



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 15.1.3**  
**Halifax Regional Council**  
**March 5, 2024**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed

\_\_\_\_\_  
Cathie O'Toole, Chief Administrative Officer

**DATE:** January 29, 2024

**SUBJECT:** **PLANAPP 2023-00466: Amendment to the Bedford Municipal Planning Strategy and Land Use By-law for lands at the western end of Shore Drive in Bedford**

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**ORIGIN**

Application by KWR Approvals Inc. on behalf of Bedford Bay Ltd.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-law to enable a private recreation facility at the end of Shore Drive, Bedford; and
2. Follow Administrative Order 2023-002-ADM *Respecting Public Participation for Planning Documents, Certain Planning Applications, and Engagement with Abutting Municipalities* for the required public participation program and as outlined in this report.

## **BACKGROUND**

KWR Approvals Inc. on behalf of Bedford Bay Ltd. is applying to develop a private recreation area including a multiuse indoor court, a boat house, docks, a multi-purpose court and a golf green for residents of four properties at the end of Shore Drive in Bedford, known as Bedford Bay Estates. This proposal cannot be considered under existing Bedford Municipal Planning Strategy (MPS) policies and, therefore, the applicant is seeking amendments to the Bedford Municipal Planning Strategy and Land Use By-law to enable this proposal.

<b>Subject Site</b>	PID 40018079, Shore Drive, Bedford
<b>Location</b>	At the western end of Shore Drive, in proximity to Bedford Lions Park and DeWolf Park
<b>Regional Plan Designation</b>	Halifax Harbour
<b>Community Plan Designation (Map 1)</b>	Residential (R) under the Bedford Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	Residential Single Unit (RSU) under the Bedford Land Use By-law (LUB)
<b>Size of Site</b>	1.25 hectares (3.1 acres)
<b>Street Frontage</b>	0 metres, subject site has no frontage on a public street
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Low density residential uses to the north, Bedford Basin to the east, townhouse and multi-unit residential development and DeWolf Park to the south, and the CN rail line to the west.

### **Proposal Details**

The applicant wishes to develop a private recreational facility as an accessory use to four adjacent residential properties at the end of Shore Drive in Bedford (Civics 9, 23, 65 and 79). The proposed development includes a boat house, docks, multi-purpose courts and a golfing facility. While policy exists to consider new private recreation facilities and clubs through rezoning (Policy S-3) to the SI (Institutional) Zone, the subject site does not have public street frontage and therefore does not meet the minimum street frontage requirements of the SI Zone. As such, amendment to create site-specific policy in the Bedford Municipal Planning Strategy (MPS) is required, that would enable development of a private recreation facility at PID 40018079 on Shore Drive in Bedford.

### **History of the Site**

Prior to 2018, lands at the western end of Shore Drive, including the subject site (PID 40018079), were designated and zoned for commercial uses to reflect their previous use as a commercial boatyard. Regional Council approved amendments to the Bedford MPS and LUB on June 19, 2018, to re-designate and rezone these lands to Residential and RSU (Residential Single Unit) respectively for the development of six (6) single unit dwellings (Case 20976). PID 40018079, the subject site, is a water lot owned by the Crown and managed by the Halifax Port Authority. The staff report for Case 20976 dated April 19, 2018, noted that some infilling of the water lot had occurred at that time, and that the developer was seeking a lease agreement with the Crown for private use of the property. A 40-year agreement has since been secured for private use of the four (4) properties at the end of Shore Drive – Civics 9, 23, 65 and 79 (see Map 1 and 2).

### **MPS and LUB Context**

As mentioned above, the subject property is zoned RSU (Residential Single Unit), is designated Residential under the MPS, and is designated Halifax Harbour under the Regional Municipal Planning Strategy (RMPS). The Halifax Harbour RMPS designation generally supports a range of development opportunities along the Bedford Basin including marine-dependent facilities, recreation, and institutional uses. A full range of residential uses as well as park uses, and other recreational uses are enabled within the Residential Designation of the Bedford Municipal Planning Strategy.

The SI (Institutional) Zone of the MPS permits private recreational facilities and clubs. Policy S-3 allows for consideration of new institutional uses, such as private recreational facilities and clubs, within any

designation through rezoning to the SI (Institutional) Zone of the LUB. Policy R-4 echoes that institutional uses may be permitted within the Residential Designation through rezoning. When considering applications for rezoning, properties are required to meet the minimum standards of the proposed zone as noted in Policy Z-3 of the MPS. While there is enabling policy to consider new private recreational facilities and clubs within the Residential Designation, a site-specific plan amendment is necessary as the subject lot does not meet the minimum frontage requirement of 30.48 metre (100 feet) as set out in the SI Zone.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. 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):

- It was clear through the 2018 planning process that the developer was seeking an agreement with the Crown to allow private recreational use of the subject property for residents of the adjacent Bedford Bay subdivision. However, the logistics of developing the subject property were not addressed at that time;
- There is general policy support to consider recreational uses along the Bedford Basin;
- The Waterfront Development District abuts the subject site, where mixed-use development is enabled including water related commercial recreation uses; and,
- Development of a private recreational facility or club would be subordinate or accessory to the adjacent residential use. The proposed recreational facility would be on a separate lot and structures such as a court or boat house would be for private use by the residents of the Bedford Estates subdivision.

Attachment A contains the application letter.

### **Review**

Staff have reviewed the submitted rationale in the context of site circumstances, surrounding land uses, and enabling planning policies. Staff advise that there is sufficient merit to warrant consideration of amendments to the Bedford MPS and LUB to enable the request.

Most properties along Shore Drive and the Bedford Basin have direct private access to the Basin. Boat houses are permitted by the LUB as an accessory use on the same property as the dwelling. As water lots along the Basin are generally held in the same ownership as the abutting lot with public street frontage, this allows residential lots to have direct private water access. The subject water lot is unique in that it is held in separate ownership to the abutting lots with public street frontage. As a result, property owners have had to secure a lease agreement for use of the water lot and to gain access to the Basin.

Halifax Port Authority entered into a 40-year lease agreement with Bedford Bay Limited, effective October 10, 2018, to allow for a private marina, excepting boat or engine repair, and docking recreational crafts not exceeding sixty (60) feet in length on the subject water lot. Fisheries and Oceans Canada have also already authorised infilling of approximately 2,205 square metres of the subject water lot to construct a breakwater and to facilitate the proposed uses and structures.

Unlike other parts of Halifax Harbour where the activity of water lot infilling is restricted (Northwest Arm), or where the use and development of infilled water lots is heavily regulated (Northwest Arm and along the Bedford Basin from approximately Cresthaven Drive to the dividing line between the Halifax Municipal

Planning Strategy and the Bedford Municipal Planning Strategy), water lots falling under the jurisdiction of the Bedford Municipal Planning Strategy and the Bedford Land Use By-law are not subject to any infilling restrictions or special land use regulations.

Both public and private recreation facilities exist among a mix of residential development in the surrounding area. The proposed boat house, docks, multi-purpose courts and golfing facilities are characteristic of the recreational uses offered in the general neighbourhood. Low and medium density residential uses, a privately owned and operated marina (the Bedford Basin Yacht Club), and a public park with an outdoor pool exist along the western portion of the Shore Drive. South of the subject property is a mixed residential development with public boardwalk connecting the end of Shore Drive to DeWolf Park and the public wharfs along the Bedford Basin.

A full review would consider the following:

- the scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals
- the feedback received through community engagement initiatives;
- size of proposed structures;
- location of structures and uses on the property;
- access to the property from the public street; and,
- water access to the Bedford Basin.

### **Conclusion**

Staff have reviewed the proposed MPS amendment and advise that there is merit to the request. Similar uses surround the subject site. The proposal could enable further water access for additional residents of the Shore Drive neighbourhood and there is general policy support to consider new private recreational facilities within the Residential Designation. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

### **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 June of 2023, Regional Council approved the Public Participation Administrative Order (2023-002-ADM), which staff are proposing to follow. Engagement will be performed through the HRM website and through letters mailed out to property owners within the notification area. Planning staff will be available via telephone and email for one-on-one discussions with members of the community who have concerns or questions about the proposed amendments. The community will have further opportunity to engage with Regional Council at the required public hearing. Amendments to the municipal planning strategy will potentially impact the following stakeholders: the Crown, local residents and property owners, Halifax Port Authority, and Bedford Bay Estates.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2023-2024 operating budget for Planning and Development.

### **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 N.S. 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**

In their authorisation letter, Fisheries and Oceans Canada noted that infilling and minor excavation of the lot would likely result in harm to fish and marine habitat. Several measures and standards to mitigate harm to fish and marine habitats are required in accordance with the Fisheries and Oceans Canada approval. No other environmental implications are identified at this time.

## **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 Bedford Municipal Planning Strategy and Land Use By-law is not appealable to the NS 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

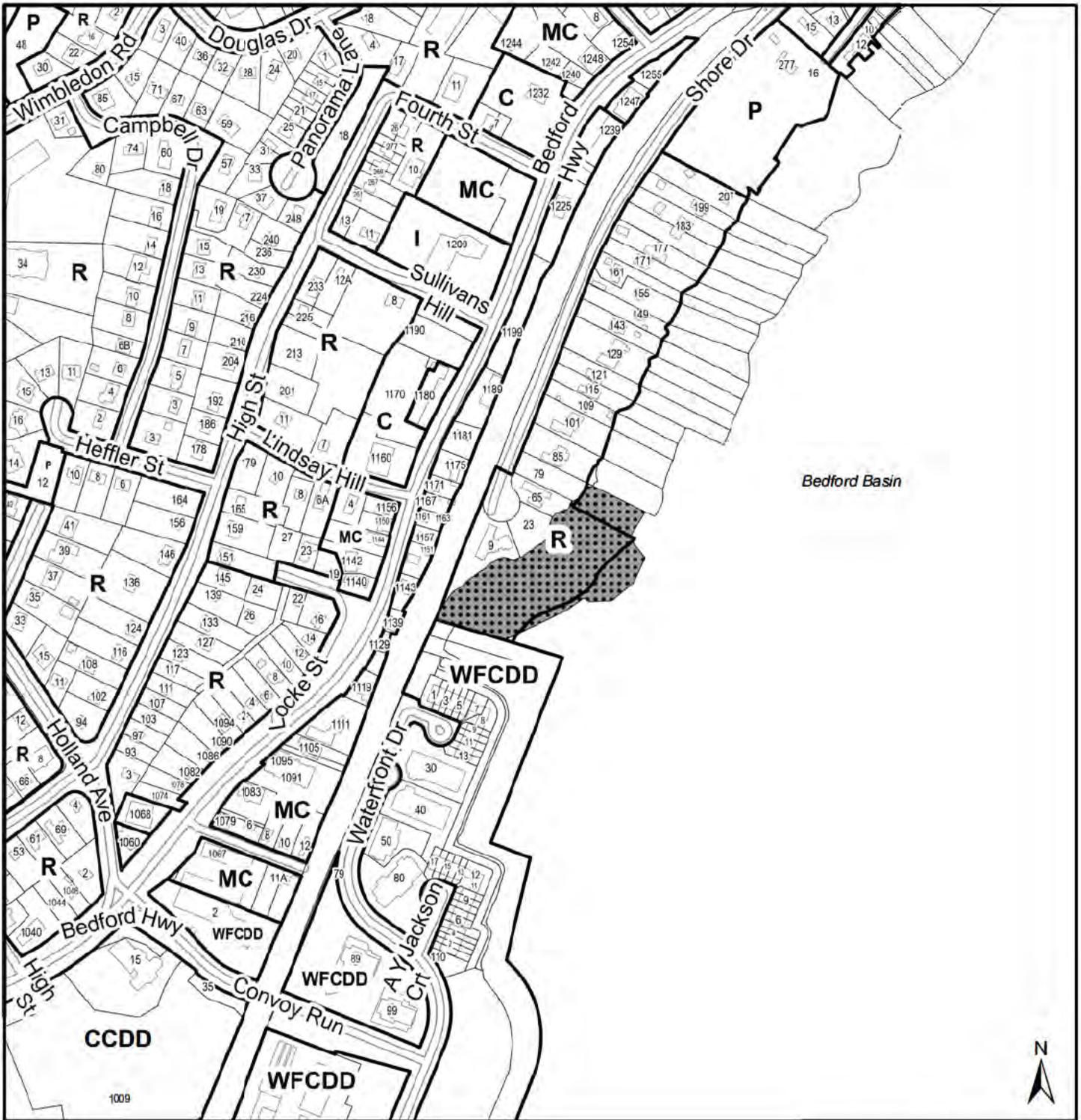
Attachment A: Application Letter

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Melissa Eavis, Planner 3, Urban Enabled Planning Applications -Development Services,  
902.237.1216

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**Map 1 - Generalized Future Land Use**

PID 40018079,  
Bedford

 Area of Proposed Amendment

**Designation**

- C Commercial
- CCDD Commercial Comprehensive Development District
- I Institutional
- MC Mainstreet Commercial
- P Park and Recreation
- R Residential
- WFCDD Waterfront Comprehensive Development District

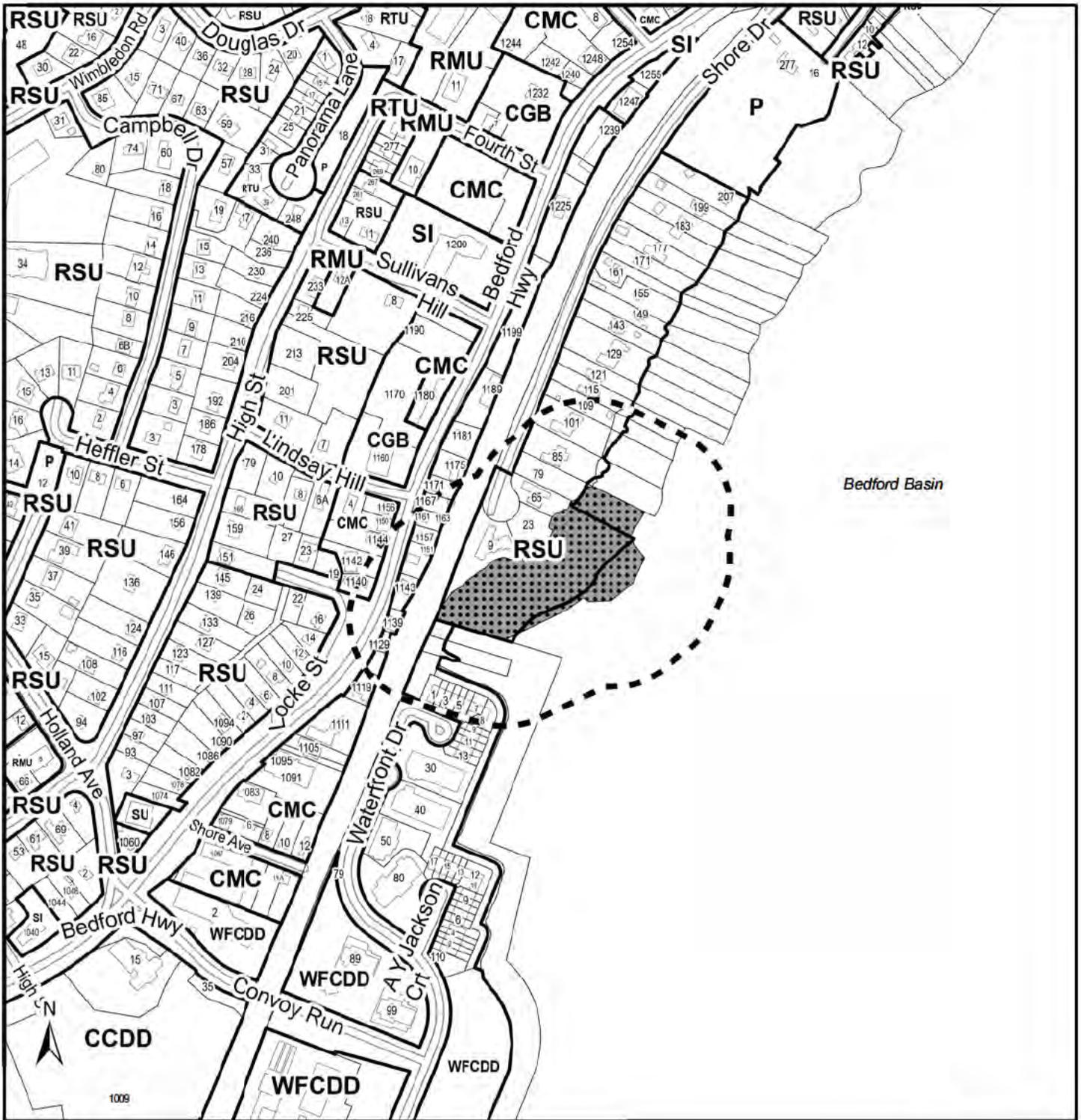
**HALIFAX**



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



Bedford Basin

### Map 2 - Zoning and Notification Area

PID 40018079,  
Bedford

**HALIFAX**

 Area of Proposed Amendment

 Area of Notification

Bedford  
Land Use By-Law

**Zone**

CCDD	Commercial Comprehensive Development District
CGB	General Business District
CMC	Mainstreet Commercial
P	Park
RMU	Multiple Dwelling Unit
RSU	Single Dwelling Unit
RTU	Two Dwelling Unit
SI	Institutional
SU	Utilities
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.

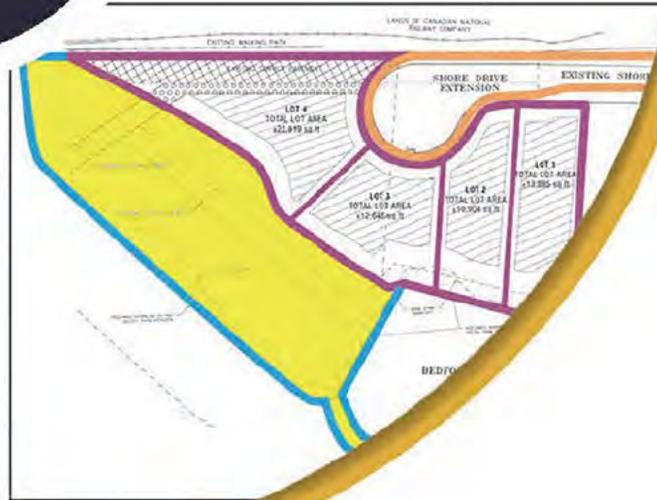


# Bedford Bay Estates Recreational Facility & Marina

Site-Specific Plan Amendment

Developer: Bedford Bay Limited

Applicant: KWR Approvals Inc.



Prepared for:

HRM Planning &  
Development Department

Prepared by:

KWR Approvals Inc. 



June 22, 2022

Miles Agar, MCIP, LPP

Principal Planner

Planning & Development | Regional Planning | Urban Plan Amendments



Re: Site-Specific Plan Amendment (SSPA) for Bedford Bay Estates Infill & Water Parcel (PID: 40018079)

Dear Miles:

On behalf of our client *Bedford Bay Limited* (Developer), KWR Approvals Inc. (Applicant) is pleased to submit a formal application for a Site-Specific Planning Amendment (SSPA) to the Bedford Municipal Planning Strategy (MPS).

Bedford Bay Limited has been working to create a beautiful waterfront development in the Bedford Bay area, known as Bedford Bay Estates. This development will consist of four (4) single-family units, and with the implementation of this SSPA, a recreational facility that includes a multi-use court, boathouse, and marina. The subject property (PID:40018079) is a water and infill lot that has been acquired by Bedford Bay Limited for a 40-year lease, with a 99-year lease currently being pursued. When negotiating the lease of this water and infill lot, it was always clear that the parcel would be used for residential and recreational purposes. However, under the current regulatory frameworks, there is no enabling policies to develop a private recreational facility on this parcel. This application aims to amend an oversight of the original SSPA for this parcel and allow for a recreational facility for the four (4) residential dwellings of Bedford Bay Estates to be developed. This project will enhance the utilization and aesthetic appeal of Bedford Bay's waterfront, making it a desirable and attractive location.

Please consider this application for an SSPA. We are available to answer any questions you may have.

Thank you,



Jane Rideout  
Planner 1



Kevin W. Riles  
CEO & Owner

cc: Kate Greene - Regional Policy Program Manager  
Carl Purvis - Applications Program Manager and Client



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Appendix A: Survey Plans

Appendix B: Bedford Bay Estates Concept Sheet & Design

Appendix C: KWRA Planning Brief

## Introduction

KWR Approvals Inc. was retained by *Bedford Bay Limited* to submit a site-specific plan amendment (SSPA) to the Crown land water and infill lot at the end of Shore Drive in Bedford (PID: 40018079) for HRM Planning & Development's consideration. Our client *Bedford Bay Limited* is seeking to build a marina, boathouse, and multi-use court recreational facility on this parcel as an accessory structure to the four abutting properties, (PID's: 41462441, 41462466, 41462477 & 41462482). An SSPA is required because there is no alternative process would accept this type of facility as-of-right, through rezoning or development agreement. This application demonstrates how this recreational development is in line with both the Regional Planning Strategy and the Bedford Community Secondary Planning Strategy. An amendment of this property is needed as *Bedford Bay Limited* agreed to a 40-year lease of this parcel of crown land ***with the understanding that it would be used for recreational purposes.***

## Property Background

The subject property (PID: **40018079**) is a vacant lot that is planned to be developed as part of the *Bedford Bay Estates* development. The property is approximately 134,500 sq. ft. with 45,800 sq. ft. consisting of infill and 88,700 sq. ft. consisting of a water lot. This property has no frontage on a public street, although there is an access easement in place over the adjacent property at 9 Shore Drive to Shore Drive. The property is designated Halifax Harbour under the Halifax Regional Plan and is within the Service Area boundary.

The site is owned by the Crown and managed by the Halifax Port Authority (HPA). It was leased to Bedford Bay Limited for 40 years in 2018, and a 99-year lease is currently being pursued. Prior to the lease in 2018, the property was rezoned from General Business District (CGB) to Residential (RSU) under the Bedford SPS and LUB. The RSU zone permits single unit dwellings and accessory uses. The lot was subdivided for the purposes of creating four (4) single-family dwelling units on the parcel and the infilled water lot would be used for private recreation facilities (Case 20976). *It was clear during this plan amendment process that Bedford Bay was seeking a lease of **the Crown property to be used for recreation purposes for the single unit dwellings.*** The crown property is also designated RSU.

## Proposal

This Site-Specific Plan Amendment is to build a large accessory use for the 4 Bedford Bay Estate properties which abut this water and infill lot. The intent of the lease of this water and infill lot is to use this Crown property as a private recreation area **with exclusive limited membership (predominantly the four Bedford Bay Estate residential dwellings)**. The facility would include a small Marina, a Boathouse with facilities for the boats, an outdoor multi-use court such as pickleball, basketball etc., a small golf area and may include a multi-use indoor court. The size of the structure is flexible, but it will likely be approximately 1500-2500 sq ft, approximately 20 ft in height, and complimentary to the surroundings. Outdoor multiuse facilities for pickleball, basketball etc. would not require a structure other than a type of surface, fence, and net. All four Bedford Basin Estate properties that abut this parcel would have **communal access** to these recreational facilities and no public access would be granted.

## Concept Plan



These visuals are taken from the Bedford Bay Estates concept plans and depict how the accessory structure & marina would be available for use by all 4 Bedford Estate Properties. This development would transform this property from its current state of infill and transform it into a beautiful and useful recreational space. Appendix B contains a complete concept plan package.

## Planning Rationale

The development of a recreational facility on this waterfront parcel aligns with the goals and objectives of both the Regional and Bedford Municipal Planning Strategies. The plans for this facility will enhance the aesthetic beauty, commercial value, and functional use of this water and infill property.

One of the objectives stated in the Regional Plan is to:

*“Manage development to make the most effective use of land, energy, infrastructure, public services and facilities, and foster healthy lifestyles”* p.3 Regional MPS, Appendix D

The proposed development does not require additional servicing or infrastructure from the municipality. As the property has no frontage on a public street, there are limited options for what can be developed on this property. A recreational marina, boathouse, and multi-use court would be an effective use of this parcel and provide a valuable amenity to the Bedford Bay Estates properties. As a recreational sports and boating facility, this development also supports the objective of fostering healthy, active lifestyles.

In its current state, the land is undevelopable under the RSU designation because a residential development cannot be built on the coast within 3.8 metres of elevation according to Policy E-22 in the Regional Plan. Without a site-specific plan amendment, this lot will remain an empty, unattractive infill lot along Bedford Bay’s beautiful harbourfront.

Another objective for the environmental protection and sustainability stated by the Regional Plan is to:

*“Foster a land management and community design approach which integrates preservation of lands and aquatic systems of ecological, cultural and environmental significance; lands suited for renewable resource extraction; and lands suited for parks, trails and corridors which provide recreational and educational opportunities”* p. 4 Regional MPS, Appendix D

The subject property is an infill lot, so it has minimal to no ecological or environmental significance. This land is a clear opportunity to allow residents access to marine recreation. The proposed concept plan (Appendix B) will enhance this piece of land through its landscaping design. The addition of grass and plants on this infill property will upgrade the environmental, ecological, and aesthetic value of this land.

The property is located across from the Waterfront Commercial Development District (WFCDD). As this waterfront development district continues to grow and be developed, the subject property will become an eye sore for that area if it remains as an infill lot. The approval of this development would create a more aesthetic area around the Bedford Waterfront and potentially attracting more investment and greater appeal for the district (Appendix A shows the proximity of these properties).

The Bedford Secondary Planning Strategy outlines clear objectives for Waterfront development (Appendix C). Although this property is not within the designated Waterfront Development district, it is still a waterfront property in Bedford and is located *adjacent* to the district. Therefore, many of the policy objectives and waterfront goals should apply to this property. The overall objective of the Waterfront development strategy is stated as:

*“To promote the development of Bedford’s waterfront project area as an active year-round mixed-use urban waterfront area containing public spaces and activities with residential, commercial, cultural and institutional uses that when developed, emphasize the waterfront project area’s location, heritage and environment.”* p. 59 Bedford SPS, Appendix C

The implementation of a recreational marina, boathouse, and multi-use court facility on this property aligns with the objectives to emphasize to area’s location and environment. This development would be an accessory use to the four residential dwellings of Bedford Bay Estates which would enhance their residential experience.

There is a recreational objective stated in the Bedford SPS:

*‘To work towards the waterfront project area becoming a major recreational resource providing a mix of recreational activities on both land and water’* p. 59 Bedford SPS, Appendix C

While the recreational uses of this development will be limited to the Bedford Bay Estates property owners and other limited private membership, the marina, boathouse, and multi-court facility supports diverse forms of recreation and enhances active lifestyles. This development will offer both on land and water-based recreational activities.

Finally, the Bedford Bay Estates development will greatly enhance the environmental and aesthetic qualities of this parcel. This reflects the goals of the Bedford SPS waterfront development’s environmental objective:

*“To approve only developments that enhance the unique nature of the waterfront project area and that will improve and enhance the environmental features of the Bedford Bay and Basin.”* p. 60 Bedford SPS, Appendix C

The current infill lot does not enhance the environmental features of the Bedford Bay and does not hold any environmental value for the region. As the landscaping concept plan (Appendix B) demonstrates, the development of this property will transform an empty parcel into a beautiful and desirable portion of the Bedford Harbourfront.

A Site-Specific Planning Rationale is needed for this development because there is no other pathway through the current Bedford land-use bylaws, secondary planning strategy, or Development Agreement that could accommodate this type of building structure/use. The KWRA planning brief (Appendix E) details all the potential strategies that were considered before pursuing a site-specific plan amendment. This is a unique situation in which the water and infill lot will be an accessory use to the 4 abutting buildings, making it larger than a typical accessory use and on a separate parcel than the main residential use.

To be classified as an accessory use the following conditions apply (Appendix C):

- The use must be subordinate to the primary use of the property which in this case would be the dwellings. This can relate to the relative function or size of each use.
- The accessory use must be a natural use stemming from the main use as a dwelling (i.e., a garage, shed, tennis court or boat house).
- The accessory use must be exclusively devoted to the main use. A garage for a dwelling is an accessory use whereas a commercial garage is a main use.

**The recreational uses proposed for Bedford Bay Estates meet these three criteria.** The regulating criteria for accessory structures presents a limitation for the development of this project. The LUB requires that accessory buildings/structures:

- Must be developed on a lot with a main use.
- Must be on the same lot as the main use
- Is limited to 15 feet in height in a residential zone.
- Is limited to 750 square feet in total floor area for all accessory space on the lot

These requirements prevent an as-of-right development of this recreational facility, even though it will be an accessory structure for Bedford Basin Estates residential properties. This is a unique situation in which the accessory structure is larger than would typically be accepted because it will be accessory and available to *four* dwelling units.

A development agreement to achieve this recreational facility is also unfeasible as it would still require a single-unit dwelling be built on the property, according to Implementation Policy Z-3. As previously explained, the Regional Plan has environmental restrictions that would prevent a residential dwelling on this coastal property. Policy E-22 of the Regional Plan requires that any dwelling be placed at least 3.8 metres of elevation above CGVD-28 to protect from sea level rise. This provision only applies to a dwelling and not to other accessory or recreational structures. It would be difficult to elevate the dwelling the required 3.8 metres on this infill property.

All potential options to pursue this development have been considered and explored, but a site-specific plan amendment is the only available option that can achieve the desired recreational facility within the current planning legislation.

The Bedford Basin Estates will create a close-knit community amongst the four property owners and the creation of a communal marina and boathouse is beneficial for the development of this community. It encourages sports and exercise which aligns to build a healthier community. This development aligns with the goals of the Regional MPS and the Bedford SPS and will only enhance this community and the Bedford Waterfront.

### Justification & Conclusion

The 2018 lease and rezoning of this property indicated that this lot would be used for recreational purposes. This infill/water lot has already been leased to *Bedford Bay Limited* for the next 36 years, with the potential for a 99-year lease. If the provisions for this property are not amended, that lease becomes essentially useless to *Bedford Bay Limited*, who have poured time, money, and energy into creating this beautiful shoreline development. This water and infill lot has the potential to be an exceptionally beautiful piece of the Bedford Harbour, and it would be disappointing to see this lot remain undeveloped and empty. There was always the intention of creating a marina and recreational facility on this site, but the LUB regulations are this preventing this development from proceeding.

Please consider this site-specific plan amendment so that *Bedford Bay Limited* can create a beautiful and entertaining recreational waterfront development and enhance the Bedford community.

## Appendix A





# SHORE DRIVE EXTENSION BEDFORD, N.S.



DRAWING KEY PLAN  
SEP 10 2014

PROJECT: 16-5803

## LIST OF DRAWINGS

DWG. NO.	DESCRIPTION
16-5803-F01	SITE PLAN
16-5803-F02	PLAN-PROFILE SHORE DRIVE EXTENSION, ROAD AND SERVICES, STA. 0+000 TO STA. 0+150
16-5803-F03	PLAN-PROFILE SANITARY SEWER AND WATER SERVICING, STA. 0+000 TO STA. 0+125, SUBDIVISION GRADING PLAN FOR LOTS 1 TO 4 INCLUSIVE & CONSTRUCTION DETAILS & NOTES
16-5803-F03A	PLAN-PROFILE SHORE DRIVE HYDRANT INSTALLATION STA. 0+000 TO STA. 0+135
16-5803-F04	DRAINAGE PLAN, SEDIMENTATION AND EROSION CONTROL MEASURES

## Appendix B

# BEDFORD BAY ESTATES

B E D F O R D • N O V A S C O T I A

## LOCATION:

65 Shore Drive to  
79 Shore Drive  
Bedford, Nova Scotia  
B4A 2E9

## PROPERTY IDENTIFICATION NUMBERS:

LOTS 1 TO 4:  
PID 00431064  
PID 40372906  
COMMON AREA:  
PID 40018079

## LOT SIZES:

Lot 1: +/- 13,885 sq ft  
Lot 2: +/- 10,904 sq ft  
Lot 3: +/- 12,648 sq ft  
Lot 4: +/- 22,819 sq ft  
Common Area Size:  
+/- One acre  
with breakwater and  
protected marina

## ZONING:

Residential Single Dwelling

## DEVELOPMENT AND/OR INVESTMENT OPPORTUNITY:

Residential Single Dwelling

## OWNER:

Bedford Bay Limited

## CONTACT:

*Kathleen O'Donovan*

*Monte Snow*

PLEASE NOTE:  
All imagines may not be  
exactly as illustrated.



## FEATURES/OVERVIEW

Bedford Bay Estates is a premier residential development located in Bedford and possibly one of the finest waterfront developments in HRM. Nestled along the shores of the Bedford Basin, this property features four single family building lots with water frontage. Through a long term lease, the water lot and marina will be available to all residents. The common area featuring a marina will be professional maintained through a cooperative agreement. These properties; together with the related recreational area, form a one of a kind luxury development that will be admired for years to come.

These luxury waterfront homes are situated on a cul-de-sac at the end of prestigious Shore Drive. Ideally located adjacent to the Bedford Waterfront Development (currently in development), residents will have easy walking access to this vibrant urban development and all the shops and services it has to offer. For those seeking waterfront yachting lifestyle while being in close proximity to downtown, there is no better location or opportunity.

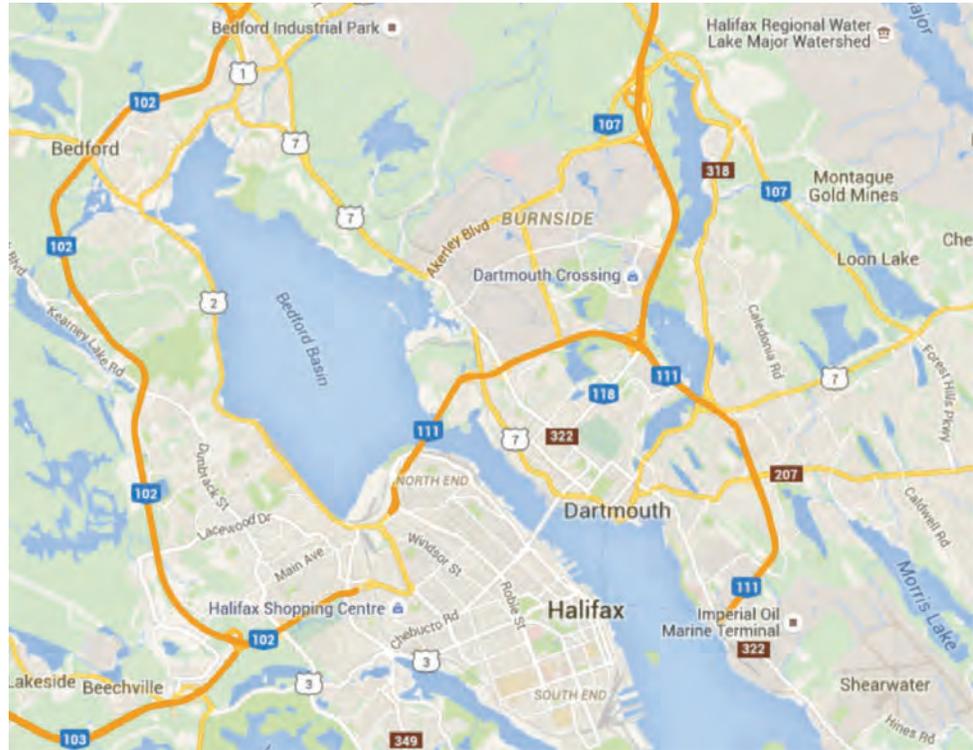
- Dramatic views of the Bedford Basin
- 4 Single Family building lots with water frontage
- Located within the sheltered inner basin
- Large Recreation area with marina
- Easy access to downtown Dartmouth and Halifax
- 20 minutes to the Robert L Stanfield International Airport

# BEDFORD BAY ESTATES

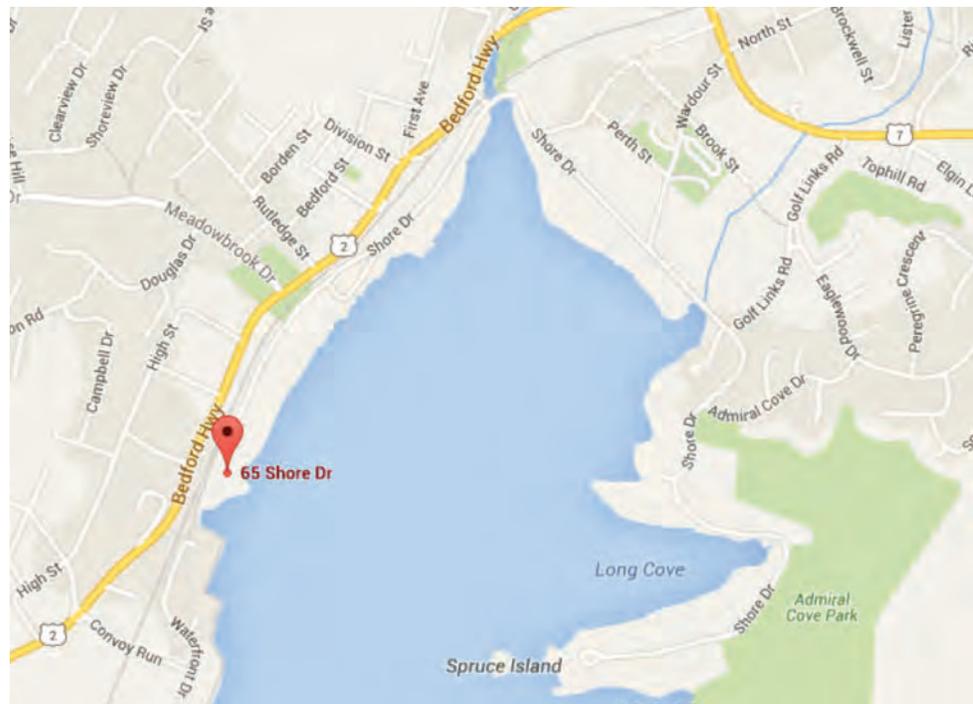
B E D F O R D • N O V A S C O T I A

## LOCATION MAPS

### REGIONAL LOCATION



### NEIGHBOURHOOD LOCATION



# BEDFORD BAY ESTATES

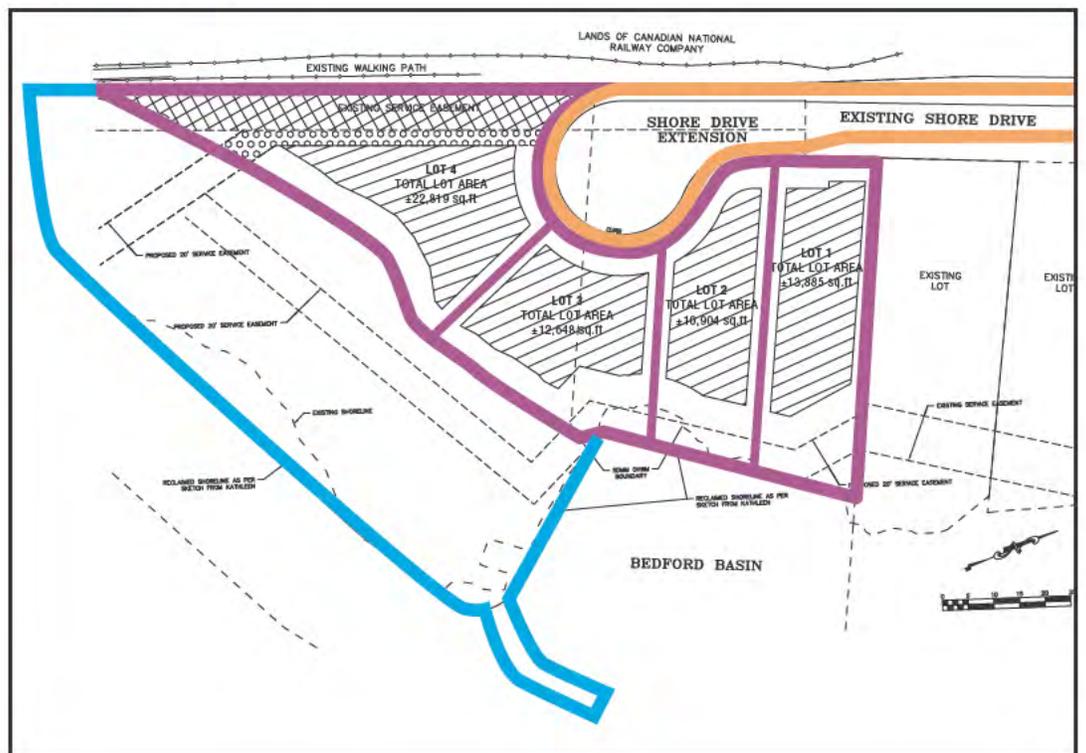
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## SITE PLANS

## AERIAL VIEW



## SURVEY PLAN

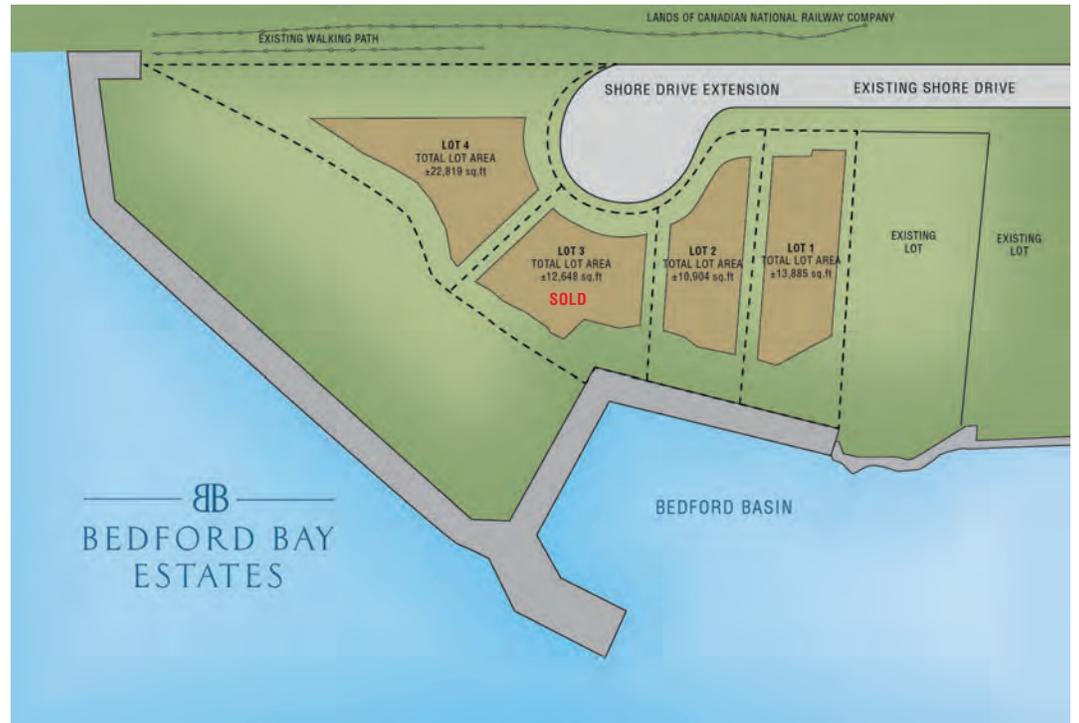


# BEDFORD BAY ESTATES

B E D F O R D • N O V A S C O T I A

## PROPOSED DEVELOPMENT

### PROPOSED SITE PLAN



### RENDERING - WATER VIEW



# BEDFORD BAY ESTATES

B E D F O R D • N O V A S C O T I A

## VIEWS OF THE BEDFORD BASIN





## Common Space

**Pat & Shannan Wilson**

*CLIENT*

**65 Shore Drive**

**Bedford, Nova Scotia**

*ADDRESS*

**August 27, 2021**

*DATE*

**1/16" = 1'**

*SCALE*

**1**

*REVISION*



1. Drawing is a concept, not to be used for construction
2. Do not scale drawing - use measurements provided
3. See product document for details for numbered areas
4. Contractor responsible for identifying all utilities
5. All measurements are +/-
6. All discrepancies should be reported to landscape architect and agreed upon before proceeding
7. protect existing vegetation during construction
8. all measurements in feet
9. landscape must be completed to ensure positive drainage of stormwater away from building

**Appendix C**

February 15, 2022

[KWR Approvals Inc. Planning Brief](#)

**Re: Bedford Bay- Shore Drive Bedford- PID 40018079**

KWRA has reviewed this property in relation to developing this site for communal recreational facilities which may include a marina, multi-court structure, and golfing facility for the adjacent four lot single unit development of **Bedford Bay Estates**. In this Planning Brief we will provide details of the options available to advance this proposal and identify any issues and factors which should be addressed moving forward with the pending planning application.

Property:

This vacant property is approximately 134,500 square feet with 45,800 square feet consisting of infill and 88,700 square feet consisting of a water lot. The site is owned by the Crown and managed by the Halifax Port Authority (HPA). It was leased to Bedford Bay Limited for 40 years in 2018. This property has no frontage on a public street, although there is an access easement in place over the adjacent property at 9 Shore Drive to Shore Drive.

The property is designated Halifax Harbour under the Halifax Regional Plan and is within the Service Area boundary. The entire property, including the water and infill portions, is designated Residential under the Bedford SPS and zoned RSU ( Residential Single Unit) under the Bedford LUB. This zone allows single unit dwellings and accessory uses.

The adjacent four residential lots of Bedford Bay consisting of No. 9, 23, 65 and 79 Shore Drive are also designated Residential and zoned RSU and were recently re-subdivided. They all have frontage on a public street as required for by-right development in Bedford.

Proposal:

The intent of the lease of this water and infill lot is to use this Crown property as a private recreation area (which may include docks, multi-court, and golfing development) **for the four Bedford Bay Estates properties and limited exclusive membership**. The plan is to build a structure which would have indoor pickle ball courts and serve as a boat house for the adjacent boat docking facilities. The plans may include a multi-use indoor court and marina, and would be complimentary to the surroundings. The size of the structure appears flexible, but one pickle ball court has a minimum of 880 square feet of playing area and requires a minimum of 20 feet of height. All four dwellings would have **communal access** to these recreational facilities and no public access would be granted.

Brief History of the site:

Prior to 2018, all the properties making up Bedford Bay Estates were designated Commercial under the Bedford SPS and zoned CBG (General Business District) under the Bedford LUB. This was because the site, including the water lot, had been used as a commercial boatyard. Residential uses are not permitted in the CGB zone in Bedford. To facilitate the development of Bedford Bay Estates, an application was made in 2018 to re-designate the properties to Residential and rezone to RSU to allow the subdivision and subsequent development of 6 single family dwellings with the infilled water lot being used for private recreation facilities (Case 20976).

It was clear during this plan amendment process that Bedford Bay was seeking a lease of the Crown property to be used for recreation purposes for the single unit dwellings. Considering this and other related policy in effect ( Policy E-17(a), the Crown lot was also redesignated to Residential and rezoned to RSU. See Attachment A.



**Land Use Classification:**

KWRA is of the opinion that this use of the land would be classified as a **use accessory** to the single unit dwellings under the Bedford LUB. We considered whether it would be possible to classify this as a private *neighbourhood park* as this is a main use permitted by right in the RSU zone. A neighbourhood park is defined as:

***Neighbourhood Park*** - means a parcel of land intended through design and function to provide opportunities for either active or passive recreational pursuits. Local parks may include playground

*equipment, hard-surfaced courts and landscaped areas for passive recreational activities, but shall not include major facilities such as playing fields, arenas, and swimming pools.*

While it may be possible to make the proposed use fit this definition, it would be a challenge and still problematic as the lot has no frontage. Section 14 of the Bedford LUB requires that the lot have frontage to be developed as a neighbourhood park by-right (Attachment B).

#### Regulation of Accessory Uses:

An accessory use is defined as:

*Accessory Use - means a use subordinate and naturally, customarily, and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.*

To be classified as an accessory use the following conditions apply:

- The use must be subordinate to the primary use of the property which in this case would be the dwellings. This can relate to the relative function or size of each use.
- The accessory use must be a natural use stemming from the main use as a dwelling (ie. a garage, shed, tennis court or boat house).
- The accessory use must be exclusively devoted to the main use. A garage for a dwelling is an accessory use whereas a commercial garage is a main use.

In KWRA's opinion, **the recreational uses proposed for Bedford Bay Estates meet these three criteria.** Once deemed as an accessory use then the following relevant regulations apply. See Attachment B, Sections 28 and 29.

Any accessory use, building, or structure:

- Must be developed on a lot with a main use.
- Must be on the same lot as the main use
- Is limited to 15 feet in height in a residential zone.
- Is limited to 750 square feet in total floor area for all accessory space on the lot ( the floor area of pools only is exempted from this provision).

**Building** - means any structure, whether temporary or permanent, used or built for the shelter, support, accommodation or enclosure of persons, animals, material, vehicles, or equipment. Any tent, awning, deck, patio or platform, vessel or vehicle used for any of the said purposes shall be deemed to be a building.

**Structure** - means anything that is erected, built or constructed of parts joined together or any such erection fixed or supported by the soil or by any other structure. A structure shall include buildings, walls, wharves, seawalls, attached decks, and signs.

The current proposed use of the Crown parcel does not meet any of these four requirements, meaning that a development permit cannot be issued by-right as an accessory use.

Given that a by-right option is not available for this proposal, the following options could be considered to address these issues:

**Lot Consolidation:** If the Crown water lot were sold as opposed to leased to Bedford Bay and then consolidated with one of the dwelling lots (likely 9 Shore Drive), then the court facility, docks and boatyard could be constructed as accessory uses to this dwelling as they would be on a lot which has a dwelling a main use. Access easements to the facilities for the other 3 lots could be granted.

However, even if the sale of this lot were considered feasible by the Halifax Port Authority, the requirements for accessory uses would still need to be met including floor area and height. This would be problematic as the 750 square foot floor area for all accessory **space** would not be sufficient.

**Amendments to the Bedford LUB related to Accessory Uses:** The LUB provisions regulating accessory uses is governed by the following policy of the Bedford SPS.

**Policy Z-8:** *It shall be the intention of Town Council, in order to maintain the residential character of the Town, to control the placement of accessory buildings on a lot and to limit the total area devoted to accessory uses through provisions in the Land Use By-Law.*

As this policy is quite general, it would be technically possible to apply for a land use bylaw amendment to alter the four problematic regulations related to accessory uses without an amendment to the SPS.

While possible, this is unlikely to be successful as a change in the regulation of accessory uses to accommodate this proposal would then apply to all accessory uses throughout Bedford. The implications would simply be too far reaching. For the desired LUB amendments to only apply to this site, a site-specific land use bylaw amendment would be required. To accomplish this there would need to be a policy rationale to differentiate this site from others in Bedford. Such a policy would require a corresponding amendment to the Bedford SPS in our opinion.

### **Development Agreement under Policy R-28**

There is an enabling policy in place in the Bedford SPS which allows the development of dwellings on existing vacant lots which do not have frontage on a public street ( See Attachment A). It is our opinion that the enabling criteria of this policy are all met or can be met for this property. Specifically, the Crown lot is existing and vacant, is within the Residential Development Boundary (now the Urban Service Area ), exceeds 6000 square feet, and is zoned for residential use. There is already an access easement in place providing a ROW to Shore Drive.

The development of the dwelling through the agreement would be subject to the criteria of Implementation Policy Z-3 (Attachment A).

If there were a dwelling on the property, accessory recreational uses to this dwelling could also be developed on the lot. As the dwelling would be enabled through a development agreement, I believe you could also use this agreement to vary the accessory use provisions of the LUB to allow larger and more extensive use of the property for the shared recreation facilities.

As the intent is to allow the development of the accessory recreational uses and not the dwelling, the dwelling could be as small and modest as possible. In fact, Policy R-28 requires that this dwelling be smaller than abutting dwellings in both footprint and height. There is no minimum size limitation for a

dwelling in the Bedford LUB, so size would be determined by building code requirements. It must be capable of being occupied as a dwelling by at least one person but would not have to be occupied.

It may even be possible to propose a mobile home (see Attachment B) on the property as Policy R-28 does not specify the type of dwelling. However, an argument could also be made against a mobile home as it would not be permitted in the RSU zone by right, and it would not meet the test of Policy Z-3 to be “*compatible with adjacent uses and the existing development form in the neighbourhood in terms of use, bulk, and scale*”.

If a dwelling were to be constructed on this Crown property, even through development agreement, the LUB provisions related to watercourses and coastal elevation would be applied. Most of the infill portion of the water lot is within the 20-metre watercourse setback and buffer area regulated by Section 21 of the Bedford LUB which normally restricts the development of significant structures. As this property is within the Halifax Harbour designation of the Regional Plan, it is **exempt from the watercourse setback requirements**.

However, the coastal elevation provisions of Section 21A (Attachment B) of the LUB do apply and could not be varied through the development agreement. This section requires that any dwelling be placed at least 3.8 metres of elevation above CGVD-28 to protect from sea level rise. This provision only applies to a dwelling and not to other accessory or recreational structures. It may be difficult to elevate the dwelling the required 3.8 metres on this infill property.

In addition, a development agreement would have to be assessed against all the criteria of Policy Z-3. If this option is to be considered, additional analysis will be required in relation to a specific site development plan. Considerations would include the traffic and servicing impact of an additional dwelling, compatibility, the ability to provide fire protection to the new dwelling and accessory structures, and the environment impacts of developing structures along the shoreline.

#### **Site Specific Plan Amendment:**

The final option is to proceed with a site-specific amendment to the Bedford SPS to allow the stand-alone use of the Crown property as shared recreation facilities for the four dwellings of Bedford Bay Estates. No dwelling would have to be constructed and the new policy and regulations could be specifically targeted to the desired development of this one lot.

An SPS amendment is only initiated by Regional Council if there were errors made in the existing policies, or if there have been significant changes in societal trends such as housing affordability and scarcity, or in overall development or land use patterns. Such a plan amendment would need to be considered against the existing policies of the Regional Plan found in Attachment C. Given the nature of this proposal we cannot find any relevant policies of the Regional Plan which would either specifically support or oppose the proposal.

The ability to develop the Crown lot for accessory recreational uses for the four dwellings was known and intended in the 2018 SPS amendment. The logistics of actually developing the Crown lot in this way were not adequately addressed through the 2018 redesignation and rezoning as a site-specific policy for the Crown lot could have been added at this time. This provides justification for Regional Council to initiate this "follow-up amendment" to the Bedford SPS for this site.

## **Attachment A**

### **Relevant Bedford SPS Policy Provisions**

#### **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". (RC-Mar 18/03;E-May 10/03)

#### **Policy R-28:**

It shall be the intention of Town Council to permit, by development agreement, issuance of development permits to allow construction of dwellings on existing, vacant lots which do not have frontage on a public street. In considering such development agreements Council shall have regard to the following criteria:

- there is an easement available to provide access from the lot to a public street;
- the existing vacant lot must be within the Residential Development Boundary;
- the application for a development agreement shall include the specifications for the building envelope for the proposed dwelling such that the new dwelling shall not exceed the average height and building footprint of the existing dwellings which abut the vacant lot;
- the minimum rear yard separation distances between the proposed new dwelling and the existing dwellings shall be 40 feet;
- minimum front, side and rear yards shall be provided in accordance with the zone requirements
- minimum lot area shall be 6,000 sq. ft.; and,
- the lot must be located within an area which is zoned for residential land use

#### **Policy Z-3:**

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:

1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:

- i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
- ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
- iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;
- iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
- v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
- vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
- vii) the adequacy of recreational land and/ or facilities;
- viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
- ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
- x) the presence of significant natural features or historical buildings and sites;
- xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
- xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
- xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.

6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:

- i) type of use, density, and phasing;
- ii) traffic generation, access to and egress from the site, and parking;
- iii) open storage and landscaping;
- iv) provisions for pedestrian movement and safety;
- v) provision and development of open space, parks, and walkways;
- vi) drainage, both natural and subsurface;
- vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,
- viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.

7. Any other matter enabled by Sections 73 and 74 of the Planning Act.

8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:

- i) provide Council with a clear indication of the nature of the proposed development; and
- ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.

9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:

- a) a plan to a scale of 1":100' or 1":40' showing such items as:
  - i) an overall concept plan showing the location of all proposed land uses;
  - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;

- iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
  - iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
  - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
  - vi) a description of any protected viewplanes; and,
  - vii) an indication of how the phasing and scheduling is to proceed.
- b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.
- c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.

**10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)**

## Attachment B:

### Relevant Bedford LUB Provisions:

**Mobile Home/Mini Home** - means a vehicular portable structure built upon a chassis, designed to be used with or without a permanent foundation as a dwelling unit when connected to utilities and approved by the Canada Standards Association as a mobile home as evidenced by a C.S.A. seal bearing serial number commencing with Z240; and does not include a single structure composed of separate mobile units each towable on its own chassis which when towed to the site are coupled together mechanically and electrically to form a single structure.

### 14. Frontage On A Street

Except as provided for within the Bedford West Business Campus (BWBC) Zone or Cushing Hill Residential (CHR) Zone (RC-Dec 10/19;E-Feb15/20), **no building, structure or use** shall be permitted unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street; except for alterations, renovations and additions to existing structures located on private streets or for construction of dwellings on existing, vacant lots as per Policy R-28. (NWCC-Sep 28/06;E-Oct 14/06)

### 21A. Coastal Areas (RC-Jun 25/14;E-Oct 18/14)

(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

(2) Subsection (1) does not apply to any residential accessory structures which do not contain backyard suites (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

(4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

### 28. Accessory Uses Permitted

Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose the purpose includes any accessory use thereof.

### 29. Accessory Buildings

a) Accessory uses, buildings and structures shall be permitted in any zone within the Town but shall not:

- i) be used for human habitation, **except where backyard suites are permitted (RC-Sep 1/20;E-Nov 7/20)**;
  - ii) be located within the required front yard of a lot;
  - iii) be built closer than four (4) feet to any lot line except for common semi-detached garages which may be centred on the mutual side lot line or boat houses and boat docks which may be built to the lot line when the line corresponds to the high water mark of the Bedford Basin;
  - iv) exceed fifteen feet (15) feet in height in any Residential Zone;
  - v) exceed 750 square feet in total floor area for all accessory space on a lot in any Residential Zone, except for public buildings and uses *and* swimming pools;
  - vi) be built within six (6) feet of the main building;
  - vii) be considered an accessory building if attached to the main building in any way or be considered an accessory structure if located completely underground.
- b) Notwithstanding anything else in this by-law, drop awnings, clothes poles, flag poles, garden trellises, fences, **children play structures, satellite dishes (NWCC-Apr 8/03;E-Apr 12/03)**, uncovered decks no higher than 2 (two) feet and retaining walls shall be exempted from any requirements for accessory uses under subsection (a.)
- c) Garbage collection bins and stalls shall be subject to the accessory building provisions of this section and shall be fenced or otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.
- d) Swimming pools shall be completely enclosed with fencing, a minimum of five (5) feet in height

## **Attachment C: Relevant Regional Plan Policies**

### **EC-12**

HRM shall establish a Halifax Harbour Designation which extends from Hartlen Point in Eastern Passage to Chebucto Head, including Northwest Arm and Bedford Basin, and extends inland generally to the first major roadway paralleling the Harbour, as shown on the Generalized Future Land Use Map (Map 2). The Designation shall support a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.

### **EC-13**

Within the Halifax Harbour Designation, HRM shall establish zoning under applicable land use by-laws and apply the zone on lands where existing harbour related industrial uses are located and lands or water lots determined by HRM to be suitable for these uses in the future. Corresponding land use regulations will be established under the applicable land use by-laws. Amendments to applicable land use by-laws may be made to:

- (a) allow for additional lands or water lots for harbour related industrial uses that have not been previously been identified where such lands are considered appropriately situated for these uses;
- (b) implement regulations that mitigate potential negative impacts of existing and potential marine-dependent industrial and commercial areas on adjacent uses, while maintaining the economic viability of marine-dependent uses; and
- (c) discourage new residential development from locating in areas that abut lands designated for intensive marine dependent industrial and commercial uses.