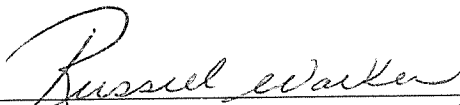




PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5, Canada

**Item No. 8.1 (ii)**  
**Halifax Regional Council**  
**June 8, 2010**  
**August 17, 2010**  
**January 11 2011**

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

**SUBMITTED BY:**   
Councillor Russell Walker, Chair, Chebucto Community Council

**DATE:** May 11, 2010

**SUBJECT:** Case 01251: Amendments to Halifax MPS - Western Shore Bedford Basin

#### **ORIGIN**

May 3, 2010 Chebucto Community Council meeting.

#### **RECOMMENDATION**

Chebucto Community Council recommends that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments A and B of the report dated February 18, 2010, and schedule a Public Hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments A and B of the report dated February 18, 2010.

### **BACKGROUND/DISCUSSION**

The report dated February 18, 2010 originated at the May 3, 2010 Chebucto Community Council meeting and is now being forwarded to Regional Council as required.

### **BUDGET IMPLICATIONS**

None associated with this report.

### **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. Regional Council may refuse the amendments in Attachments A and B of the report dated February 18, 2010.
2. Regional Council may choose to either adopt certain amendments but not others or alternatively request additional amendments in which case an additional staff report(s) may be required.

### **ATTACHMENTS**

Attachment A: Staff report dated February 18, 2010

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: Shawnee Gregory, Legislative Assistant, 490-6521

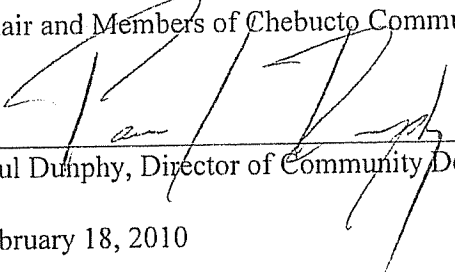
# ATTACHMENT A



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Chebucto Community Council**  
**April 12, 2010**

**TO:** Chair and Members of Chebucto Community Council

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

**DATE:** February 18, 2010

**SUBJECT:** **Case 01251: Amendments to Halifax MPS - Western Shore Bedford Basin**

---

## ORIGIN

- Halifax Harbour Secondary Plan Initiative;
- RFP #06-035: Land Use Planning Study, Western Shore Bedford Basin - Contract awarded April 2006; and,
- February 19, 2008 initiation of the MPS amendment process by Regional Council.

## RECOMMENDATION

**It is recommended that Chebucto Community Council recommend that Regional Council:**

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments A and B of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments A and B of this report.

## **BACKGROUND**

As a result of HRM's ongoing Halifax Harbour Secondary Plan initiative, it was determined that the western shore of the Bedford Basin warranted a specific land use planning study to help in devising appropriate policy direction. The study area covers the western shore of Bedford Basin from Hogans Point to the Waterfront Development Corporation Limited's Bedford Waterfront Phase II (Map 1). The overall objective of the "Land Use Planning Study, Western Shore Bedford Basin" was to analyse and make recommendations concerning future land use for the study area.

The planning study recommended additional study be undertaken in two areas, referred to as 'the bookends', that being the Birch Cove area in the south and the Bedford Waterfront Phase II in the north. Currently Visioning exercises are being undertaken within these areas. The current proposed amendments are targeted between the bookends which is the area between the north boundary of the Halifax Plan area and just north of Cresthaven Drive (Map 1).

**Initiation:** On February 19, 2008, Regional Council initiated the process to consider amending the Bedford Highway Secondary Planning Strategy of the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-laws (LUB) using the report's recommendations as a framework.

**Process:** The MPS amendments and the Halifax Mainland LUB amendments necessary to implement the MPS amendments are within the authority of Regional Council. The recommendations of staff have to be forwarded to Regional Council by Chebucto Community Council. The MPS and LUB amendment process requires a public hearing.

**Issues:** The study identified a number of matters to be addressed through the creation of policy or changes to existing policy. Those matters are:

- the infilling and use of water lots;
- implementation of the Active Transportation Multi-use Trail and associated facilities;
- establishing land uses and locations that will be subject to development agreements, including evaluative criteria;
- review of the permitted uses and provisions of the C-2B Zone;
- acknowledgement of the Department of National Defence Calibration Barge; and
- recognition of a potential site for a Wastewater Treatment Plant.

## **DISCUSSION**

**Water Lots:** The Water Access (WA) Zone was created in 2007 to address the potential cumulative effect of major infill activities on the Northwest Arm. The western shore of the Bedford Basin contains quite a number of water lots, some of which are privately owned and some of which are owned/managed by the Halifax Port Authority. Although there is currently little pressure to infill these water lots as a result of the barrier created by the railway lines, with the development of the Bedford Waterfront Phase II a potential new access point to these lands may be created. The

Municipality has no control over the activity of infilling itself<sup>1</sup>. However, the Municipality does control the eventual use and development of land once infilling has taken place and it is at this stage where municipal zoning, subdivision and other regulations can be applied in a manner which can address key issues. The amendments proposed through this report are limited in scope to development and subdivision controls once a water lot has been infilled as was previously implemented for the Northwest Arm. The planning study recommends that there should be no infilling of water lots between the bookends, in the short term, except for the Active Transportation Multi-use Trail and public purposes. The study raises concerns about loss or obstruction of views. Creation of the Water Access Designation and Zone should address this (refer to Schedules A and C). The study also recommends that in the long term infilling should be reconsidered as a logical extension of the Bedford Waterfront Phase II development.

The proposed MPS and LUB amendments do not prohibit infilling but are the same as those implemented for the Northwest Arm and if adopted in their entirety, will entail:

- rezoning of parcels to Water Access that will limit the use of land created by infilling to wharves, docks, historic sites and monuments, passive recreation uses, public works and utilities, and a multi-use trail system and associated facilities;
- establish a 9 metre (30 foot) setback from the shoreline in which only boathouses, wharves, docks, historic sites and monuments, parks on public lands, public works and utilities, a multi-use trail system and associated facilities, gazebos and existing structures are permitted;
- control over the size, height and number of boathouses and gazebos that can be erected within the 9 metre (30 foot) setback from the Basin;
- a restriction in using water lots for lot area and setback calculations; and
- a restriction against buildings on wharves, pillars, piles, or any other type of structural support located on or over a water lot. Public works, public utilities, ferry terminal facilities and a multi-use trail system and associated facilities will be exempt from this restriction.

**Active Transportation Multi-use Trail:** The study recommends that a multi-use active transportation trail should be developed through the study area along the shoreline from Hogan's Point to Bedford Waterfront Phase II. Proposed new policy indicates that the Municipality is encouraged to acquire water lots and lands on the eastern side of the Bedford Highway with frontage in order to ensure access for all users, to preserve views, provide opportunities for trailheads and to generally further opportunities for residents to view and interact with the Bedford Basin.

**Mixed Use Development by Development Agreement:** The study recognises the existing mix of uses along the Bedford Highway and seeks to create nodes of mixed use development at strategic locations which take advantage of existing uses and builds upon them. Between the bookends there are two locations identified for these mixed use nodes. The locations are around the intersection of Larry Uteck Boulevard and Bedford Highway and at the north end of the Halifax Plan Area.

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<sup>1</sup>Infilling is a jurisdiction of the Federal Government and not the Municipality.

Placing controls on these new mixed use developments can be accomplished by applying the development agreement process. The proposal is to place an overlay schedule (Schedule "R") on certain lands designated and zoned Highway Commercial (C-2B) where specific types of development will be only permitted by development agreement. Some lands north of Larry Uteck Boulevard are proposed to be re-designated and re-zoned to be included in Schedule "R" (refer to Schedules B, C and D).

Policy has been created (Attachment A) which identifies the criteria to be considered to guide the mixed use development. The criteria includes such items as the architectural design of the buildings; the scale of the buildings; retention of existing views; safe access; parking facilities; amenity areas, open space; the servicing capacity of the site; landscape treatment; and active transportation linkages.

Where Commercial uses are proposed, they are to comply with the C-1 (Local Business) Zone and meet other criteria such as being located on the first two floors; separation from residential uses; transparent street facades; uniform signage; and screening of refuse, odours and service deliveries.

**Highway Commercial Zone:** The Highway Commercial (C-2B) Zone, which is unique to the Bedford Highway Detailed Area Plan, is proposed to be revised by removing "businesses engaged in the sale of trailers, prefabricated homes, and heavy equipment" from the permitted uses as they are considered contrary to the desire to establish a neighbourhood commercial focus.

**Department of National Defence Calibration Barge:** The existing Department of National Defence Calibration Barge, located east of Birch Cove within a waterlot, is the only facility within Canada used for calibration of acoustic instruments. Policy is proposed to recognise this unique facility and indicate that HRM will pursue opportunities to work with DND to minimize disruption of its operation.

**Wastewater Treatment Plant:** The study identified a potential site for a Wastewater Treatment Plant immediately south of the Prince's Lodge waterlot but recognises that further study is necessary before the need for a facility here is verified. A proposed new policy identifies the potential facility.

**Housekeeping Amendment:** A minor adjustment to the boundary of the Bedford Highway Secondary Planning Strategy is required to align with property boundaries (refer to Schedule B).

A detailed description of all the proposed amendments are in Attachments A and B of this report.

**Public Information Meeting/Area of Notification:** Staff held a public information meeting on May 25, 2009. Minutes of the meeting are provided as Attachment C of this report. Community attendees were in favour of the proposed amendments. Should Regional Council hold a public hearing, newspaper advertisements will be published and notices will be sent to owners within the study area.

**Conclusion:** Staff is of the opinion that the proposed amendments represent an appropriate response to the recommendations of the Land Use Planning Study. As such, staff recommend that Regional Council adopt the attached amendments to the Halifax MPS and Halifax Mainland LUB.

### **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the proposed 2010/11 operating budget for C310 Planning & Applications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the proposed 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. Regional Council may approve the amendments in Attachments A and B of this report. This is the staff recommendation.
2. Regional Council may refuse the amendments in Attachments A and B of this report.
3. Regional Council may choose to either adopt certain amendments but not others or alternatively request additional amendments in which case an additional staff report(s) may be required.

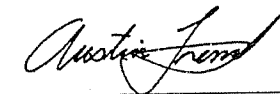
### **ATTACHMENTS**

Map 1	Study Area and Context
Map 2	Current Generalized Future Land Use
Map 3	Current Zoning
Attachment A	Amendments to the Halifax Municipal Planning Strategy
Attachment B	Amendments to the Halifax Mainland Land Use By-law
Attachment C	Minutes from May 25, 2009, Public Information Meeting

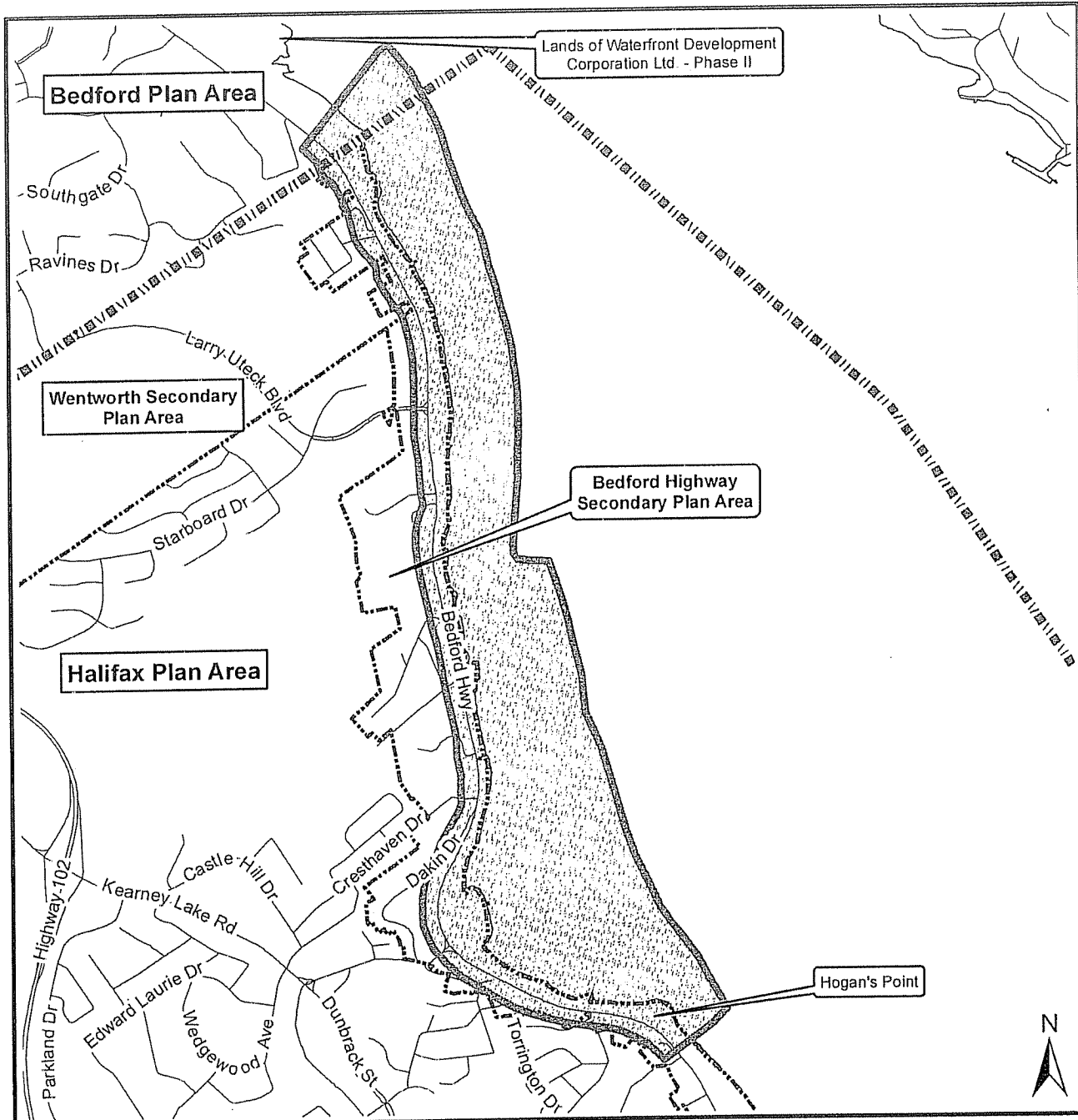
A copy of this report can be obtained online at <http://www.halifax.ca/commcounc/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Randa Wheaton, Senior Planner, 490-4499

Report Approved by:



Austin French, Manager of Planning Services, 490-6717



**Map 1 - Study Area and Context**  
Bedford Highway  
Halifax

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COMMUNITY DEVELOPMENT  
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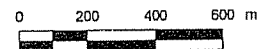
Study area



Plan area boundary



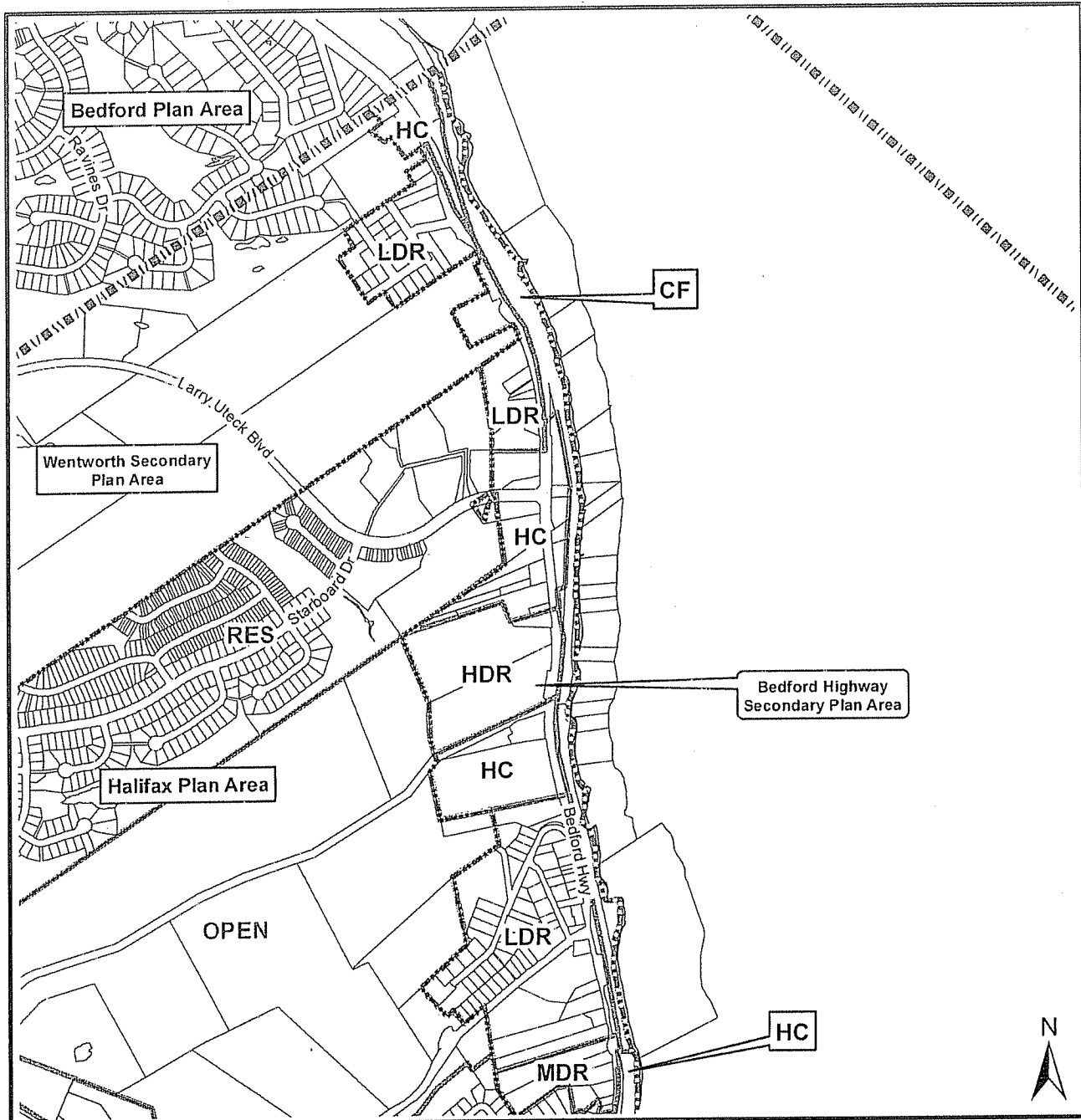
Secondary plan area boundary



Halifax Plan Area

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





## Map 2 - Current Generalized Future Land Use

Bedford Highway

Halifax

Plan area boundary

Secondary plan area boundary

Halifax Plan Area

Bedford Highway Secondary Plan Area

### Designation - Halifax

RES Residential Environments  
OPEN Major Community Open Space

### Designation - Bedford Highway

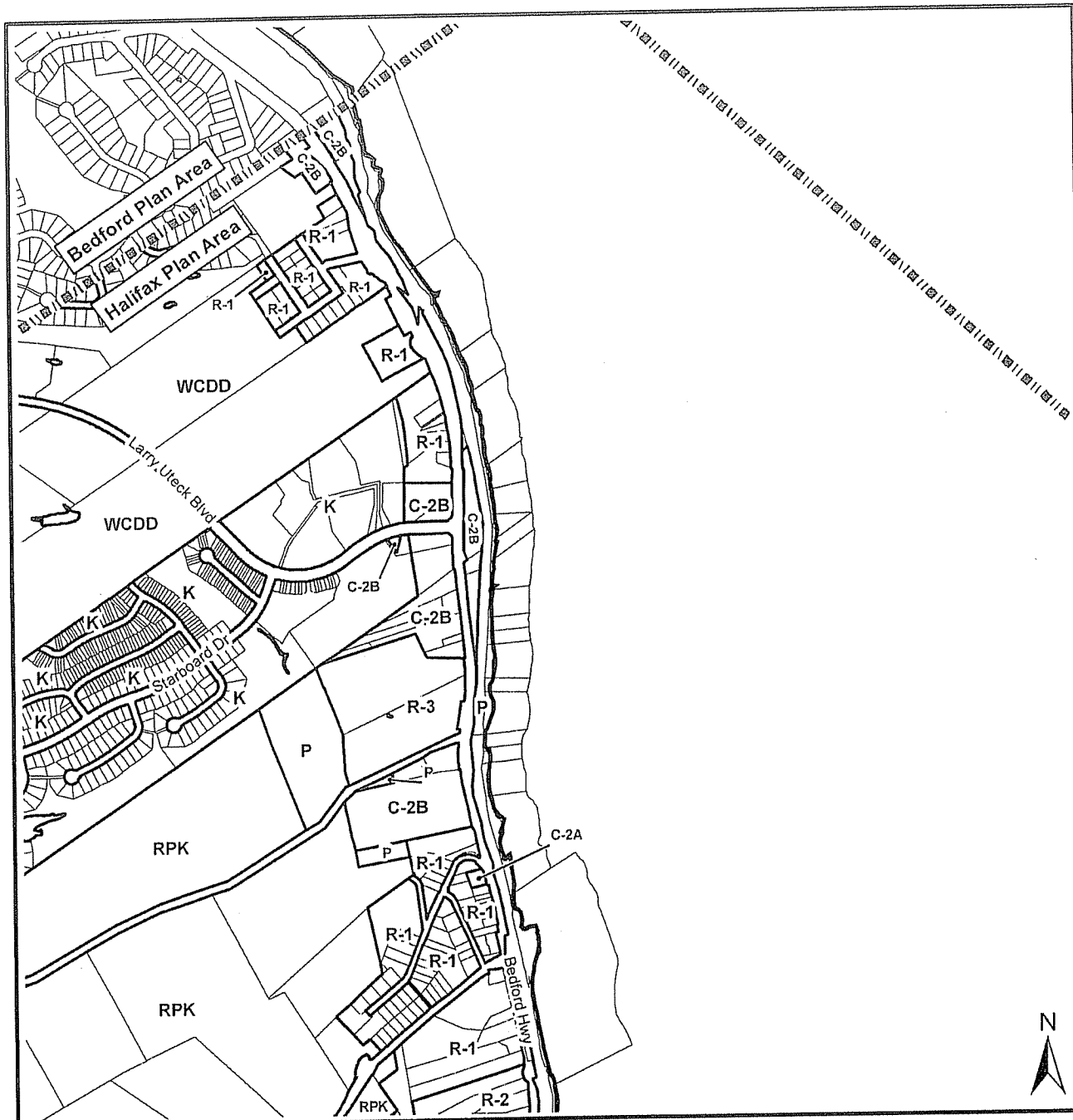
LDR Low Density Residential  
MDR Medium Density Residential  
HDR High Density Residential  
HC Highway Commercial  
CF Community Facility

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COMMUNITY DEVELOPMENT  
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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated

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### Map 3 - Current Zoning

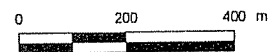
Bedford Highway  
Halifax

Halifax Mainland  
Land Use By-Law Area

#### Zone

R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-3	Low-Rise Apartment
C-2A	Minor Commercial
C-2B	Highway Commercial
K	Schedule K
P	Park and Institutional
RPK	Regional Park
WCDD	Wentworth Comprehensive Dev District

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COMMUNITY DEVELOPMENT  
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated

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

ATTACHMENT A

**Amendments to the Halifax Municipal Planning Strategy**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. By amending Section VIII, Part 1 Residential Environments, of the Municipal Planning Strategy for Halifax by adding the following policies immediately after policy 1.6 (iv):
  - 1.7 In order to promote investment in mixed use redevelopment within two specific nodes along the Bedford Highway, that being at the north end of the Halifax plan area and adjacent the intersection of the Bedford Highway and Larry Uteck Boulevard, and to prevent conflict between new and existing uses the Municipality may, through the land use by-law, identify areas that provide an opportunity for and will benefit from a mix of residential and commercial uses. In those areas identified in the land use by-law as Schedule "R", all mixed residential/commercial developments or residential developments that exceed 35 feet in height shall be considered by development agreement in accordance with Sections 242 to 245 and 249 of the Halifax Regional Municipality Charter and as illustrated on Map ZM-2
    - 1.7.1 In considering land use by-law amendments to allow inclusion of a specific property within Schedule "R", the lands must be within the Bedford Highway Secondary Plan area, designated Highway Commercial, zoned C-2B (Highway Commercial Zone) and be immediately adjacent to lands currently identified in the land use by-law as Schedule "R".
    - 1.7.2 In considering development agreements pursuant to Policy 1.7, Council shall consider the following:
      - (a) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;
      - (b) direct access to and sufficient frontage on Bedford Highway;
      - (c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;
      - (d) the scale of the building(s) having regard for the retention of public views;
      - (e) safe vehicular and pedestrian access to the site and building(s);

- (f) the adequacy of vehicle and bicycle parking facilities;
  - (g) the location of the majority of the vehicular parking below or to the side or rear of the building(s) with a maximum of 5% of the total parking in front of the building(s) only where appropriate landscape measures along the street edge are provided;
  - (h) the provision of both interior and exterior amenity areas and open space of a high quality, of a size and type adequate for the active and passive use of the residents;
  - (i) the adequacy of the servicing capacity of the site;
  - (j) the provision of appropriate buffering and landscape treatment;
  - (k) the potential impact of shadowing on surrounding residential buildings beyond what currently exists;
  - (l) demonstrated incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the site and building design; and
  - (m) the provision of active transportation linkages, where needed.
- 1.7.3 Pursuant to Policy 1.7.1, where Commercial uses are proposed to be provided, Council shall consider the following:
- (a) commercial uses which comply with the C-1 (Local Business) Zone;
  - (b) commercial uses on no more than the first and second floors or in stand alone buildings;
  - (c) physical separation from abutting existing residential uses;
  - (d) transparent and interactive facades along street frontages;
  - (e) uniform treatment and consolidation of both ground and fascia signage; and
  - (f) adequate accommodation and screening of refuse/recycling, odours, mechanical equipment and service areas.
2. By amending Section VIII, Part 2 Commercial Facilities, of the Halifax Municipal Planning Strategy by deleting Section 2.3.1 and replacing it with the following:
- 2.3.1 In areas shown as highway commercial the Municipality shall permit motels; motor vehicle repair shops; motor vehicle dealers; and minor commercial uses.

3. By amending Section VIII, Part 5 Community Facilities, of the Municipal Planning Strategy for Halifax by adding the following policies immediately after policy 5.1.1:
  - 5.1.2 Pursuant to Section II, Policy 7.4.3 of the Halifax Municipal Planning Strategy and Policy EC-8 and the Halifax Harbour Plan, Map 9, of the Regional Municipal Planning Strategy, the Municipality shall seek to provide an Active Transportation Multi-use Trail along the western shore of the Bedford Basin from Hogan's Point in the south to the northern boundary of the Halifax Plan Area. The waterfront trail shall be designed in accordance with HRM's Active Transportation Plan, Facility Planning and Design Guidelines. Once established, the Active Transportation Multi-use Trail will serve to provide uninterrupted views of the Bedford Basin.
    - 5.1.2.1 Pursuant to Policy 5.1.2, the Municipality shall seek to acquire both water lots and lands on the eastern side of the Bedford Highway with frontage to ensure adequate access for all users, to preserve views of the Bedford Basin from the Bedford Highway, provide opportunities for trailheads and parking and to generally further opportunities for residents of the Municipality to interact visually and physically with the Bedford Basin.
4. By amending Section VIII, Part 5 Community Facilities, of the Municipal Planning Strategy for Halifax by adding the following policies immediately after policy 5.2:
  - 5.3 The existing Department of National Defence Calibration Barge located east of Birch Cove within a defined waterlot is used for the calibration of acoustic instruments and is the only facility of this type within Canada. Certain types of construction activity can have a negative impact on their operation, such as but not limited to, marine related activities, placing fill at the water's edge, soil compaction activities and pile driving. Due to the unique nature of this facility, HRM will pursue opportunities to work co-operatively with the Department of National Defence with the objective to minimize disruption of their normal operations.
  - 5.4 A potential site for a Wastewater Treatment Plant has been identified immediately south of the Prince's Lodge waterlot. Should this project proceed in this location it should be designed to include some public amenities and to not impact public views from Bedford Highway.
5. By amending Section VIII, Part 6 Environment, of the Municipal Planning Strategy for Halifax by adding the following policies immediately after policy 6.3:
  - 6.4 The Bedford Basin is a substantial water body characterized by mix of industrial uses, public parks, historic assets, commercial uses and a variety of residential uses. Halifax Regional Municipality recognizes that unfocused subdivision, development and water lot infilling activities along the Bedford Basin may result in undesirable impacts on the character of the area, on traditional views of the Bedford Basin, on its recreational use

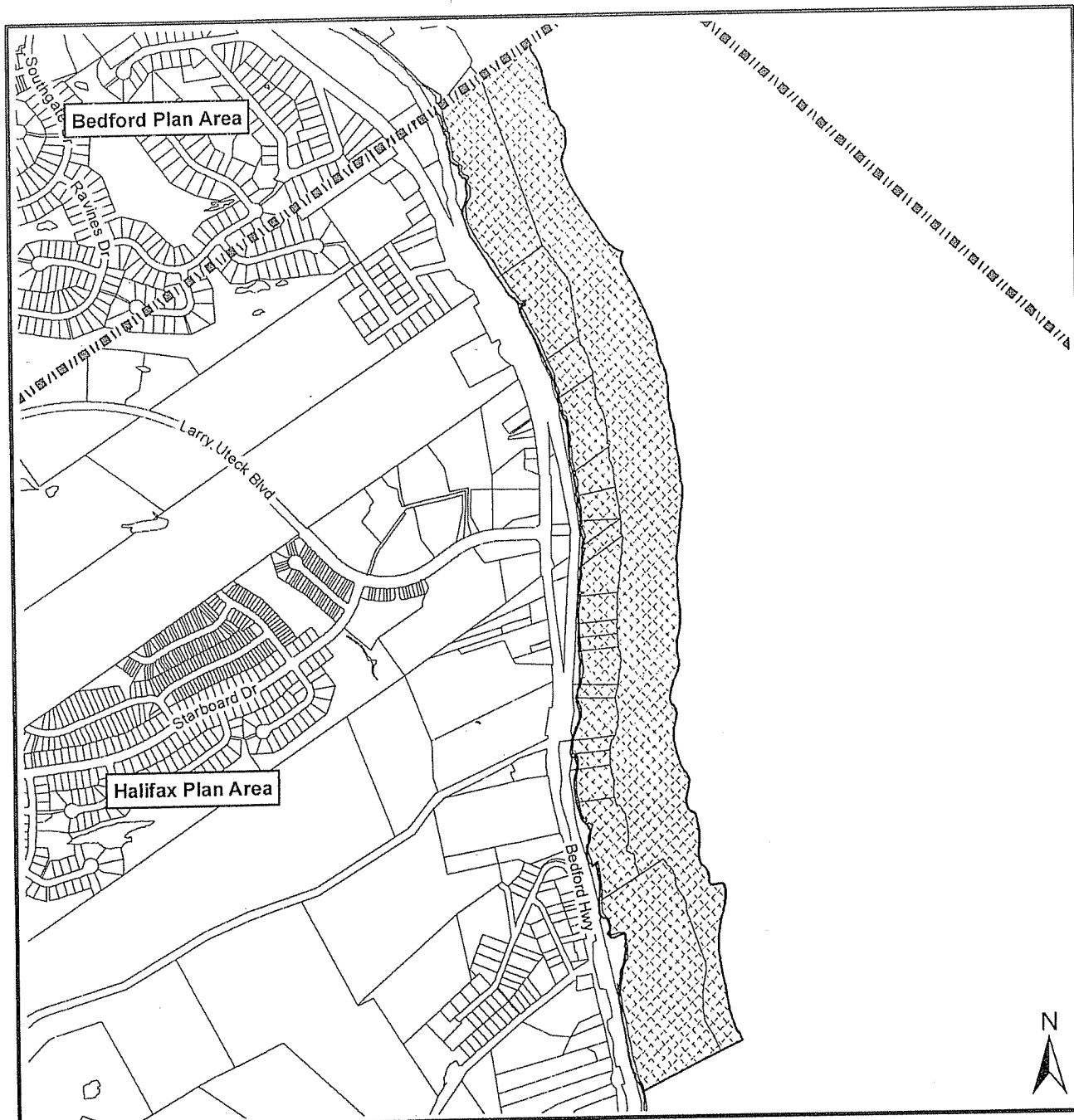
and on its marine environment. As a means of protecting the character of the Bedford Basin, the Municipality shall control development and subdivision on lots and water lots along the Bedford Basin between the southern boundary of PID 00279786 and the northern boundary of the Halifax Plan Area. Specific measures will include limiting the type of structures that will be allowed on both infilled and non-infilled water lots, implementing a setback from the Bedford Basin, limiting the type and size of structures to be built within the Bedford Basin setback, and preventing infilled and non-infilled water lots from being used in lot area and setback calculations.

- 6.4.1 In order to carry out the intentions described in 6.4, the Municipality shall designate the seabed of the Bedford Basin seaward of the Ordinary High Water Mark, as it existed on the effective date of the adoption of this amendment for a distance of 250 metres from the southern boundary of PID 00279786 to the northern boundary of the Halifax Plan Area and as generally shown on Map 9, the Generalized Future Land Use Map for the Halifax Plan, as Water Access. Through the Land Use By-laws, the Municipality shall establish a corresponding Water Access Zone which shall apply to any new land created by infilling of the Bedford Basin. Development within this Zone shall be limited to public works and utilities, municipal, provincial and national historic sites and monuments, passive recreation uses, a multi-use trail system and associated facilities, wharves and docks.
- 6.4.2 The Municipality shall encourage the respective provincial and federal approval authorities from issuing any approval to permit the infilling of water lots, which would be detrimental to the objectives described in policy 6.4. Infilling activities related to the construction of public works and utilities, municipal, provincial and national historic sites and monuments, passive recreation uses, a multi-use trail system and associated facilities, wharves and docks are not considered to be detrimental to the objectives of policy 6.4.
- 6.4.3 The Municipality shall also encourage the respective provincial and federal approval authorities to refer any marine related infrastructure or infilling requests and applications occurring along the western shore of the Bedford Basin as described in Section 8.13, to the Development Officer for review of compliance with the Land Use By-law.
6. By amending Map 9 of Section II, Part 16 Generalized Future Land Use Map, of the Municipal Planning Strategy for Halifax to show the new areas designated as Water Access as illustrated in Schedule A.
7. By amending Map 9D of Section VIII, Part 9 Generalized Future Land Use Map, of the Municipal Planning Strategy for Halifax to show the new areas designated as Highway Commercial and adjustments to the secondary plan boundaries as illustrated in Schedule B.


THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2010.

GIVEN under the hand of the Acting Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Acting Municipal Clerk




**Schedule A - Amendments to the Halifax Municipal Planning Strategy  
Generalized Future Land Use Map (Map 9)**

 Area to be designated WA (Water Access) on Map 9 (Generalized Future Land Use) of the Halifax Municipal Planning Strategy

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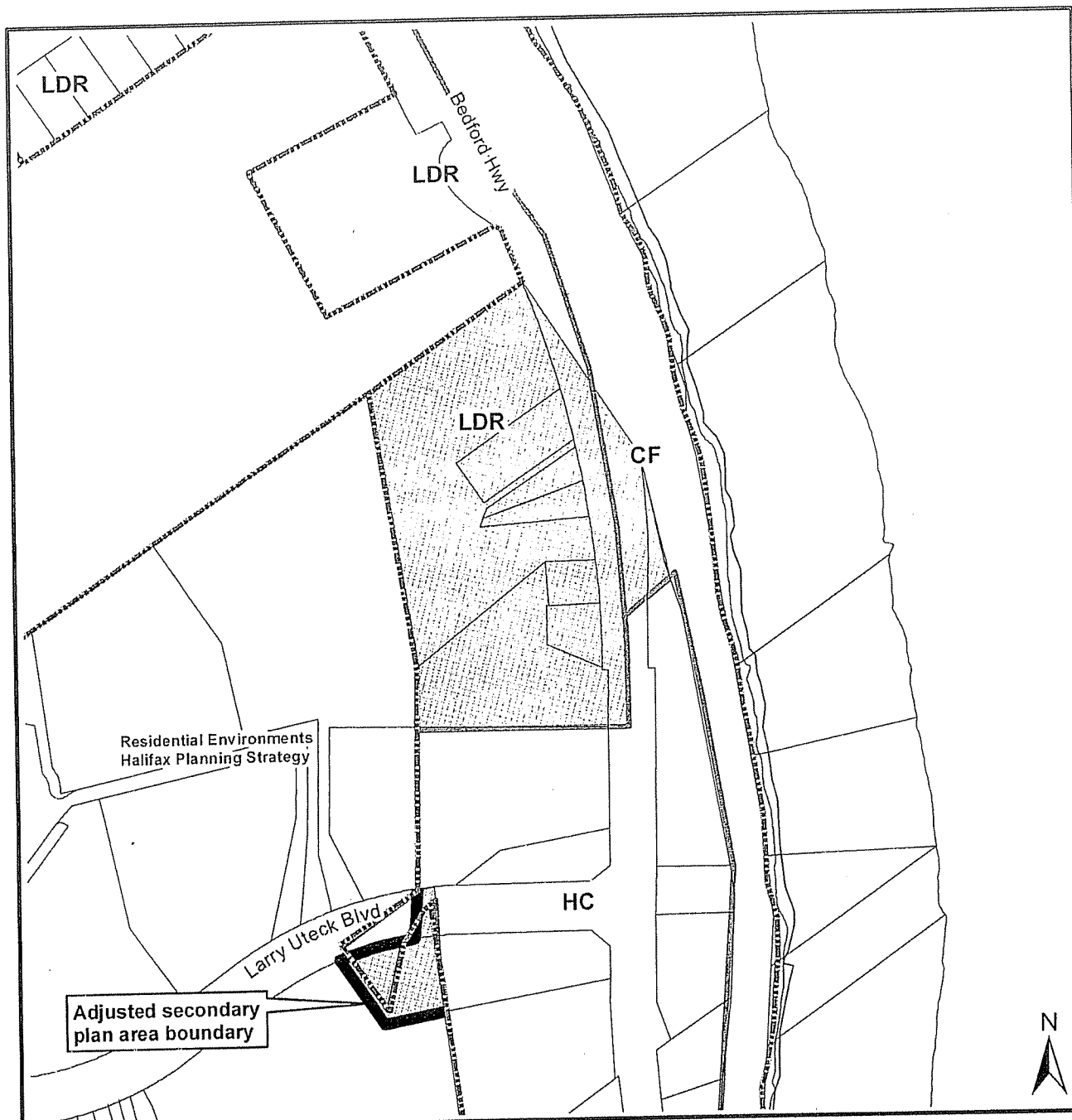
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Halifax Plan Area



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any representation on this plan





# **Schedule B - Amendments to the Bedford Highway Secondary Planning Strategy Generalized Future Land Use Map (Map 9D)**

Bedford Highway  
Halifax

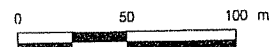
-  Secondary plan area boundary
-  Area to be redesignated
- HC (Highway Commercial)

Halifax Plan Area  
Bedford Highway Secondary Plan Area

## **Designation - Bedford Highway**

- LDR Low Density Residential
- HC Highway Commercial
- CF Community Facility

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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated

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

ATTACHMENT B

**Amendments to the Halifax Mainland Land Use By-law**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

1. By adding the following definition after the definition of "Water Service":

"Western Shore of the Bedford Basin Water Access Area" means the area identified as the seabed of the Bedford Basin seaward of the Ordinary High Water Mark, as it existed on the effective date of the adoption of this amendment, for a distance of 250 metres from the southern boundary of PID 00279786 to the northern boundary of the Halifax Plan Area.

2. By replacing Section 14U with the following:

DEVELOPMENT AND SUBDIVISION ON THE NORTHWEST ARM AND THE WESTERN SHORE OF THE BEDFORD BASIN

14U For any development or subdivision within the Northwest Arm Water Access Area or the Bedford Basin Water Access Area, in addition to all other applicable requirements of this By-law, the following requirements shall apply:

(a) Definitions:

- (i) "Boathouse" means a building or structure, whether permanent or temporary, which is located on a waterfront lot, which is roofed, which does not contain toilet, bathroom, kitchen or sleeping facilities and which is used for the shelter or storage of boats, watercrafts and associated marine accessories and equipment, but not for the accommodation of persons, animals, or vehicles as defined by the Motor Vehicle Act.
- (ii) "Gazebo" means a freestanding, roofed accessory building or structure, which is not enclosed, which does not contain toilet, bathroom, kitchen or sleeping facilities, and which is not used for the accommodation of animals or vehicles as defined by the Motor Vehicle Act.
- (iii) "Shoreline" means the Ordinary High Water Mark as defined under the Nova Scotia Land Surveyors Regulations and as it existed on the effective date of this Section.

- (iv) "Water Lot" means any part or parcel of land located seaward of the Shoreline as illustrated on Map 9 the Generalized Future Land Use Map for the Halifax Plan Area.
- (b) In addition to all other applicable requirements of this by-law:
  - (i) No structure, with the exception of boathouses, public works and utilities, ferry terminal facilities, a multi-use trail system and associated facilities, parks on public lands, wharves, docks, gazebos, municipal, provincial and national historic sites and monuments, and existing structures may be located within 9 metres (30 feet) of the Shoreline within the Water Access Zone.
  - (ii) Where boathouses and gazebos are to be located within 9 metres (30 feet) of the Shoreline within the Water Access Zone, they shall be limited to one boathouse and one gazebo per lot and each structure may have a maximum area of 121.92 square metres (400 square feet), a maximum width of 6 metres (20 feet) on the side that is most parallel to the Shoreline, a maximum depth of 7.8 metres (26 feet), a minimum roof pitch of 5/12 and a maximum height of 4.2 metres (14 feet);
- (c) Notwithstanding Subsection (b), the 9-metre (30-foot) Northwest Arm Shoreline setback shall not apply to the properties identified by the following P.I.D. numbers: 00251868 (leased to the Armdale Yacht Club), 00274548 and 00270942 (Royal Nova Scotia Yacht Squadron).
- (d) No portion of a water lot shall:
  - (i) be included within the calculation of the minimum setback required by clause (b)(i);
  - (ii) be included within the calculation of the minimum lot area requirements of this by-law; and,
  - (iii) have frontage on any street not opened for vehicular use as of January 1, 2010.
- (e) The requirements of this Section shall continue to apply to water lots following any subsequent consolidation with abutting land lots.

3. By replacing Section 17(h) with the following:

- 17(h) Notwithstanding Subsection 17(e), the boundary of the WA Zone is deemed to coincide with the Shoreline of the Northwest Arm or the Western Shoreline of the Bedford Basin.

4. By replacing the Water Access Zone with the following:

WA

Water Access Zone

- 62EE (1) The following uses shall be permitted in any WA Zone:
- (a) wharves and docks;
  - (b) municipal, provincial and national historic sites and monuments;
  - (c) passive recreation uses; and,
  - (d) public works and utilities.
- 62EE (2) No person shall in any WA 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 subsections (1), (5) or (6).
- 62EE (3) No person shall in any WA 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 subsections (1), (5) or (6).
- 62EE (4) No person shall in any WA Zone construct or erect a building, with the exception of public works, public utilities, a multi-use trail system and associated facilities and ferry terminal facilities, on a wharf, on pillars, on piles, or on any other type of structural support located on or over a water lot.

NORTHWEST ARM

- 62EE (5) Ferry Terminal Facilities shall be permitted within the Northwest Arm Water Access Zone.

WESTERN SHORE OF THE BEDFORD BASIN

- 62EE (6) A multi-use trail system and associated parking facilities shall be permitted within the Western Shore of the Bedford Basin Water Access Zone.

5. By adding to the Schedules part of the By-law the following immediately after section 73(b):

SCHEDULE "R"

- 74 In an area designated Schedule "R", any residential or commercial use shall be

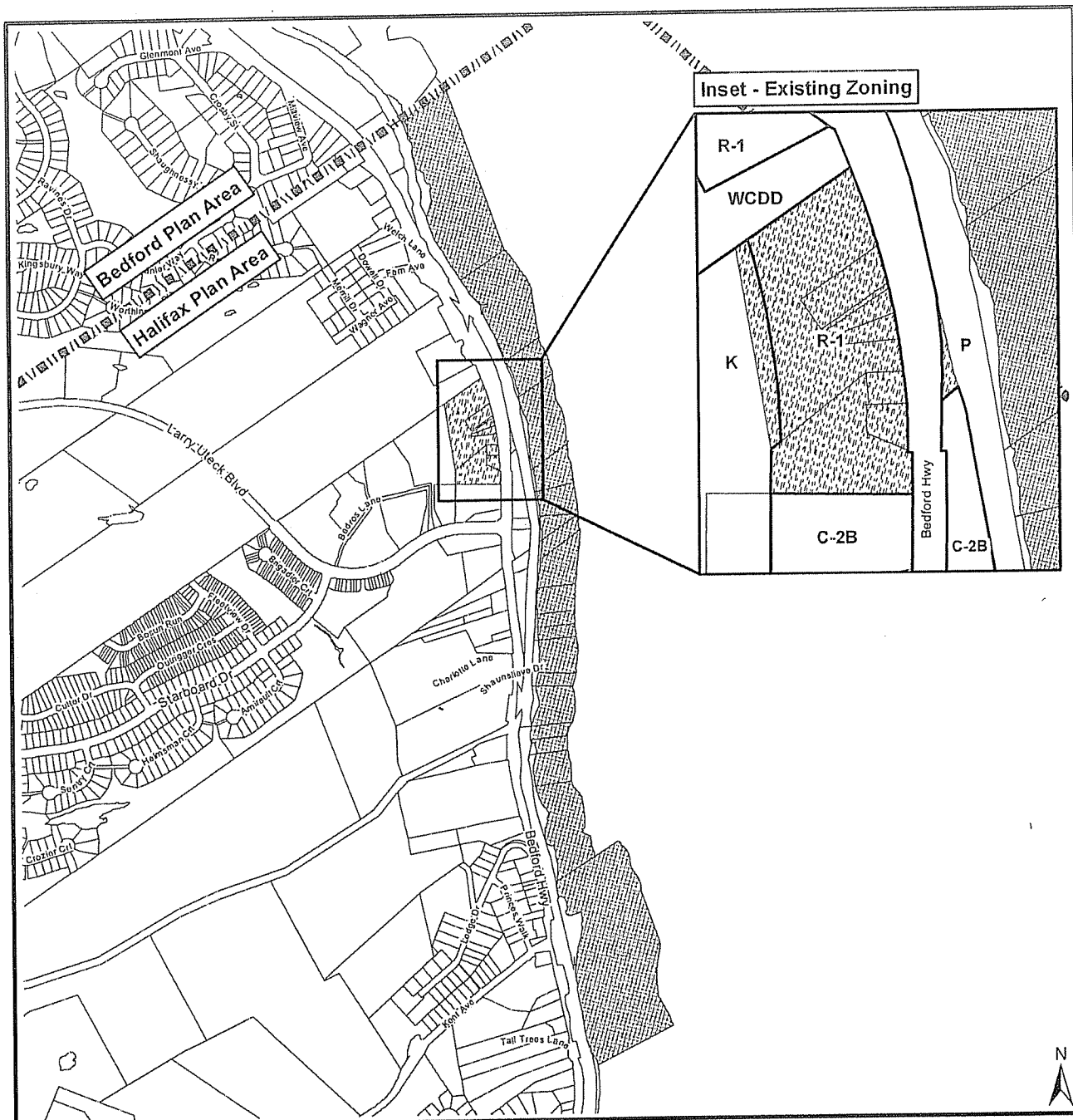
permitted which is permitted by the land use by-law designation of such area, provided that:

- (a) residential and commercial uses shall not exceed a height of thirty-five (35) feet;
  - (b) Council may, after a public hearing and by resolution, approve any specific development requested which would not otherwise be permitted by this by-law, provided that no approval shall be given inconsistent with Policies 1.7, 1.7.1, 1.7.2 and 1.7.3 of Part 1, Section VIII, of the Municipal Planning Strategy;
  - (c) approval by Council under Subsection (b) 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 Council may direct;
  - (d) applications for amendments to agreements made pursuant to Subsection (b) may be made by Council after a public hearing if deemed necessary.
6. By amending the C-2B (Highway Commercial) Zone by deleting Section 38AA(1)(e) and renumbering (f) to become (e).
7. By amending Zoning Map "ZM-1" to change lands to be rezoned to C-2B (Highway Commercial) and WA (Water Access) along the western shore of the Bedford Basin as illustrated in Schedule "C"
8. By amending Planning Areas Map "ZM-2" to include Schedule "R" lands as illustrated in Schedule "D".

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2010.



GIVEN under the hand of the Acting Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Acting Municipal Clerk



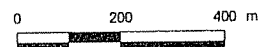
# **Schedule C - Amendments to the Halifax Mainland Land Use By-Law Zoning Map (ZM-1)**

Bedford Highway  
Halifax

-  Area to be zoned WA (Water Access)
-  Area to be rezoned C-2B (Highway Commercial)

Halifax Mainland  
Land Use By-Law Area

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES




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



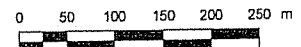
**Schedule D - Amendments to the Halifax Mainland Land Use By-Law  
Schedules and Secondary Plan Areas Map (ZM-2)**

Bedford Highway  
Halifax

 Area of Schedule R

Halifax Plan Area  
Bedford Highway Secondary Plan Area

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES



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

ATTACHMENT C

**Public Information Meeting Minutes**

Case No. 01251

**Application by HRM to Amend the Bedford Highway Secondary Planning Strategy**

**7:00 p.m. on May 25, 2009**

**St. Peter's Anglican Church Hall**

**STAFF IN**

**ATTENDANCE:**

Randa Wheaton, Senior Planner, HRM Planning Services  
Paul Morgan, Senior Planner, HRM Regional & Community Planning  
Holly Kent, Planning Technician, HRM Planning Services  
Alana Hines, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:**

Councillor Debbie Hum, District 16

**PUBLIC IN**

**ATTENDANCE:**

Approx. 9 people

The meeting commenced at approximately 7:05 p.m.

**1. Opening Remarks/Introductions/Purpose of Meeting**

Randa Wheaton welcomed everyone and introduced herself as a Senior Planner with HRM and the Planner assigned to this application by HRM to amend the Bedford Highway Secondary Planning Strategy as a result of a study that was done. Ms. Wheaton introduced the Councillor for the area, Councillor Hum, representing District 16. Ms. Wheaton also introduced Alana Hines, Planning Controller and advised that the meeting minutes would be recorded and form part of the staff report submitted to Council. Paul Morgan was also introduced as the Senior Planner from Regional & Community Planning, also working on this application.

The agenda, purpose, and study area were reviewed.

**2. Application**

**Background Information**

The study came about from the Halifax Harbour Plan Initiative. From this it was determined that there was a need for a planning study for the Western Shore of Bedford Basin. Request for Proposals went out in 2007 to do this study and Public Consultation was incorporated into this as well.

In February 2008 the study was presented to Council, it was approved in principle and Staff was requested to do three things:



- (a) Start process to amend Municipal Planning Strategy (MPS) and Land Use By-Laws (LUBs)
- (b) Develop program for infrastructure Improvements for Corridor & Trail
- (c) Prepare Terms of Reference (ToR) for detailed Urban Design Study/Streetscape Study for Bedford Highway/Kearney Lake Road Intersection Area.

#### The Planning Process

The Planning Process involves having a Public Information Meeting (this is what the meeting is tonight). Then HRM Staff will review and prepare a report and draft MPS and LUB Amendments. A Public Hearing, at Regional Council, will be held, which is another opportunity for the public to comment, and the end decision will be with Regional Council to approve or not approve.

Ms. Wheaton asked Paul Morgan, Senior Planner, to address the Birch Cove Study.

Mr. Morgan indicated the Council authorized the study last year and this came from the directive from the Bedford Basin Study to do a detailed design study for Birch Cove. There were similar recommendations for Bedford Waterfront during this process. Council authorized Staff to select a Consultant to undertake this study, and the Waterfront Development Corporation are paying half the cost of the study. A public workshop was held in April, and a Steering Committee was selected by Council to over see this study and the Steering Committee consists of representatives from the Community, Property Owners. Using a visual aid, Mr. Morgan described where the Birch Cove Study area was. The next component of this design is to show the 3 alternative designs which will be presented by Ekistics at a public presentation at St. Peter's Anglican Church Hall, on Thursday, June 18, 2009 at 7:00 pm.

Ms. Wheaton indicated that the purpose is to implement the recommendations of the Western Shore of the Bedford Basin Land Use Study and the focus is on the area between what is referred to as the "the book ends" (Bedford Waterfront Phase 2 and the area that Paul had described by Kearney Lake Road). The area between these "book ends" is the area that Ms. Wheaton is looking at making recommendations to the MPS and LUB.

A land use plan was shown and described.

The proposed changes relate to the following items:

- Highway Commercial Uses
- New Mixed Use Development
- Active Transportation Multi-use Trail (ATMT)
- Water lots

#### Highway Commercial Uses

This is the wording of the existing MPS and added to it (the added part is in italic text):

2.3.1 In areas shown as highway commercial the Municipality shall permit motels; motor vehicle repair shops; motor vehicle dealers; sales of trailers; prefabricated homes and similar goods; and minor commercial uses *expect that motor vehicle dealers; sales of trailers prefabricated homes and similar goods shall not be permitted on the Bedford Highway in the area between Cascade Drive and the northern boundary of the plan area.*

#### New Mixed Use

- Rezone lands to Bedford Highway Comprehensive Development Zone (BHCDD)
- Mixed use permitted by development agreement

#### Possible Criteria:

- Compatible with the surrounding area;
- Direct access to & sufficient frontage on Bedford Highway;
- architectural design of the building including high quality building materials, articulation of and variation to building facades; creative architectural detailing and use of green building technologies;
- Scale of building having regard for retention of existing views;
- Safe vehicular and pedestrian access to the site and building;
- Adequacy of vehicle and bicycle parking facilities;
- location of vehicular parking below or to the side or rear of building;
- Provision of both interior and exterior amenity areas and open space for active and passive use by residents;
- Provision of affordable and accessible residential units;
- Adequacy of the servicing capacity of site;
- Provision of appropriate buffering and landscape treatment;
- Project designed to be in keeping with small town or village feel.

#### Commercial uses

- Uses which comply with the C-2 (Local Business) Zone;
- Uses on no more than the first and second floors;
- Physical separation from abutting residential uses;
- Uniform treatment and consolidation of both ground and fascia signage;
- Adequate and inoffensive accommodation of refuse, odours and service deliveries.

A map of the location proposed for the BHCDD allowing mixed uses was shown.

#### Active Transportation Multi-use Trail

- Seek to provide an Active Transportation Multi-use Trail along the western shore of the Bedford Basin from Hogan's Point to the northern boundary of the plan area.
- Once established, ATMT will serve to provide uninterrupted views of Bedford Basin.

Design Considerations:

- Public safety;
- Vehicular and pedestrian linkages to the trail;
- Opportunities for public parking to accesses the trail;
- Appropriate physical and spacial separation from the active CN rail track;
- Appropriate lighting and landscape treatment;
- CPTED principles in design and construction of trail and linkages;
- Emergency vehicle access
- Preservation and enhancement of natural shoreline where possible;
- Access to water's edge for recreational opportunities;
- Views to and from the trail;
- Sea level rise;
- Principles of the planning and design guidelines of HM's Active Transportation Plan.
- Seek to acquire both water lots and lands on the eastern side of the Bedford Highway with frontage to ensure:
  - adequate access for all users;
  - preserve views of the Bedford Basin from the Bedford Highway;
  - provide opportunities for trailheads and parking;
  - generally further opportunities for residents to interact visually and physically with the Bedford Basin.
- Any developments that directly abut the Bedford Basin shall include ATMT.

Water Lots

- HRM recognizes that:
  - unfocused subdivision, development and water lot infilling activities may result in undesirable impacts on:
    - the character of the area;
    - on traditional view of the Bedford Basin;
    - on its recreational use;
    - on its marine environment.
- This being the case, HRM is to control development and subdivision on lots and water lots between Cresthaven Drive and north boundary of the plan area by designating the seabed of the Bedford Basin seaward of the Ordinary High Water Mark as Water Access and establishing a corresponding Water Access Zone which shall apply to any new land created by infilling.
- Specific Measures:
  - limiting the type of structures allowed on both infilled and non-infilled water lots;
  - implementing a setback from the Bedford Basin;
  - limiting the type and size of structures withing the setback;

- ▶ preserving infilled and non-infilled water lots from being used in lot area and setback calculations.
- Development limited to:
  - ▶ public works and utilities;
  - ▶ municipal, provincial and national historic sites and monuments;
  - ▶ passive recreation uses;
  - ▶ a multi-use trail system and associated facilities;
  - ▶ wharves and docks.

This is using the same model for the North West Arm, which has been very successful. It's the hope that this will follow along with this.

- Municipality shall encourage the respective provincial and federal approval authorities:
  - ▶ from issuing any approval to permit the infilling of water lots.
  - ▶ to refer and marine related infrastructure or infilling requests and application to the Development Officer for review of compliance with the Land Use By-law.

A map of the Water Lots area was shown.

#### LUB Amendments

- Once the MPS policies have been drafted then the LUB amendments are drafted to implement the policies.
- The MPS policy amendments and LUB amendments will proceed together to Regional Council.
- A Public Hearing will be held.

### **3. Questions/Comments**

Davena Davis indicated that she was at a meeting last week regarding a proposed building by Fares on the Bedford Highway and at that meeting she asked how it fitted with the "book end" plan and they are hoping to get it approved ahead of the plans. She doesn't feel it is the most attractive of buildings and it doesn't seem to allow for pedestrian access and the trail is suppose to bring this area to the Bedford Waterfront. She asked it if is legit to get it in ahead of this planning.

Mr. Morgan indicated that this is actually outside of the Halifax Plan area, it is in the Bedford portion, it is in the Bedford Waterfront area, this person made application according to what they believe are the current policies and they have a right to go forward with this, whether or not the Community Council will agree that it conforms to the policy of the day, he doesn't know what that outcome will be. The Steering Committee for the Bedford Waterfront feels very strongly that they would rather finish the study and plan that property in relation to everything else.

Ms. Davis asked if HRM has any way to hold this proposal off. Ms. Wheaton said it is not as-of-right and Mr. Morgan said Council would have to consider a Development Agreement for this. All he can say, on this portion of Halifax there are no applications trying to go through before this planning process is complete. Mr. Morgan knows and understands the concerns and they have been brought up with the Supervisor of Regional and Community Planning.

Wayne Ingalls said it seems to him that development should be compatible with what is already there and wanted to bring attention to a specific area at the foot of Lodge Drive. One side is Princess Lodge Subdivision (Kent Park Subdivision) and the zone is single family dwellings, beside it there are three huge apartment buildings, which he believes is zoned multi-tenant. There is someone who wants to develop the piece in between, and right now it is zoned single family. The question is, if a developer says that what they want to do is compatible with what is next door (multi-use) how is the decision made.

Ms. Wheaton said first of all because it is zoned single family, the developer would have to make an application for a rezoning. This area location is not within the mixed use area being discussed at this meeting, so the developer would have to go through a process to amend the zoning and all sides of the development would be considered at that time.

Mr. Ingalls said that Ms. Wheaton indicated that HRM will try to maintain the existing shoreline where possible, for the trail, but he has concerns about original shore lines and wants to know what will actually be retained, not destroyed. Mr. Morgan said there will have to be infill in places to make the trail. Mr. Ingalls agreed, but wanted to know if existing shorelines could be maintained. Mr. Morgan indication that there are many areas with erosion along from China Town to Hogan's point. Ms. Wheaton said that the trail system will be designed to have diversity along the trail and some of it will be at waters edge and other places it will be set back.

Manon Gilroy asked if there would be any thought in the future to widen the Bedford Highway and was concerned about the Bedford Highway/Kearney Lake intersection and asked if there will be change to this as it is currently a dangerous area. Ms. Wheaton indicated that there are no plans to widen Bedford Highway at this point in time. The study talks about improving the Bedford Highway to include sidewalks and street trees so that people can utilize it. Councillor Hum said there are no plans at this time in the Regional Transportation Plan. As an outcome of the study, maybe something will come out of it regarding entrances to the Bedford Highway. Mr. Morgan also added that there are no Regional Plan policies about widening the Bedford Highway. However, one of the three design options for Birch Cove shows a roundabout for Bedford Highway/Kearney Lake Drive, which will be shown at the presentation on June 18, 2009. Councillor Hum indicated that an interchange is planned and this will hopefully alleviate some of the traffic on the Bedford Highway.

Ms. Gilroy also asked about the design of buildings so there are not blocked buildings everywhere. Mr. Morgan indicated there will be design guidelines come out of the Birch Cove Study and Bedford Waterfront Study.

Mr. Morgan indicated that the Bedford Waterfront Design Alternatives Public Presentation will be held on June 10, 2009 at the Basinview School at 7:00 pm if anyone is interested in attending.

Devena Davis inquired about the water and sewer services. Is it the plan to put in water and sewer lines as this is a concern to her? Ms. Wheaton said that this is something that will be looked at as development applications come forward to ensure there are adequate services available, who pays for them will have to be negotiated with the Developer.

Mr. Morgan indicated that Halifax Water is drafting plans to put sewer and water along the Bedford Highway that would include the Clearwater lands (both directions) and it will drain towards Mill Cove treatment plant and there it's a certain place beyond Clearwater that will drain towards Halifax. The challenge is always how it is paid for and if it is affordable. There would be consultation with residents, and local improvement charges.

**4. Closing Comments**

Ms. Wheaton thanked everyone for coming and thanked everyone for their comments and questions and advised that they would be taken into consideration.

**5. Adjournment**

The meeting adjourned at approximately 8:05 p.m.