

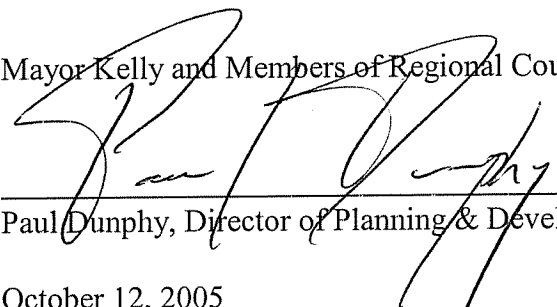


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Halifax Regional Council
October 25, 2005

To: Mayor Kelly and Members of Regional Council

Submitted by:


Paul Dunphy, Director of Planning & Development Services

Date: October 12, 2005

SUBJECT: Case # 00788 - Amendments to the Eastern Passage/Cow Bay
Municipal Planning Strategy and Land Use By-law

INFORMATION REPORT

ORIGIN

- May 13, 2005 staff report and May 24, 2005 authorization by Regional Council to initiate the process to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Eastern Passage/Cow Bay to consider exempting properties at Fisherman's Cove from a requirement to have direct access from Shore Road and to modify the list of permitted uses in the C-2 (General Business) Zone at this location (see shaded area on Map 1).
- Subsequent community consultation suggesting MPS amendments are not warranted at this time.

BACKGROUND

Fisherman's Cove in Eastern Passage is a unique pedestrian-oriented enclave of small scale local businesses replicating the character of a working fishing village. This area, which is an important part of the local tourist industry, also contains a commercial fishing wharf.

Recently, a request for a development permit for a full service restaurant in this location had to be modified to permit a take-out only restaurant on the basis that the Eastern Passage Land Use By-law requires any commercial and multiple residential use requiring more than four parking spaces to have direct access to Shore Road. (Attachment B) Since the full service restaurant would have required more than four parking spaces, a permit for it was viewed to be in conflict with the Land Use By-law and could not be issued.

The circumstances involving the restaurant application has prompted a request from the area councillor to reevaluate the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land

Use By-law (LUB) to determine if the community would be supportive of lifting this restriction. A previous staff report suggested there was merit in considering MPS amendments and recommended initiation of a community planning process which would have resulted in MPS amendments being brought forward for consideration of Regional Council.

DISCUSSION

On September 15, 2005 a Public Information Meeting was held in the community to discuss the possibility of amending the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law to relax access restrictions for properties fronting on the Cove, (Map 1) and lying adjacent to Government Wharf Road in Fisherman's Cove.

However in presenting this alternative, staff noted considerable objection from the community to removing this requirement. Furthermore, the residents of the area clearly discouraged the notion of locating new commercial and residential development within an area where an increase in commercial activity could lead to a reduction in parking availability near the wharf. Some residents also believe that, over time, if additional commercial and residential uses are permitted to locate in Fisherman's Cove, there would be significant interference with local fishing operations.

An amendment to the Land Use By-law to facilitate the community's desire to, in fact, impose further limits on new commercial and residential uses locating in Fisherman's Cove can be supported by existing MPS policies. The MPS currently stipulates that all commercial and multiple residential uses must take direct access from Shore Road. (Attachment A) Since none of the properties in question have direct access there is existing policy support for land use by-law amendments. Therefore a revision to MPS policy is not required at this time.

Staff will therefore prepare appropriate amendments to the Eastern Passage/Cow Bay Land Use By-law and bring these forward for consideration by Harbour East Community Council. No further action from Regional Council is required on this matter.

BUDGET IMPLICATIONS

None

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

Council may choose to require that staff continue to process with this matter through Regional Council however as no amendment to the Eastern Passage/Cow Bay Municipal Planning Strategy this matter should more appropriately be dealt with through the Harbour East Community Council.

ATTACHMENTS

Map 1- Zoning & Location Map

Map 2- Generalized Future Land Use Map

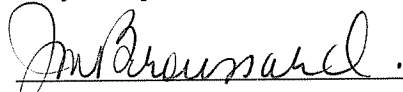
Attachment A -- Relevant Municipal Planning Strategy Policies

Attachment B -- Relevant Land Use By-law Regulations

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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: Shayne Vipond, Planner, 490-4335

Financial Review:


Joan Broussard, Financial Consultant, 490-6267



Map 1 - Zoning & Location Map

Fisherman's Cove
Eastern Passage



Subject Properties



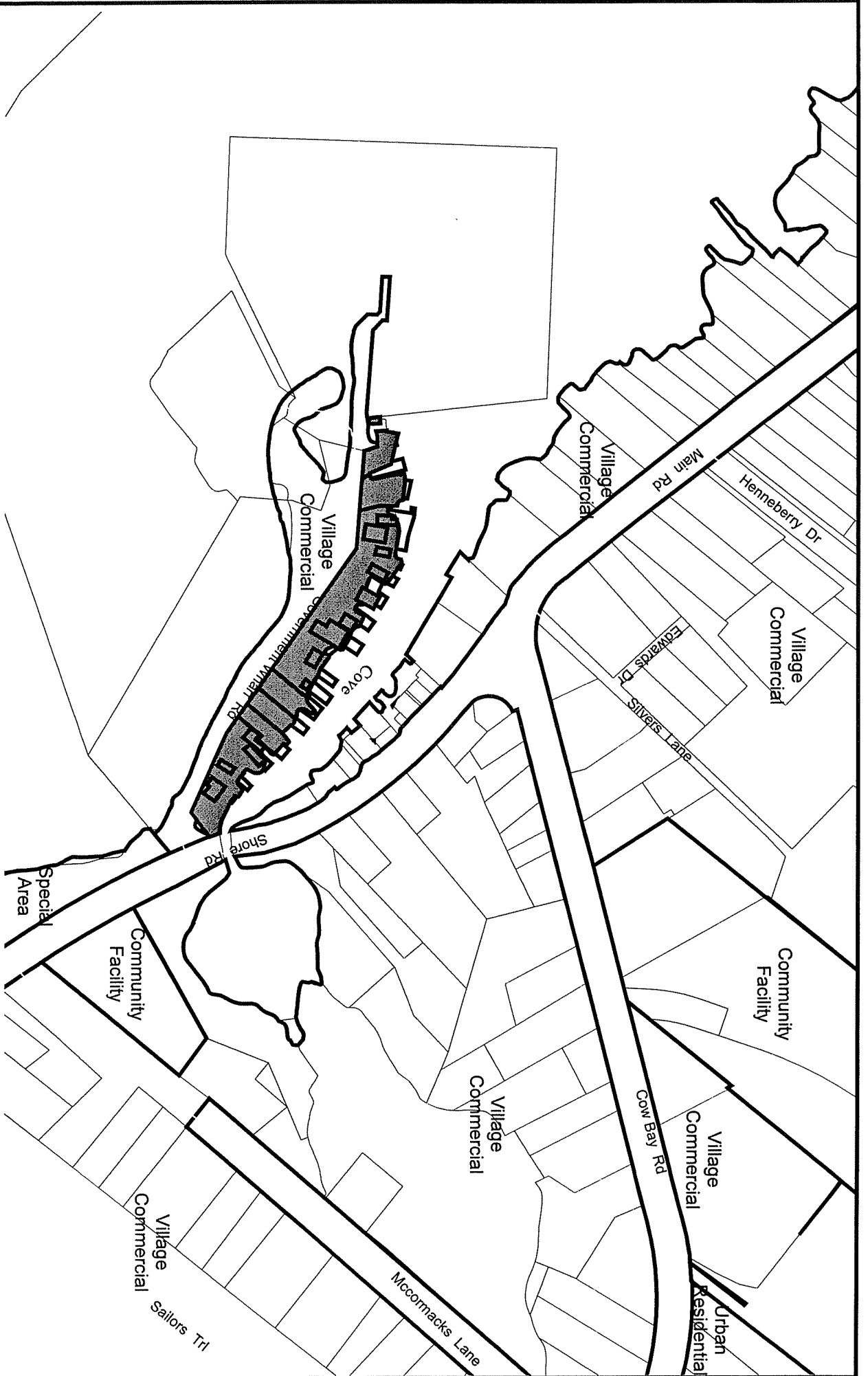
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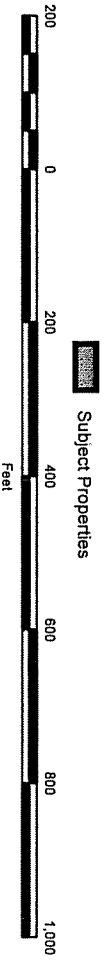
Case 00788

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Map 2 - Generalized Future Land Use Map

Fisherman's Cove
Eastern Passage



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Attachment A
Relevant Municipal Planning Strategy Policies

The fishing industry still holds a strong presence in Eastern Passage, a factor that recently attracted a tourism development called Fisherman's Cove. Located on the waterfront, Fisherman's Cove replicates the flavour and character of a working fishing village, and has spurred the local tourist industry. Although the existing designation of Special Area has been granted, the types of uses permitted within the applied MR-2 (Fishing Industry) Zone should be considered for all waterfront lands within the commercial zone. As such, the community commercial designation and the C-2 (General Business) Zone should be applied to this portion of the special area designation. The permitted uses for the C-2 (General Business) Zone should be expanded to include both new tourist related activities and marine related uses.

- COM-1 It shall be the intention of Council to establish a Community Commercial Designation, as shown on Map 1 - Generalized Future Land Uses and to encourage that lands within the designation be developed in a manner appropriate to the growth of a local business and service focus for the Plan Area.
- COM-2 It shall be the intention of Council to establish a C-2 (General Business) Zone within the Land Use By-Law and apply it to the Community Commercial Designation. The C-2 (General Business) Zone shall permit general commercial uses, as well as residential and community uses. The permitted uses shall reflect the traditional waterfront uses and promote tourist related activities. Development shall be subject to specific size, scale, building placement, building design and construction, landscaping, signage and parking controls, ***and all commercial uses and multiple residential unit dwellings must have direct access to either Main, Cow Bay or Shore Roads*** (emphasis added).

Detailed Planning Exercise

The community has expressed concerns relating to issues that require review from a broad group of experts. The concerns include, but are not limited to, pedestrian safety within the commercial zone, traffic flows along Main, Cow Bay and Shore Roads, the lack of parking within the commercial zone, and the integration of Quigley's Corner, Fisherman's Cove and the Marshland Boardwalk within the commercial zone. A detailed planning exercise is warranted to examine these issues.

- COM-3 It shall be the intention of Council to direct staff to undertake a detailed planning and urban design exercise for the area designated Community Commercial within Eastern Passage. The planning exercise will examine such issues as pedestrian circulation, parking, tree planting, and other streetscape elements to integrate Quigley's Corner, Fisherman's Cove and Marshland Boardwalk. (RC-Apr28/98, M-July 15/98)

Attachment B
Relevant Land Use By-law Regulations

PART 14: C-2 (GENERAL BUSINESS) ZONE

14.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Commercial Uses

Retail Stores
Art galleries, studios and workshops
Food, grocery and variety stores
Service and personal service shops
Offices
Commercial schools
Banks and other financial institutions
Restaurants, drive-ins, take-out restaurants, outdoor cafe and tea rooms
Entertainment uses to a maximum of 1600 square feet of floor area devoted to public use
Theatres and cinemas
Funeral parlours
Veterinary hospitals and kennels
Taxi and bus depots
Parking lots
Service stations
Re-cycling depots
Motels, inns, bed & breakfast establishments, and tourist cottage developments
Day care facilities
Display courts
Shopping Plazas and Malls
Bicycle rental outlets
Fish markets
Tourist information centres
Mini-storage warehouse
Dwelling units located in the same building as commercial shall not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor
Boat charter service
Boat or yacht club
Marina
Small Scale Fishing Operations

Residential Uses

Single unit dwellings
Two unit dwellings
Townhouse dwellings
Multiple unit dwellings up to a maximum of twelve (12) units including apartments
Boarding and rooming houses
Home business uses in conjunction with permitted dwellings

Community Uses

Institutional uses
Open space uses

14.2 LOT AND YARD REQUIREMENTS: COMMERCIAL AND INSTITUTIONAL USES, MULTIPLE UNIT DWELLINGS, AND BOARDING AND ROOMING HOUSES

Minimum Lot Area:	4000 square feet
Minimum Lot Frontage:	50 feet
Front/Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots.
Minimum Rear Yard:	40 feet
Minimum Side Yard:	4 feet on one side, 20 feet on the other
Maximum Lot Coverage:	50 percent
Maximum Building Height:	35 feet

14.3 BUILDING SIZE REQUIREMENTS

For any new, renovated or expanded commercial or institutional buildings in the C-2 Zone, the following shall apply:

Maximum Building Footprint:	7500 square feet
Maximum Gross Floor Area:	15,000 square feet

14.4 OTHER REQUIREMENTS: COMMERCIAL USES

For any commercial uses permitted in the C-2 Zone, the following shall apply:

- (a) Any area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.

- (b) No open storage or outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.

14.12 PARKING LOTS AND DRIVEWAY ACCESS REQUIREMENTS FOR
COMMERCIAL USES AND MULTIPLE RESIDENTIAL UNIT DWELLINGS

Where parking for more than four (4) vehicles is required, the following shall apply:

- (a) Parking shall not be permitted in any required front yard.
- (b) No more than one driveway access per lot shall be permitted for every fifty feet of lot frontage, except that corner lots may have one access per street, and service stations may have only two accesses.
- (c) Parking spaces and driving aisles may be located no closer than 4 feet from any wall of a building. Raised sidewalks or landscaping shall be provided in this area.
- (d) *Access shall be directly from Main Road, Shore Road or Cow Bay Road*
(emphasis added).