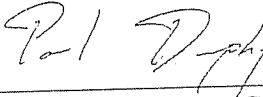




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North West Planning Advisory Committee  
February 2, 2011

**TO:** Chair and Members of North West Planning Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Director Community Development

**DATE:** January 13, 2011

**SUBJECT:** Case 16727 – Bedford Land Use By-law Amendment – Uses Permitted by Development Agreement

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### ORIGIN

Staff initiated an amendment to the Bedford Land Use By-law to clarify that uses in the Bedford West Comprehensive Development District are subject to a development agreement.

### RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

1. Give First Reading to the proposed amendments to the Land Use By-law for Bedford as provided in Attachment A of this report and schedule the public hearing; and
2. Approve the proposed amendments to the Land Use Bylaw for Bedford provided in Attachment A of this report.

## BACKGROUND

On June 20, 2006 Regional Council adopted the Bedford West Secondary Planning Strategy (SPS) and added relevant sections to the Bedford Land Use By-law (LUB). The SPS and related LUB sections are intended to enable development agreements for urban growth in the western portion of Bedford known as Bedford West.

Recently staff have identified that appropriate cross references were not placed in the Land Use By-law which clarify that the Bedford West area is to develop through the development agreement process.

There are two sections of the Bedford Land Use By-law which should reference the need for a development agreement:

1. **The Zone Section** - Part 10B of the Bedford Land Use By-law (Attachment C) which is the BWCDD (Bedford West Comprehensive Development District) Zone. This section lists all the permitted uses within the zone and identifies that such uses must be considered through a development agreement process.
2. **The Uses Permitted by Development Agreement Section** - Part 4 of the Land Use By-law (Attachment C) lists all uses that must be considered by development agreement. Currently, Part 4 does not reference the requirement for a development agreement for lands with the BWCDD. Therefore, the cross reference with Part 10B is incomplete.

## DISCUSSION

Staff is proposing to add a single clause to Part 4 of the Land Use By-law which identifies that within the Bedford West Comprehensive Development District a development agreement is required. The proposed clause is consistent with both the Bedford MPS, the Bedford West Secondary Planning Strategy and the Bedford LUB. This amendment is to simply correct an incomplete cross reference.

Staff is recommending that Council approve the proposed amendment to the Land Use By-law as outlined in the recommendation section of this report.

## BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2010/2011 operating budget for C310, Planning Applications.

## FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

## COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM Website and responses to inquiries. The local councillor for the area waived the need for a public information meeting, as the intent of the amendment is clearly a housekeeping amendment that furthers the intent of the MPS.

Should Council decide to proceed with a public hearing on this application, newspaper advertisements will be published as required by the Halifax Regional Municipality Charter.

The proposed amendment to the Bedford Land Use By-Law will potentially impact the following stakeholders: developers and property owners.

## ALTERNATIVES

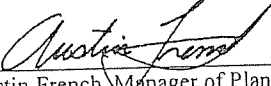
1. Council could approve the amendments to the Bedford Land Use By-law presented as Attachment A to this report as presented in this report. This is the course of action recommended by staff.
2. Council could decline to approve the amendments to the Bedford Land Use By-Law. If this course of action is taken, appropriate cross references will not exist within the Bedford Land Use By-law to enable the development agreement process.

## ATTACHMENTS

Attachment A	Proposed Amendments to the Bedford Land Use By-law
Attachment B	Relevant Bedford MPS Policies
Attachment C	Relevant Sections of the Bedford Land Use By-law

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: Andrew Bone, Senior Planner, 869-4226

Report Approved by:   
Austin French, Manager of Planning Services, 490-6717

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**Attachment A**  
**Proposed Amendments to the Bedford Land Use By-law**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Bedford Land Use By-law as enacted by the former Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows:

1. Part 4, Section 3, shall be amended by adding the following text after clause o):
  - “p) Within the Bedford West Secondary Planning Strategy Designation on the Generalized Future Land Use Map, a development agreement may be considered in accordance with the applicable policies of the Bedford West Secondary Planning Strategy.”

I HEREBY CERTIFY that the amendment to the Bedford Land Use By-law as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Cathy Mellett  
**Municipal Clerk**

**Attachment B**  
**Relevant Bedford MPS Policies**

***Policy BW-23:***

*The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.*

Attachment C  
Relevant Sections of the Bedford Land Use By-law

PART 4      USES PERMITTED BY DEVELOPMENT AGREEMENT

1. Council may by resolution under the authority of Section 55 or 56 of the Planning Act, approve any specific Development proposal as provided for in the policies in the Municipal Planning Strategy.
2. Approval by Council under Part 4, Section 1 shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as enabled by the Planning Act.
3. The Municipal Planning Strategy provides that the following shall be dealt with by Development Agreement in accordance with Residential Policies R-8 to R-17, R-27, R-27A, R-27B; Commercial Policies C-4, C-4a, C-5, C-7 to C-15, C-18, C-20, C-29A, C-31 to C-32; Waterfront Policies WF-20 to WF-23; Industrial Policies I-2, I-4 and I-7; Institutional Policy S-7 ; Environmental Policies E-4 to E-8, E-11, E-14 and E-45; and Implementation Policy Z-2.
  - a) Within the Residential Designation on the Generalized Future Land Use Map, a development agreement may be considered for the following uses:
    - i) the addition of an apartment unit to a single unit dwelling within established residential areas, other housing options as identified in Policies R-18 and R-19. Apartment units added within single unit dwellings shall not exceed 700 sq. ft. in area and detached garden flats shall not exceed 700 sq. ft. in area (Policy R-8);
    - ii) construction of dwellings on existing vacant lots within the residential development boundary which do not have frontage on a public street (Policy R-28);
    - iii) to permit excavation or in-filling to within 35 feet of any watercourse or water retention identified on the map showing environmentally sensitive areas in the Town (Policy E-4);
    - iv) the creation of flag lots (Policy R-27) and the creation of lots with reduced frontage ;
    - v) a single multiple unit building in accordance with Policy R-29 on the properties known as 25, 27, and 35 Dartmouth Road that does not comply with the zone requirements;
    - vi) a multiple unit dwelling on the former Crestview CCDD site (Policy R-31).

- b) Within the Residential Comprehensive Development District designation on the Generalized Future Land Use Map, a development agreement may be considered for a mixed residential development including senior residential complexes and mobile home parks and/or subdivisions (Policy R-9 and R-13);
- c) Within the Commercial Designation on the Generalized Future land use Map, a development agreement may be considered for the following uses:
  - i) office buildings in the Sunnyside area and within the CSC Zone which are in excess of the permitted height specified by the zone (Policy C-4);
  - ii) new shopping centres (Policy C-5);
  - iii) drinking establishments outside of the areas identified in Policy C-30 (Policy C-31);
  - iv) adult entertainment uses (Policy C-32);
  - v) multi-purpose convention centre (Policy C-18);
  - vi) highway commercial uses (Policy C-6).
  - vii) senior residential complexes (Policy C-7)
  - viii) residential dwelling units in excess of 50% of the gross floor area of a commercial/residential mix use building located at 1091-1095 Bedford Highway (C-21); and
  - ix) new multiple unit dwellings or renovations and expansions to existing multiple unit dwellings within the CMC Zone (C-21 (a)).
  - x) mixed use commercial/residential development on the south corner of the Bedford Highway and Moirs Mill Road (C-4a)
- d) within the Commercial Comprehensive Development District designation on the Generalized Future Land Use Map, a development agreement may be considered for mixed commercial and residential development as provided for in Policies C-7 to C-15.
- e) Within the Mainstreet Commercial designation on the Generalized Future Land Use Map, a development agreement may be considered to permit the modification of front and sideyard setbacks as well as front yard parking provisions in cases involving the redevelopment of existing buildings (Policy C-20). A development agreement also may be considered for residential uses per Policy C-29-A and C-20.;
- f) Within the WFCDD designation on the Generalized Future Land Use Map, a development agreement may be considered for a mixed use development which includes residential, commercial, institutional, and recreational land uses (Policy WF-20 to WF-22);
- g) Within the Industrial designation on the Generalized Future Land Use Map, a development agreement may be considered for the following uses:



- i) commercial office uses permitted within the CGB General Business District Zone in Atlantic Acres Industrial Park, the Bedford Business park, and the southern portion of the Bedford Industrial Park [Policy I-2 (a)];
  - ii) salvage yards in areas zoned Heavy Industrial (Policy I-4);
  - iii) structures associated with pits and quarries in areas designated industrial and zoned IHI Heavy Industrial (Policy I-7);
  - iv) industrial uses which produce, use, or store hazardous materials (Policy E-45);
- h) Within areas identified as environmentally sensitive, a development agreement may be considered to permit the development of environmentally sensitive lands consistent with the zoning on the property, subject to an environmental study being undertaken (Policy E-14);
- i) Within the Floodway designation on the Generalized Future Land Use Map, a development agreement may be considered to permit the redevelopment of existing uses within the 1:20 year floodway subject to the restoration or enhancement of the capabilities of the floodway (Policy E-11);
- j) Within all designations on the Generalized Future Land Use Map, a development agreement may be considered for a multi-service centre or special care facilities for 11 or more persons (Policy S-7);
- k) Within all designations on the Generalized Future Land Use Map except Residential, a development agreement may be considered for a hospital (Policy S-7);
- l) Within areas designated Industrial on the Generalized Future Land Use Map a development agreement may be considered for a correctional centre (Policy S-7);
- m) Within all commercial zones and the ILI, IHI, and SI Zones, a development agreement may be considered to permit the erection of a commercial, institutional, industrial, or multiple unit residential structure or excavation or in-filling of land within 100 feet but not less than 50 feet of any watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, following the completion of an environmental study (Policy E-8);
- n) Within any designation on the Generalized Future Land Use Map, a development agreement may be considered to permit a use which would not normally be permitted by a zone, but falls within the potentially permitted uses of the Generalized Future Land Use categories as shown on Table III within the Municipal Planning Strategy (Policy Z-2).
- o) Within the Bedford South Secondary Planning Strategy Designation on the Generalized Future Land Use Map, a development agreement may be considered in accordance with the applicable policies of the Bedford South Secondary Planning Strategy.

- (4) Notwithstanding anything in this by-law, in areas designated Rural Commuter under the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement:
- a) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
  - b) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.

**PART 10B BEDFORD WEST COMPREHENSIVE DEVELOPMENT DISTRICT  
(BWCDD) ZONE**

- 1) No development permit shall be issued for a development with a Bedford West Comprehensive Development District (BWCDD) Zone except in accordance with a development agreement approved pursuant to policies contained in the Bedford West Secondary Planning Strategy. (RC-June 20/06;E-July 29/06)