
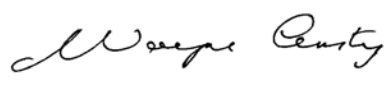


**Item No. 10.1.2**

**Halifax Regional Council  
May 27, 2008**

**TO:** Mayor Kelly and Members of Regional Council

**SUBMITTED BY:**   
\_\_\_\_\_  
Geri Kaiser, Acting Chief Administrative Officer

  
\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** April 16, 2008

**Subject:** **Case 01066: Amendment to the Bedford MPS and LUB - Extension of Mainstreet Commercial Designation and Zone.**

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**ORIGIN**

North West Community Council (NWCC) requested staff consider an amendment to the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to extend the Mainstreet Commercial (CMC) Zone along Bedford Highway between civic number 1094 Bedford Highway and Holland Avenue.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Initiate the process to consider amending the Bedford Municipal Planning Strategy, and Land Use By-law to consider an extension of the Mainstreet Commercial (CMC) Designation and the Mainstreet Commercial (CMC) Zone along the Bedford Highway between 1094 Bedford Highway and Holland Avenue; and
2. Request staff to follow the public participation program as approved by Council in February 1997.

## **BACKGROUND**

### ***Council's Motion***

North West Community Council has requested consideration of an extension of the Mainstreet Commercial Designation and Zone (Attachment A) to eight properties along the Bedford Highway between 1094 Bedford Highway and Holland Avenue. Council's motion was in response to requests from several land owners in the area. To implement Council's request, amendments to both the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) are required.

### ***Subject Area***

There are eight properties in question, seven are designated Residential and zoned Residential Single Unit (RSU) Zone and one is designated Institutional (I) and zoned Utilities (SU) Zone (Attachment B). The properties contain seven single unit dwellings including one home based business and one Aliant Telephone service building all which have frontage and direct access to the Bedford Highway. The subject properties abut existing residential neighbourhoods on Locke Street and High Street and are located opposite properties (across the Bedford Highway) which are currently designated and zoned Mainstreet Commercial. (Map 1 and 2)

The properties in question do not include properties which use Locke Street (Map 1) as the main point of vehicle access as it is not desirable to have commercial access from a residential street. Further, staff are suggesting the removal of the Aliant Telephone service building as the SU (Utilities) zoning on this site is appropriate for its use.

### ***The Proposal***

The proposed amendments to Bedford MPS and LUB are to consider a change from the Residential Designation and Residential Single Unit (RSU) Zone to the Mainstreet Commercial (MC) Designation and Mainstreet Commercial (CMC) Zone for the seven properties between 1094 Bedford Highway and Holland Avenue. Several policies in the text of the Bedford MPS would have to be amended to reference the subject properties plus the Generalized Future Land Use Map and the Zoning Map would have to be amended to implement the proposed change.

## **DISCUSSION**

### ***Existing Plan Policy***

The Mainstreet Commercial (MC) Designation and (CMC) Zone (Attachment C) are applied to a number of small scale commercial properties which typically have direct access to the Bedford Highway and are located between Convoy Run and Union Street in Bedford. The overall intent of the designation is to maintain the traditional "small town" character of this commercial area of Bedford. The zone permits a variety of pedestrian oriented commercial uses and includes controls relating to parking, signage and architecture intended to maintain and create a pleasant traditional

“small town” aesthetic for of this commercial area. Existing properties in this area are typically small in size, and have a maximum of two floors of mixed commercial and residential uses.

***Rational for Plan Policy Change***

In order for Planning Services to recommend considering a change to the MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. The Bedford MPS has identified a specific area in Bedford for Mainstreet Commercial uses. This area was generally applied to the traditional business core of Bedford, but excluded several areas that at the time were residential in nature including the subject properties.

Since the adoption of the Bedford MPS, there has been significant commercial growth in Bedford. Over the last several years there has been significant interest in expanding commercial abilities in Bedford, specifically in the vicinity of the Mainstreet Commercial designation and along the Bedford Highway. The Mainstreet Commercial Zone allows small scale developments which allow small business owners to own the premise they occupy and have options to include rental commercial or residential space to help support their businesses.

This proposal appears to be a logical extension of the existing designation and zone and there appears to be a limited supply of land suitable for small business which the MPS did not contemplate. Therefore staff recommend that Council initiate the planning process to consider redesignating and rezoning the subject property to permit the Mainstreet Commercial (MC) Designation and Mainstreet Commercial (CMC) Zone. Further, staff wish to identify that there may be interest outside the identified properties to further extend the MC Designation and CMC Zone. Staff intend to include a discussion of this as part of the public participation program, if the request is initiated.

***Bedford Waterfront Vision and Action Plan:***

The Bedford Waterfront Vision outlines how the community sees the waterfront area in the coming years. The action plan identifies community priorities to achieve the vision. An implementation strategy is now being developed and actions will take place in the coming year to begin implementation of the Vision. Although the proposed MPS amendment is not contemplated by the Vision, it is consistent with the intent of the Vision. Planning Services have previously indicated that individual MPS amendments can proceed during the Visioning and subsequent implementation exercises.

***Conclusion:***

Staff recommends that Regional Council direct staff to begin the process to consider amending the Bedford MPS to change the Residential Designation and Residential Single Unit (RSU) Zone on the subject properties to the Mainstreet Commercial (MC) Designation and Mainstreet Commercial (CMC) Zone as identified in the recommendation section of this report.

**BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated under the approved C310 operating budget.

**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. Council may choose to initiate the MPS amendment process as stated in this report. This is the recommended course of action.
2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as staff feels that there is merit in considering the amendment to the Bedford MPS.

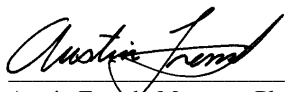
**ATTACHMENTS**

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	CMC Zoned Properties
Attachment A	North West Community Council's Motion
Attachment B	Residential Single Unit Zone
Attachment C	Mainstreet Commercial (CMC) Zone
Attachment D	Bedford MPS Policies

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Senior Planner, Community Development, 869-4226

Report Approved by:



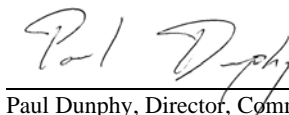
Austin French, Manager, Planning Services, 490-6717

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by:



Paul Dunphy, Director, Community Development



Map 1  
Generalized Future Land Use



Subject Properties

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





## Map 2 Zoning



Subject Properties

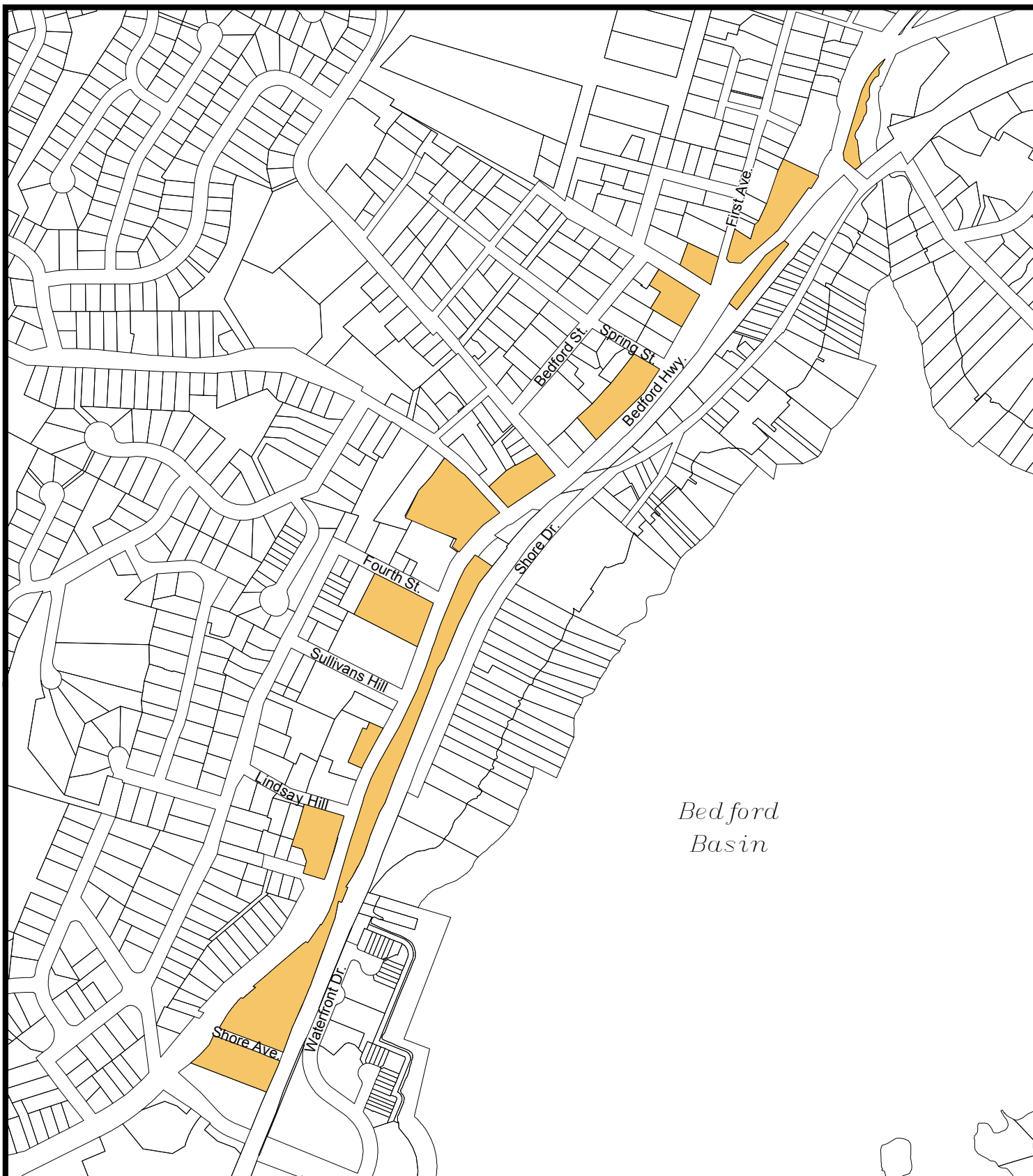
RSU Single Dwelling Unit Zone  
RTU Two Dwelling Unit Zone  
CMC Mainstreet Commercial Zone  
CGB General Business District Zone

P Park Zone  
SI Institutional Zone  
SU Utilities Zone  
CCDD Commercial Comprehensive Development District  
WFCDD Waterfront Comprehensive Development District Zone

■ ■ ■ Notification Area



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Planning Services



Map 3



**Properties Zoned Mainstreet Commercial**



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Planning Services

**Attachment A  
North West Community Council's Motion - August 9, 2007**

**11.2.2 Bedford MPS and LUB Amendment to Extend the Mainstreet Commercial Designation and Zone - Request for Staff Report - Councillor Johns (on behalf of Councillor Martin)**

MOVED by Councillor Harvey, seconded by Councillor Johns that staff provide a report which initiates the process of amending the Bedford Municipal Planning Strategy and Land Use By-law to extend the Mainstreet Commercial Designation and Zone along the Bedford Highway between 1094 Bedford Highway and Holland Avenue.



**Attachment B**  
**Residential Single Unit Zone**

**PART 6 RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE**

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

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

Address

11 Olive Avenue (LRIS # 419440)  
37 Olive Avenue (LRIS # 419465)  
65 Olive Avenue (LRIS # 487868)  
24 Olive Avenue (LRIS # 40566630)  
380 & 382 Hammonds Plains Road (LRIS #s 473405, 40080616)  
384 & 386 Hammonds Plains Road (LRIS #s 473413, 40070765)  
388 & 390 Hammonds Plains Road (LRIS #s 473421, 417345)  
**20 Emerson Street (LRIS #433631) (RC-July 8/04;E-July 10/04)**

ZONE REQUIREMENTS RSU

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

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

**Attachment C**  
**Mainstreet Commercial (CMC) Zone**

**PART 14                      MAINSTREET COMMERCIAL (CMC) ZONE**

No development permit shall be issued in a Mainstreet Commercial (CMC) Zone except for one or more of the following uses:

- a) dwelling units not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor
- b) daycare facilities, nursery school, early learning centre
- c) business and professional offices
- d) medical, veterinary, and health service clinics; outdoor kennels associated with veterinary clinics are prohibited
- e) bed and breakfast/guest home establishments not exceed three (3) units per establishment
- f) inn and country inn establishments not exceed ten (10) units per establishment
- g) full Service Restaurant
- h) food stores not to exceed 5,000 sq.ft. per business
- i) post office
- j) general retail stores not to exceed 5,000 square feet per business (excluding mobile home dealers)
- k) personal and household service shops (exclusive of massage parlours)
- l) banks and financial institutions
- m) commercial parking lots
- n) pub, lounge to a maximum of 800 sq. feet devoted to public use
- o) all age/teen clubs
- p) recycling depots
- q) drycleaning depots
- r) notwithstanding a) seniors residential complexes by development agreement in accordance with Policy R-19A
- s) uses accessory to the foregoing uses
- t) existing residential uses
- u) existing motel, inn, hotel uses
- v) funeral homes
- w) existing uses located at 1067, 1111, 1180, 1189, 1239, 1312 and 1350 Bedford Highway as described in Appendix B
- x) **Ice cream stands (NWCC-July7/05;E-Dec5/05)**

**ZONE REQUIREMENTS CMC**

In any Mainstreet Commercial (CMC) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	4,000 sq. ft
Minimum Lot frontage	40 ft.
Minimum Rear Yard	40 ft.
Minimum Front Yard	0 ft.
Minimum Sideyard	0 feet; 25 ft. corner vision triangle required for corner lots.
Maximum Height of Building	2 floors above Bedford Highway
Maximum Lot Coverage	50 %
Driveway Opening Width	25 ft. maximum (curb cut)
Number of Driveway Openings	Maximum number of driveway openings is one per lot for lots having less than 150 ft. of frontage. Additional driveways (maximum width of 20 ft.) shall be based on one per 150 ft. of additional frontage. Shared driveways are encouraged.

**SPECIAL REQUIREMENT: PARKING**

- a. Parking within the front yard shall not be permitted. Parking shall be permitted in the rear and side yard.
- b) Where parking is provided in the side yard all parking lots shall be screened with a natural vegetative buffer along the front property line adjacent the street.
- c. Where Commercial parking lots are permitted in the zone all parking lots shall be screened with six (6) feet of natural vegetative buffer along the front property line adjacent the street.

**SPECIAL REQUIREMENTS: LANDSCAPING**

Front yards, if provided are to be landscaped. No asphalt other than for driveways and parking areas shall be permitted.

**SPECIAL REQUIREMENTS: ARCHITECTURAL GUIDELINES**

- |                             |  |
|-----------------------------|--|
| a) Building Requirements    | Buildings of over 50 feet width measured parallel to the street shall have the appearance of two or more buildings by altering the appearance of the facade and/or roof in increments no greater than 50 feet. |
| b) Roof Design Requirements | Pitched roofs shall have a minimum slope of 10 degrees. Dormers and gables are permitted. Mansard roofs shall not project beyond the face of the wall below, except to permit eaves for ventilation.           |
| c) Exterior Cladding        | bricks, wood shingles, wood siding, wood clapboard, stone <b>and acceptable equivalent, however no vinyl siding shall be permitted.</b> (NWCC-Apr 3/03;E-Apr 12/03)  |
| d) Windows                  | Windows, except for commercial storefronts at grade, shall   |

be treated as individual openings in the wall surface; continuous bands of horizontal glazing will not be permitted except for storefronts at grade. For square and rectangular window openings, the height of window sashes shall exceed the width. Total window area per building face shall not exceed 50% of the area of the building face (in order to maintain the visual emphasis on the wall surface). Windows shall be accentuated by design details (i.e. arches, hoods, mouldings, decorative lintels, pediments, sills);

- e) Additions to  
existing buildings

Additions to the fronts and sides of existing buildings are to conform to these design standards.

### **SPECIAL REQUIREMENTS: SIGNS**

Signs in the Mainstreet Commercial Zone shall be subject to the following general provisions:

1. Permitted signs include signboards, facial wall signs, projecting wall signs, ground signs, window signs, or as an integral part of a canopy, awning or similar device.
2. Signs are to be constructed of wood or have a wood-like appearance, with exterior shielded illumination.
3. Signs shall not obstruct the corner vision triangle at street intersections.
4. The maximum number of permitted signs is 2 per facade, or one (1) per each business in a multiple occupancy building.
5. Signs within the Mainstreet Commercial zone shall also be subject to sub-sections 1, 2, and 3 of Section 38 of the General Provisions.

#### **Signboards**

Signboards shall form an integral part of the building facade by being located between the top of the ground floor windows and the bottom of the second storey windows. Signboards shall not exceed a height of 3 feet and shall extend the entire length of the facade.

#### **Facial Wall Signs**

Facial wall signs shall not exceed twenty (20) square feet in area and shall not extend beyond the top and extremities of the wall on which it is affixed.

#### **Projecting Wall Signs**

Projecting wall signs shall not: a) project more than four feet over a public sidewalk; b) project more than six feet from the building to which it is attached; c) hang closer than nine feet above a sidewalk or public right of way; d) exceed an area of 16 sq. ft.

#### **Ground Signs**

Ground signs shall not: a) exceed a height of eight feet; b) exceed an area of 20 sq. ft. per side; c)

be within 2 feet of the street right-of-way; d) be within 10 feet of a side property line or driveway.

**Sandwich Boards - deleted (RC-Sep26/06;E-Nov18/06)**

**Canopies/Awnings**

Canopies and awnings attached to walls shall not project more than 4 feet over a public sidewalk. Canopies and awnings shall be self supporting and shall be placed a minimum height of 9 feet above a sidewalk. Signage may be included as an integral part of an awning or canopy.

**Mobile Signs - deleted (RC-Sep26/06;E-Nov18/06)**

**Window Signs**

Window signs shall not: a) exceed 25% of the window area; b) exceed 25% of the glass area of a door; area shall be calculated on the basis of the smallest geometric shape which will contain all of the message.

**Attachment D  
Bedford MPS Policies - CMC Zone**

**Mainstreet Commercial Core**

The section of the Bedford Highway from the Sackville River bridge through to the Hammonds Plains Road was traditionally the main location for serving neighbourhood and community needs. Over time, the importance of this area in serving these needs has declined. Like many other small towns, the growth and popularity of shopping malls has resulted in the general decline of older, established commercial areas. This decline has led to a general shift away from this section of the Bedford Highway in terms of being the community's commercial centre.

Concern over the changing character of the Town's "central core" was expressed during the recent review of the Municipal Planning Strategy. This concern was reflected also in the Town's previous Municipal Development Plan as well as a detailed area plan study undertaken in 1983 for this portion of the Bedford Highway. In an attempt to re-establish the area as a viable commercial component of the Town that will once again be an asset, both economically and aesthetically, as well as provide the Town with a downtown focus, the establishment of a mainstreet commercial zone and its application to this area is suggested.

Policies C-19 to C-29B discuss the mainstreet commercial area. The Mainstreet Commercial Zone will apply to all those properties fronting on the Bedford Highway shown on Map 2. The intention is to create a pleasant pedestrian-oriented streetscape which reflects the Towns' heritage. Permitted uses within the zone will be limited to local small scale commercial uses oriented to pedestrian traffic. Designated heritage buildings within the area will be combined with new developments which are subject to specific signage, landscaping, parking, setback, and architectural controls (see Appendix D for examples). The development of sidewalks, street furniture, and community parking lots along this portion of the Bedford Highway are additional elements which will contribute to the development of this streetscape.

As a means of revitalizing the mainstreet commercial core, controls have been established in the Land Use By-law to ensure residential units do not exceed 50% of the gross floor area or be located at street level along the street within the first floor in buildings within the Mainstreet Commercial zone. These controls are most effective for relatively small lots with a local commercial use on the main floor fronting the Bedford Highway and where one or two residential units are provided on the second floor.

It is recognized that such limitations are difficult to achieve at 1091 and 1095 Bedford Highway. This particular property is relatively large in size, its lot configuration is long and narrow and a significant grade differential exists from the front property line, along the Bedford Highway, and the rear property line along the CN rail line. These characteristics are unlike those of the majority of properties which have been zoned Mainstreet Commercial. Therefore, it shall be the intention of Council to consider a reduction of these standards for 1091 and 1095 Bedford

Highway in accordance with Policy C-21.

**Policy C-3:**

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

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

**Mainstreet Commercial Core**

**Policy C-19:**

It shall be the intention of Town Council to work towards the development of a viable and pleasant pedestrian-oriented small town commercial core (see Appendix D) along the south side of the Bedford Highway between the Sackville River and the Waterfront Development project and along the north side of the Bedford Highway between the Sackville River and 1140 Bedford Highway as shown on Map 2. A Mainstreet Commercial designation shall be applied to this area and shall be shown on the Generalized Future Land Use Map. No rezonings or development agreements for uses other than those in the Mainstreet Commercial Zone shall be considered within the Mainstreet Commercial designation.

**Policy C-20:**

Town Council shall establish a Mainstreet Commercial Zone within the Land Use By-Law and apply it to the portion of the mainstreet commercial core area extending from the Sackville River south to Locke Street on the north side of the street and between the Sackville River and Shore Avenue on the south side of the street as shown on Map 2. Permitted uses within the Mainstreet Commercial Zone shall be small scale, pedestrian oriented uses including but not limited to general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, recycling depots, dwelling units within a commercial building not to exceed 50 percent of the gross floor area and not located on the street front of the first floor, and existing residential



uses. In addition, senior residential complexes will be permitted by development agreement pursuant to Policy R-19A. All commercial developments shall be subject to specific signage, landscaping, parking, and architectural design controls as specified in the Land Use By-Law. Town Council shall prohibit front yard parking and deep front and side yard setbacks for new development. Town Council shall consider modification of the requirements for such items as front and side yard setbacks as well as front yard parking through a development agreement in situations involving the redevelopment of existing buildings. Those properties designated Mainstreet Commercial, but not zoned Mainstreet Commercial, shall continue to have an RSU Zone consistent with current land uses.

**Policy C-22:**

It shall be the intention of Town Council to encourage the rehabilitation and adaptive re-use of buildings designated through the provisions of the Town's Heritage Property By-Law within the commercial core for uses consistent with the Mainstreet Commercial Zone.

**Policy C-23:**

It shall be the intention of Town Council to require landscaping of front yards of commercial properties within the Mainstreet Commercial Zone to create a pleasant and attractive environment conducive to pedestrian activity.

**Policy C-24:**

It shall be the intention of Town Council to require buildings within the Mainstreet Commercial Zone to support the human scale of the street, create a sense of streetscape, and promote a pedestrian-oriented environment through architectural regulations within the Land Use By-law (see Appendix D).

**Policy C-25:**

Town Council shall develop sidewalks on both sides of the Bedford Highway and provide additional public parking opportunities when approving improvements to that portion of the Bedford Highway within the mainstreet commercial core.

**Policy C-26:**

It shall be the intention of Town Council to undertake tree planting and landscaping, provide street furniture and street lighting, and support a maintenance program for a first class appearance (including grass cutting and weed control to be done by the appropriate department) on Town owned land, in support of the development of a pedestrian streetscape within the Mainstreet Commercial Zone.

**Policy C-27:**

Town Council shall actively pursue options to increase on-street parking, shared private parking lots, and community owned parking lots within the area designated Mainstreet Commercial. Priority shall be given to the completion of the streetscape improvements

between Fourth Street and the Waterfront project to increase on-street parking opportunities.

Policy C-28:

It shall be the intention of Town Council to provide views of the Bedford Basin by considering the acquisition of lands on the Basin side of the Bedford Highway within the mainstreet commercial core, sufficient for small mainstreet parks which will provide resting opportunities for pedestrians.

Policy C-29:

Town Council shall permit mixed-use (residential/commercial) buildings within the Mainstreet Commercial Zone provided that commercial uses only are located at street front level.

Policy C-29B:

It shall be the intention of Town Council to identify and implement initiatives to facilitate development/redevelopment within the CMC Zone. The development of a marketing and implementation plan for the CMC Zone shall be a priority and may form part of the study identified in Policy C-37.