

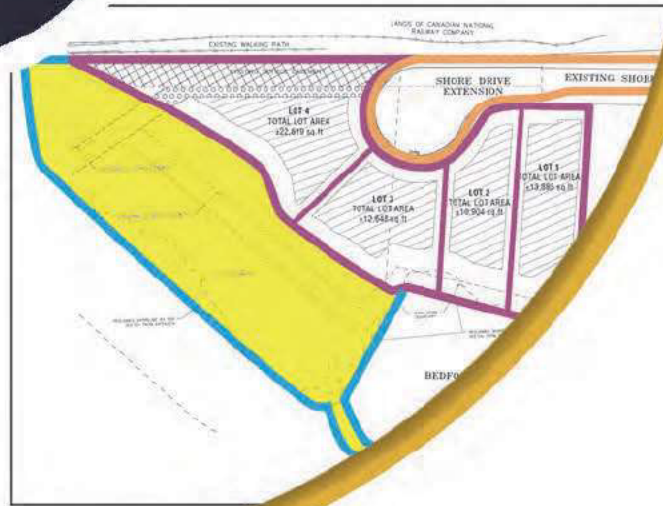


Bedford Bay Estates Recreational Facility & Marina


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
40 Alderney Drive, 2nd Floor, Alderney Gate
Dartmouth, NS
PO Box 1749
Halifax, NS B3J 3A5
agarm@halifax.ca

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,

[Redacted Signature Block]

[Redacted Name]

[Redacted Title]

[Redacted Name] - Applications Program Manager and Client

Table of Contents

Introduction	2
Property Background	2
Proposal	2
Concept Plan	3
Planning Rationale	4
Justification & Conclusion	6

Appendices

Appendix A: LRIS Mapping and Zoning

Appendix B: Bedford Bay Estates Concept Sheet & Design

Appendix C: Relevant sections from the Bedford SPS & LUB

Appendix D: Relevant sections from the Regional Plan

Appendix E: KWRA Planning Brief

Appendix F: HRM SSPA Planning Application

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



Search Provincial Map Bulletin+Board 1 Help

Back to Search Results

Map Actions

- Point Select
- Pan
- Zoom In
- Zoom Out
- Zoom Box
- Monument Select
- Clear Selection
- Center Selection

Map Layers

- Properties
- LR Parcel
- Shading
- Topo
- Monuments
- Place Names
- Refresh Map

Map Controls

- NS Overview
- Locator Map
- Print Map



Lat: Long: Scale: 12441 Zoom: 2

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Location: Search

1 Property found

PID: 40018079 Details

AAN: 10579147

Value: \$0 (2021 RESIDENTIAL EXEMPT)

Address: SHORE DRIVE
BEDFORD
PARCEL A1

County: HALIFAX COUNTY

Owner: HER MAJESTY THE QUEEN
IN RIGHT OF CANADA
MINISTER OF TRANSPORT
HALIFAX PORT AUTHORITY

LR: NOT LAND REGISTRATION 1



Search Provincial Map Bulletin+Board 1 Help

Back to Search Results

Map Actions

Point Select

Pan

Zoom In

Zoom Out

Zoom Box

Monument Select

Clear Selection

Center Selection

Map Layers

Properties

LR Parcel

Shading

Topo

Monuments

Place Names

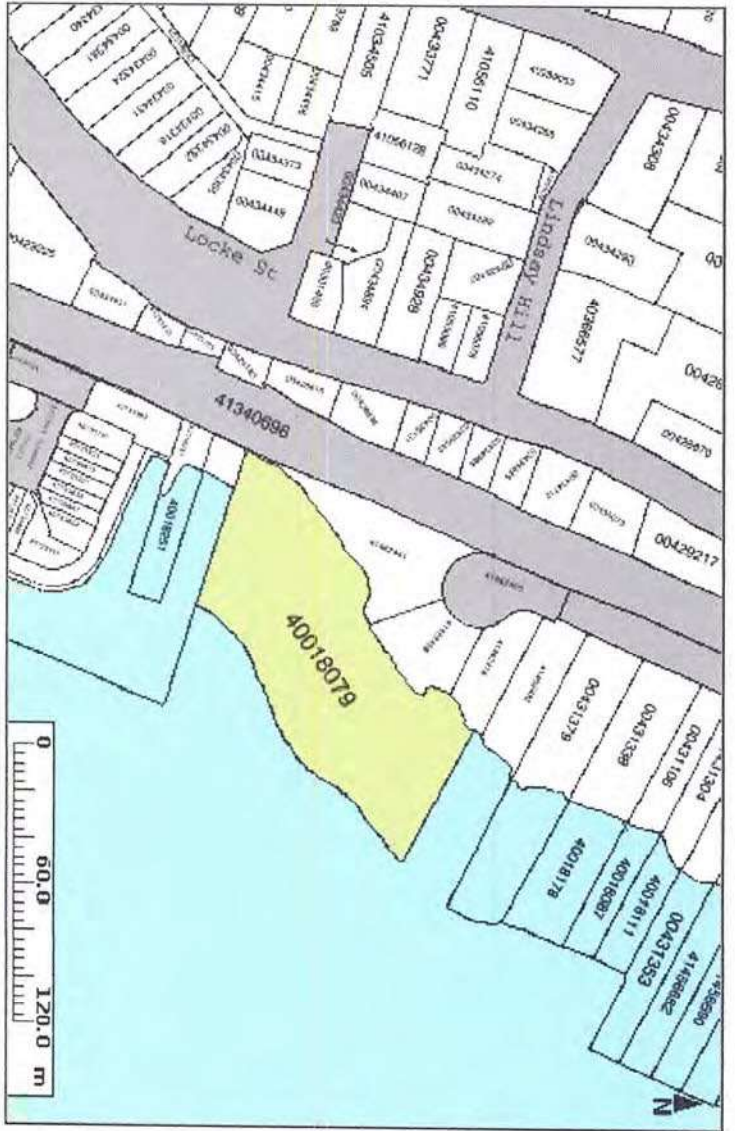
Refresh Map

Map Controls

NS Overview

Locator Map

Print Map



Lat: 44-43-14N Long: 63-40-06W Scale: 3110 Zoom: 2

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Location: Search

1 Property found

PID: 40018079 Details

AAN: 10579147

Value: \$0 (2021 RESIDENTIAL EXEMPT)

Address: SHORE DRIVE BEDFORD PARCEL A1

County: HALIFAX COUNTY

Owner: HER MAJESTY THE QUEEN IN RIGHT OF CANADA MINISTER OF TRANSPORT HALIFAX PORT AUTHORITY

LR: NOT LAND REGISTRATION 1



Search Provincial Map Bulletin+Board 1 Help

Property Search Results

1 Property found

PID	Owner	Property Address	Assessment Info	Options
40018079	HER MAJESTY THE QUEEN IN RIGHT OF CANADA MINISTER OF TRANSPORT HALIFAX PORT AUTHORITY	Civic Address: SHORE DRIVE BEDFORD PARCEL A1	AAN: 10579147 Value: \$0 (2021 RESIDENTIAL EXEMPT)	<input type="checkbox"/> Details <input checked="" type="checkbox"/> Map
LR Status: NOT LAND REGISTRATION				
Mailing Address: 1215 PO BOX 336 MARGINAL RD HALIFAX NS CANADA B3J2P6				
		County: HALIFAX COUNTY	Area: 1.66 ACRE(S)	
PID	Owner	Property Address	Assessment Info	Options
1 Property found				1

Ownership and all information in this report pertaining to Non-Land Registration Parcels is believed to be an accurate reflection of registered documents affecting the lot, parcel or area of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the lot, parcel or area of land under consideration. THIS IS NOT AN OFFICIAL RECORD.

Property Online version 2.0

This page and all contents are copyright © 1999-2003, Government of Nova Scotia, all rights reserved.
 If you have comments regarding our site please direct them to: propertyonline@gov.ns.ca
 Please feel free to [Submit Problems](#) you find with the Property Online web site.
 Compression: Off



Search Provincial Map Bulletin+Board 1 Help

Back to Search Results

Map Actions

Point Select

Pan

Zoom In

Zoom Out

Zoom Box

Monument Select

Clear Selection

Center Selection

Map Layers

Properties

LR Parcel

Shading

Topo

Monuments

Place Names

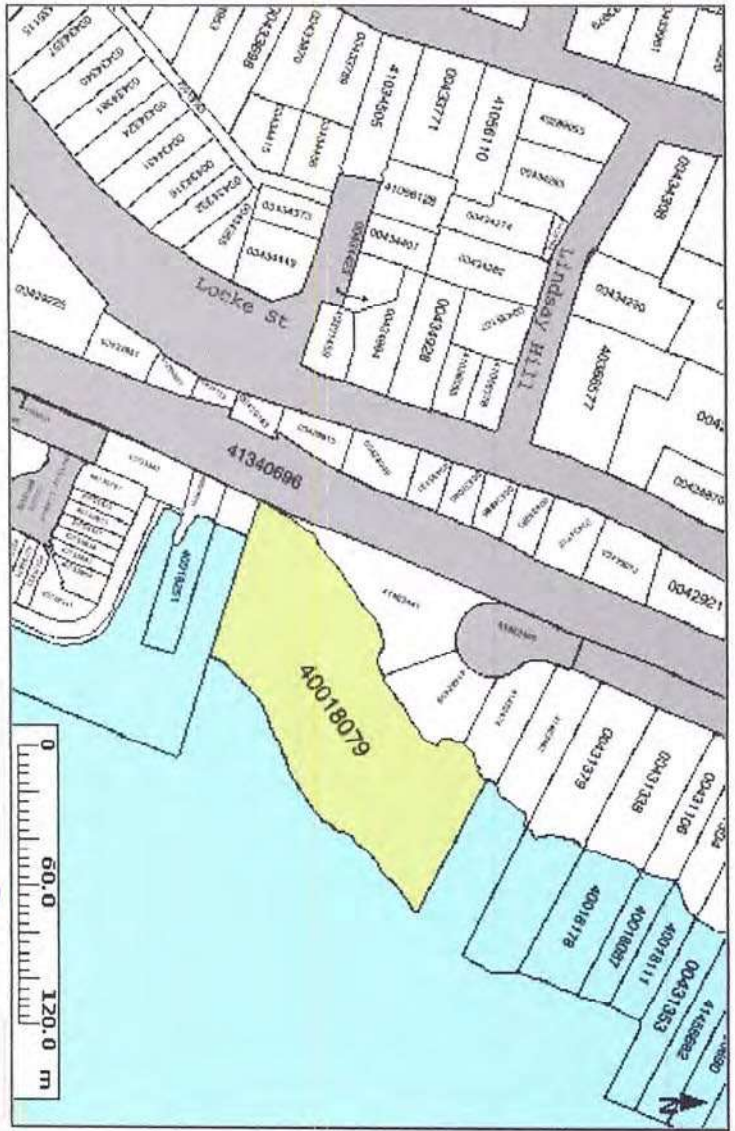
Refresh Map

Map Controls

NS Overview

Locator Map

Print Map



Lat: 44-43-17N Long: 63-40-08W Scale: 3110 Zoom: 2

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Location: Search

1 Property found

PID: 40018079 Details

AAN: 10579147

Value: \$0 (2021 RESIDENTIAL EXEMPT)

Address: SHORE DRIVE BEDFORD PARCEL A1

County: HALIFAX COUNTY

Owner: HER MAJESTY THE QUEEN IN RIGHT OF CANADA MINISTER OF TRANSPORT HALIFAX PORT AUTHORITY

LR: NOT LAND REGISTRATION



Search Provincial Map Bulletin + Board 1 Help

Property Search Results

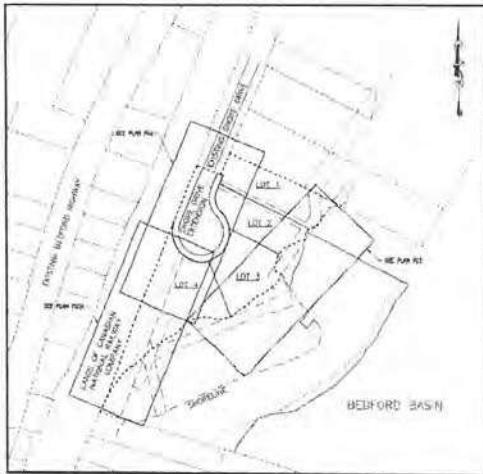
1 Property found 1

PID	Owner	Property Address	Assessment Info	Options
40018079	Owner: HER MAJESTY THE QUEEN IN RIGHT OF CANADA MINISTER OF TRANSPORT HALIFAX PORT AUTHORITY	Civic Address: SHORE DRIVE BEDFORD PARCEL A1	AAN: 10579147 Value: \$0 (2021 RESIDENTIAL EXEMPT)	<input type="checkbox"/> Details <input checked="" type="checkbox"/> Map
	Mailing Address: 1215 PO BOX 336 MARGINAL RD HALIFAX NS CANADA B3J2P6	County: HALIFAX COUNTY Area: 1.66 ACRE(S)		
PID	Owner	Property Address	Assessment Info	Options
1 Property found				1

Ownership and all information in this report pertaining to Non-Land Registration Parcels is believed to be an accurate reflection of registered documents affecting the lot, parcel or area of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the lot, parcel or area of land under consideration. THIS IS NOT AN OFFICIAL RECORD.

Property Online version 2.0
This page and all contents are copyright © 1999-2003, Government of Nova Scotia, all rights reserved.
If you have comments regarding our site please direct them to: propertyonline@gov.ns.ca
Please feel free to [Submit Problems](#) you find with the Property Online web site.
Compression: Off

SHORE DRIVE EXTENSION BEDFORD, N.S.



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

Strum
CONSULTING

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
902.579.4373
kathleeneodonovan@gmail.com

Monte Snow
902-497-5483
Monte@fmii.com

PLEASE NOTE:
All images 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

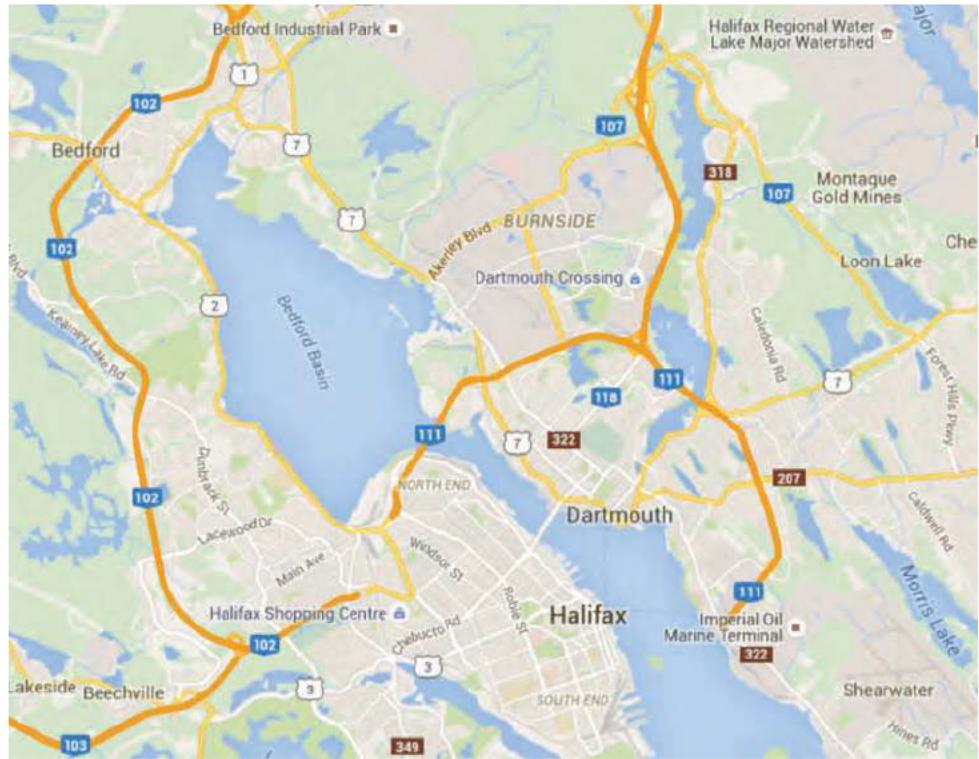


BEDFORD BAY ESTATES

B E D F O R D • N O V A S C O T I A

LOCATION MAPS

REGIONAL LOCATION



NEIGHBOURHOOD LOCATION

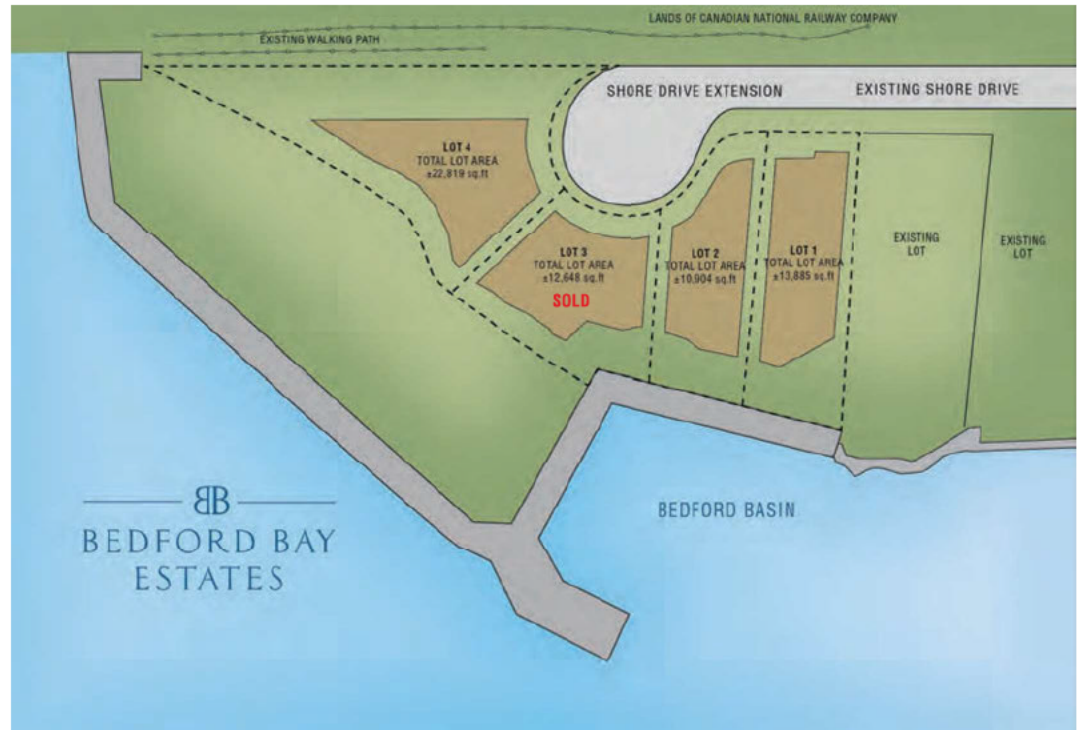


BEDFORD BAY ESTATES

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

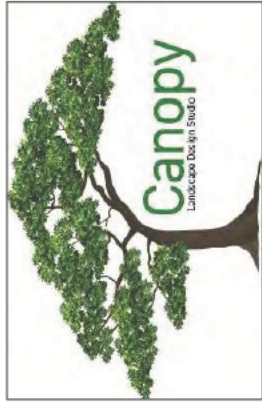
DATE

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

HALIFAX

**MUNICIPAL PLANNING
STRATEGY**

BEDFORD

**THIS COPY IS A
REPRINT OF THE BEDFORD
MUNICIPAL PLANNING STRATEGY
WITH AMENDMENTS TO
AUGUST 11, 2018**

WATERFRONT DEVELOPMENT

Background

The Town of Bedford has approximately 8 miles of shoreline along the Bedford Basin and Bedford Bay. Originally used by water-related industries such as pulp and paper, ship repair and other marine transportation uses, the waterfront was most visible during the war with the assembling of war time convoys. In recent years the main use of the Bedford Bay and Basin shoreline has been for public and private recreational uses such as the Bedford Basin Yacht Club and numerous small private docks for recreational boating.

This chapter focuses on the proposed Waterfront Development Project. This project will create a site of approximately 55 acres (Map 4) along the southwestern portion of the Bedford Bay starting from Boutilier's Boat Yard and extending to Crosby Island. This chapter establishes objectives and policies for the waterfront project area that is indicated on Map No. 4 'hereinafter called the "waterfront project area".

The first phase of the waterfront project is presently under development by the Bedford Waterfront Development Corporation (BWDC). The BWDC was incorporated by the Province, but is neither a Crown Corporation nor an agent of the Province. It is a private corporation which has been charged, among other things, to handle all aspects of the development of the waterfront of Bedford and the development of a marine park in Bedford on the Bedford Basin.

WATERFRONT PROJECT OBJECTIVES

OVERALL OBJECTIVE

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.

ACCESS

To improve public physical and visual access to the Bedford waterfront project area, including the water's edge.

RECREATION

To work towards the waterfront project area becoming a major recreational resource providing a mix of recreational activities on both land and water.

RESIDENTIAL

To encourage residential development on the lands designated for the waterfront project area.

COMMERCE

To encourage commercial development on the lands designated for the waterfront project area.

ENVIRONMENT

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.

Access

Bedford's waterfront is similar to many in the country in that a portion of it is separated from the rest of the Town by a major physical barrier, the rail line. In order to integrate the Town and the project area, and to overcome this major physical barrier Town Council shall seek to minimize the effects of this barrier and others on public physical and visual access. (Policy WF-1)

There are different ways and means of improving physical and visual access to the waterfront project area. Some measures include making the proposed development attractive, providing public recreation activities and facilities, and improving links such as streets, sidewalks and bicycle routes between the waterfront project area and the town. These elements will help increase use of the waterfront project area by Town residents. (Policy WF-2)

Public accessibility to the waterfront project area shall be improved by making it an integral part of the Town. Consequently, regard shall be given to the extension of the existing street network into the site and where possible the establishment of a bicycle route connection and the continuation of the Major Path and Walkway System. (Policy WF-3)

In the future there will probably be improved public transit service in the Town. Therefore Town Council shall seek improvement of the existing street network and connections with the proposed Waterfront Project where such improvements will enhance the ability of public transit to provide service to the waterfront project area. (Policy WF-4)

Pedestrian linkages will also be of importance to the Town in increasing accessibility to the waterfront project area. Such linkages include the proposed Major Path and Walkway System which should be extended to include a continuous public walkway along the waterfront project area, sidewalks on both sides of roads joining the waterfront project area to Bedford Highway, and walkway shelters. Ideally, pedestrian linkages should be constructed so as to minimize the impact of adverse effects of the winter climate. Careful consideration should be given to the use of landscaping to ameliorate harsh weather conditions on pedestrian linkages. (Policies WF-5 and WF-6)

Recreation

Historically the waterfront has been a major area of recreational activity during the development of Bedford as a community. In the recent past this level of recreational activity has dropped due to pollution and private development along the shoreline. Given the importance of the waterfront project area to the Town, and its potential public accessibility, Town Council shall promote a range of recreational facilities and, equally importantly, programming which provide for recreational activities on both land and water in and in the vicinity of the waterfront project area. (Policies WF-7, WF-8 and WF-9)

In addition, development of the waterfront project area as a mixed use project including housing will require that local recreational facilities be developed for the residents of the waterfront project area. (Policies WF-10, WF-11 and WF-12)

HALIFAX

LAND USE BY-LAW

BEDFORD

**THIS COPY IS A
REPRINT OF THE BEDFORD
LAND USE BY-LAW
WITH AMENDMENTS TO
ARIL 2, 2016**

PART 1 TITLE

By-law No. 26101

This By-Law shall be known and may be cited as the "Land Use By-Law" of the Town of Bedford.

PART 2 DEFINITIONS

For the purpose of this By-law all words shall carry their customary meaning except for those defined hereinafter.

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.

Adult Entertainment Use-

- 1) means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations but shall exclude massage parlours.
- 2) when used in relation to adult entertainment use, the following shall apply:
 - a) "To provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
 - b) "Services" include activities, facilities, performances, exhibitions, viewing and encounters;
 - c) "Services designed to appeal to erotic or sexual appetites or inclination" includes:
 - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely and opaquely covered: - human genitals or human pubic region;- human buttocks; or, - female breast below a point immediately above the top of the areola.
 - ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

All Age/Teen Club - means an establishment targeted towards teens but includes all ages and is primary a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages.

Alter - means any change in the structural components of a building or any change in the volume of a building or structure.

Amusement Arcade or Centre - means a commercially operated facility exclusively containing common amusement devices, including coin-operated machines, coin-operated pool tables and computer based games, licensed and regulated pursuant to the Theatre and Amusement Act and excluding video lottery terminals and private clubs.

Apartment - means a building containing three or more dwelling units which typically have a common entrance and the occupants of which have the right to use in common certain areas of the building and its property.

satellite dishes (NWCC-Apr 8/03;E-Apr 12/03), chimneys or clock towers.

26. Illumination

No person shall erect any illuminated sign or shall illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

27. Special Requirement: 1:100 Floodway Fringe

No **building, structure or use** shall be **permitted** (NWCC-Apr 8/03;E-Apr 12/03) within the 1 in 100 year floodway fringe as identified on the Zoning Map, unless the following special requirements are met:

- a) The "minimum opening elevation", which is to mean the lowest point in a building, such as a door sill or window sill, through which flood waters may flow into the building, shall be above the regulatory flood-protection elevation (as determined by the floodplain map for the Sackville river).
- b) Fill shall be permitted to be placed on lots within the 1 in 100 year floodway fringe only when:
 - i) the amount of fill is restricted to that area over which the main structure is located as well as three (3) metres from the perimeter of the foundation of the said building.
 - ii) the fill shall be placed to a height within six (6) inches of the applicable minimum opening elevation.
 - iii) such fill when placed has a minimum perimeter slope of three to one (3:1).
 - iv) the slopes are stabilized through the use of landscaping or other means to prevent erosion.
- c) Notwithstanding Section (b) (i) the area of fill around the main structure may be increased in width if it is determined by a qualified engineer that such an increase is required to prevent hydraulic loading on the foundation.

GENERAL PROVISIONS: ACCESSORY BUILDINGS OR STRUCTURES

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;
 - 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.

29A. Shipping Containers as Accessory Buildings

- a) **Shipping containers may not be used as accessory buildings to a residential use or in a commercial zone. Shipping containers may be used as accessory buildings only in an industrial zone, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Where a shipping container is to be placed on an property which abuts a residential, park, or institutional zone, the shipping container shall be fully screened from view from any such property through the use of landscaping, opaque fencing or a combination of fencing and landscaping.**
- b) **Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.**
- c) **No shipping container may be used in any zone as a dwelling or other form of accommodation, including offices. (NWCC-Jul 11/02;E-Aug 4/02)**

30. Fences

- a) For the purpose of this by-law, fences shall be deemed to be structures and therefore shall require a development permit.
- b) Fences shall be permitted in any zone within the Town but shall not:
 - i) exceed six (6) feet in height;
 - ii) be located within the required front yard of a lot or be located closer to the front lot line than the main building on the lot if the fence is more than three feet in height.

31. Restrictions On Outdoor Storage/Outdoor Display and Sales

- a) Except for CHWY, ILI, IHO, and IHI Zones, no outdoor storage shall be permitted. Except for CHWY, CSC, ILI, IHO, and IHI, no outdoor display and sales shall be permitted.
- b) Where a lot is to be used primarily for outdoor storage or outdoor display and sales, the following restrictions shall apply:
 - i) no outdoor storage or outdoor display and sales shall be permitted within any

Appendix D

HALIFAX

**Regional Municipal
Planning Strategy**

OCTOBER 2014

Regional Municipal Planning Strategy

I HEREBY CERTIFY that this is a true copy of the Regional Municipal Planning Strategy which was duly passed by a majority vote of the whole Regional Council of Halifax Regional Municipality held on the 25th day of June, 2014, and approved by the Minister of Municipal Affairs on October 18, 2014, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 12th day of May, 2022.

GIVEN UNDER THE HAND of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____, 20__.

Municipal Clerk

1.2 VISION AND PRINCIPLES

Vision

HRM's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment.

Guiding Principle

This Plan will seek to address the needs and views of all sectors of HRM, recognizing the diversity of its citizens, community and geography.

Principles

This Plan:

- Provides a framework which leads to predictable, fair, cost-effective and timely decision-making;
- Supports development patterns that promote a vigorous regional economy;
- Preserves and promote sustainability of cultural, historical and natural assets;
- Supports the Regional Centre as the focus for economic, cultural and residential activities;
- Manages development to make the most effective use of land, energy, infrastructure, public services and facilities, and foster healthy lifestyles;
- Ensures opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas; and
- Develops integrated transportation systems in conjunction with the above principles.

1.3 OBJECTIVES

Environment, Energy and Climate Change

1. Promote an approach to environmental management and economic development that supports a sustainable future through cooperation with other levels of government, government agencies, private landowners, and non-government organizations;
2. Foster a land management and community design approach which integrates preservation of lands 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;
3. Adopt development practices that sustain air, land, water and groundwater resources and respond to climate change; and
4. Conserve energy and respond to climate change.

E-21 HRM shall restrict development and prohibit the placement of fill or alteration of grades in association with development that restricts the capacity of flow or increases flood levels within the 1 in 100 year and 1 in 20 year floodplains for designated watercourses, under secondary planning strategies and land use by-laws. Water control structures, boardwalks and walkways, conservation uses, historic sites and monuments and wastewater, stormwater and water infrastructure shall be permitted within floodplains. Within the 1 in 20 year floodplain, treatment facilities for wastewater, storm water and water shall be limited to facilities that were in existence on or before June 25, 2014. Within the 1 in 100 year floodplain, HRM may, through secondary planning strategies and land use by-laws, permit development which has been adequately flood-proofed.

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.

2.4 WATERSHED PLANNING

The *Water Resources Management Study*¹⁰, which forms the basis of the policies contained in this Chapter, recognizes that watersheds are the fundamental unit for understanding water resources and undertaking watershed planning. Environmental features such as water, soils, vegetation, and habitat are all interconnected, and land use activities in one part of a watershed can adversely affect the quality and quantity of water in another.

Planning on a watershed basis will therefore be undertaken in greater detail during the creation of secondary planning strategies and upon completion of watershed studies. This Plan will seek to achieve public health standards for body contact recreation and to maintain the existing trophic status of our lakes and waterways to the extent possible.

¹⁰ Dillon Consulting Ltd. Dec. 2002. Ibid

Appendix E

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.

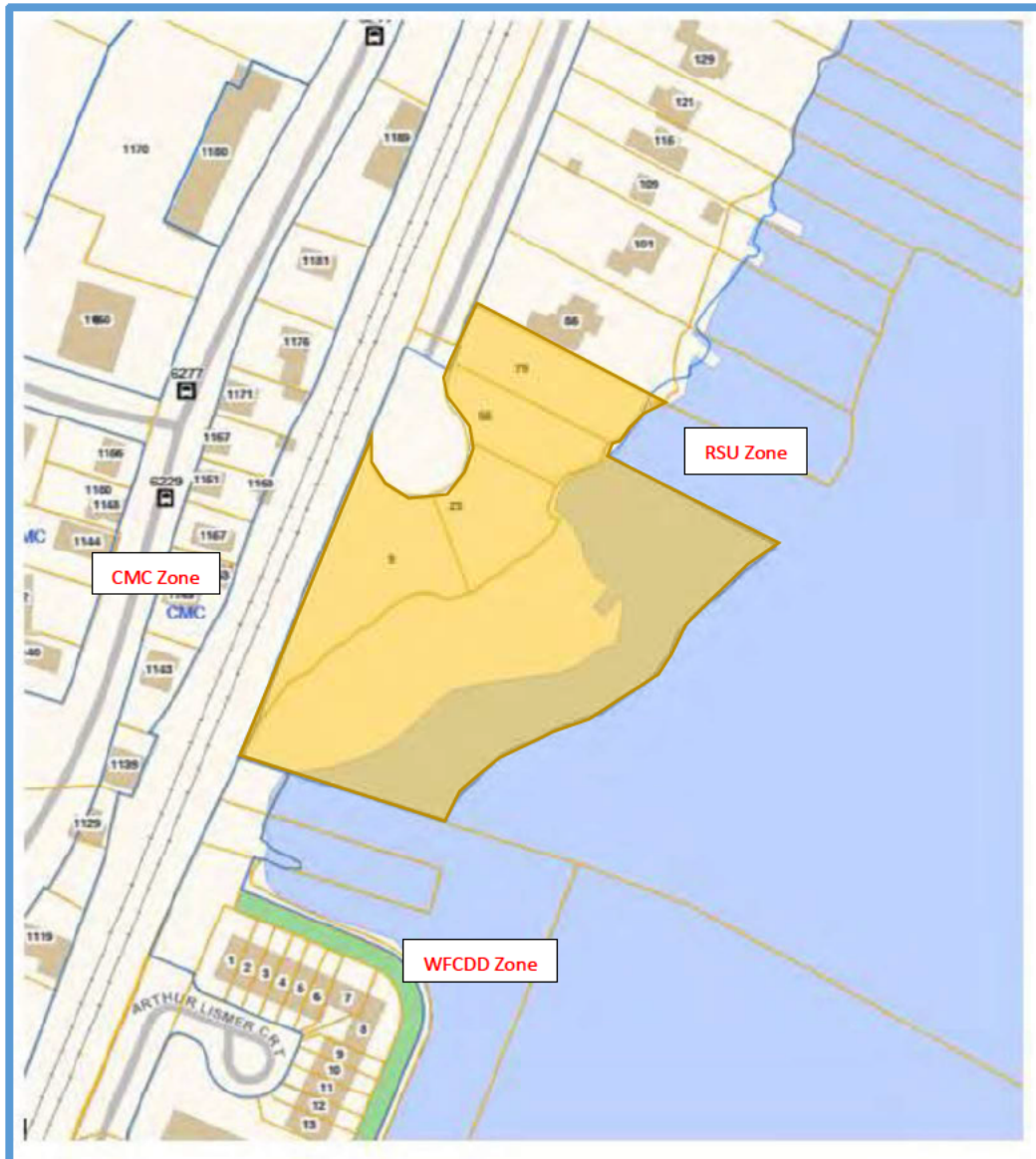
Proposal:

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.

Appendix F

SECONDARY MUNICIPAL PLANNING STRATEGY AMENDMENT INITIATION APPLICATION FORM

- Part 1: Applicant Information
- Part 2: Application Details
- Part 3: Supporting Information Requirements
- Part 4: Fees

PART 1: APPLICANT INFORMATION

Registered Property Owner(s): Crown Property Leased to Bedford Bay Limited		
Mailing Address: 607 Bedford Highway, Halifax, NS, B3M 2L6		
E-mail Address: Monte@fishermansmarket.com or PWilson@BlueWaterGroup.ca		
Phone: 902-497-5483	Cell:	Fax: 902-443-4480
Applicant?* <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Consultant: KWR Approvals Inc.		
Mailing Address: P.O. Box 44153 RPO Bedford, N.S B4A 3Z8		
E-mail Address: kevin@kwrapprovals.com or jane@kwrapprovals.com		
Phone: (902) 444-7577	Cell: (902) 403-7847	Fax:
Applicant?* <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

*indicates who the applicant of record is and who the contact is for the municipality

I certify that I am submitting this application, including all of the required supporting information, for approval with the consent of the owner(s) of the subject property(s). The owner(s) has/have seen the proposal and have authorized me to act as the applicant for this planning application. * My identification as the applicant means that I am the primary contact with HRM in all matters pertaining to this application.

I understand that all studies or reports submitted in support of this application are public. Once it has been determined that these documents are complete in both the comprehensiveness of the data used and that the analysis methodology is in keeping with HRM standards, they will be available for release to the public for inspection. Upon request by HRM, I agree to provide additional copies of such reports or studies or any additional information as may be deemed necessary.

I understand that my planning application will be processed in an expeditious manner by the Municipality, and that the process will require my timely response to feedback provided. It is understood that my failure to respond in a timely manner to requests for additional information, studies, revisions, or questions of clarification provided by the Municipality may result in the closure of the planning application, and the refunding of any unused portion of submitted fees.

June 27 2022

Application Date

All applications must include the written consent of all registered owners of the subject lands, contain complete and accurate information, and include the appropriate fees. **Incomplete applications will not be processed - applications cannot be processed unless all required information has been provided.**

PART 2: APPLICATION DETAILS

PROJECT INFORMATION

Attach detailed written description/letter of proposed use/development			
Existing Land Use(s)	Water & Infill		
Existing Residential Units	N/A	Existing Commercial Floor Area	N/A
Proposed Land Use(s)	Boathouse, Marina & Multi-purpose recreation		
Proposed Number of Residential Units	N/A	Proposed Gross Commercial Floor Area	N/A
Gross Floor Area of Other Land Uses (ie. industrial, institutional)	See attached report		
Number of Residential Units by Type	Studio:	1-bedroom:	2+ bedrooms:
Proposed Maximum Height (in floors and metres)	See Attached report	Number of Buildings Proposed	1
Sanitary Service Type		Water Service Type	
Total # of Proposed Parking Spaces:	Vehicle Spaces Indoor: N/A	Vehicle Spaces Outdoor: N/A	

PROPERTY INFORMATION & ENCUMBRANCES

PID	Civic Address	Owner(s) Name
40018079	Parcel A1 Shore Drive Bedford	Bedford Bay Limited (Crown Lease)
Are there any easements, restrictive covenants or other encumbrances affecting the subject land(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Access easement on 9 Shore Drive to connect parcel with Shore Drive (See report)		
If Yes, attach details (ie deeds, instruments etc)		

HERITAGE

Is this a registered Heritage Property? <input type="checkbox"/> Municipal <input type="checkbox"/> Provincial <input type="checkbox"/> Federal <input checked="" type="checkbox"/> No	Does this property abut a registered Heritage Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you aware if the site contains any of the following cultural/heritage resources? <input type="checkbox"/> archaeological sites or resources <input type="checkbox"/> buildings, structures, and landscape features of historical significance or value <input type="checkbox"/> cemeteries or known burials	
If yes to any of the above, please provide details of any cultural or heritage resources in the written project description as required under 'Project Information' above	

Part 3: SUPPORTING INFORMATION REQUIREMENTS

Information Required for ALL APPLICATIONS.

- 1 copy of a detailed written rationale prepared by a Professional Planner* who is a full member of the Canadian Institute of Planning that explains:
 - the particulars of the amendment being requested;
 - how the requested amendment aligns with the Regional Municipal Planning Strategy;
 - a detailed analysis of the changes in circumstance demonstrating why the existing Secondary Municipal Planning Strategy policy no longer appropriate, such as societal changes, changing development patterns or changing business practices;
 - assessment of the impact of the requested amendment on the local community and broader region; and
 - the urgency of the request and why its consideration cannot await the next HRM initiated comprehensive planning review for the area.

*Note: This requirement may be waived in certain circumstances. Please consult with Planning staff to determine whether this requirement applies to your application.

- 1 copy – conceptual development plan
- electronic versions of all information consolidated in PDF, MS Word or other specified file format

Other Required Information

Planning staff will advise which items from the following list are necessary and required as part of the application, depending on the application nature and scale. The need for additional information or printed copies beyond the material listed here will be identified as the application progresses through the initiation and review process.

- studies concerning the impact of the proposal on local and regional land use patterns and long-term goals
- colour perspective drawings, showing proposed development and existing development from pedestrian perspectives
- electronic Sketchup model of the proposal
- any other information as deemed to be required by HRM
- Electronic versions of required materials consolidated in PDF, MS Word or other specified file format

DRAWING STANDARDS

Plans must be prepared by the appropriate qualified professionals (i.e., planner, engineer, architect, landscape architect, surveyor, etc.) who are members in good standing with their professional associations, and are to be based on the best available and most current mapping or aerial photos. All plans are to include a north arrow, scale, legend, and drawing/ revision dates. The type of plan (e.g. "Site Plan") must appear in a title block in the lower right portion of the drawing.

PART 4: FEES

Fee Description	Application Fee	Advertising Deposit*	Total Application Cost Submission
Municipal Planning Strategy Amendment	\$5,000	\$2,500	\$7,500
Municipal Planning Strategy Amendment along with a Development Agreement	\$5,000	\$2,500	\$7,500
Municipal Planning Strategy Amendment along with a Land Use By-law Amendment	\$5,000	\$2,500	\$7,500

*Where advertising costs differ from the deposit, the balance will be charged or refunded to the applicant.

All fees are to be made payable to Halifax Regional Municipality.

Please submit your application by mail or courier as follows:

By Mail:	Planning Applications HRM Planning & Development Alderney Gate Office PO Box 1749 Halifax, NS B3J 3A5
By Courier:	Planning Applications HRM Planning & Development Alderney Gate Office 40 Alderney Drive, 1 st Floor Dartmouth, NS <i>tel: (902) 490-4472</i>