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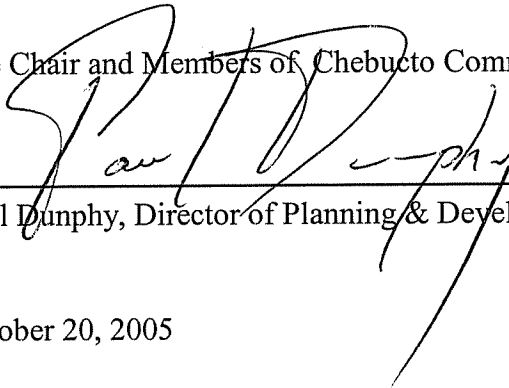


PO Box 1749
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**Chebucto Community Council
November 7, 2005**

TO: The Chair and Members of Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Planning & Development Services

DATE: October 20, 2005

SUBJECT: Case 00795: As-of-Right Development Along Bedford Highway

SUPPLEMENTARY REPORT

ORIGIN

1. September 13, 2004 request by Chebucto Community Council (CCC) for a staff report in response to community concerns related to ongoing developments along Bedford Highway;
2. February 7, 2005 staff report of January 18 presented to CCC;
3. April 4, 2005 agreement by CCC to proceed with amendments; and
4. June 13, 2005 public information meeting held.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Give First Reading to the proposed amendments to the Mainland Area of the Halifax Land Use Bylaw as contained in Attachment A to limit the height of residential buildings in the C-2A and C-2B Zones to 35 feet; and to repeal the provision allowing development on septic and wells along the Bedford Highway, and to schedule a public hearing for December 5, 2006; and
2. Approve the proposed amendments to the Mainland Area of the Halifax Land Use Bylaw as contained in Attachment A.

BACKGROUND

The Bedford Highway Area Plan came into effect on 2nd March 1987. Prior to this, larger developments in the area were required to proceed by development agreement under Schedule “E” of the Land Use By-law. In 1995 a revision was undertaken (Case 6882) to reflect property boundaries, subdivision, and existing development patterns in the area. These amendments became effective 11 October 1995.

The Bedford Highway Area Plan provides for as-of-right development (see Maps 1, 2, and 3) in various zones. No development agreement provisions for the Bedford Highway Area Plan are presently enabled in the Land Use Bylaw. Community residents have expressed concern about as-of-right developments in the area being out of character with existing the community and the potential to negatively impact traditional views of the Bedford Basin.

As part of regional planning a Halifax Harbour Plan is being prepared. The study area comprises the harbour itself and all adjacent lands, generally extending inland as far as the first major parallel roadway, in this case the Bedford Highway. The Halifax Harbour Plan will be a long range (25 year) policy and implementation document that will guide decision making and development activity around the harbour.

In response to community concerns about ongoing developments permitted under current land use policies and regulations, a previous report indicated that amendments to current land use regulations could be considered by Community Council provided such amendments were made under the present policy framework of the MPS. These include amending the land use by-law to limit the allowable height of residential development and to require all future development be required to connect to piped water or sewer services.

Several other issues including view plane analysis, signage, traffic, water lot infilling, harbourfront trail, park development, and historical and archeological assets were raised at the public information meeting (see Attachment B). Most of these matters require either more detailed study or amendments to the current MPS policy framework and will be addressed as part of a separate detailed study (to be commenced in the near future) under the Harbour Plan project. Consequently, this report and the attached by-law amendments focus on limiting building height and requiring future developments to connect to centralized servicing systems.

DISCUSSION**Limiting the Height of Multi-unit Buildings**

The C-2A (Minor Commercial) Zone and the C-2B (Highway Commercial) Zone along the Bedford Highway are the two commercial zones established in areas designated “Minor Commercial” and “Highway Commercial” within the Bedford Highway Area Plan. In addition to commercial development, these commercial zones also permit uses allowed in the R-3 (General Residential and Low-Rise Apartment) Zone.

The recent installation of sanitary sewer and domestic water lines along Bedford highway to Larry Uteck Boulevard has contributed in part to a considerable level of multi-unit development along the Bedford Highway within the last few years. Community residents have expressed concern in respect to the existing Bedford Highway C2A and C2B zoning allowing R3 Zone uses (multi-unit buildings) to be up to fifty feet in height.

The rationale for the existing requirements is based on Policies 2.2.1 and 2.3.1 - "Commercial Facilities" which encourage residential uses within the two commercial zones. Permitting R-3 Uses within the two commercial zones is supported by MPS policy and is therefore appropriate. However, the May 16, 1986 staff report on the area plan suggests that, at the time it was believed there would be only limited development in the C-2A or C-2B zones for R-3 uses as the Bedford Highway area was not accessible to centralized services. In fact, the initial by-law requirements did not include density controls and standards in respect to amenity areas. These provisions were introduced later.

The MPS states that areas designated Minor Commercial on the future land use map are to be developed as medium-scale commercial areas. Specifically, highway commercial areas are to have development that is compatible with; "Existing residential and commercial structures at a scale that will not substantially alter existing traffic flows." Policy 2.3.3 provides for a maximum building height to be established in the land use by-law but does not specify what this height should be.

Sections 38C and 38AC of the land use by-law (Attachment C) state that the height of any building in a C-2A or C-2B zone shall not exceed 35 feet. However, the R-3 Zone permits buildings of up to 50 feet in height. Over the years the interpretation used in issuing permits has been that any R-3 uses in a C-2A or C-2B Zone may be up to 50 feet in height. The record is not clear if the intent of Council in originally adopting the Bedford Area Plan was to limit the height of all buildings in the C-2A and C-2B Zones to 35 feet regardless of use or if R-3 residential buildings in a C-2A or C-2B Zone should be permitted to a maximum of 50 feet in height.

From the concerns expressed at Community Council and the public information meeting the maximum height of 50 feet for R-3 uses in the C-2A and C-2B Zones is neither appropriate nor consistent with the allowable height for commercial uses. One option put forward for discussion was to limit the height of the residential apartment buildings to a maximum of 35 feet, the same as the maximum height permitted for commercial development. This would also have a positive impact on the preservation of some views. While several speakers at the PIM supported this proposal, others indicated that it was not sufficient, and wanted much more in the way of protecting views of the Bedford Basin as well as a prohibition on further apartment building development.

Staff supports an amendment to the C-2A Zone and C-2B Zone that would limit the height of all buildings to 35 feet and believes this could be accomplished under the present policy framework. The proposed by-law amendments attached to this report reflect this.

Connection to Centralized Services:

Section 14A of the Mainland Land Use Bylaw, with some exceptions, requires that all developments be on municipal sewer or water systems. Section 14 (F) specifically permits development on septic and well along the Bedford Highway past Kearney Lake Road to the former limit of the City of

Halifax. At the time it was thought that sanitary and water services would not be extended for many years and that there would only be a modest amount of infill development. However, a public sanitary sewer and water mains were extended to Larry Uteck Boulevard in 1997. In addition, Regional Council has requested information on extending these services to the Fernleigh subdivision.

Staff believes that no further development should be permitted to occur on septic and well in this area. This area is becoming a small enclave of existing development surrounded by areas serviced with sanitary sewer and water. Additional development should not take place until these municipal services are extended. This is a reasonable approach which is enabled by the present policy framework. Consequently, the proposed amendments attached to this report require all future development in the area to connect to central servicing systems.

BUDGET IMPLICATIONS

None at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Proceed with the amendments to the Land Use Bylaw (Mainland Area) as set out in Attachment A to limit the maximum building height in the commercial zones to 35 feet and to repeal section that permits development to proceed on septic and well. This is the recommended course of action.
2. Direct staff to prepare a report to Chebucto Community Council that could be forwarded on to Regional Council to initiate amendments to the Bedford Highway Plan and Land Use Bylaw (Mainland Area) not identified in this report. This would be required if Council, for example, wishes to consider apartment structures by way of development agreement. This is not recommended at this time.
3. Take no action. This is not recommended at this time.

ATTACHMENTS

Maps 1, 2, and 3: Existing Zoning
Attachment A: Proposed Amendments
Attachment B: Public Information Meeting of June 13, 2005
Attachment C: Extracts from the Plan and Land Use Bylaw (Mainland Area)

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

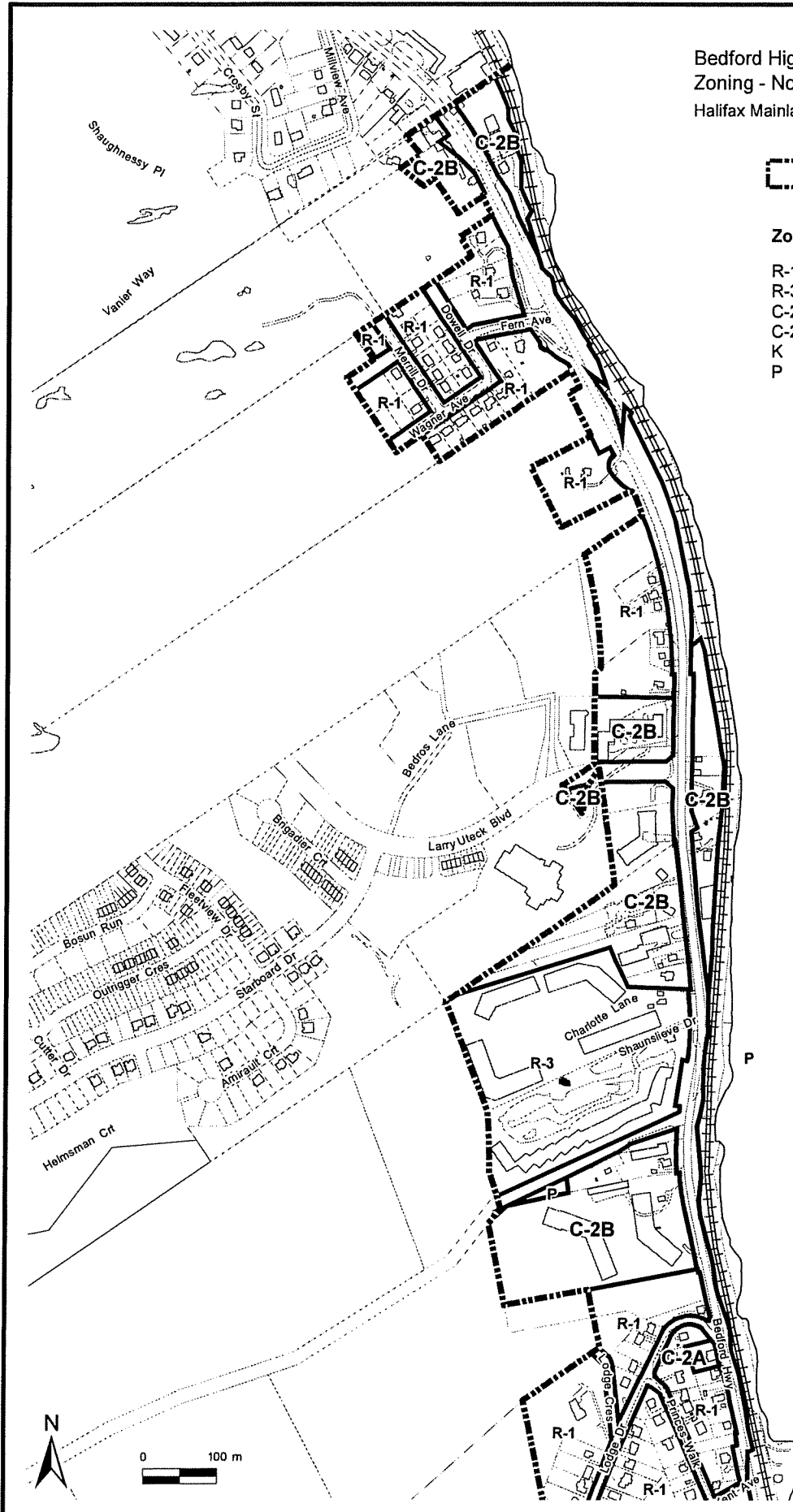
Report Prepared by: Angus E. Schaffenburg, Planner II, Development and Planning 490-4495

Bedford Highway Secondary Planning Strategy
 Zoning - North Section
 Halifax Mainland By-Law Area

 SPS Area boundary

Zone

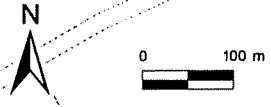
- R-1 Single Family Dwelling
- R-3 Low-Rise Apartment
- C-2A Minor Commercial
- C-2B Highway Commercial
- K Schedule K
- P Park and Institutional



Bedford Basin

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES

21 October 2005
 Case 00795



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland By-Law area.

HRM does not guarantee the accuracy of any representation on this plan.

Bedford Highway Secondary Planning Strategy
Zoning - South Section
Halifax Mainland By-Law Area

 SPS Area boundary

Zone

- R-1 Single Family Dwelling
- R-3 Low-Rise Apartment
- C-2A Minor Commercial
- C-2B Highway Commercial
- K Schedule K
- P Park and Institutional

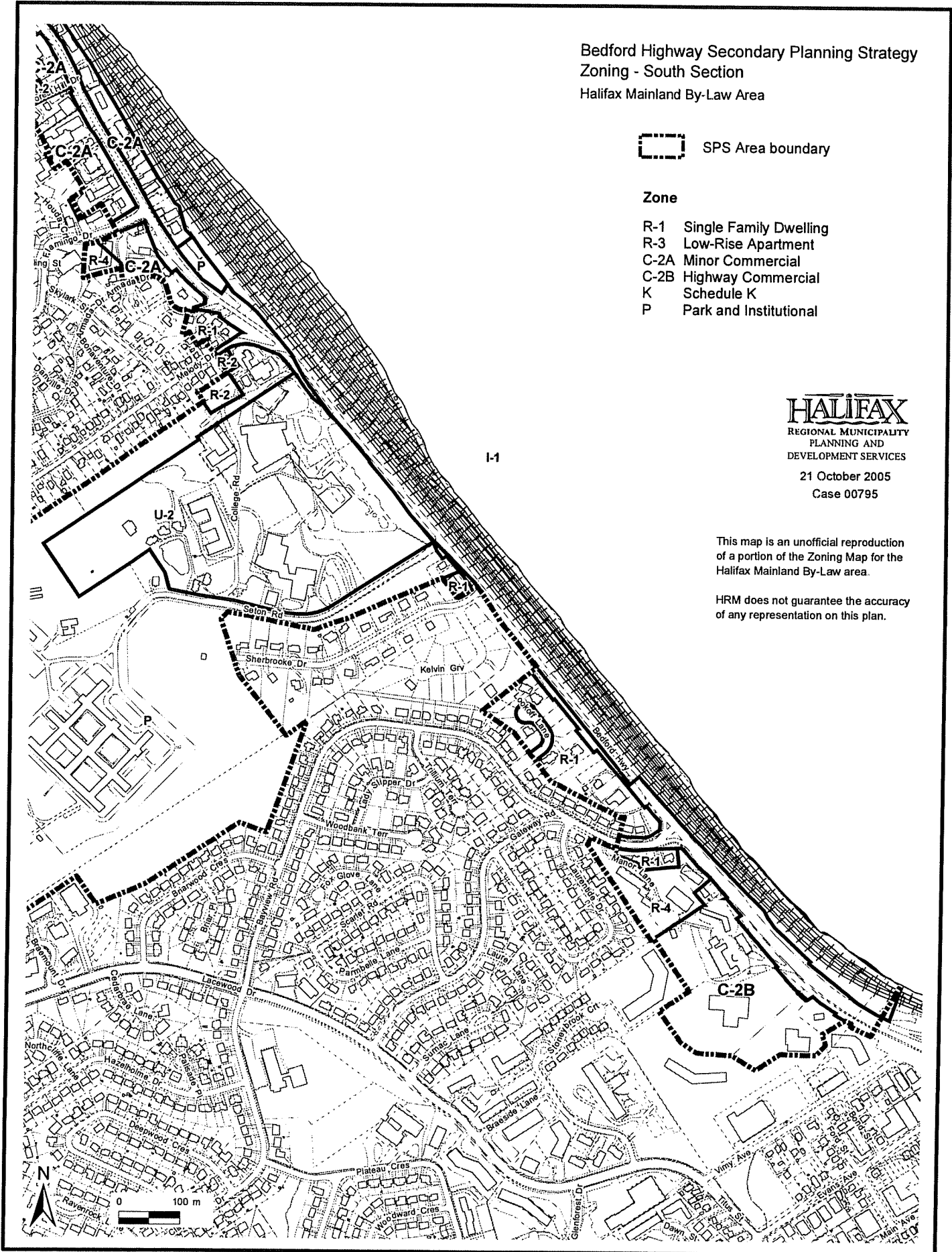


21 October 2005
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of a portion of the Zoning Map for the
Halifax Mainland By-Law area.

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Attachment A: Proposed Amendments to the Mainland Area of the Land Use Bylaw

BE IT ENACTED by the Chebucto Community Council of the Halifax Regional Municipality that the Mainland Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend Section 38 C by adding the words in bold so that the section reads: “The height of any building in a C-2A Zone shall not exceed 35 feet. **In the “Bedford Highway Area” notwithstanding Section 38B (2) no uses shall exceed 35 feet in height.**”

2. Amend Section 38AC by adding the words in bold so that the section reads: “The height of any building in a C-2B Zone shall not exceed 35 feet. **In the “Bedford Highway Area” notwithstanding Section 38AB no uses shall exceed 35 feet in height.**”

3. Repeal Section 14A (F) which reads: “developments within the area designated as the "Bedford Highway Area" from the junction of the Kearney Lake Road north to the city boundary.”

I HEREBY CERTIFY that the amendment to the Mainland Area Land Use By-law for Halifax, as set out above, was passed by a majority vote of the Chebucto Community Council of the Halifax Regional Municipality at a meeting held on the ___ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2005.

Jan Gibson, Municipal Clerk

Attachment B: Public Information Meeting
Case 00795
June 13, 2005

In attendance: Angus Schaffenburg, Planner, Planning Applications
Roger Wells, Regional Planning
Gail Harnish, Planning & Development Services
Councillor Hum
Councillor Walker
Councillor Wile

Introductions/Opening comments

Mr. Angus Schaffenburg called the public information meeting (PIM) to order at approximately 7:10 p.m. at the Keshen Goodman Library.

Overview of Process and Presentation of Options within the existing Bedford Highway Plan

Mr. Schaffenburg advised that following this meeting, staff will prepare a report which will be tabled with Chebucto Community Council. Included in that report will be a staff recommendation as well as the notes from this meeting.

Mr. Schaffenburg referenced a staff report tabled with Chebucto Community Council in February of 2005. That report addresses a number of issues raised at a public meeting held by Councillor Hum in September of 2004. The report recommended that we move forward with a PIM to get some public feedback on a number of issues.

Mr. Schaffenburg indicated one of the issues relates to height within the C-2A and C-2B zones. Commercial uses in the commercial zone can only be 35' in height. However, through interpretation over the years, R-3 Medium Density uses (apartment buildings up to four floors in height) are able to be up to 50' in height. One of the things to be discussed tonight is whether there should be a change in the allowable height for apartment buildings in the Minor Commercial and Highway Commercial zones. He was looking to get comments from the public in terms of the height of apartment buildings.

Mr. Schaffenburg noted there are maps in the report that show the zoning along the Bedford Highway as well as the designations. A designation is what the MPS says is the future land use intent. For example, High Density Residential is the future intent for that area which would normally mean R-3 or R-4 zoning. If the designation was Highway Commercial, then the site would be zoned Highway Commercial. The intent is laid out in the Bedford Highway Area Plan.

Mr. Schaffenburg advised the Bedford Highway Area Plan covers an area from the Shell station - Brett Pontiac to the former Halifax border on the Bedford Highway. The maps in the report give a better indication on a property by property basis.

Mr. Schaffenburg indicated another issue relates to onsite services. When the plan was originally considered and adopted in 1984/85, the area of the Bedford Highway from Kearney Lake Road to the former border did not have any municipal water or sewer services. At that time, they put a provision in the land use by-law allowing development with onsite septic and water services, which is contrary to most areas of Halifax. In other areas of Halifax, you need one or the other municipal service. The situation has changed in terms of water and sewer services. They are now available to just past Larry Uteck Boulevard and it appears there will likely be an extension of water and sewer over the next number of years. They would like to receive comments on whether or not that provision should be removed from the land use by-law. From the staff perspective, if services are likely to extend over that area, it is probably not a good idea to allow development on onsite well and septic.

Mr. Schaffenburg indicated another comment related to why there wasn't more opportunity for matters to be reviewed by the public prior to development. The area plan was developed to allow as-of-right development. It did not build in discretionary controls, which members of the public may know as being development agreements, rezonings, etc. Under the current land use policies, opportunity for public participation is minimal and only happens when there is a planning matter for which approval is sought from Community Council and Regional Council. As an example of that, there is a proposal called Willow Park which would see the redevelopment of the lands of the Sisters of Charity. The property is zoned Park and Institutional. The developer has indicated they will be coming forward with a request to amend the MPS to put a mix of residential and commercial on the site. They will also redevelop the Mother House building for use by the Sisters of Charity and other groups. That is an example where there will be a great deal of public participation and consultation because it will require a change to the municipal planning strategy (MPS).

Presentation on the status of the Harbour Plan/Regional Planning

Mr. Roger Wells indicated they are close to the culmination of a three year regional plan for HRM. Part of that is a detailed overview of the Harbour Plan. Halifax Harbour never had a comprehensive plan done before. Prior to 1996, it was governed through eleven different documents, so as part of the overall regional planning exercise, senior staff and Council thought it was advisable and long overdue to have a comprehensive look at Halifax Harbour as an entity. He was heading up that exercise as a component of the regional plan.

Mr. Wells, referencing a map, indicated the Halifax Harbour Plan covers the whole of Halifax Harbour. The area we are talking about tonight is generally the Bedford Highway.

Mr. Wells reviewed the major highlights of the steps to-date:

-
- a steering committee was established
 - there was an extensive research and literature review
 - a comprehensive background paper was prepared
 - a consultant was retained to do an economic potential study
 - working with the Marine Affairs Program at Dalhousie to look at human uses of Halifax Harbour
 - doing research or insight on how other harbours in the world comparatively in size and nature are governed or administered
 - extensive consultation to-date

Mr. Wells stated that in terms of theme, the Harbour is:

- an international seaport - a huge economic driver to HRM
- a transportation hub
- a playground (Point Pleasant Park, McNabs Island, Lawlors Island) - tremendous development around the Harbour for trails
- a place to live - developers are taking more and more of an interest in developing land on the Harbour. That trend is expected to continue.
- an ecosystem - for 250 years there has been a trend but now we are finally on the road to starting the clean-up project. We have a long ways to go in terms of restoration and re-creating lost habitat.

Mr. Wells noted there are a lot of findings and conclusions, but these are lumped into some of the more important ones:

- a finite amount of land and water available and a lot of competing interests for that land and water - the key is to find the right balance between those uses
- management structure - they are looking at how they might be able to better manage the harbour from a government point of view
- legislation/jurisdiction - right now the three levels of government and their crown corporations all have a hand in how the Harbour is managed and how approvals are carried out. There is a lot of overlap in the legislation and in some cases there are conflicts. The area of jurisdiction is one they want to get a better handle on.
- implementation/action plan - they do not want to see this sit on the shelf and want it to be action oriented. It will factor into our capital budget planning.

Mr. Wells indicated the preliminary recommendations related to:

- the working harbour
- transportation infrastructure
- recreation uses
- residential uses
- environment
- harbour management/administration

Mr. Wells referenced the report containing the preliminary recommendations which was endorsed by Regional Council and was to be used as the basis to conduct further public participation. In terms of the working harbour, the recommendations were to:

- maintain the Port of Halifax's global competitiveness
- reserve new and redeveloped sites for marine industrial/marine commercial uses
- address potential impacts on adjacent uses

Mr. Wells, referencing a map, indicated this is a first cut at where we might protect lands for potential future lands for a working harbour:

- former Ultramar Refinery property in Eastern Passage
- Nova Scotia Hospital lands' water lot
- Coat Guard property
- small piece of property under the Old Bridge
- extension of National Gypsum operation in Wrights Cove
- possible extension of Fairview Cove around the CN marshalling yard

Mr. Wells advised that in terms of transportation infrastructure, the recommendations were:

- more ferry service over the longer term
- have a look at the Dartmouth rail line - undertake a study of its potential and constraints
- make sure we have improved the freight service to and from the Port
- how to get truck traffic off the Peninsula in a better way than it is now

Mr. Wells displayed a map showing some potential ferry routes. The one they are concentrating on now is the fast ferry from downtown Halifax to Bedford, but over the longer term it is possible that they will look for a connection through to Purcells Cove and maybe down to Eastern Passage and down to Seaview Park, Shannon Park and perhaps Birch Cove and a connection to Burnside. The latter ones are down the road.

Mr. Wells indicated that in terms of recreation uses, about 100% of all consultation programs to-date said we need to continue to pay a lot more attention to creating more harbour park accesses and trails around the harbour. We are fairly well served now but there is still work to do. There is a non-government agency up and running now called BATH (Boardwalk Around the Harbour) as well as a number of other NGO Trails Groups. Their objective is to have a multi-use trail that encircles the harbour. There will be spots where we have security concerns and industrial operations.

Mr. Wells displayed a plan showing current trail systems as well as potential trails.

Mr. Wells advised that in terms of the consultation to-date for residential uses, we have heard that residential uses are appropriate but let's be careful about where we select appropriate sites

for residential development. The public feels that access to the shoreline for the public is more important. While the public is okay with it, let's be careful where we put it and not interfere with other important uses. There are several areas that have come up in terms of either intensifying residential development or possibly new residential development:

- Dartmouth Cove/Dartmouth Marine Slips (an application is in for the latter)
- Dartmouth waterfront
- Halifax waterfront
- Shannon Park
- possibly BIO to Wright's Cove - pointed out that is a potential for future marine industrial. They have a detailed study looking at th Wright's Cove area now. It is deemed an appropriate land use.
- Bedford waterfront Phase II
- there may be some opportunities for certain Bedford Highway properties

Mr. Wells indicated that in terms of the environment:

- we need to look at Halifax Harbour in terms of its entire watershed. People often don't think about the Sackville River drainage system and that a portion of the Shubenacadie Canal and McIntosh Run and Kearney Lake drain into the harbour. What happens in each of those drainage systems ends up in Halifax Harbour. They need to deal with all the drainage systems that run into it.
- identify and protect environmentally sensitive areas, ie., where habitat is in danger of being lessened
- cultural heritage archeological sites
- formulate better environmental working groups
- work particularly with Fisheries and Oceans on proactive habitat management
- look at minimizing emissions and waste discharge
- very interested in undertaking a mutual study to have a look at some predictive models that they can use to predict global warning and couple that with storm surges. Scientists are saying the sea level will increase by 29" over the next century. That, coupled with storm surges, could do a lot of damage so they want to do a predictive model.

Mr. Wells noted that one of the specific recommendations in the preliminary Harbour Plan report was to do a detailed study for the western shore of the Bedford Basin. They have some money that was approved by Council for the 05/06 fiscal year and they want to look at it in terms of the environmental aspects, the land use perspective, and the recreational perspective. The study would include Birch Cove and Bedford Waterfront Phase II of the Bedford waterfront, and would come up with some recommendations on how to treat this area. They have not finalized the terms of reference for this study. Although they want to do that very quickly, they want to ask the public if they covered all the topics they feel should be covered. They want to know whether there are any gaps or items that need to be studied, etc.

Mr. Wells clarified that a water lot is a privately held property below the high tide mark. They have development rights. He referred to the Bedford waterfront and the infilling as an example. The Waterfront Development Corporation owns the water lot under the water. They are all under water but if the approvals can be met, they can be filled in.

Mr. Wells referenced the proposed study for the Bedford Basin - Western Shore (Birch Cove to Bedford) and indicated the preliminary list of study topics include:

- existing land use and property ownership
- future land use options, particularly along the Bedford Highway
- a detailed look at a multi-use trail (location and design considerations) and potential park locations on the Basin
- take a closer look, working with DFO or a marine biologist, at environmentally sensitive areas
- have a closer look at cultural heritage and archeological assets
- provide an analysis of potential public views to be protected to the Bedford Basin. In terms of public views, HRM is not in the business of protecting private views. By private views, he meant if you happen to own a condominium on a slope that overlooks a waterbody, HRM is not in the business of protecting their view. They are interested in protecting important public views that can be enjoyed by all of the public. If we were in the business of protecting private views, there would not be any development in downtown Halifax. Protecting public views is important to HRM which is why they have viewplanes from the Citadel but HRM is not in the business of protecting views from private homes.
- access considerations to the lands (to the Bedford Highway) for both vehicles and pedestrians
- servicing implications (sewer, water, utilities)
- how to engage and involve the public in the study

Questions/comments

Mr. Taylor indicated he was particularly concerned about the public views to the Bedford Basin. He referenced the different zoning shown on the maps. The train yard limits the amount of land available for development. Whether a building is six storeys or one storey, you still cannot see through it if you're driving along the Bedford Highway, so he did not want to see any built. He would not want any buildings in certain locations because he, as a member of the public, could not see the Basin through them. Some would like no buildings. He referenced a condominium being built at the beginning of Prince's Lodge where he could not see the Basin. Before he could not see either because there was a gas station there. Are there areas along the Bedford Highway on the water side that are so narrow that they would not qualify for any kind of building, either as R-3 or HC (Highway Commercial)? That would be helpful to him in trying to determine what areas, if any, should be developed and perhaps only on the land side.

Mr. Taylor referenced the list showing the preliminary list of topics to be studied for the Bedford Basin, and indicated he would be interested in seeing the criteria for a public view. He suggested they include that and let them know what a public view area would be.

Mr. Schaffenburg noted the zoning stipulates what type of building can be built. There are various zones along the Bedford Highway. Some of the zoning would permit little on the water side to develop. The study referenced by Mr. Wells will help to identify lands and their development potential. Unless we own them publicly, we cannot say they cannot be developed or to grant no development rights. There are some issues that have to be sorted out. There are various potential pieces of land that can be developed along the Bedford Highway and you can tell from the zoning what the present potential is.

Mr. Wells commented Mr. Taylor was correct and indicated we need to identify those areas through the study. The Bedford Highway is a public right-of-way. That is in the public interest. He did not think that Regional Council will adopt a motion to buy all privately owned property along the Bedford Highway. That amount would be astronomical to ask the public taxpayer to pay in order to buy the properties to preserve those views. There are some very narrow strips of land which, from his preliminary review, are not developable and are largely owned by CN. He did not think CN will pick up stakes and move the main line. He thought we have things going in our favour in terms of the configuration of land, narrowness, and ownership.

Mr. Haverstock indicated that he owned a house on well and septic near Fernleigh Park. He questioned why we would allow any more of that - they are problematic. He spent \$20,000 on a new well and septic system. There will be more problems if more development is allowed on well and septic.

Mr. Haverstock said that in terms of building height, he would question why multi-family residential would be allowed to be higher than other developments. Take it back to the as-of-right height. He suggested they do a review of the signage provisions which allow billboards all along there. They are allowed up to 28 square metres and can be gigantic. There are three to four of them in the area of Brett Pontiac. More are creeping in. What is the use of a public walkway when your primary view is billboards? It is an issue for the land use by-law and the harbour study.

Ms. Mary Ann McGrath indicated she did some research work for the Rockingham Heritage Society and could tell them who owns pre and post confederation lots. There are some very public areas of interest. She suggested from Sherwood Point and running northward and beyond to the Round House. Both are in the public domain. North of that is the significant water lot owned by HRM. Sherwood Point is a traditional picnic area. Those areas, because of the proximity of the Round House northward, the other two lots in the public domain, the small amount of land not in public ownership, the narrowness, and the CN right-of-way, would provide a very good significant area of study.

Ms. McGrath said she came to this area and settled in a nice area that was at one time part of the County. She was very disappointed to see on Map 2 that the area next to her property was zoned MDR and questioned what that stood for.

Mr. Schaffenburg advised it was Medium Density Residential which generally allows two unit dwellings to a maximum height of 35'.

Ms. McGrath referenced the condominium at the bottom of Larry Uteck Boulevard which is almost 50' high. She would not like to see another one on the other side. That is terrible. She would like to see that height on the hinterland side of the Bedford Highway.

Ms. McGrath questioned how they would address transportation there. It is only a two lane highway. She questioned how much land the City has along there. It was responded 33'. She commented there are a lot of properties along there that are on City property because of gardens. She questioned how they would manage a street that is not up to standard, yet there are properties shown as being zoned MDR.

Mr. Schaffenburg responded the Bedford Highway varies in width. It has had some improvements but may not be sufficient. He did not think there are any plans to widen it other than for turning lanes. Traffic is a concern and we will consider the comments.

An individual indicated that the decisions are made by Council. Staff only makes a recommendation. They have to be on the "ball" to make sure Council makes the right decision.

Mr. Schaffenburg concurred. For zoning changes, staff prepare a report and make a recommendation to Council. Council has the ability to make that decision after holding the appropriate public hearing and public consultation.

Mr. Brian Jackson referenced the Chinatown property and indicated there has been some infilling and the owner has a second water lot. He questioned how much infilling they can do. Can they start at 20' above sea level and go higher?

Mr. Schaffenburg advised the property in question does not have any frontage on a public street. Although they have a zone that permits commercial uses, he was not sure they would be able to issue a permit for an expansion to the building or a new commercial use.

Mr. Schaffenburg advised that the Municipality does not regulate infilling. It is regulated by either the Provincial or the Federal government. It does not become land until it comes to the high water mark and then the Municipality has the right to regulate what is put on the land.

Mr. David Pearle questioned whether any amendments to the water and septic provisions of the by-law would affect somebody's ability to repair an existing water and septic system.

Mr. Schaffenburg responded there would be no change. They would be able to do repairs to an existing system.

Mr. Pearle asked for confirmation that that would still be true even if there is water in the area. Mr. Schaffenburg responded yes.

Ms. Jan Gorrison, Bedford Highway said she understood the new regional plan was doing away with R-1 and R-2 zones.

Mr. Wells responded that was incorrect. When we get to the secondary planning stage, after the overall regional plan is approved by Regional Council, they want to go back into the individual communities. One of the things they want to address is affordable housing. The baby boomer generation is getting older and our experts are saying there will be more demand to have your ailing mother or father stay with you or have younger families moving in with you. The demographers are saying there will be a shift and we will have to look at the constituents who make up our neighbourhoods. There is no draft policy in the regional plan to recommend that the R-1 zone be abolished.

Ms. Gorrison questioned what was meant by Low Density Residential.

Mr. Schaffenburg responded that normally there would be a R-1 zone in the land use by-law which means single detached dwellings.

Ms. Gorrison questioned whether the same lot size requirements exist.

Mr. Schaffenburg responded that there is no intention to change the R-1 and R-2 zone requirements. They are only speaking of changing the height requirement for higher density residential which is the R-3 zone.

Ms. Gorrison referenced Map 5 of the report containing the preliminary recommendations for the Halifax Harbour and indicated she was disappointed not to see a trail extending from Birch Cove. Ideally it would be nice to have a boardwalk around the entire harbour.

Mr. Wells acknowledged that is a good comment. We are challenged with finding a connection along the Bedford Highway where the marshalling yard is. Whether it's achievable on that site is a question mark. It is not that we will not be doing further research but there is no obvious dashed line. Maybe we can get a small narrow piece that would run parallel to the Bedford Highway. There would have to be serious negotiations with CN.

Ms. Gorrison commented that as a person who can barely stand to live in her house because of the noise of that traffic, she felt it was a priority.

Mr. Bill Pay stated that he lived and worked in the area. He moved here about three years ago, and in the past three years, he has seen a significant change in the area. He had a lovely home on Prince's Walk. Seeing the train yard condominium go up at 50' in height was unacceptable to him and a lot of the residents here. Thirty-five feet in height would have been sufficient. There would still have been a significant view and it would not have affected many of the residents. He referenced the sentence in the last paragraph on Page 2 of the February 7th staff report which states "Existing residential and commercial structures at a scale that will not substantially alter existing traffic flows." In the past three years, they have seen a dramatic increase in traffic. There is low and high density housing on Larry Uteck Boulevard and in Bedford South which is all using the Bedford Highway. About three days of the week, he biked into work and took his life into his hands. There is no location there for bike traffic. A 3 metre wide bike trail along the Bedford Highway would be nice. Also, he did not think residential structures should be able to go any higher than 35' in height except for commercial.

Mr. Wells advised that during this construction season, there will be some shoulder paving taking place along the Bedford Highway from Moirs Mill to Larry Uteck Boulevard. That is all the budget can handle for this year but the idea is to continue on to Kearney Lake Road in subsequent budget years.

Mr. Wells indicated they are also looking to try and get a multi-use trail along the shoreline over the longer term.

Councillor Hum advised that Traffic Services budgeted about \$80,000 towards this and anticipate increasing that for every future year. They will be paving the shoulder along the Bedford Highway and will go out to tender and are trying to maximize the dollar. The Bikeways Task Force has indicated that the Bedford Highway is the number one priority for a bike lane.

Mr. Terry Robbins questioned how and when they are going to be informed of the public consultations taking place relative to the harbour.

Mr. Wells responded that has not been figured out yet, although there are a number of options. They could form a committee of interested citizens and known organizations and groups such as the Rockingham Heritage Society. The consultant could hold sessions jointly and advertise for meetings and workshops.

Mr. Robbins spoke in favour of the public being aware of future public consultations.

Mr. Robbins commented the February 7th report is a well written report but did not know what was being studied.

Mr. Schaffenburg clarified the question is whether or not the height for apartment buildings should remain at 50' or whether it should be the same as for commercial which is 35'.

Mr. Robbins spoke in favour of the height being kept as low as possible.

Mr. Robbins questioned how they would address the issue of existing traffic flows. The Bedford Highway is no longer a highway.

Mr. Schaffenburg advised that there were discussions with the Development Engineer. There should be capacity to handle the traffic from the current zoning. Part of what they are trying to do with the regional plan is to get people out of their cars.

An individual commented that it takes an hour to get from downtown Halifax to Princes Lodge by taking the bus number 80. It was questioned whether they were considering bus rapid transit (BRT) for that area.

Mr. Schaffenburg advised that as part of the regional plan, they are looking at a number of initiatives to address traffic in the Mainland North area.

An individual commented the traffic issue related to development along the Bedford Highway was a question he posed to Traffic Services and Planning & Development Services, and how they can continue without having measures implemented to address increasing traffic.

Mr. Schaffenburg indicated that for as-of-right development, a full traffic study is not required as is the case for development agreements for larger parcels of land. They do look at the impact but there is no requirement for a full study. They have been working with the regional planning people and looking at ways to reduce traffic on the Bedford Highway feeding onto the Mainland North area. A number of initiatives are coming forward. BRT, which has been renamed to MetroLink, has been implemented with a terminal in Cole Harbour and one in Sackville. The next one is destined for Clayton Park. They are looking at Park and Rides and more express busses going to key work areas. They are looking at initiatives to try and find a solution to address the traffic issues and the commitment is for more active transit initiatives. That will not happen in the next six months but they are looking at a strategy to be implemented over the next few years, so hopefully they will see a reduction of traffic feeding into this area. Also, as part of Royale Hemlocks Estates and Wentworth/Bedford South, an interchange will be built.

Mr. Tom Willdey indicated he was involved with the Rockingham Heritage Society. He was heartened to hear that the view from the Bedford Highway is considered a public view. In terms of maximum height of buildings, realistically he felt it should be 35'. He thanked the councillor and staff for a lot of work in a short period of time. He referenced the dotted line for the trail from Birch Cove to Bedford and questioned whether they would be expropriating the water lots.

Mr. Wells responded it was too early to tell, which is why they need to hire a consultant.

Mr. Willdey indicated that if City water and sewer services are available, new development should be required to hook into it if it's accessible. He questioned what would happen if it's not accessible.

Mr. Schaffenburg indicated anybody would be prohibited from building a house on well and septic if a provision is included to require development to be hooked up to municipal services.

Mr. Willdey asked about the possibility of there being a sidewalk along the Bedford Highway from Kearney Lake Road to Bedford.

Mr. Schaffenburg advised the suggestion could be added to the topics of the study.

Councillor Hum indicated that she did raise that with Traffic Services and Construction Services. To put a sidewalk between where it ends now on this side of the Bedford boundary from Larry Uteck Boulevard to the Kearney Lake Road would cost about \$1,000,000. Unless it's part of a new development, it would have to be considered as a local improvement charge to the residents.

Ms. Carol McAskill questioned whether they looked at the plans for the Birch Cove marine park.

Mr. Wells responded that they did look at it in-house and a copy will be provided to the consultant.

Ms. Carol Mallett indicated she did not live in the Bedford area but has been a life long resident of Halifax. One of the things she always treasured was the Hemlock Ravines. It does not exist like it did before but questioned whether there is any concern or controls on the development so that the remaining wooded area is left.

Mr. Schaffenburg stated that the Municipality does not have any ability to require that trees be maintained on private properties.

Ms. Mallett questioned whether there is any way to control what trees and green areas are left in the City and whether there was any way to control them from being removed. They have so few trees and green areas left in the urban area because of development.

Mr. Schaffenburg responded that the Municipality does not have any ability to control people removing trees from private property. The Municipality does have the ability through development agreements to do so which has been done more in the former Bedford area than the Mainland North area. Through development agreements, we have the ability to request that trees be planted if there are none there already.

Ms. Mallett questioned whether the City considers green space to be a natural resource and take measures to not so much restrict development but all the trees do not have to be cut down to build a development. When you drive along the Bicentennial Highway to Bedford, at the back

end where Hemlock Ravine was, there used to be a lot of green areas around there. Now there isn't. She questioned whether they are concerned about this.

Mr. Schaffenburg responded that we are concerned and on private properties we do try and encourage private developers to keep trees.

Ms. Mallett questioned how that is done.

Mr. Schaffenburg responded that in many cases it is just encouragement. In development agreements, the area is defined where they are not to cut trees. In some cases, there are no controls other than encouragement. For as-of-right development, we can control the lot size and where the house is put, but we cannot deal with vegetation management at this time. They are looking at some controls through the regional planning process.

The Director of the Hemlock Ravine Society indicated they have a fairly strong society that is trying to protect the regions around the park. There are a lot of agreements. Councillor Hum has been working with Mary McGrath. Halifax does cherish that property, especially the green space. He encouraged that anybody wanting to become a member of their society come and see him after the meeting.

Mr. Victor Lovett questioned whether they would be putting in the water and sewer services in advance of paving the shoulder from Moirs Pond to Larry Uteck Boulevard.

Mr. Schaffenburg advised that sewer and water in the Bedford area goes to Southgate Drive. Council recently approved the extension of water and sewer to Millview (across from the Esquire Motel).

An individual indicated that her trees go right down to the Bedford Highway (opposite Farmer Clems) and she had no intention of cutting them down and wanted to preserve them as much as possible. Not just for her, but for others as well. She felt they should discuss the best method of using their property to the edge of the whole property.

Mr. Schaffenburg noted that HRM does have a number of arborists on staff who can look at trees on HRM property.

Reference was made to the Waterfront Development Corporation (WDC) and whether they extended along the Bedford Highway. They spoke in favour of WDC having to abide by the same height restrictions as everybody else.

Mr. Wells advised that WDC is a crown corporation of the Provincial government that came into being in the 1970/80's to look at a comprehensive waterfront development program. They concentrated their efforts first and foremost in Downtown Halifax. It was an arm of the Provincial government that looked at assembling lands in Halifax and then they had them

developed. They are also active on the Dartmouth waterfront. About two years ago, they took over the mandate from the Bedford Waterfront Corporation. There is one WDC that is active in downtown Halifax, Dartmouth and Bedford. It was his understanding those are the only areas where they own property now. They are interested in waterfront development but those are the areas they are concentrating on. The end development is not put there on a whim. Council ultimately has the say in how high and how big those developments are.

Ms. Linda Bray stated she has lived there for twenty years. Now they are talking about participation and more people are walking. They should not have to pay for a sidewalk that many others would use.

Councillor Hum advised that the cost of sidewalk construction work is borne by a targeted area, usually chosen by the district councillor. Sometimes the cost can be put on the entire district. One-third to one-half of the district is without sidewalks. In the winter, it is quite treacherous in Hemlock Ravine. This year they were lucky they got two sidewalks under the budget because they also look at construction times. She had a list of submissions. There is a design team which looks at them and puts them on a priority list depending on how much they can do in a year. New developments work a little different than older neighbourhoods which are a challenge.

Ms. Julie Willdey suggested reports should be available in advance of meetings at the public library, for instance.

Mr. Schaffenburg advised that some of the reports have been around for a long time. She could have gotten copies of them from the Municipality had she been aware of them. Reports going to Regional Council are now being put on the HRM web site. Reports going to Community Councils will follow shortly. There should be much better access to reports once that happens.

Councillor Hum commented it was a point well taken. She could perhaps obtain copies of information and have them available at her house. Also, she could drop off copies to resident's groups beforehand.

It was questioned whether there was a date for the next meeting.

Mr. Schaffenburg advised that the next meeting in his process would be the tabling of the report with Chebucto Community Council. He was not sure of the date at this time, but it may be in October. The Community Council agenda is available online. Additional comments could be e-mailed to him or Roger Wells.

The meeting adjourned at approximately 8:45 p.m.

Attachment C: Extract from the Bedford Highway Plan and the Mainland Land Use Bylaw

2. COMMERCIAL FACILITIES

- Objective The provision of commercial facilities in appropriate locations on the Bedford Highway to serve adjacent neighbourhoods and highway uses.
- 2.1 For the purposes of this Bedford Highway Strategy, the City shall define commercial facilities as comprising two categories:
- (i) minor commercial; and
 - (ii) highway commercial.
- 2.2 Areas shown as minor commercial centres on the Generalized Future Land Use Map of this Bedford Highway Strategy shall be regarded as medium-scale commercial areas within walking or easy vehicular distance of several neighbourhoods, offering a variety of retail goods, services, and activities to the surrounding communities.
- 2.2.1 In minor commercial centres, the City shall permit retail shops, personal services, offices, specified entertainment uses, institutions, restaurants including convenience restaurants, community centres, and residential uses.
- 2.2.2 In minor commercial centres in the Bedford Highway Area the City shall require sufficient parking to accommodate employees and customers.
- 2.3 Areas shown as highway commercial on the Generalized Future Land Use Map of this Bedford Highway Strategy shall be areas where specified commercial uses serving highway users shall be permitted on properties having direct access to the Highway.
- 2.3.1 In areas shown as highway commercial the City shall permit motels; motor vehicle repair shops; motor vehicle dealers; sales of trailers; prefabricated homes and similar goods; and minor commercial uses.
- 2.3.2 In areas shown as highway commercial the City shall encourage development compatible with existing residential and commercial structures at a scale that will not substantially alter existing traffic flow.

- 2.3.3 Pursuant to Policy 2.3.2, the Land Use Bylaw shall provide for:
- (i) a maximum height of structures;
 - (ii) minimum setback, side yard, and rear yard requirements;
 - (iii) maximum lot coverage; and
 - (iv) sufficient parking to accommodate employees and customers.

2.3.4 When considering land use control procedures to permit construction or expansion of highway commercial uses in the Bedford Highway Area, the City may limit the size and number of signs, establish requirements for landscaping, control architectural design, or impose other similar requirements to ensure that the development is aesthetically pleasing and in keeping with the character of Bedford Highway as a major scenic approach to the City.

2.3.5 Pursuant to Policy 2.3.4, the City shall investigate design guidelines and the means of implementing such guidelines for highway commercial areas on the Bedford Highway.

8. ENVIRONMENTAL HEALTH SERVICES

Objective Encouragement of development only where municipal water and sewer services are already available or, if such services are not available, where the developer can provide acceptable services.

8.1 When considering development applications in portions of the Bedford Highway area where municipal water and sewer services are not available, the City shall have regard to the preservation of water quality and prevention of sewer infiltration for existing land uses.

9. GENERALIZED FUTURE LAND USE MAP

9.1 The Generalized Future Land Use Map (Map 9d) should be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined in this Bedford Highway Strategy.

9.2 The areas of future land use shown on the Generalized Future Land Use Map shall be determined primarily by the objectives and policies that correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

- 9.3 Notwithstanding any other provision of this Strategy, a Development Permit may be issued by the Development Officer for a project in respect of which approval was given by Council, and where no decision of the Municipal Board has been given reversing such approval, provided that the development is completed within the time limit specified in the development agreement or, in the absence of such time limit, within one year of the approval of this Strategy.

WATER/SEWER EXCEPTIONS

- 14A No development permit shall be issued unless the proposed development is on a city sewer or water system, provided however, that this section shall not apply to:
- (a) developments within a holding zone or WC zone on lots which abut the existing public street network;
 - (b) the replacement by a similar use, or the repair of a building which is not on city sewer and water but conforms in every other respect to the land use bylaw;
 - (c) additions which do not result in a change in use or increase in the number of dwelling units;
 - (d) accessory buildings.
 - (e) developments within an I-3 Zone, located outside the Development Boundary identified on Map II, Appendix "C" of the Halifax-Dartmouth Metropolitan Regional Plan.
 - (f) developments within the area designated as the "Bedford Highway Area" from the junction of the Kearney Lake Road north to the city boundary.
 - (g) R-1 and R-2 uses on lots which abut the existing public street network for the area designated "Residential Environments" for the area of Kearney Lake west of the Bicentennial highway.

R-3 ZONE

GENERAL RESIDENTIAL AND LOW-RISE APARTMENT

28CA(1) The following uses shall be permitted in any R-3 Zone:

- (a) R-1, R-2, R-2T and R-2AM uses;
- (b) stacked-attached housing;
- (c) apartment house of four storeys or less;
- (ca) child care centre;
- (d) uses accessory to any of the foregoing uses.

28CA(2) No person shall in any R-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

28CA(3) No person shall in any R-3 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

28CB No person shall in any R-3 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

R-1, R-2, R-2T AND R-2AM USES IN R-3 ZONE

28CC(1) Buildings erected, altered or used for R-1, R-2, R-2T or R-2AM uses in an R-3 Zone shall comply with the requirements of their respective zones, **with the exception of stacked attached housing.**

STACKED ATTACHED HOUSING

28CD Buildings erected, altered or used for stacked attached housing in an R-3 Zone, shall comply with the following requirements:

28CD(1) The minimum distance between the rear lot line and every building shall be at least 20 feet.

28CD(2) The maximum lot coverage shall be 50 percent.

- 28CD(3) The maximum height shall be 50 feet.
- 28CD(4) Each dwelling unit shall have a minimum of 175 square feet of exterior open space accessible directly from the unit.
- 28CD(5) One separately accessible parking space at least 9 feet by 20 feet shall be provided for each stacked-attached unit, exclusive of the area of the front yard and entrance or driveway leading to such building.
- 28CD(6) The lot frontage shall be 60 feet.
- 28CD(7) The minimum lot area shall be 6,000 square feet.
- 28CD(8) The minimum side yard shall be 15'.

FOUR STOREY APARTMENTS

- 28CE Apartment buildings of four(4) storeys or less and not exceeding 50 feet in height shall be permitted in an R-3 Zone provided the following requirements are complied with:

MINIMUM LOT AREA

- 28CE(1) The minimum lot area upon which such building is located shall be 6,000 square feet with a minimum continuous street frontage of at least 60 feet on one street;

C-2A ZONE

MINOR COMMERCIAL ZONE

- 38A(1) The following uses shall be permitted in any C-2A Zone:
 - (a) R-1, R-2, R-2P, R-2T, R-2AM, R-3 and C-1 uses;
 - (b) stores for the purpose of retail trade and rental excepting:
 - (i) motor vehicle dealers;
 - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
 - (iii) adult entertainment uses

- (c) radio, television, and electrical appliance repair shops;
- (d) watch and jewellery repair shops;
- (e) a store for the purpose of personal service including shoe repair shops, barber and beauty shops, dry cleaners, self- service laundries, funeral services, and excepting massage parlours, adult entertainment uses and amusement centres;
- (f) (Deleted)
- (g) a motion picture theatre;
- (h) a service station;
- (i) offices;
- (j) a bank and other financial institutions;
- (k) a restaurant;
- (l) community facilities;
- (la) billboards not to exceed twenty-eight square meters (28m²) in area and not to extend more than eight meters (8m) above the mean grade on which it is situated;
- (lb) commercial recreation use
- (lc) recycling depots, bingo hall, pool hall and motor vehicle repair shops in the "**Mainland South Area**" excluding:
 - (i) auto body shops; and
 - (ii) those engaged in the repair of trucks or other vehicles in excess of a gross weight of 6,000 pounds.
- (ld) Motor Vehicle Sales in the Bedford Highway area
- (ld) child care centre
- (m) any use accessory to any of the foregoing uses.

- 38A(2) No person shall in any C-2A Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 38A(3) No person shall in any C-2A Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

R-1, R-2, R-2P, R-2T, R-2AM AND R-3 USES IN C-2A ZONE

- 38B(2) Buildings erected, altered or used for R-1, R-2, R-2P, R-2T, R-2AM and R-3 uses in a C-2A Zone shall comply with the requirements of their respective zones.

HEIGHT

- 38C The height of any building in a C-2A Zone shall not exceed 35 feet.

SETBACKS FROM RESIDENTIAL ZONES

- 38E(1) Any building used for C-1 or C-2A purposes in a C-2A zone shall be set back a minimum of 20 feet from a rear lot line and 12 feet from a side lot line where such lot line abuts a residential zone.

LANDSCAPING ALONG STREET LINE

- 38E(2) Any C-1 or C-2A use in a C-2A Zone shall provide a minimum 4 foot strip of landscaped open space, raised or otherwise protected, along that part of the street line not required for the curb cut or pedestrian entrance.
- 38F(1) In the "**Bedford Highway Area**" one vehicle access point shall be permitted to the Highway for each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for lots with frontage greater than 100 feet.
- 38F(2) For the purposes of Subsection (1), the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting, or a similar device that will not obstruct the view of traffic.

C-2B ZONE

HIGHWAY COMMERCIAL ZONE

- 38AA(1) The following uses shall be permitted in any C-2B Zone:
- (a) R-1, R-2, R-2P, R-2T, R-2AM, R-3, C-1 and C-2A uses;
 - (b) a motel;
 - (c) a motor vehicle dealer;
 - (d) motor vehicle repair shop;
 - (e) businesses engaged in the sale of trailers, prefabricated homes, and heavy equipment;
 - (f) any use accessory to the foregoing uses.
- 38AA(2) No person shall in any C-2B Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1)
- 38AA(3) No person shall in any C-2B Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

R-1, R-2, R-2P, R-2T, R-2AM AND R-3 USES IN C-2B ZONE

- 38AB Buildings erected, altered or used for R-1, R-2, R-2P, R-2T, R-2AM and R-3 uses in a C-2B Zone shall comply with the requirements of their respective zones.
- 38AC The height of any building in a C-2B Zone shall not exceed 35 feet.
- 38AD Any C-2B use in a C-2B Zone shall be set back a minimum of 20 feet from the front lot line.

SETBACKS FROM RESIDENTIAL ZONES

- 38AE Any C-1, C-2A or C-2B use in a C-2B Zone shall be set back a minimum of 20 feet from the rear lot line and 12 feet from a side lot line where the lot lines are adjacent to a residential zone.