



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

Item No. 14.5.1
Halifax Regional Council
May 22, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Councillor Tim Outhit, Chair, North West Community Council

DATE: May 15, 2018

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

ORIGIN

May 14, 2018 meeting of North West Community Council, Item No. 13.1.2.

LEGISLATIVE AUTHORITY

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include “recommending to the Council appropriate by-laws, regulations, controls and development standards for the community”.

RECOMMENDATION

North West Community Council recommends that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated April 19, 2018 and schedule a Public Hearing; and
2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated April 19, 2018.

BACKGROUND

A staff report dated April 19, 2018 pertaining to Municipal Planning Strategy (MPS) and Land Use By-law (LUB) Amendments for Civic 65 and 79 Shore Drive and PID 40018079, Bedford was before North West Community Council for consideration at its May 14, 2018 meeting.

For further information, please refer to the attached staff report dated April 19, 2018.

DISCUSSION

North West Community Council considered the April 19, 2018 staff report at its meeting held on May 14, 2018 and forwarded the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated April 19, 2018.

RISK CONSIDERATION

As outlined in the attached staff report dated April 19, 2018.

COMMUNITY ENGAGEMENT

North West Community Council meetings are open to public attendance and members of the public are invited to address the Community Council for up to five minutes at the end of each meeting during Public Participation. The agenda, reports, and minutes of North West Community Council are posted on Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

As outlined in the attached staff report dated April 19, 2018.

ALTERNATIVES

North West Community Council did not discuss alternative recommendations.

ATTACHMENTS

1. Staff report dated April 19, 2018.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521



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

Attachment 1
North West Community Council
May 14, 2018

TO: Chair and Members of the North West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Acting Director, Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: April 19, 2018

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

ORIGIN

- Application by Kathleen O'Donovan, on behalf of Bedford Bay Limited.
- July 18, 2017, Regional Council initiation of the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) amendment process.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report and schedule a Public Hearing; and
2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report.

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. As the proposal cannot be considered under existing planning policy, the applicant is seeking amendments to the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (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)	CGB (General Business District) Zone under the Bedford LUB
Size of Subject Site	65 and 79 Shore Drive are two lots, which combine to create 6,833.8 square 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 Uses	Vacant and one single unit dwelling (formerly a commercial boatyard and two single unit dwellings).
Surrounding Uses	Located along the Bedford Basin, the subject site is immediately adjacent to single unit dwellings on Shore Drive and the CN railway line. Townhouses and multi-unit dwellings are located south of the subject site on Waterfront Drive. An existing walking trail located to the southwest, along the CN property, provides pedestrian access from Waterfront Drive to 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 as shown on Attachment C. As proposed, each lot will be developed with a residential single unit dwelling. This can be accommodated by re-designating and rezoning the subject properties from Commercial to Residential and CGB (General Business District) to RSU (Single Dwelling Unit).

With respect to the property identified as PID 40018079 (Crown-owned water lot), the applicant has indicated they will seek to establish a leasing agreement with the Crown. If successful, the applicant may explore opportunities to use the property in conjunction with the proposed development of 65 and 79 Shore Drive.

MPS and LUB Context

Under the Bedford 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 D). 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 E). 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 (Attachment E).

Approval Process

The approval process for this application requires that Regional Council consider and, if deemed appropriate, approve proposed amendments to the Bedford MPS and LUB. A decision on the proposed MPS and LUB amendments is not appealable to the Nova Scotia Utility and Review Board. If the proposed MPS and LUB amendments are approved by Regional Council, the applicant may proceed with an application to subdivide 65 and 79 Shore Drive for residential single unit dwellings.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved by providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public meeting held on September 26, 2017. Attachment F contains a copy of the notes from the meeting. Comments received during consultation included the following topics:

- Coastal inundation;
- Traffic impact;
- Pedestrian connectivity between the proposed development site and Waterfront Drive; and
- Proposed use of the water lot (PID #40018079).

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, property owners within the notification area shown on Map 3 will be notified by regular mail in addition to the published newspaper advertisements.

The proposal will potentially impact local residents and property owners.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, amending the Bedford MPS to allow for single unit dwelling development on the subject site would result in greater alignment with the surrounding low density residential zoning. The following discussion reviews the rationale and content of the proposed MPS and LUB amendments.

Proposed MPS and LUB Amendments

Staff considered the existing MPS policy context in drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments are as follows:

- Re-designate 65 and 79 Shore Drive and PID 40018079, Bedford, from Commercial to the Residential Designation; and
- Re-zone 65 and 79 Shore Drive and PID 40018079, Bedford, from CGB (General Business District) to the RSU (Single Dwelling Unit) Zone.

Of the matters addressed by the proposed MPS and LUB amendments, the following have been identified for detailed discussion:

Appropriateness of Designation and Zoning

The current Commercial Designation and CGB Zone were applied to the subject site during its previous use as a commercial boatyard. The boatyard no longer exists. The commercial uses permitted under the current commercial zoning may be considered incompatible with the residential nature of Shore Drive.

Although not permitted under the current Commercial Designation and zoning, the proposed residential single unit development does align with objectives of the Bedford MPS, specifically the Residential Designation. It accomplishes this by encouraging residential development in an area where the municipality can economically provide services. Further, as the subject site is located at the end of a street developed primarily with low density residential dwellings, the proposed development contributes to the preservation of the character of an existing residential neighbourhood.

Traffic Impact

Traffic has been identified as a primary point of discussion through the planning process for this application. A traffic impact statement was submitted as part of the planning application. The statement concludes that the number of site generated trips, both to and from the proposed development site, is not expected to significantly impact levels of performance on Shore Drive or other streets and intersections in the area. Staff have reviewed the traffic impact statement and concur with the findings.

Pedestrian Connectivity

Non-vehicle trips to and from the site are accommodated via an existing trail located along the neighbouring CN Rail property, connecting the site with Waterfront Drive and the Bedford Waterfront. Provided the subject application is approved, as part of the subdivision permitting process, HRM staff will explore opportunities to relocate the existing trail from the CN Rail property to the subject site and along neighbouring properties to the south.

Use of PID 40018079 (Crown Water Lot)

During the public meeting held on September 26, 2017, some participants expressed concern regarding public access to PID# 40018079. The subject property is a Crown owned water lot. Prior to 2010, the water lot was utilized as a private commercial boatyard. During this time, some infilling of the lot occurred. As proposed, the applicant has indicated they are seeking a lease agreement with the Crown for private use of the property.

Re-designation and Rezoning of Crown Water Lot

As per MPS Policy E-17(a) and Part 3, Section 4(f) of the Bedford LUB (see Attachments D and E), the CGB Zone has been applied to the infilled portion of PID 40018079. As stated in the recommendation section of this report, staff advise that Council approve the re-designation and rezoning of 65 and 79 Shore Drive and PID 40018079 to enable residential single unit dwelling development. This approach is consistent with the intent of the MPS and LUB, ensuring compatible zoning and development standards are applied to the subject water lot.

Coastal Inundation

Provided the request to re-designate and rezone the subject lands is approved by Council, development of the proposed development site will be subject to all applicable requirements of the Bedford LUB. Part 5, Section 21A, of the Bedford LUB contains requirements for development in coastal areas. In brief, these requirements seek to mitigate the potential impact that coastal inundation and storm surge events may have on human safety and property.

In 2014, Regional Council adopted a revised version of the Regional Municipal Planning Strategy (RMPS). As part of this process, Regional Council adopted policy E-22 (Attachment D), which creates controls for areas susceptible to coastal inundation. This is achieved by managing development on lands that are lower lying and prohibiting certain uses, such as residential uses, within these lower elevations. Under the original 2006 Regional Plan, residential uses were prohibited to occur in the lower elevations, except for residential uses located within the Harbour Designation, which were allowed. However, in the 2014 RMPS the

reference to the Harbour Designation was removed, which meant that all residential uses were prohibited within the lower elevations.

During the planning application process for Case 20976, staff identified an error in the Bedford LUB related to the above noted requirements. Within the Bedford LUB, and other applicable LUB's, amendments that would remove the reference exempting residential uses located within the Harbour Designation, were not included. The absence of such amendments represents an error and were intended to be included as part of Attachment E of the January 14, 2014, staff report titled *RP+5: HRM Regional Municipal Planning Strategy*. As the subject site falls under the Harbour Designation, the LUB still exempts these lands, and the applicant can not be required to meet the restrictions around residential use in lower elevations.

Planning Staff are drafting a separate staff report for Community Council which outlines the above noted error and potential solutions. The staff report is anticipated to be tabled with the North-West Community Council, Halifax and West Community Council and Harbour East-Marine Drive Community Council in the spring of 2018.

As shown on Attachment C, the applicant has also been advised of this requirement, and has proposed to develop the subject site in accordance with new elevation requirement, keeping the residential uses above the low-lying elevations, and meeting the current requirements.

Environmental Implications

As PID 40018079 was previously developed as a commercial boat yard, there are concerns with respect to potential soil contamination of the subject site. The applicant has undertaken an environmental assessment of the site to determine if there are any concerns related to soil contamination. Staff have advised the applicant that the site would be subject to all applicable provincial regulations regarding contaminated sites.

North West Planning Advisory Committee

On June 7, 2017, the North West Planning Advisory Committee (PAC) recommended that the application be approved with no conditions or considerations. A report from the North West PAC will be provided to Community Council under separate cover.

Conclusion

Staff have reviewed the application and the existing policy context. Following this review and for reasons outlined in this report, staff advise that the Bedford MPS and LUB should be amended to re-designate and re-zone 65 and 79 Shore Drive and PID 40018079, to allow for single unit residential development. If approved, the proposed MPS and LUB amendments will result in greater alignment with the surrounding low density residential zoning. Therefore, staff recommend that North West Community Council recommend that Regional Council approve the proposed MPS and LUB amendments.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2018/2019 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 amendments to a Municipal Planning Strategy. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

The North West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Bedford MPS and LUB, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Bedford MPS and LUB. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

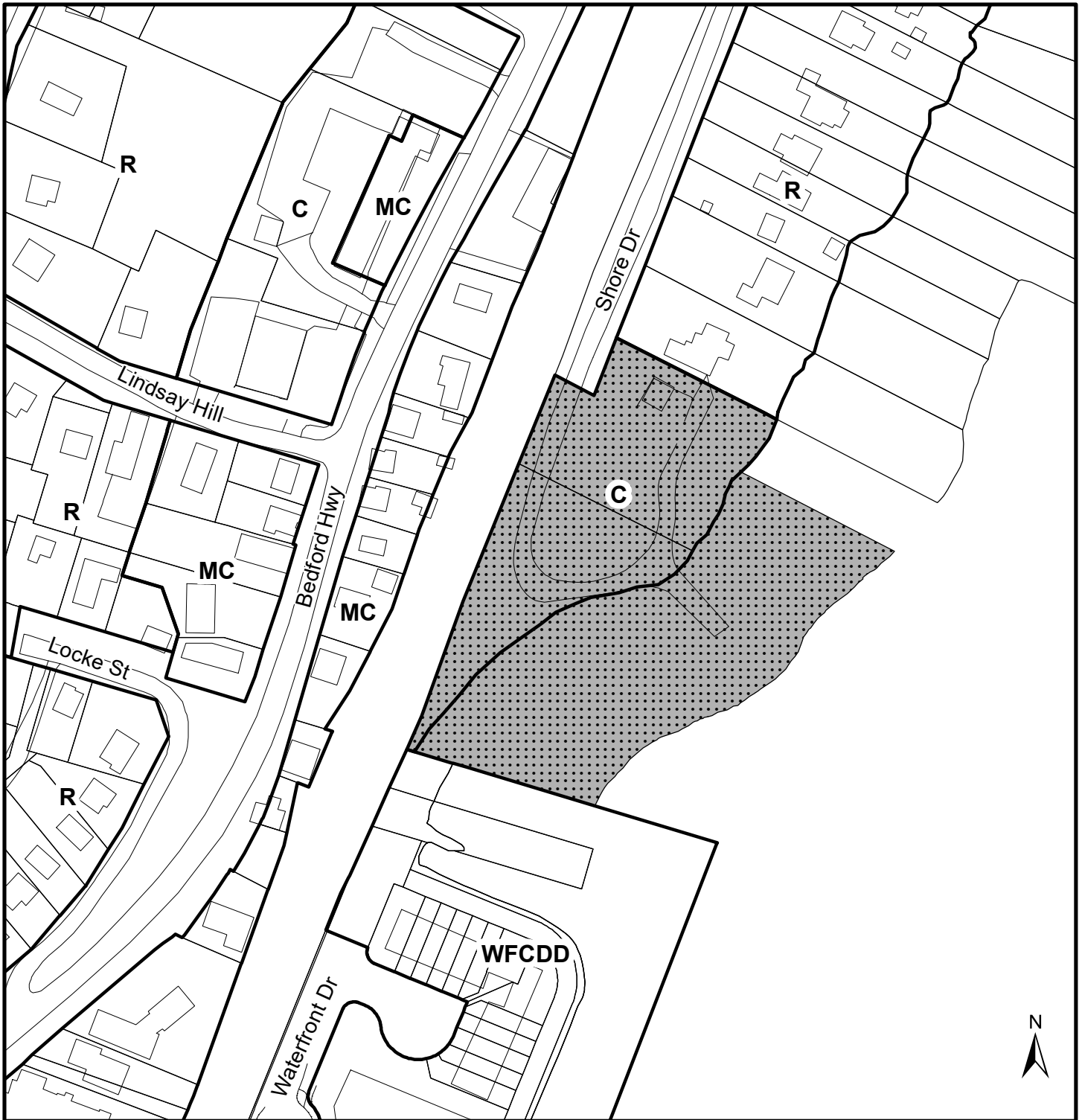
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Notification Area
Attachment A	Proposed MPS Amendments
Attachment B	Proposed LUB Amendments
Attachment C	Conceptual Site Plan
Attachment D	Excerpt from the Bedford MPS and Regional MPS
Attachment E	Excerpt from the Bedford LUB
Attachment F	Public Meeting Notes

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tyson Simms, Planner III, 902.490.6983

Original Signed

Report Approved by: _____
Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217



Map 1 - Generalized Future Land Use

65 & 79 Shore Drive, and PID 40018079
Bedford

HALIFAX

 Subject Properties

Designation

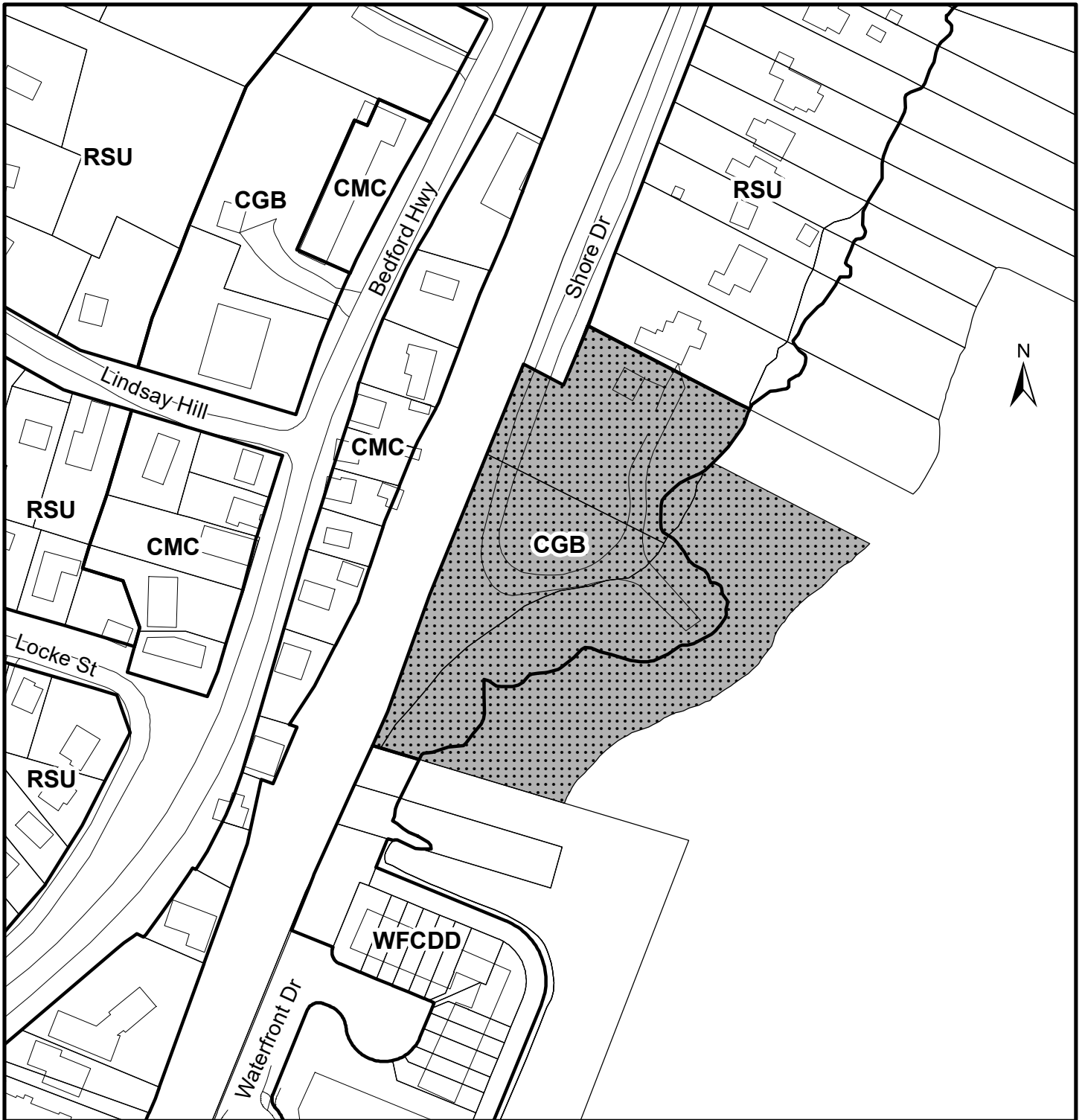
- R Residential
- C Commercial
- MC Mainstreet Commercial
- I Institutional
- WFCDD Waterfront Comprehensive Development District



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.

Bedford
Plan Area



Map 2 - Zoning

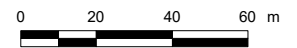
65 & 79 Shore Drive, and PID 40018079
Bedford

HALIFAX

 Subject Properties

Zone

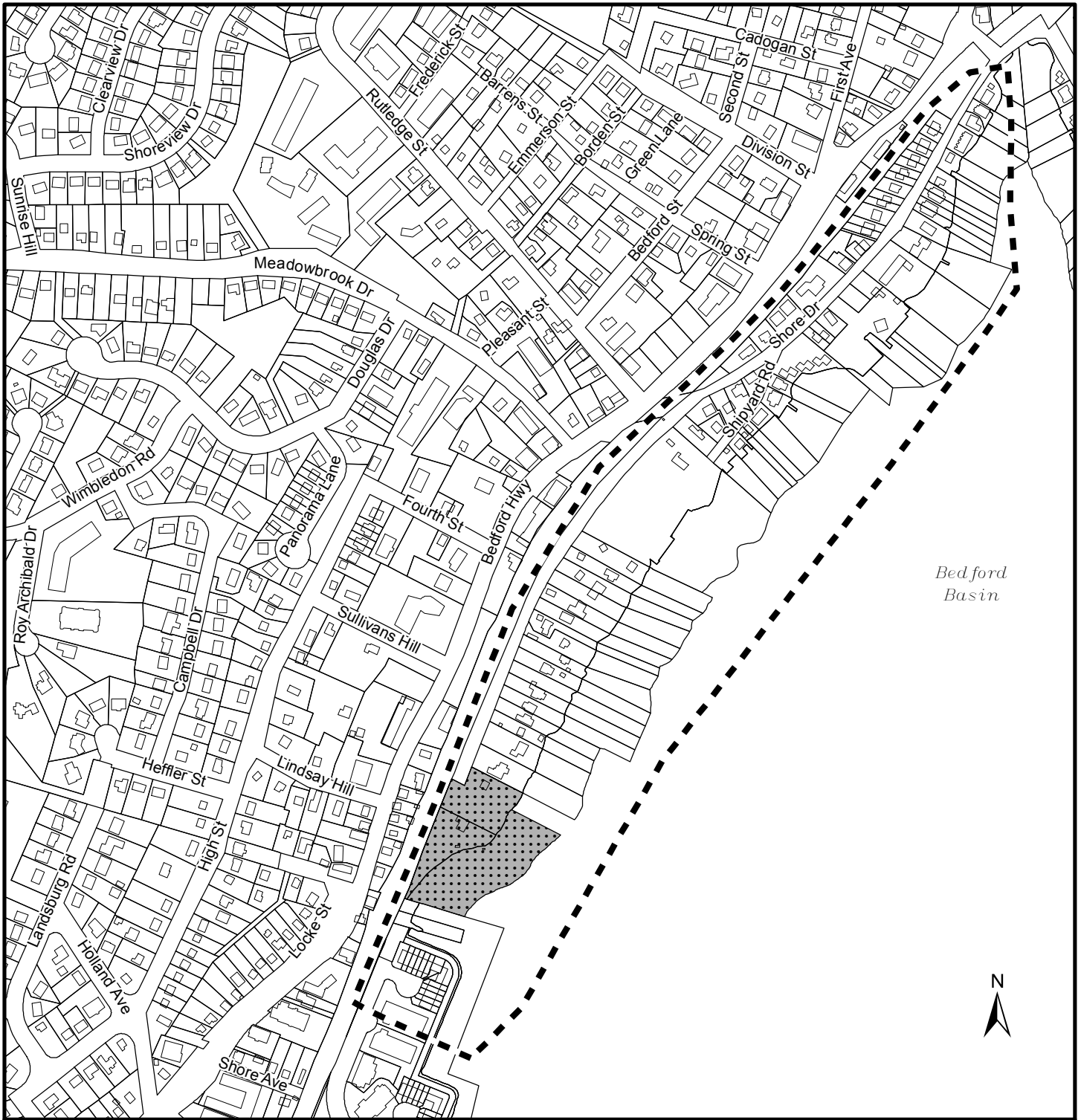
- RSU Single Dwelling Unit
- RMU Multiple Dwelling Unit
- CGB General Business District
- CMC Mainstreet Commercial
- WFCDD Waterfront Comprehensive Development District



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



Bedford Basin



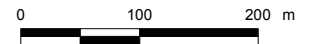
Map 3 - Notification Area

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



Bedford
Plan Area

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.

Attachment A

Proposed MPS Amendments

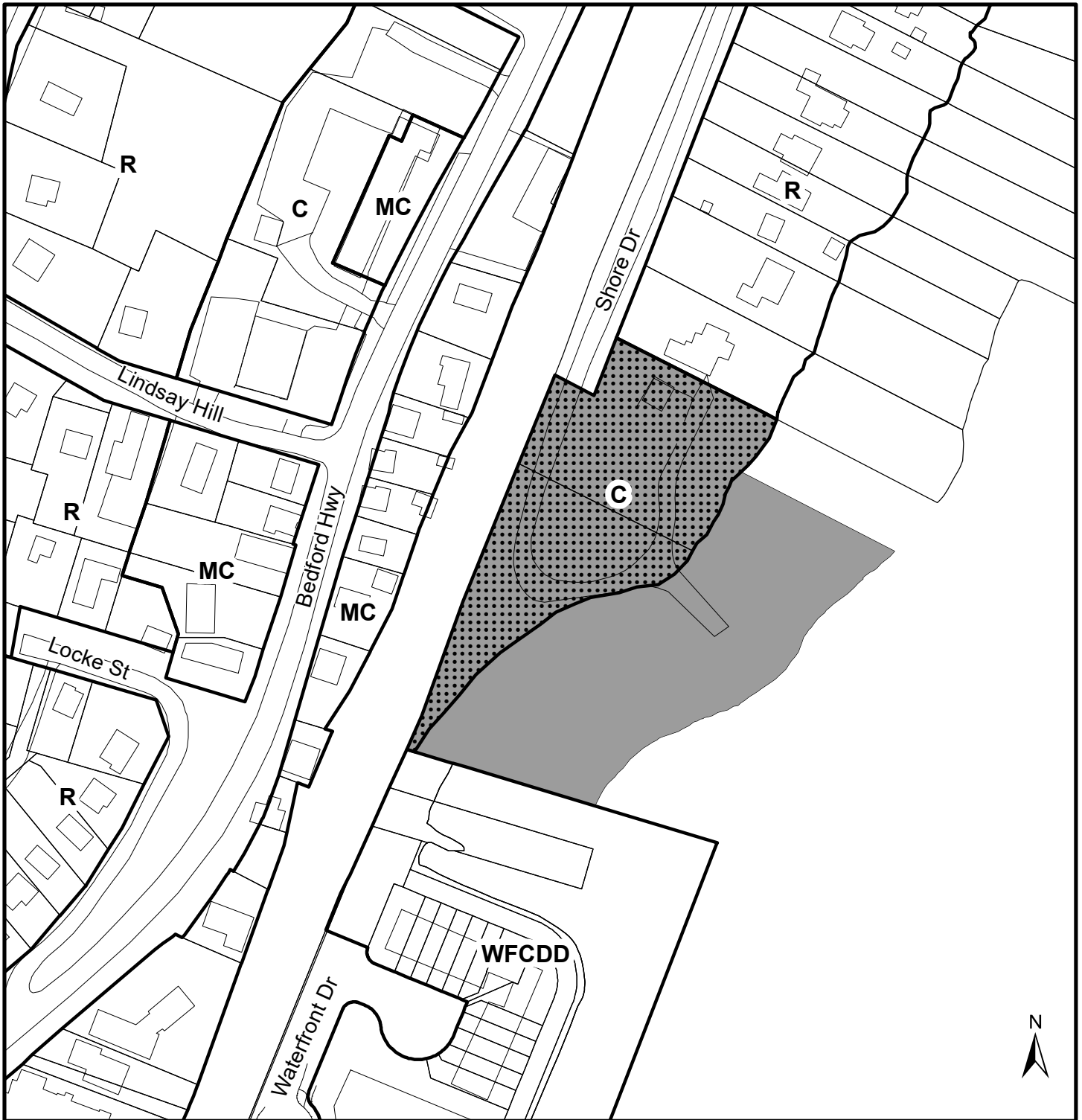
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford is hereby further amended as follows:

- 1. By amending the Bedford Municipal Planning Strategy Generalized Future Land Use Map as shown on Schedule A:**

I HEREBY CERTIFY that the amendments to the Bedford Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of 2018.


Municipal Clerk




Schedule A - Proposed MPS Amendments

HALIFAX

65 & 79 Shore Drive, and PID 40018079
Bedford

 Area to be Re-designated from Commercial to Residential

 Area to be designated to Residential

Bedford
Plan Area

Designation

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



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.

Attachment B

Proposed LUB Amendments

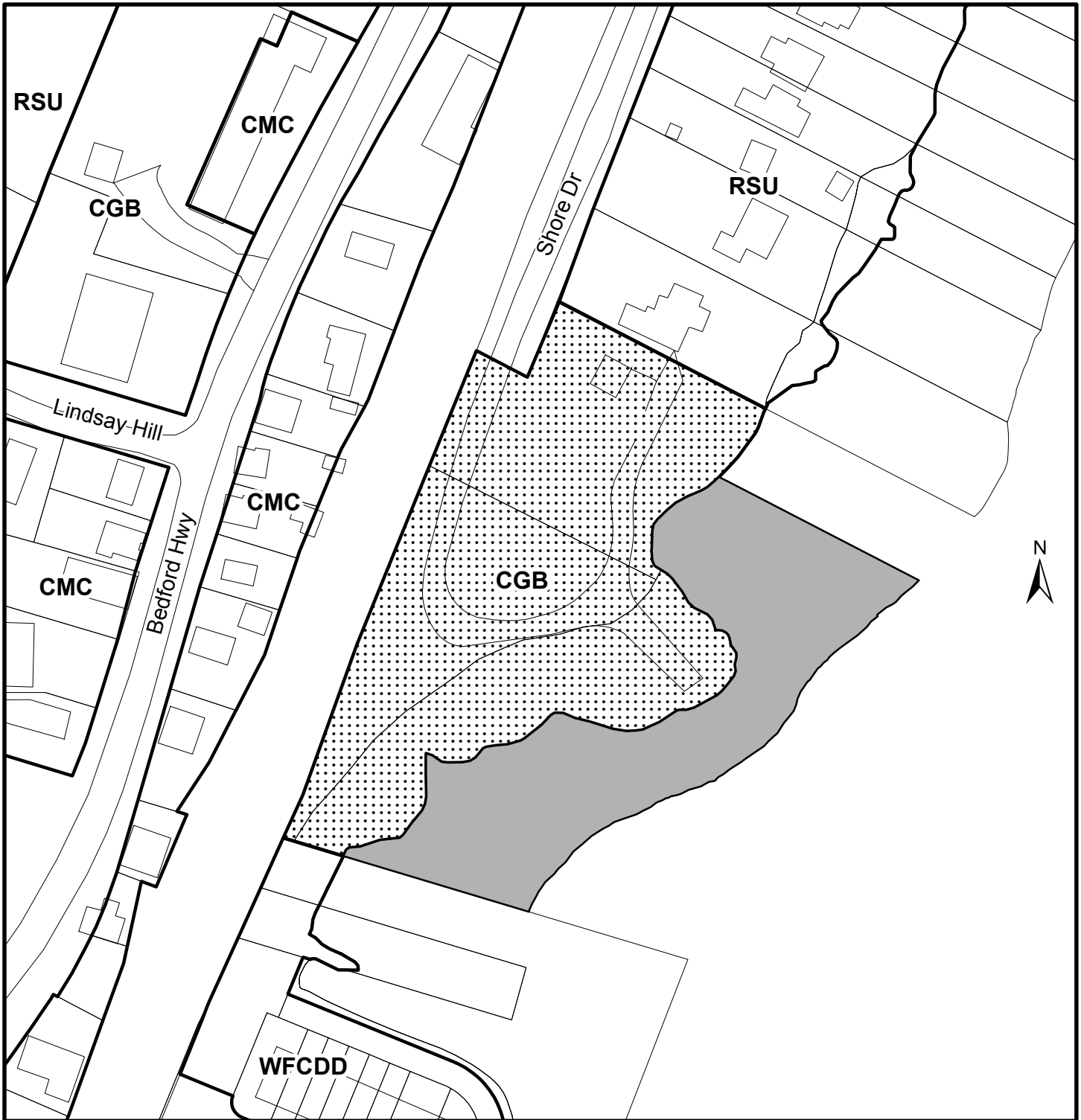
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby further amended as follows:

- 1. By amending the Bedford Land Use By-law Zoning Map as shown on Schedule B:**

I HEREBY CERTIFY that the amendments to the Bedford Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of ,2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of ,2018.


Municipal Clerk




Schedule B - Proposed LUB Amendments

HALIFAX

65 & 79 Shore Drive, and PID 40018079
Bedford

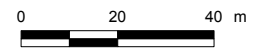
 Area to be Rezoned from CGB to RSU

 Area to be rezoned to RSU

Bedford
Plan Area

Zone

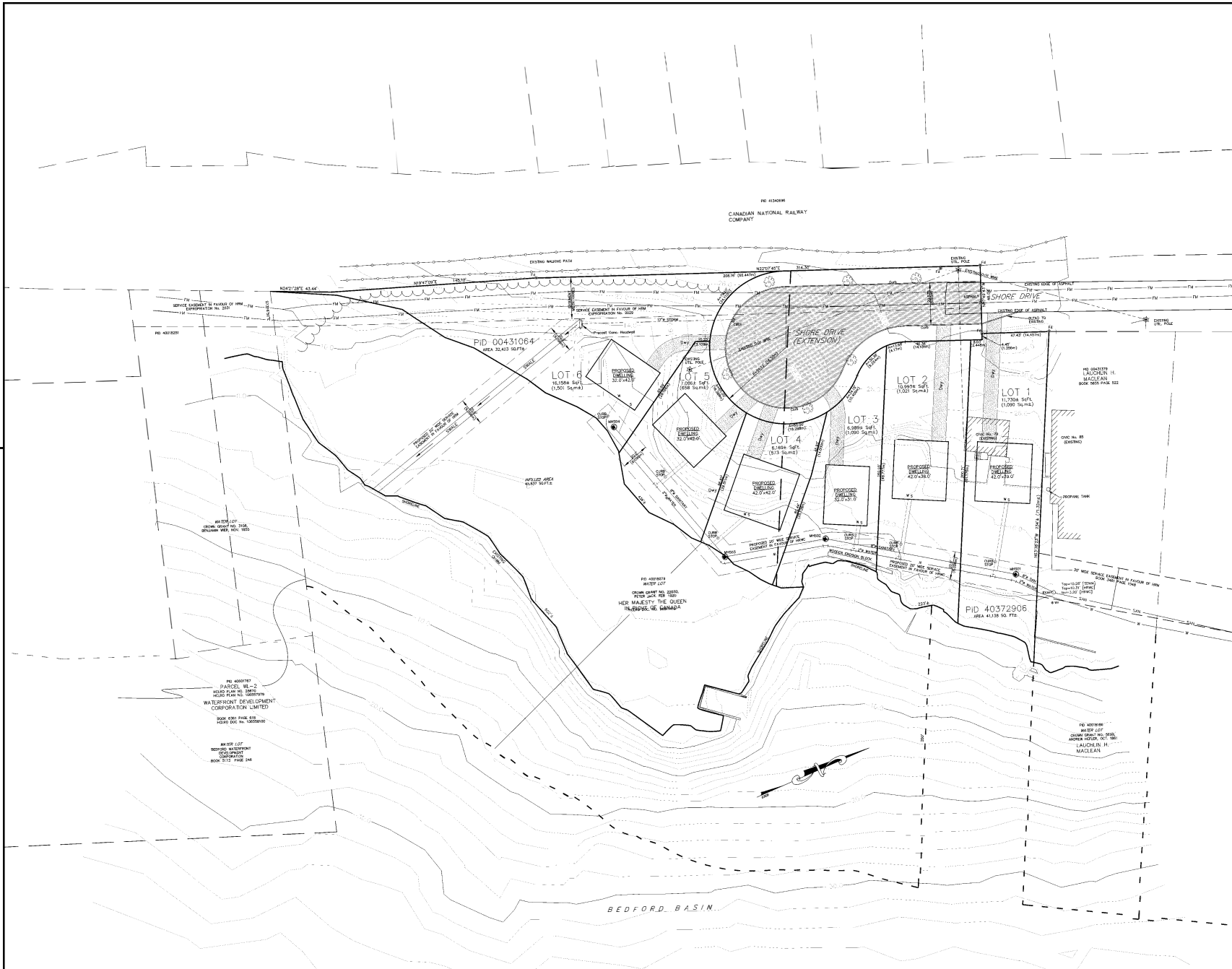
- RSU Single Dwelling Unit
- CGB General Business District
- CMC Mainstreet Commercial
- WFCDD Waterfront Comprehensive Development District



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.

Attachment C - Conceptual Site Plan



SCALE 1:40000

Key Plan

LEGEND

- SANITARY M.H. & SEWER
- STORM M.H. & SEWER
- HYDRANT
- GATE VALVE & WATERMAN
- CATCH-BASIN
- STREET TREE
- POWER POLE WITH LIGHT FIXTURE
- ANCHOR ON LIGHT POLE
- M.T.S.T. PEDESTAL
- RESILIC. GRID BOX
- CONCRETE CURB & GUTTER
- SIDEWALK
- DRIVEWAY
- PEDESTRIAN RAMP
- PROPOSED FINISHED GRADE
- EXISTING CENTRLINE GRADE
- EXISTING GRADE (FT. SIDE R.O.W.)
- PROPOSED U/D ELEC. LINES
- PROPERTY LINE
- LATERALS (SAN, STM & WM)

NOTES:

1. CONTOURS ARE AT 2 FT. INTERVALS AND BASED ON FIELD DATA SUPPLIED BY JOHN LO
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST REVISION OF THE NOVA SCOTIA DEPARTMENT ENVIRONMENT'S EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST HALF-PAY REGIONAL MUNICIPALITY (H.M.) SPECIFICATIONS AS WELL AS THE LATEST HALF-PAY REGIONAL WATER COMMISSION (R.W.C.) SPECIFICATIONS AND REGULATIONS.
4. PIPE SIZES SHOWN ARE A PRELIMINARY ESTIMATE ONLY. EXACT PIPE SIZES SHALL BE COMPLETED DURING FINAL DESIGN.
5. ALL DIMENSIONS SHOWN IN FEET. DIMENSIONS IF SHOWN IN BRACKETS ARE METRIC EQUIVALENT.
6. PROPERTY LINE INFORMATION OBTAINED FROM SERVANT SURBROOK MCKENZIE MACDONALD LTD.

Issued For Review	Date	By

Revision or Issue

Rev.	Descr' tion	Date	By

MW
MAC WILLIAMS
ENGINEERING LTD.

Strum
CONSULTING

Project
BEDFORD BAY LIMITED
LOTS 55&56 and SHORE DRIVE
BEDFORD, NOVA SCOTIA

Drawing
CONCEPTUAL SITE PLAN
SHORE DRIVE EXTENSION
PROPOSED LOTS 1-6 INCLUSIVE

Scale 1"=30'

Date	Drawn
Dec 15, 2016	RGC
Design	Checked
SRW	DMW
16-5803	SRN
Drawing No.	Sheet
16-5803-001	1 of 1
Rev.	0

Attachment D:

Excerpt from the Bedford MPS and Regional MPS

BEDFORD MPS:

RESIDENTIAL

RESIDENTIAL OBJECTIVE

To make provision for a choice of housing types; to make provision for construction of affordable housing; to provide for preservation of the character of existing neighbourhoods in their present form; to permit residential development to occur in areas where the Town can economically provide services; to consider the need for permanent buffers and/or separation distances where residential uses abut incompatible land uses; to encourage the provision of housing for those with special needs; to provide for a mix of housing types in new developments consistent with the trend in starts in Bedford since 1980; to plan for provision of supporting neighbourhood infrastructure such as schools, parkland and commercial facilities; and, to encourage development that would be designed to suit the natural terrain minimizing negative impacts to the natural environment.

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".

REGIONAL MPS:

2.3.5 Coastal Inundation

Sea level has slowly risen along the Atlantic Coast due to coastal subsidence and accelerated by global warming. An additional concern is the anticipated increases in the frequency and severity of storm events related to climate change. Rising sea levels and storm surges can result in increased damage to coastal communities and have significant impacts on coastal infrastructure, environmental assets, utilities, properties and community economic development. The following measures mitigate the potential impact that coastal inundation and storm surge events could have on human safety. Special provisions for the Downtown Halifax Secondary Plan Area were approved by HRM in 2013.

- E-22** HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 3.8 metre elevation. Consideration may be given to amending the by-law requirements where an updated system of measurement has been adopted or studies have been undertaken which recommend that such amendments are deemed prudent to provide a reasonable level of safety or to conform with guidelines or statements of interest adopted by the Province.

Attachment E:

Excerpt from the Bedford LUB

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



**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
September 26, 2017**

PRESENT: Ann Merritt, Chair
Paul Russell, Vice Chair
Ross Evans
Brian Murray
Joshua Levy
Dave Haverstock
Evan MacDonald
Councillor Tim Outhit
Councillor Lisa Blackburn

REGRETS: Dianna Rievaj

STAFF: Leah Perrin, Planner II, Planning and Development
Holly Kent, Planning Technician, Planning and Development
Sharon Chase, Legislative Support, Office of the Municipal Clerk

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 7:01 p.m. and adjourned at 8:25 p.m.

1. CALL TO ORDER

Chair Ann Merritt called the meeting to order at 7:01 p.m. at the Basinview Drive Community School Cafeteria, 273 Basinview Drive, Bedford. She described the role of the Planning Advisory Committee in hosting a public meeting and reviewed the agenda. Members of the Committee were also introduced.

2. PUBLIC PARTICIPATION

2.1 Case 20976 – Application by Kathleen O’Donovan, on behalf of Bedford Bay Ltd., to amend the Bedford Municipal Planning Strategy and Land Use By-law 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 an extension to Shore Drive.

Leah Perrin, Planner II reviewed Case 20976 which is requesting amendments to the Municipal Planning Strategy and Land Use By-Law. The proposal is for six (6) lots with single unit dwellings. They shared the site context noting the surrounding neighborhood and the infill on the water lot which was formerly a commercial boatyard. On July 18, 2017, Regional Council gave direction for this land to be removed from the Bedford Waterfront Design Study where amendments could be considered and public engagement begun. The area presently holds a commercial designation as well as nearby residential designations and is zoned CGB, general business district with nearby RSU, residential single unit. They reviewed the proposed zoning, RSU, with its permitted uses and standards. PID 40018079 is a Crown owned water lot where staff have recommended the same designation and zoning to the federal government.

Leah Perrin reviewed the required steps in the planning process and the opportunity for public participation. They reminded the audience that no decisions were being made at the meeting and that the feedback gathered would be considered in the staff report to Regional Council. If the application is approved, subdivision and building permits would be sought.

Kathleen O’Donovan, representing the owners of Bedford Bay Ltd. made a presentation. They reviewed the views and context of the proposal as well as the current and proposed zoning. They shared the concept and plans for Bedford Bay Estates. Development under the Bedford Waterfront Design Study and the proposed development were compared, listing the pros and cons of each. The development of single family homes was considered consistent with the existing neighborhood. It was noted that the developer had a traffic study completed.

Chair Ann Merritt thanked Leah Perrin and Kathleen O’Donovan for their presentations and reviewed the rules of procedure regarding public meetings. She then called for speakers to come forward and comment on Case 20976.

John Tolson, Shore Drive was concerned with the Crown land being leased to the developer. They commented that water lot is public space and the proposed marina should have public access. They appreciate a residential development adding six (6) family homes. They were concerned that Shore Drive may be extended to continue through, creating a second exit and changing traffic volume. The speaker noted that the paved walkway design could also create traffic issues. They were also disappointed that there were no provisions for hearing impairment provided at this meeting.

Terry Gordon, Arthur Lismer Court expressed concern about the grading required, noting that the boatyard was 20 feet lower than the other lots.

Janet McMullen, Shore Drive asked for clarification on the location of the marina.

Richard Wood, Arthur Lismer Court supported the addition of the single unit homes. They were concerned with potential flooding on the site, noting the need for adequate fill.

Peter Christie, Bedford asked about the ownership of the current trail and the proposed trail, and whether it would be given to the Municipality. They also asked where the servicing for these homes would be coming from.

Laughie McLean, Bedford asked for clarification about the trail and whether it would be moving closer to the water. They had concerns about a second exit on Shore Drive and thoroughfare issues. The speaker suggested that the pathway needs to be designed to ensure it is not used by vehicles. They asked about the extension of water and sewer on the waterside and potential site problems on the leased land. They were also concerned about future weather events and the damage and property impacts that could result.

Melissa Todd, Shore Drive spoke to quality of life issues and the potential changes from a quiet neighbourhood to additional noise and traffic as a result of development. There are existing issues with vehicle speeds and the lack of road infrastructure, sidewalks and adequate lighting. They questioned whether there could be an additional access road for trucks.

Leslie Dunnington, Shore Drive was also concerned about traffic issues, suggesting speed bumps be considered and a speed reduction to 40km/hr. on Shore Drive. There is lots of activity in the area and vehicle and pedestrian safety concerns as a result. Traffic control, lighting and sidewalks were considered important.

John Tolson, Shore Drive added that there were also safety concerns with the Canadian National Railway (CNR). They asked the developer whether land or cash would be chosen for the land dedication requirement.

Laughie McLean, Bedford questioned what will happen to CNR lands and the present walkway. They emphasized the need for a paved walkway with adequate lighting. They stated that the area was already busy with pedestrian traffic from the Bedford Waterfront. They suggested that marking a bike lane on Shore Drive could also assist in moving pedestrians to one side of the road.

Joan Christie, Bedford supported the residential zoning. They suggested the pathway design needs to consider multiple exit points for safety. They also agreed that the lack of sidewalks creates challenges.

Melissa Todd, Shore Drive supported the residential zoning. They asked about the length of construction once approvals are given. They noted that with two large developments planned for the area there could potentially be five (5) years of construction and disruption to the neighbourhood.

Janet MacMillan, Shore Drive supported the proposed development. They suggested that the traffic issues may be mitigated by the new residential cul de sac.

Leah Perrin clarified that the Federal government owns the water lot and are the ones to decide to lease or not. The municipality can only make suggestion and share feedback gathered. They reviewed that at this stage only the amendments to the Municipal Planning Strategy and Land Use By-law are being considered. Once these are decided upon the developer will make a subdivision application. At that point the rules surrounding roads, services and parkland planning are considered. Leah Perrin shared that she is available to answer questions throughout the process.

Kathleen O'Donovan noted that Crown land is not public land and that the federal government now lease instead of selling land. They appreciate the concerns about the trail and will include design features to act as a deterrent to vehicles and inappropriate use. The grading of the site is being reviewed and noted that there are strict regulations around infill for environmental concerns. This site is being designed to adhere to the most recent regulations. They intend on using easements, trail construction and money in kind to address parkland planning requirements. They confirmed that the servicing will not move to the street and that CNR controls the existing trail.

**North West Planning Advisory Committee Public Meeting Minutes
September 26, 2017**

Councillor Tim Outhit asked for the opportunity to address some of the general comments raised outside of the specific development questions. The Councillor agreed with the challenges noted concerning the existing trail. There is a need for a properly designed, safe pedestrian path. They reviewed how speed bumps are presently used by the municipality and suggested that there were some other speed calming methods that can be used. At this time there is no room for sidewalks on Shore Drive but they agreed that improved lighting could be addressed.

The Chair called three times for any other speakers. There were none.

Chair Ann Merritt thanked all those in attendance for taking part in the meeting.

3. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Sharon Chase
Legislative Assistant