single Dwelling Unit Zone.

MPS and LUB Context

Under the MPS and LUB, the subject site is designated Commercial and zoned General Business District (CGB). The Commercial designation contemplates a range of commercial uses, regulated by the LUB using five commercial zones (Attachment B). In general, mixed-use and residential uses are not envisioned within the Commercial designation, except on specific sites in the Mainstreet Commercial Zone and on the south corner of the Bedford Highway and Moirs Mill Road. The CGB Zone permits general business uses such as offices, banks, restaurants, retail stores, personal services, hotels and motels, and institutional uses (Attachment C). No residential uses are permitted in this zone.

Residential development adjacent to the subject site on Shore Drive is designated Residential and zoned Residential Single Dwelling Unit (RSU). The RSU Zone permits single detached dwellings, neighbourhood parks, special care facilities for up to 10 residents, accessory uses, and ten specific existing two unit dwellings.

Bedford Waterfront Design Study

As explained in an Information Report¹ submitted to North West Community Council on August 8, 2016, the subject site was included in the *Bedford Waterfront Design Study* (Ekistics 2010), which proposed a potential development plan over lands and water lots around Moirs Pond. The study area boundaries are illustrated on Map 3. Two alternative development proposals were proposed for the subject site: a mix of townhouses and low-rise multi-unit dwellings, or single unit dwellings. Both options proposed public street access via an extension of Waterfront Drive.

¹ <http://legacycontent.halifax.ca/Commcoun/central/documents/160808nwccinfo1.pdf>

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Bedford. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendment(s):

- The existing Commercial designation and zoning is incompatible with the neighbourhood;
- The proposed development will make efficient use of land; and
- The extension of the Shore Drive will complete the streetscape.

Attachment A contains the applicant's rationale and a proposed site plan.

Staff Review

Staff have reviewed the applicant's rationale and the existing policy in the context of site circumstances and surrounding land uses. Staff advise that there is merit to consider re-designation and rezoning of the subject site to the Residential designation and Residential Single Unit (RSU) Zone, to enable single unit dwelling development. The following matters were identified through the staff review, and are identified below for discussion:

Appropriateness of current designation and zoning

The current Commercial designation and CGB Zone were applied to the subject site when it was used as a commercial boatyard. The boatyard no longer exists, and while the subject site is located at the end of a street developed primarily with residential detached dwellings, the site's designation and zoning do not permit residential uses. The commercial uses permitted under the current zoning may be incompatible with the residential nature of Shore Drive. The proposed residential development would be consistent with the existing development on Shore Drive and the impact on transportation and servicing infrastructure is expected to be relatively insignificant.

Removing lands from the Bedford Waterfront Design Study

As noted in the Background section of this report, the subject site was included in the *Bedford Waterfront Design Study*. At present, further public consultations for the Bedford Waterfront planning process have been deferred at the direction of Regional Council pending a review of various transportation studies.

Should Regional Council wish to consider the proposed re-designation and rezoning, direction must first be given to remove the subject site from the *Bedford Waterfront Design Study*. The *Bedford Waterfront Design Study* included two options for the subject site, called "the Shore Drive Parcel": 1) Eleven townhouse units together with a low-rise multi-unit dwelling; or 2) individual lots for detached dwellings. Although the Bedford Waterfront Design Steering Committee ultimately recommended the higher-density option, removing the subject site from the *Bedford Waterfront Design Study* area would not compromise the development plans contemplated by that study.

Consideration of PID 40018079 (Crown water lot)

PID 40018079 is a Crown-owned water lot. Prior to 2010, the water lot was controlled by the owner of the former commercial boatyard, and some infilling of the lot occurred.

As per MPS Policy E-17(a) and Part 3, Section 4(f) of the LUB (see Attachments B and C), the CGB Zone has been applied to the portion of PID 40018079 that has been infilled. Staff advise that should Council wish to consider re-designation and rezoning of 65 and 79 Shore Drive to enable single unit dwelling development, the same designation and zoning should be applied to PID 40018079. This would be

consistent with the intent of the MPS and LUB, ensuring compatible zoning and development standards are applied to the water lot.

Proposed approach

If Regional Council chooses to initiate the MPS amendment process, staff would consider the appropriateness of applying the Residential designation and RSU Zone to the subject property by examining:

- The compatibility of the proposal with the surrounding neighbourhood;
- Proposed access, impact on traffic and servicing infrastructure; and
- The feedback received through community engagement initiatives.

Conclusion

Staff have reviewed the proposed MPS and LUB amendments and advise that there is merit to considering re-designation and rezoning to enable single unit dwelling development at 65 and 79 Shore Drive. The proposed form of development would be consistent with the existing neighbourhood on Shore Drive, and removing the subject properties from the *Bedford Waterfront Design Study* would not compromise the broader development contemplated by that study. Therefore, staff recommend that Regional Council remove 65 and 79 Shore Drive and PID 40018079 from the *Bedford Waterfront Design Study*, and initiate the MPS and LUB amendment process to consider the Residential designation and RSU Zone for the subject site.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the MPS and LUB will potentially impact the following stakeholders: local residents, and property owners.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2017-18 operating budget for C320 Policy and Strategic Initiatives.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Municipal Planning Strategy for Bedford is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Bedford Waterfront Study Area Boundary
Attachment A:	Applicant's Rationale
Attachment B:	Excerpts from the Municipal Planning Strategy for Bedford
Attachment C:	Excerpts from the Land Use By-law for Bedford
Attachment D:	Site Photographs
Attachment E:	Legislative Authority

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

Report Prepared by: Leah Perrin, Planner II, 902.490.4338

Original Signed

Report Approved by:

Kate Greene, Policy & Strategy Initiatives Program Manager, 902.225.6217

Original Signed by Director

Report Approved by:

Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

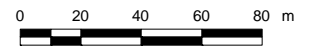
65 & 79 Shore Drive, and PID 40018079
Bedford

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 Subject Properties

Designation

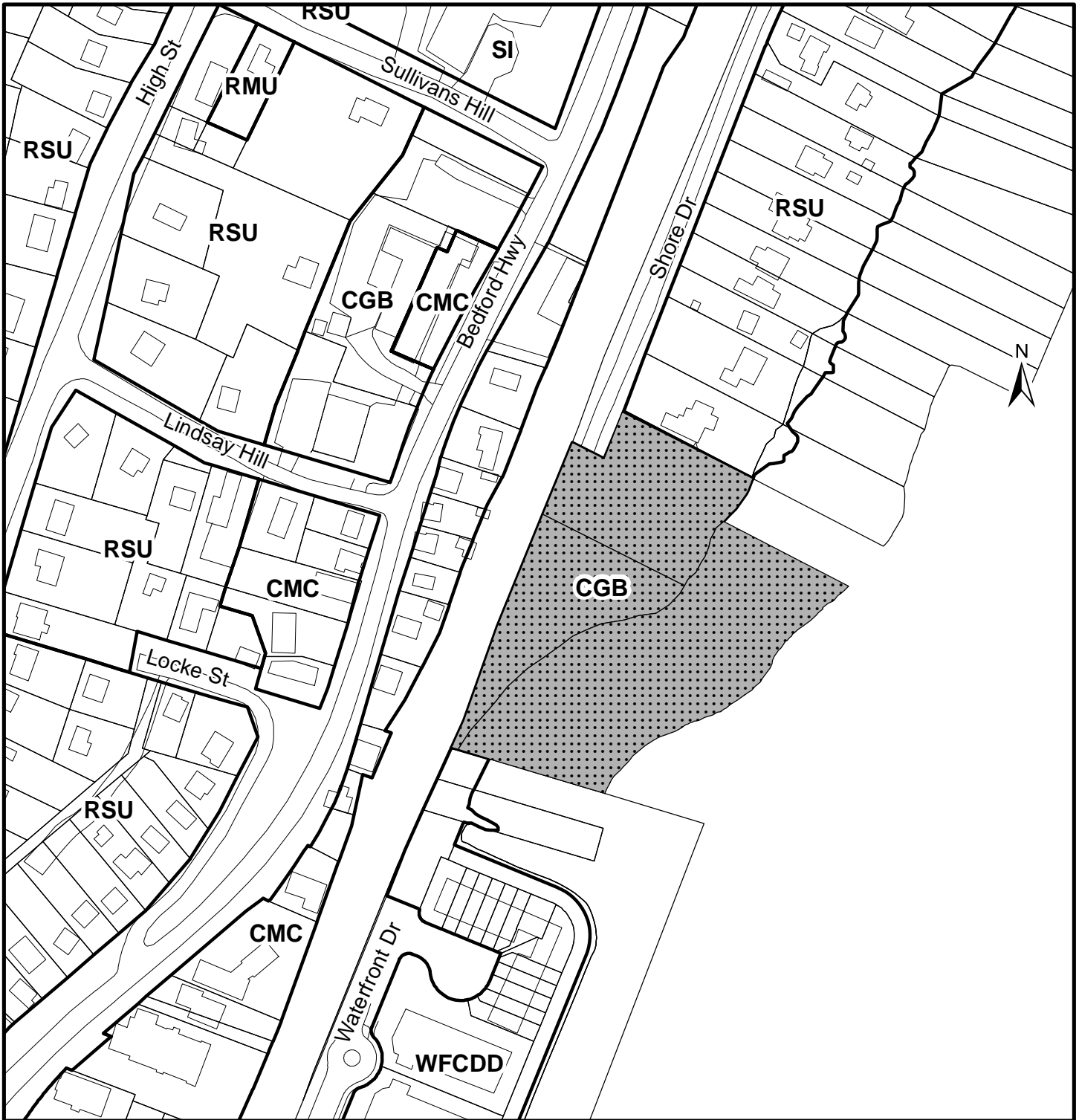
- R Residential
- C Commercial
- MC Mainstreet Commercial
- I Institutional
- WFCDD Waterfront Comprehensive Development District



Bedford
Plan Area

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

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



Map 2 - Zoning

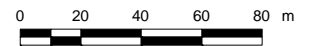
65 & 79 Shore Drive, and PID 40018079
Bedford

HALIFAX

 Subject Properties

Zone

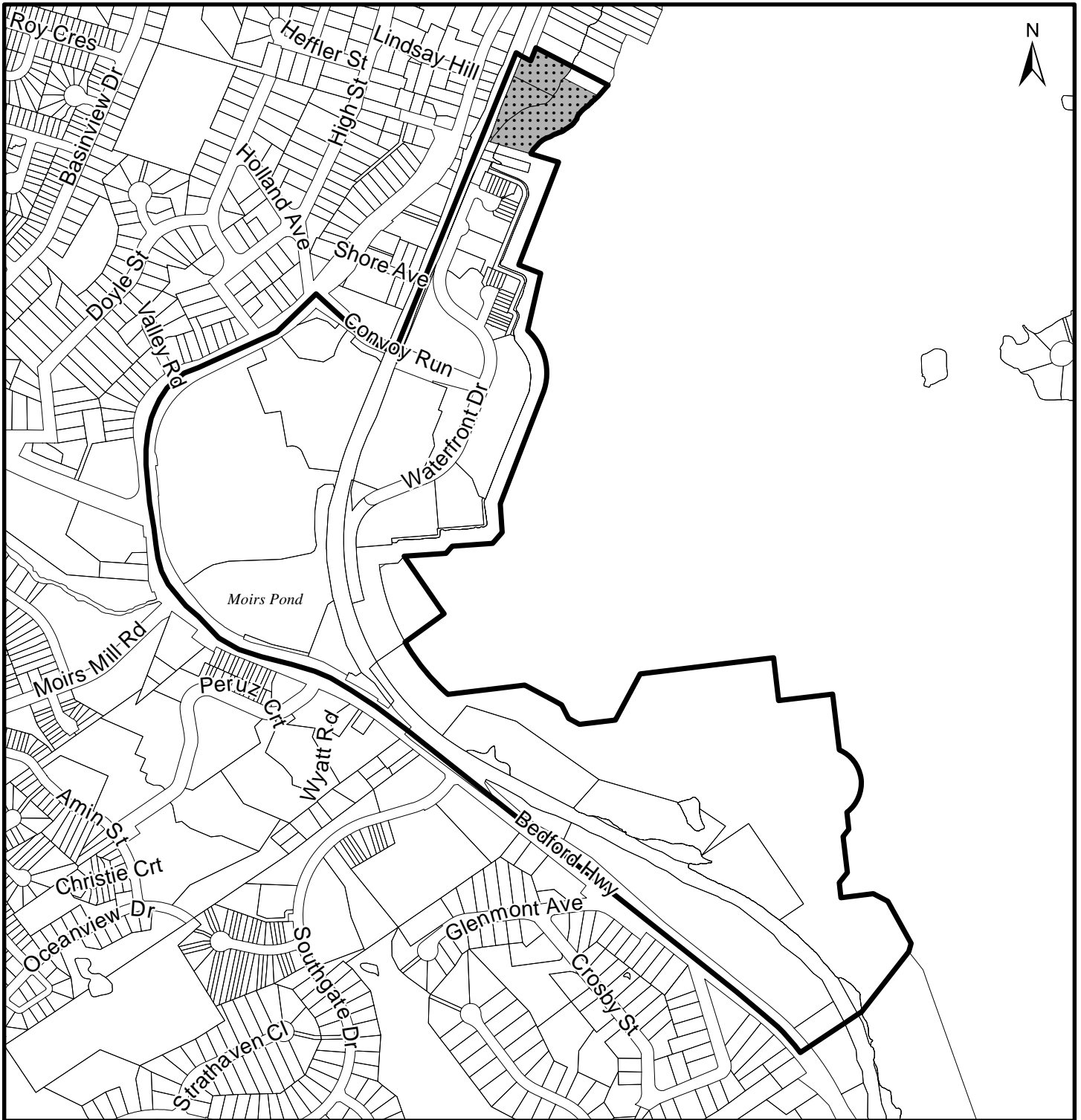
- RSU Single Dwelling Unit
- RMU Multiple Dwelling Unit
- CGB General Business District
- CMC Mainstreet Commercial
- WFCDD Waterfront Comprehensive Development District



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

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



Bedford
Plan Area

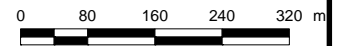


Map 3 - Bedford Waterfront Study Area

65 & 79 Shore Drive, and PID 40018079
Bedford

HALIFAX

-  Subject Properties
-  Bedford Waterfront Study Area Boundary



Bedford
Plan Area

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

Attachment A: Applicant's Rationale

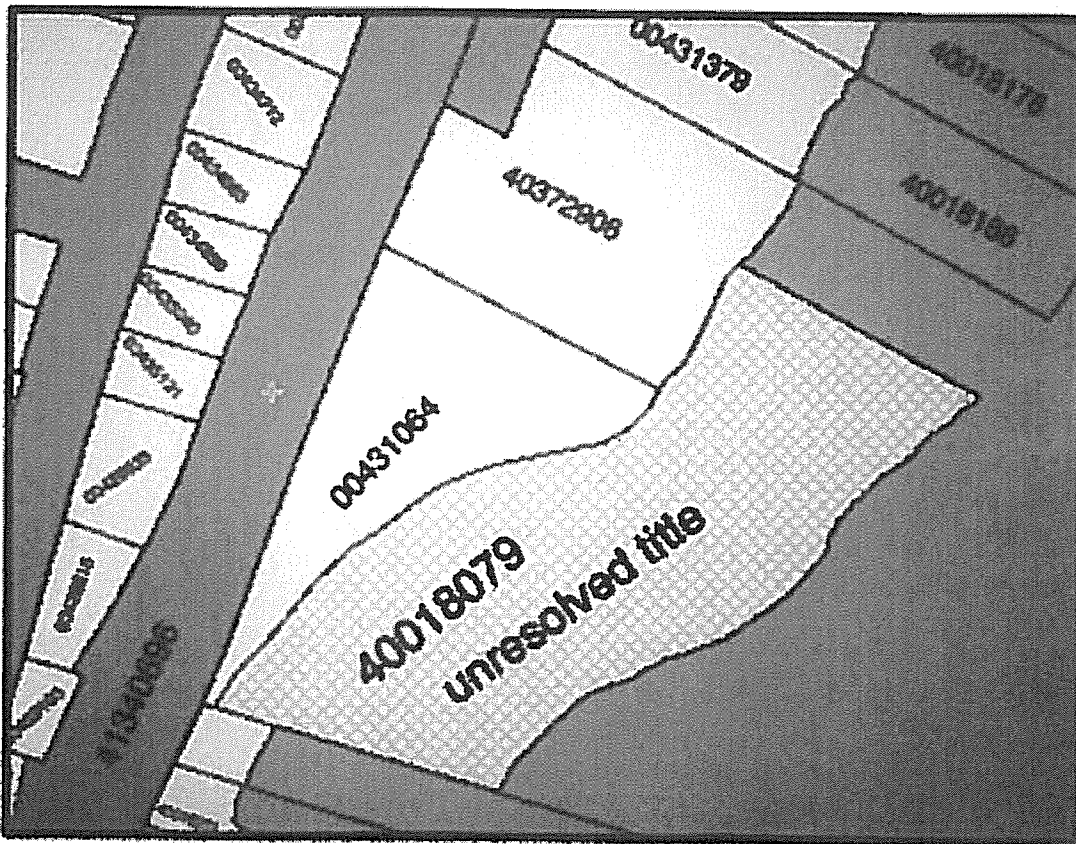
Kathleen O'Donovan
3292589 Nova Scotia Limited
1448 Brenton Street, Unit 22
Halifax, NS B3J 2X1
Phone: [REDACTED]

Halifax Regional Municipality
7071 Bayers Road, Suite 2005
PO Box 1749
Halifax, Nova Scotia
B3J 3A5

December 19, 2016

RE: Application to Rezone the Lands of Bedford Bay Limited – PID 00431064 & 40372906

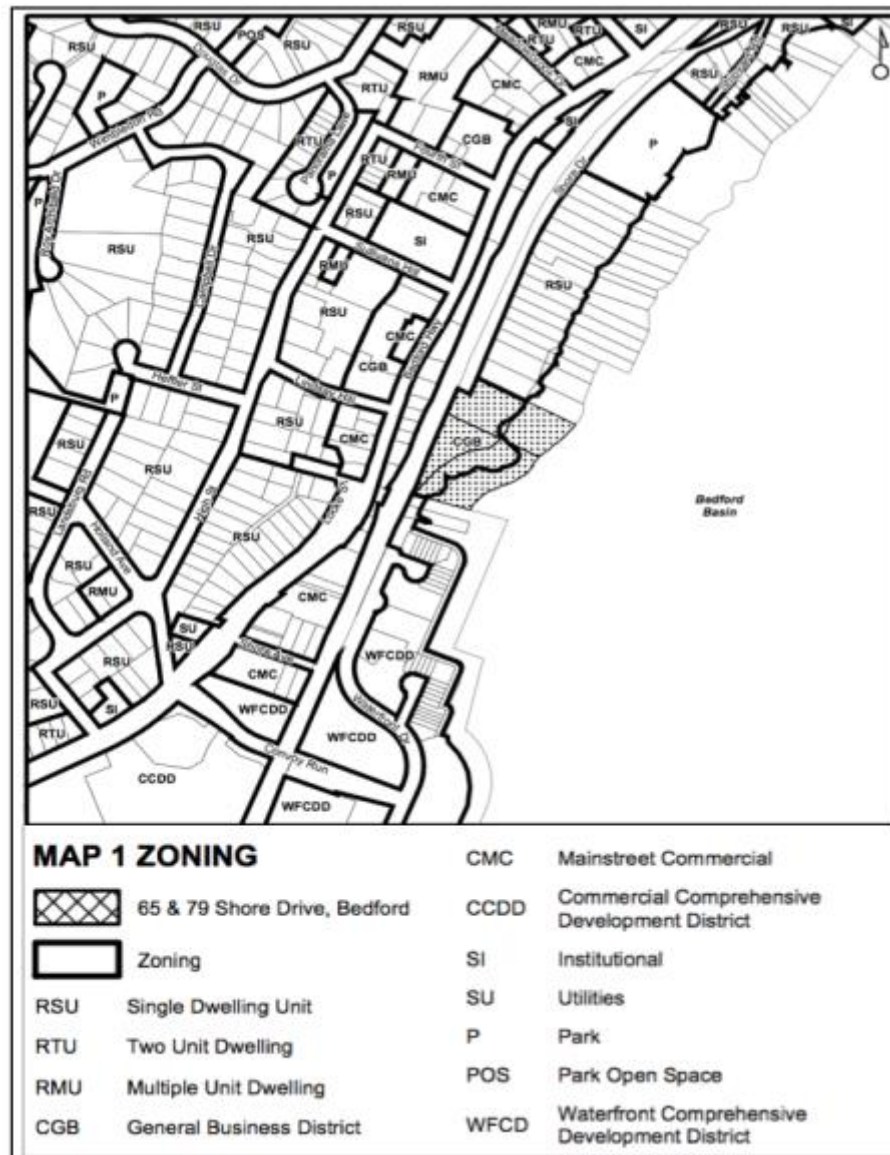
3292589 Nova Scotia Limited is making application on behalf of Bedford Bay Limited to rezone the lands known as PID 00431064 and 40372906 from General Business District (GBD) zone to Residential Single Unit (RSU) zone in order to allow for up to six (6) single unit dwellings. The subject site located at 65 and 79 Shore Drive in Bedford consists of two abutting lots located at the southern end of Shore Drive and have a combined area of approximately +/-1.69 Acres.



Subject Properties – 65 (PID 00431064) & 79 (PID 40372906) Shore Drive

Background

In 2014, Bedford Bay Limited purchased two properties (PID 00431064 and PID 40372906) from the estate of Gerald Louis Boutilier. These lands are designated Commercial under the Bedford municipal Planning Strategy and zoned General Business District (GBD) under the Bedford Land Use By-law and as such permit a wide range of commercial, institutional and office uses but does not permit residential uses. (See Map 1) Until recently, these lands consisted of two non-conforming single family dwellings and a commercial boat yard. The residences predated the 1996 Bedford Land Use By-law therefore were grandfathered.

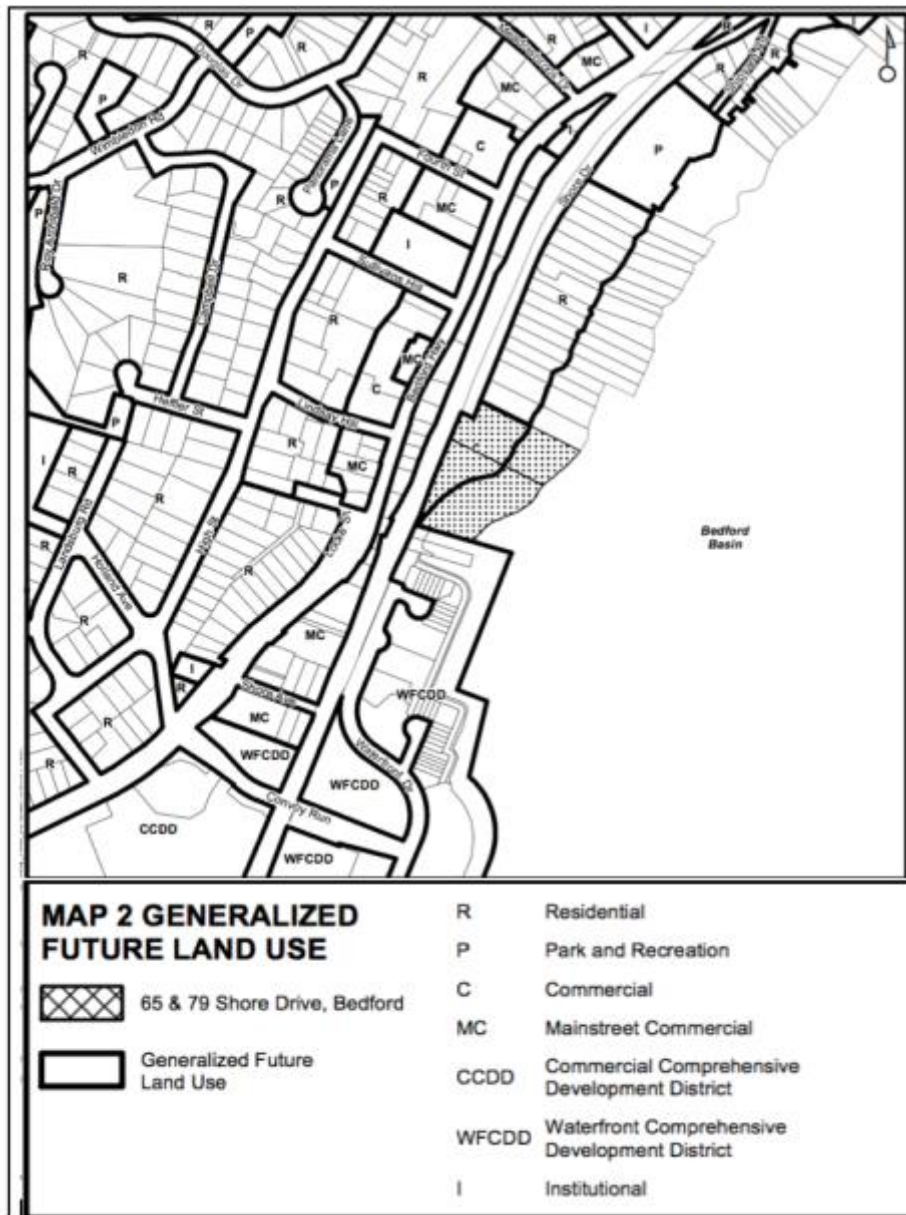


Map 1 - Zoning

These properties were included in the Bedford Waterfront Design Study (Ekistics 2010) which recommended two alternative development proposals for the site. The first option single family units and the second a mix of townhouses and a low-rise condominium.

In February, Bedford Bay Limited asked North West Community Council to request a staff report examining the viability of removing the lands located at 65 and 79 Shore Drive from the Bedford

Waterfront Planning Area and possibility of rezoning the lands to accommodate single family residential housing.



Map 2 - Generalized Future Land Use

On August 8, 2016, North West Community Council received the information report from Staff (Paul Morgan). The report concluded that removing the subject properties from the Bedford Waterfront Design Study would not compromise the development plans contemplated by the Bedford Waterfront Design study since the lands are relatively small in area and are in fact isolated from the other development phases with no interdependencies. More importantly, developing these lands with single family units would be more consistent with the existing development on Shore Drive.

Furthermore, the report stated that the proposal to allow the development of single unit dwellings on the subject lands would require a motion by Regional Council to remove the lands from the Bedford Waterfront Design Study and to instruct staff to initiate amendments to the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The request could either originate from the property owner or from Regional Council.

Proposal

Bedford Bay Limited is requesting amending the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) so as to allow for the development of six (6) single unit dwellings on the lands identified as PID 00431064 and 40372906.

1. Under the current zoning, Commercial General Business (CBD) allows for a variety of commercial, institutional and office uses. This proposal to rezone the property to Residential Single Unit will be more consistent with the existing developments along Shore Drive.
2. The potential development that is permitted under the current commercial zoning which applies to the site would be incompatible with the neighbourhood.
3. The information report dated April 28, 2016 and put forward to North West Community Council on August 8, 2016, states that the traffic expected as a result of these amendments be expected to be relatively insignificant. In fact, a maximum of six (6) single family units would have less of an impact on the neighbor than could be expected if the lands were development under the current zoning.

Current Configuration

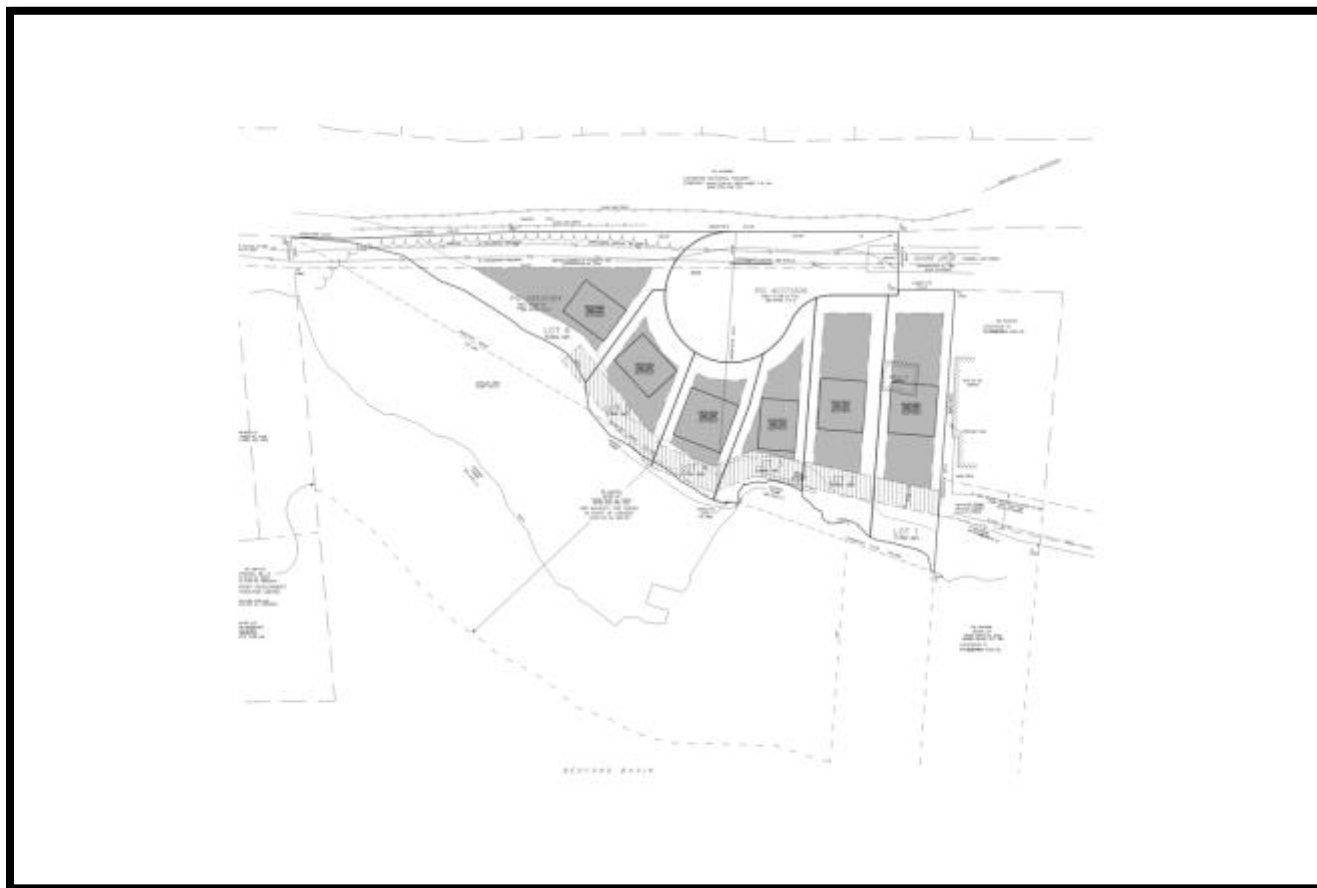
Until recently the properties; zoned General Business District (GBD) had two (2) single unit dwelling and a commercial board yard. In 2016, the single family dwelling on PID 40372906 was removed. At present one non-conforming single family dwelling remains on the PID 00431064.



Representation of the current configuration

Proposed configuration

Residential Single Unit zoning allowing for six (6) single dwelling units with a minimum frontage of sixty (60) feet and a minimum of six thousand (6,000) square feet.



Representation of the proposed configuration

Rationale

The rezoning of the subject lands is appropriate as they will make efficient use of the land, will complete the streetscape, and is in line with current planning policy. Having the current zoning (Commercial General Business, (CGB)) changed to Residential Single Unit (RSU) will also be better received by neighbouring homeowners.

Traffic

Rezoning the lands at 65 and 79 Shore Drive from will have minimal impact on the streets and surrounding area. Current zoning; Commercial General Business (CGB,) allows for a huge variety of commercial, Industrial and office uses that could, if the land were developed in this manner have a significant impact on the road network. Rezoning the land to Residential Single Unit (RSU) will, in fact, decrease the traffic impact to that which would be expected for six (6) residential units. See attached Traffic Impact Statement).

Variance

Bedford Bay Limited will be requesting a Design/Build variance for the street extension and cul de sac in front of the properties at the time of Subdivision. The rationale behind this request is that the existing street is built below the requirement of a standard street. This area of Shore Drive does not have curb, gutter or sidewalks and there is no ability for future expansion. Shore Drive will never have a road connection to Waterfront Drive or the Bedford Highway; therefore, there is no need for sidewalks.



View north along Shore Drive from the neighbouring property.



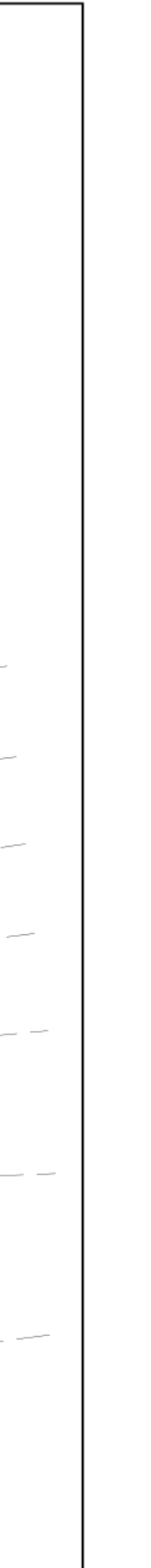
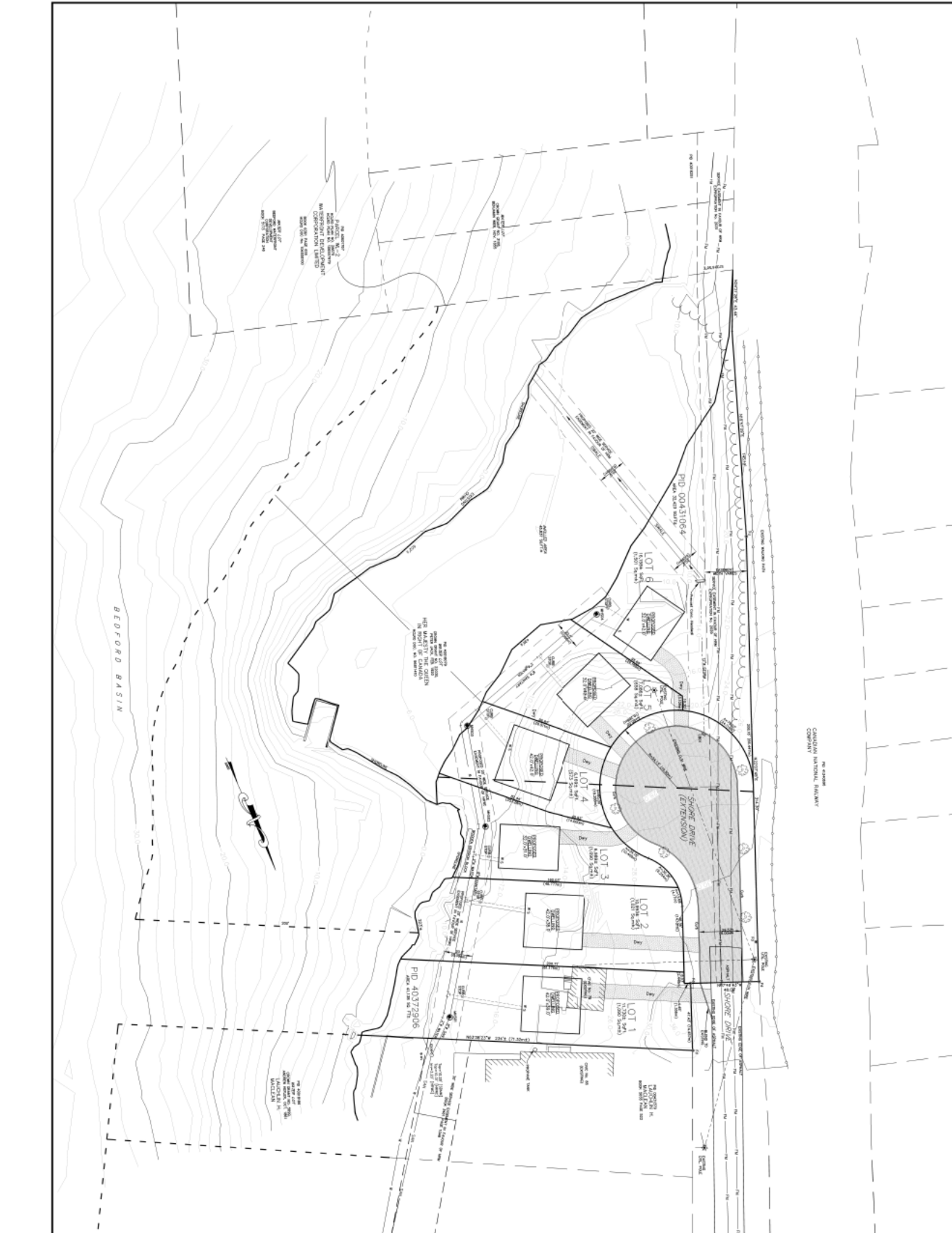
View south along Shore Drive from the neighbouring property



Aerial view of Shore Drive and the property.

Regards,

Kathleen O'Donovan
President
3292589 Nova Scotia Limited



LEGEND

- SUBMITTAL WALL & SINK
- HYDRANT
- CURB WALL & WATERMAIN
- STREET TREE
- FENCE LINE
- ANCHOR ON EXISTING PILE
- N.S.P.C. AND SIGN
- SERVICE
- DRIVEWAY

NOTES:

- CONSTRUCT MET. AT 200 INTERVALS AND MARK ON 1000mm SPACING IN ACCORDANCE WITH THE 2015 EDITION OF THE NEW ZEALAND STANDARD CONTROL MEASUREMENT FOR CONSTRUCTION SITES.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE RESOURCE MANAGEMENT ACT 1976 AND THE RESOURCE MANAGEMENT ACT REGULATIONS 1978.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE RESOURCE MANAGEMENT ACT 1976 AND THE RESOURCE MANAGEMENT ACT REGULATIONS 1978.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE RESOURCE MANAGEMENT ACT 1976 AND THE RESOURCE MANAGEMENT ACT REGULATIONS 1978.
- PROPOSED LANE IMPROVEMENTS SHOWN IN BROCKERS ARE THE PROPERTY OF MOUNTAIN VIEW DEVELOPMENT COMPANY. CONTACT APPROVED URS.

Revision of Issue

No.	Description	Date	By
1	Issue for Review	19th 12/16	SWM
2			
3			

Project: BEAUFORT BAY LIMITED STORAGE DRIVE
Client: MOUNTAIN VIEW DEVELOPMENT COMPANY
Location: BEAUFORT, NORTH SCOTLAND

Scale: 1"=30'

Drawn: [Signature]
Checked: [Signature]
Approved: [Signature]

Project No.: 16-5803
Sheet: 1 of 1
Drawing No.: 16-5803-031
Rev.: 0



Attachment B:

Excerpts from the Municipal Planning Strategy for Bedford

RESIDENTIAL

Policy R-4:

It shall be the intention of Town Council to establish a "Residential" designation on the Generalized Future Land Use Map. The Residential designation shall permit the full range of residential uses as well as park uses and special care facilities for up to 10 residents. Institutional uses and utilities may be permitted by rezoning. Special care facilities for more than 10 residents may be permitted by development agreement.

Policy R-5:

It shall be the intention of Town Council to establish the following zones within the residential designation:

- Residential Single Unit Zone (RSU) which permits single detached dwellings and existing two unit dwellings
- Residential Two Unit Zone (RTU) which permits single detached and two unit dwellings be they linked homes, semi-detached dwellings, duplex dwellings, or single detached with basement apartment
- Residential Townhouse Zone (RTH) which permits townhouses
- Residential Multiple Dwelling Unit Zone (RMU) which permits multiple-unit buildings

These zones shall apply in the existing neighbourhoods which are identified by the Residential designation on the Generalized Future Land Use Map. Neighbourhood parks and special care facilities for up to 10 residents will also be permitted in these zones.

COMMERCIAL

COMMERCIAL OBJECTIVE

To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.

The three designations, Commercial, Mainstreet Commercial, and Commercial Comprehensive Development Districts, are established in Policy C-1. Policy C-2 confirms Town Council's intent to limit commercial development to the lower portion of Dartmouth Road to preserve the residential character of the remainder of this road which serves as one entrance to the community.

In assessing the commercial component of the Town, commercial uses have been grouped into categories based on the following factors:

- Scale of the business
- Level of noise generated
- Traffic generation
- Outside storage
- Parking Requirements
- Land area requirements
- Hours of operation
- Height and bulk of building
- Visual appearance
- Compatibility with adjacent uses

Analysis of commercial uses based on these categories forms the basis for the commercial zones established in the Land Use By-Law as enabled by Policy C-3. The categories can be summarized as follows:

...

b) **General Business Commercial**

This category includes a variety of commercial retail, service, and office activities which are larger in scale than local commercial uses and serve a trade area that includes the town and outlying region. These uses include general retail stores, restaurants, personal and household service shops, hotels, motels, and certain drinking establishments.

Large scale office buildings, referred to as office towers, are also included within this general business group. At present, most office buildings within the Town are located in the Sunnyside area, in close proximity to one another, and where workers can take advantage of commercial outlets near to their work place. Policy C-4 indicates that future office buildings will be located within areas designated commercial on the Generalized Future Land Use Map, specifically in the Sunnyside area and possibly in conjunction with the two shopping centres, Sunnyside and Bedford Place malls.

...

OBJECTIVES AND POLICIES

...

Location of Commercial Uses

Policy C-1:

It shall be the intention of Town Council to consider proposals for commercial development in areas designated Commercial, Mainstreet Commercial, and Commercial Comprehensive Development District on the Generalized Future Land Use Map provided that all applicable policies of this strategy are met.

Policy C-2:

It shall be the intention of Town Council to limit the commercial designation on the Dartmouth Road to extend no further than North Street on the north side and no further than Parker's Brook on the south side.

Types of Commercial Uses

Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;
- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

The CGB Zone shall be applied to the Sunnyside area where most office buildings were constructed in the recent past. The CSC Zone shall be applied to the Sunnyside Shopping Centre and to Bedford Place Mall.

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford

Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

...

ENVIRONMENT

Bedford Basin

Policy E-17(a):

It shall be the intention of Council to ensure compatible zoning and development standards are applied to areas of existing and future infill along Shore Drive, between Phases One of the Waterfront Development and the end of Shore Drive (south-east), without being subject to an amendment of Schedule "A".

Attachment C:

Excerpts from the Land Use By-Law for Bedford

PART 3 ZONES AND ZONING MAP

...

4. Interpretation of Zoning Boundaries

...

Boundaries between zones shall be determined as follows:

...

f) Where the boundary line of a use zone is coincident with a shoreline along Shore Drive, between Phases One of the Waterfront Development and the end of Shore Drive (south-east), the boundary line will follow any change in the shoreline. This shall not apply to the Waterfront Development District or the Moirs Mill Pond area.

PART 6 RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE

No development permit shall be issued in a Residential Single Dwelling Unit (RSU) Zone except for one or more of the following uses:

- a) single detached dwelling units;
- b) neighbourhood parks;
- c) special care facilities for up to 10 residents;
- d) uses accessory to the foregoing uses.
- e) existing two unit dwellings as follows:

Address

- 11 Olive Avenue (LRIS # 419440)
- 37 Olive Avenue (LRIS # 419465)
- 65 Olive Avenue (LRIS # 487868)
- 24 Olive Avenue (LRIS # 40566630)
- 380 & 382 Hammonds Plains Road (LRIS #s 473405, 40080616)
- 384 & 386 Hammonds Plains Road (LRIS #s 473413, 40070765)
- 388 & 390 Hammonds Plains Road (LRIS #s 473421, 417345)
- 20 Emmerson Street (LRIS #433631) (RC-Jul 8/04;E-Jul 10/04)**
- 23 Olive Avenue (LRIS # 41399692) (NWCC-Sep 15/14;E-Oct 11/14)**
- 165 & 167 High Street (LRIS # 41056110) (NWCC-Sep 15/14;E-Oct 11/14)**

ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,000 Sq. Ft. serviced;
Minimum Lot Frontage	60 Ft.
Minimum Front Yard	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard	20 Ft.
Minimum Side Yard	8 Ft.
Minimum Flankage Yard	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building	35 Ft.
Maximum Number of Dwelling Units on Lot	1
Maximum Lot Coverage	35%

PART 12

GENERAL BUSINESS DISTRICT (CGB) ZONE

No development permit shall be issued in a General Business District (CGB) Zone except for one or more of the following uses:

- a) Office Uses
- b) Private Clubs (social)
- c) Full- Service Restaurants
- d) **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
- e) Neighbourhood Convenience Stores
- f) General Retail exclusive of mobile home dealerships
- g) Personal and Household Services, exclusive of massage parlours
- h) Commercial Photography
- i) Lounges & Taverns (Taverns not exceeding 1,500 Sq.Ft. gross area)
- j) All Age/Teen Clubs
- k) Hotels, Motels, Cabins, Guest Houses
- l) Recycling depots
- m) Drycleaning Depots
- n) Commercial parking lots
- o) Funeral Homes
- p) Institutional (SI) uses, excluding cemeteries
- q) **Ice cream stands (NWCC-Jul 7/05;E-Dec 5/05)**
- r) **Veterinary clinics (NWCC-Sep 27/07;E-Oct 13/07)**
- ~~s) **Uses accessory to the foregoing uses (NWCC-Sep 27/07;E-Oct 13/07)**~~
- s) **Banks and Financial Institutions (NWCC-Jul 8/13;E-Jul 27/13)**
- t) **Uses accessory to the foregoing uses (NWCC-Jul 8/13;E-Jul 27/13)**

ZONE REQUIREMENTS CGB

In any General Business District (CGB) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	10,000 Sq.Ft.
Minimum Lot Frontage	60 Ft.
Minimum Front Yard	15 Ft. setback
Minimum Rear Yard	0 Ft.; Except 40 Ft. where abutting Residential Zoned property
Minimum Side Yard	0 Ft.; Except 20 Ft. or half the height of the building, whichever greater, where abutting Residential Zoned land
Maximum Height of Building	3 floors above established grade
Units on Lot	0
Lot Coverage	50%
Access	1 driveway access for each 150 feet of lot frontage

Attachment D: Site Photographs



Aerial Image (Pictometry, May 2016)



**Subject site, looking southeast
(Staff Photo, April 2017)**



**Looking north toward the subject site from
the public walkway from DeWolf Park/
Waterfront Drive (Staff Photo, April 2017)**

Entrance to the subject site, looking south at the end of Shore Drive (Staff Photo, April 2017)

Subject site

Pedestrian access to DeWolf Park



Attachment E – Legislative Authority

Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

214 (1) Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

215 (1) The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.

(4) The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

219 (1) The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.

(2) The Council may adopt different public participation programs for different types of planning documents.

(3) The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.

220 (1) The Council shall adopt, by by-law, planning documents.

(4) The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

228 The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish

- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

229 (1) A municipal planning strategy may include statements of policy with respect to any or all of the following:

- (a) the goals and objectives of the Municipality for its future;
- (b) the physical, economic and social environment of the Municipality;
- (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
- (d) stormwater management and erosion control;

- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,
 - (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1) The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1) Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1) A land-use by-law must include maps that divide the planning area into zones.

- (2) A land-use by-law must

- (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3)** A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4)** A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a land-use by-law or for entering into a development agreement, site plan or variance.
- (5)** Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the Council, the

- (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
- (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
- (iii) cost of maintaining municipal streets would be prohibitive;
- (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.