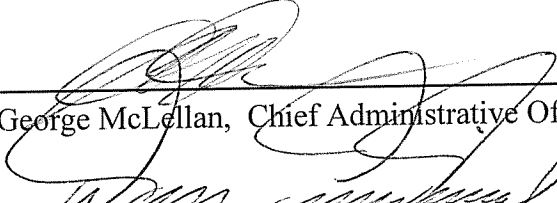
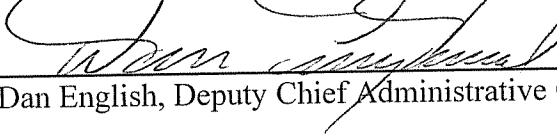


Halifax Regional Council  
March 19, 2002

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

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** March 11, 2002

**SUBJECT:** Case 00414 - Plan Amendment to the Bedford MPS and LUB, Bedford

**ORIGIN:**

Letter from Dr. Errol Gaum of Granville Investments Limited requesting the Bedford Municipal Planning Strategy and Land Use Bylaw be amended. The specific amendment is to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone at 1091-95 Bedford Highway.

**RECOMMENDATION:**

It is recommended that Regional Council:

1. Approve the request to initiate the process to amend the Bedford Municipal Planning Strategy and Land Use Bylaw to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone.
2. Request staff to follow the public participation program as approved by Council in February 1997.

## BACKGROUND

### ***Overview:***

In 1991, concern over the changing character of Bedford's "central core" due to the growing popularity of shopping malls and the general decline of the older yet established commercial areas resulted in the establishment of the Mainstreet Commercial designation within the Bedford Municipal Planning Strategy (MPS). This designation has been implemented by way of the Mainstreet Commercial (CMC) zone within the Bedford Land Use Bylaw (LUB).

The Mainstreet Commercial zone has been applied to properties along the south side of the Bedford Highway between the Sackville River and the Bedford Waterfront and to properties along the north side of the Bedford Highway between the Sackville River and 1140 Bedford Highway. This area was traditionally the main location for serving neighbourhood and community needs and the CMC zone is intended to create a pleasant pedestrian-oriented streetscape which reflects Bedford's heritage.

The types of uses permitted in the Mainstreet Commercial zone (CMC) are limited to local small scale commercial uses oriented to pedestrian traffic (*Attachment A*). The permitted uses within the CMC zone include but are not limited to:

- general retail stores not exceeding 5,000 square feet (464.5 m<sup>2</sup>),
- business and professional offices,
- personal and household service shops,
- financial institutions,
- bed and breakfast and guest homes,
- full service restaurants, and
- pubs and lounges to a maximum of 800 square feet (74.32 m<sup>2</sup>).

Multiple unit buildings are also permitted within the CMC zone. However, all multiple unit buildings within the CMC zone must contain a mix of commercial/residential. The residential dwellings units cannot exceed 50% of the gross floor area and cannot be located fronting the street on the first floor.

### ***Subject Properties:***

The subject properties, 1091 and 1095 Bedford Highway, are located on the east side of the Bedford Highway in close proximity to the "Say It With Stitches" commercial building, Grandville Place professional building and the Stardust Motel. The properties are designated and zoned Mainstreet Commercial (*refer to Map 1 and Map 2*).

The site is within walking distance of the Bedford Waterfront, Mill Cove Plaza, Hammonds Centre, Village Centre, LeBrun Centre and many small scale commercial businesses along the Bedford Highway. The site consists of two single unit dwellings and a total land area of approximately

30,000 square feet (2,787 m<sup>2</sup>). The site has approximately 142 feet (43.3 m) of frontage along the Bedford Highway and an average depth of 225 feet (68.58 m). The topography of the site is challenging with a 28 foot (8.5 m) grade difference between the Bedford Highway and the rear property line. The rear portion of the site abuts the CN railway line and the Bedford Waterfront development.

## DISCUSSION:

### ***Proposal:***

The developer, Dr. Earl Gaum, has indicated to staff that it is difficult to construct an economically viable building at 1091 and 1095 Bedford Highway within the parameters of the CMC zone due to the site's characteristics (i.e., topography, frontage and size). Despite the difficulties, the developer has met with HRM staff several times over the past two years and has presented several different concepts. However, the concepts have not complied with the intent and requirements of the CMC zone.

Recently, the developer submitted a concept plan of a three-storey commercial/residential mix building with the following specifications:

- a building footprint of approximately 1,100 square feet (102.2 m<sup>2</sup>);
- approximately 6,000 square feet (557.4 m<sup>2</sup>) of commercial space - 2,000 square feet (185.8 m<sup>2</sup>) of each of the three storeys;
- 18 residential condominiums (12 two-bedroom and 6 two-bedroom with den); and
- underground parking.

### ***Policy Evaluation:***

It is staff's opinion the recent proposal (described above) does meet the overall policy intent of the MPS to provide a pleasant pedestrian-oriented small town commercial core as defined in Policy C-19 and illustrated in Appendix D of the MPS. However, the proposal does not meet several provisions of the Bedford LUB. Specifically the proposal does not comply with the required percentage of commercial/residential mix. Due to difficulties experienced in attempting to develop the site, the developer has requested the Bedford MPS and LUB be amended to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone. The developer has also requested this amendment be specific to 1091 and 1095 Bedford Highway.

Based on information provided by the applicant as well as numerous inquiries over the past several years, it is apparent several properties on the east side of the Bedford Highway, including 1091 and 1095 Bedford Highway, are difficult to develop. These properties are difficult to develop as stand alone commercial buildings or as commercial/residential mix buildings while adhering to the CMC zone provisions. Yet these two land uses are necessary in ensuring this area be developed as a pleasant pedestrian-oriented small town commercial core.

***In summary:***

It is the opinion of staff, the MPS and LUB requirement “dwelling units within a commercial building are not exceeding 50% of the gross floor area” is not reasonable on a property with limited frontage along the Bedford Highway or with extensive elevation differences between the Bedford Highway and the rear property line. Staff is also of the opinion that a reduction in the 50% commercial requirement would still comply with the intent of the Mainstreet Commercial designation and zone as described in MPS preamble. Therefore, it is recommended that Regional Council initiate the plan amendment process to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone for 1091 and 1095 Bedford Highway and possibly surrounding properties.

**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 not to initiate the MPS amendment process. This is not recommended for reasons discussed above.

**ATTACHMENTS:**

Map 1: Generalized Future Land Use Map

Map 2: Zoning Map

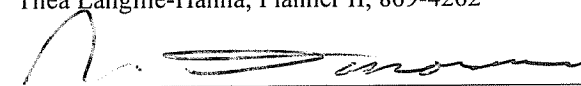
Map 3: Proposed Development for 1091 and 1095 Bedford Highway

Attachment A: Excerpt of the Bedford Municipal Planning Strategy and Bedford Land Use Bylaw

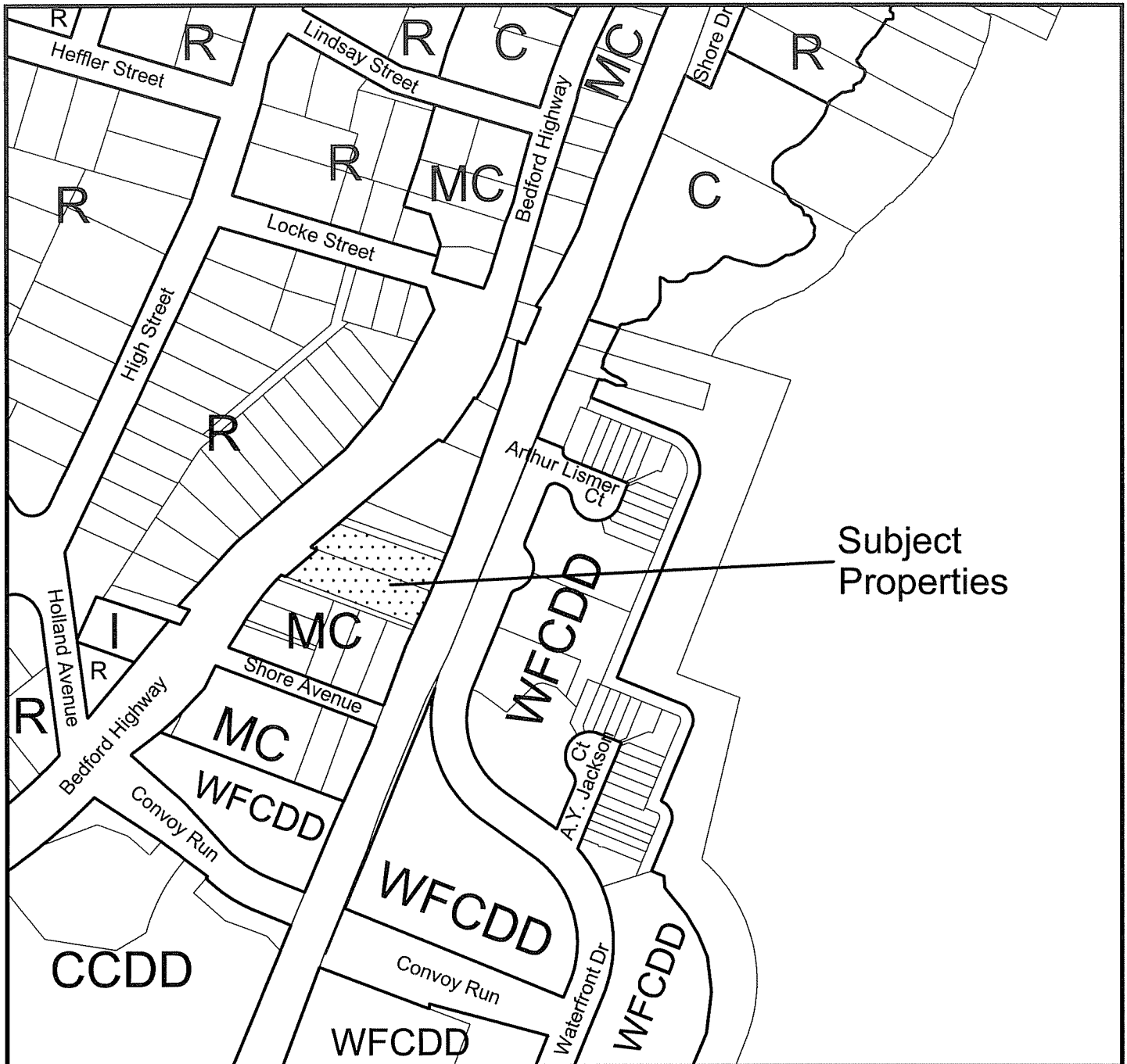
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Thea Langille-Hanna, Planner II, 869-4262

Report Approved by:



Paul Dunphy, Director of Planning and Development, 490-4933

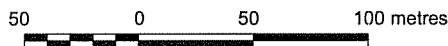


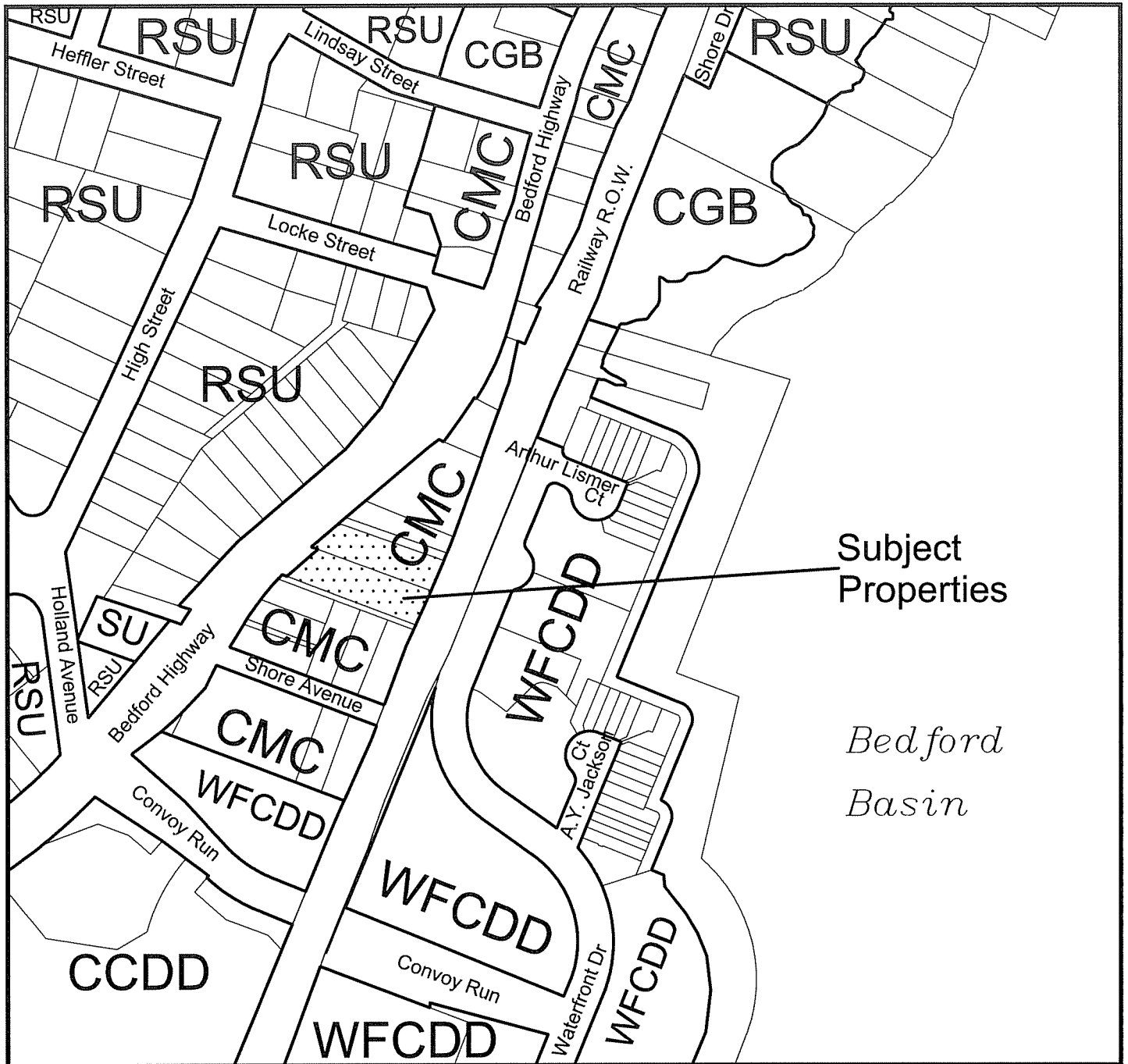
Map 1  
Generalized Future Land Use  
1091 & 95 Bedford Highway

 Subject Properties



- |    |                                   |       |                                               |
|----|-----------------------------------|-------|-----------------------------------------------|
| R  | Residential Designation           | I     | Institutional Designation                     |
| C  | Commercial Designation            | CCDD  | Commercial Comprehensive Development District |
| MC | Mainstreet Commercial Designation | WFCDD | Waterfront Comprehensive Development District |





Subject Properties

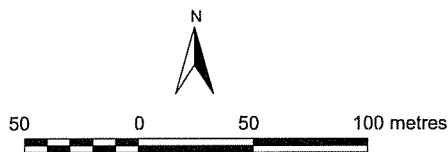
*Bedford Basin*

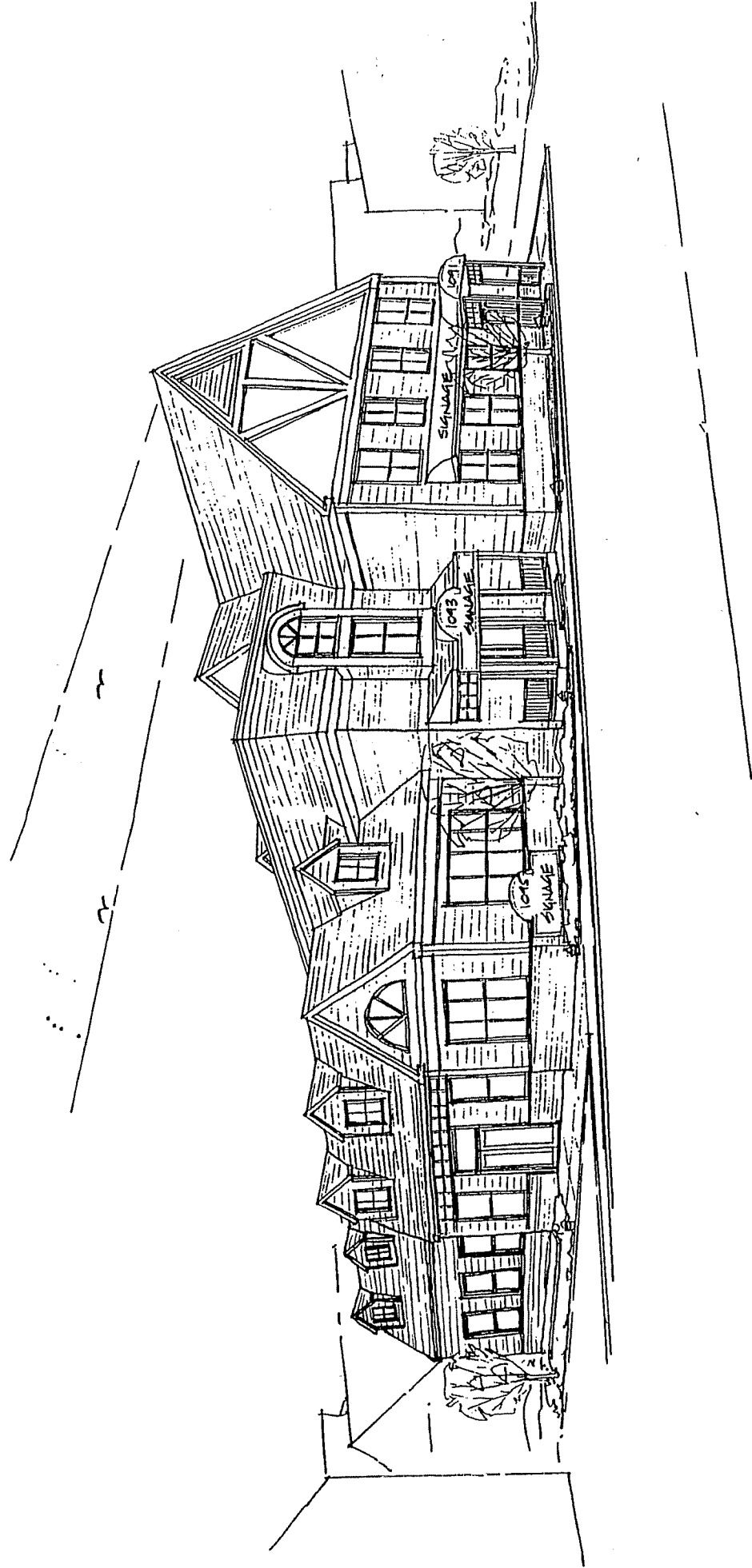
Map 2  
Zoning  
1091 & 95 Bedford Highway

 Subject Properties



- |     |                                |       |                                               |
|-----|--------------------------------|-------|-----------------------------------------------|
| RSU | Single Dwelling Unit Zone      | SU    | Utilities Zone                                |
| CGB | General Business District Zone | CCDD  | Commercial Comprehensive Development District |
| CMC | Mainstreet Commercial Zone     | WFCDD | Waterfront Comprehensive Development District |





Map 3  
Concept Plan

---

**ATTACHMENT A****Excerpt of the Bedford Municipal Planning Strategy****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 sideyard 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-29A:

Council shall consider residential uses on the rear portion of 1254 Bedford highway and the property known as 10 Meadowbrook Drive through a Development Agreement. In considering a Development Agreement Council shall give consideration to the CMC zone requirements with regards to architectural guidelines. Multiple unit buildings shall not contain more than nine (9) units.

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.

---

**Excerpt of the Bedford Land Use Bylaw****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

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 and stone.
- 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 bldgs 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**

Sandwich boards shall not exceed a single face area of eight (8) square feet and shall be located so as to not obstruct passage along any public sidewalk.

**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**

Mobile signs shall be permitted once per business for a maximum period of 60 continuous days for new business openings. These signs shall have no moving parts nor display flashing or unshielded lights. These signs shall have a maximum area of 32 sq.ft.

**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.