

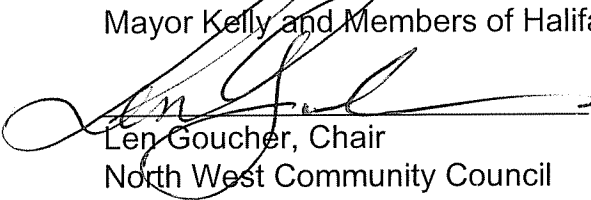


P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

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9.1.2

HALIFAX REGIONAL COUNCIL  
February 25, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

FROM:   
Len Goucher, Chair  
North West Community Council

DATE: February 17, 2003

SUBJECT: Case 00511 - Various Amendments to the MPS and LUB, Bedford

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**ORIGIN:**

North West Community Council meeting held on February 13, 2003.

**RECOMMENDATION:**

It is recommended that Regional Council:

1. Give First Reading to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-law and schedule a joint Public Hearing for March 18, 2003.
2. Adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and A-1; Attachments B, B-1, B-2 and B-3; and Attachments C and C-1, with an amendment to Attachments A and A-1 to better clarify the wording.

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

**DISCUSSION:**

On February 13, 2003, North West Community Council gave First Reading to consider amendments to the Bedford Land Use By-law and set March 18, 2003 as the date for a joint Public Hearing with Regional Council.

North West Community Council, at a future meeting date, will consider approval of the amendments to the Bedford Land Use By-law as provided in Attachments D and D-1; Attachments E and E-1 and Attachment F.

**ATTACHMENTS:**

1. Staff Report dated January 27, 2003.
2. Recommendation from North West Planning Advisory Committee dated February 6, 2003.



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

10.5

North West Community Council  
February 13, 2003

**TO:** North West Community Council

**SUBMITTED BY:** Gail Harnish  
Gail Harnish, Admin/PAC Coordinator

**DATE:** February 6, 2003

**SUBJECT:** Case 00511 - Various Amendments to the MPS and LUB, Bedford

**ORIGIN:**

North West Planning Advisory Committee - February 5, 2003

**RECOMMENDATION:**

The North West Planning Advisory Committee recommend that North West Community Council:

- (a) Recommend that Regional Council give First Reading to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-law and to schedule a joint public hearing with Regional Council;
- (b) Recommend that Regional Council adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and A-1; Attachments B, B-1, B-2, and B-3; and Attachments C and C-1; with an amendment to Attachments A and A-1 to better clarify the wording.

The North West Planning Advisory Committee further recommend that North West Community Council:

- (a) Give First Reading to consider amendments to the Bedford Land Use By-law and to schedule a joint public hearing with Regional Council;
- (b) Approve the amendments to the Bedford Land Use By-law as provided in Attachments D and D-1; Attachments E and E-1; and Attachment F, with the following amendments:
  - Moirs Mill Pond to be identified on Attachment E-1;
  - Clause (4) in Attachment F to be amended to reference Section 34 (a);
  - The summary of amendments under Item #3 on Page 5 of the report to be amended to delete the sentence re: "reduced lot frontage and area" and add the sentence re: "special requirements: setbacks from watercourses".

The amendments have been incorporated into the staff report.

**ATTACHMENT:**

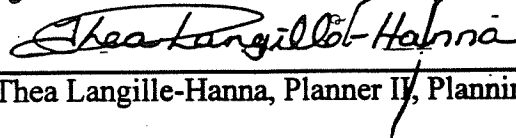
Staff report dated January 27, 2003

North West Planning Advisory Committee  
February 5, 2003

**TO:** North West Planning Advisory Committee

**SUBMITTED BY:**

  
Paul Dunphy, Director of Planning & Development Services

  
Thea Langille-Hanna, Planner II, Planning & Development Services

**DATE:** January 27, 2003

**SUBJECT:** Case 00511 - Various Amendments to the MPS and LUB, Bedford

**ORIGIN:**

- Staff initiated the plan and by-law amendments in response to various inconsistencies in both documents
- Initiation report dated October 8, 2002

**RECOMMENDATION:**

It is recommended that North West Community Council:

1. Recommend that Regional Council give First Reading to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-law and to schedule a joint public hearing with North West Community Council;
2. Recommend that Regional Council adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and A-1; Attachments B, B-1, B-2, and B-3; and Attachments C and C-1.

It is further recommended that North West Community Council:

1. Give First Reading to consider amendments to the Bedford Land Use By-law and to schedule a joint public hearing with Regional Council;
2. Approve the amendments to the Bedford Land Use By-law as provided in Attachments D and D-1; Attachments E and E-1; and Attachment F.

### Process

Amendments to the Municipal Planning Strategy and by-law amendments to implement the MPS amendments are under the authority of Regional Council, while approval of Land Use By-law amendments rests with Community Council. Both processes require a public hearing. These hearings can be held jointly.

However, a decision on the individual Land Use By-law amendments, provided in Attachments A and F, can only be made by North West Community Council.

It is being recommended that the public hearing for the amendments under the authority of Halifax Regional Council as well as those under the authority of North West Community Council be held jointly so that members only have to attend one hearing.

The decision for the amendments under the authority of Halifax Regional Council should be made at the night of the public hearing. The decision for the amendments under the authority of North West Community Council would be made subsequent to the joint public hearing at a regular meeting of North West Community Council.

### **BACKGROUND:**

This case originates from staff's discovery of several policy, regulatory and mapping inconsistencies within the Bedford Municipal Planning Strategy and Land Use By-law. Six areas of concern have been identified. These relate to a need to:

- 1) place appropriate zoning on the Bedford Waterfront lands which are in the process of being infilled (Phase Two);
- 2) extend abutting zone provisions to infilled areas along Shore Drive;
- 3) correct a mapping inconsistency along floodway area of Sackville River;
- 4) recognize the existing use of Sandy Lake Academy for institutional purposes;
- 5) address an inconsistency pertaining to the setback of Institutional Uses from watercourses; and
- 6) address housekeeping matters such as wording and interpretation clarification.

**DISCUSSION:**

*The following amendments require the approval of Halifax Regional Council:*

**1. Extending Abutting Zoning to Water Lots Along Shore Drive:**

Many properties along Shore Drive include water lots which entail the infilling of the shoreline subject to approval from Federal agencies. When infilling takes place, the new land area is not given a designation or zone and consequently, no land use restrictions apply. Unlike other HRM MPS's and land use by-laws, the Bedford Municipal Planning Strategy and Land Use By-law does not include a provision to enable an abutting zone boundary to be extended to an infilled area.

Staff recommends the Bedford Municipal Planning Strategy and Land Use By-law be amended to include a provision which would enable the extension of the abutting zone and designation to an infilled area along Shore Drive without being subject to an amendment process (i.e. plan amendment or land use By-law amendment). The recommended amendments to the Bedford Municipal Planning Strategy and Land Use By-law are provided in Attachments A and A-1 of this report.

**2. Mapping Inconsistencies - Floodway Area of Sackville River:**

There is an oversight in the mapping of the floodway area of the Sackville River. Policy E-9 of the Bedford Municipal Planning Strategy states that; *"a floodway designation shall be established on the Generalized Future Land Use map which reflects the 1:20 floodway of the Sackville River as defined by mapping of the Canada-Nova Scotia Flood Reduction Program. The 1:100 floodway fringe of the Sackville River shall also be defined by mapping of the Canada-Nova Scotia Flood Reduction Program."*

The 1:20 floodway and 1:100 floodway fringe have been identified on the Generalized Future Land Use Map of the MPS. A Floodway (FW) Zone has been established in the Land Use By-law to reflect the 1:20 floodway. The 1:100 floodway has been identified as the Floodway Fringe on Schedule "A" Zoning Map with special provision within the Land Use By-law. However, a portion of the 1:20 and 1:100 floodway along the south side of Sackville River between Union Street and Bedford Place Mall was omitted from the Zoning and Generalized Future Land Use Maps.

Staff recommends that Schedules "A" and "B" of Bedford Municipal Planning Strategy and Land Use By-law be amended to accurately reflect the intent of Policy E-9 for the south side of the Sackville River between Union Street and Bedford Place Mall. The amendments needed to achieve this are provided in Attachments B, B-1, B-2 and B-3 of this report.

Staff feel that a detailed evaluation of the 1:20 and 1:100 floodway of the Sackville River within Bedford is needed in order to update the hydro technical information. This would be similar to the "Hydro technical Study of the Little Sackville River Floodplain - June 1999". A project of this nature requires technical expertise and funding which are beyond current HRM budgets and resources.

**3. Exclusion of Institutional Uses From Watercourse Setback Requirements**

Within all Industrial and Commercial Zones, a 100 foot buffer from a watercourse is required in accordance with Policy E-8 of the Bedford Municipal Planning Strategy. The watercourses for which this setback requirement applies are identified on an Environmentally Sensitive Areas Map in the MPS. However, Institutional Uses have not been included in this policy and therefore are not required to be 100 feet from a watercourse.

Staff can find no reason or rationale for the exclusion and therefore recommend that Policy E-8 be amended such that Institutional (SI) uses will be subject to the watercourse setback requirement. The recommended amendments are provided in Attachment C and C-1 of this report.

***The following amendments require the approval of North West Community Council:***

**1. Recognize Sandy Lake Academy as an Institutional Use:**

In 1973, a permit for a school (Sandy Lake Academy) at 425 and 435 Hammonds Plains Road (former 35/36 Killarney Drive) was issued under the former County By-law 24. The Academy was first zoned Secondary Reserve permitting institutional uses. In 1991, as a result of the Bedford MPS review, institutional uses were removed from the Secondary Reserve which was renamed Residential Reserve.

The entire Sandy Lake Academy site was designated and zoned Residential Reserve despite Policy S-2 which states; *"it shall be the intention of Town Council to regulate institutional uses through the establishment of two institutional zones within the Land Use By-law; one zone to regulate non-utility institutional uses (Institutional - SI Zone) and a second for utility functions (Utilities - SU Zone). Permitted uses within the SI Zone shall include, but not be limited to churches, schools, cemeteries, public buildings, special care facilities, daycare facilities and recycling depots. Permitted uses within the SU Zone shall include, but not be limited to electrical substations, highway utilities, public sewage treatment plants and water reservoirs, telephone switching stations and recycling depots. These zones shall be applied to existing institutional and utility uses within the Town."*

In accordance with policy, the Sandy Lake Academy should be zoned to Institutional (SI) Zone. The present zoning of Residential Reserve (RR) does not permit a school, and therefore renders the existing use non-conforming. A non-conforming status for Sandy Lake Academy is not the intent of the Bedford Plan. Staff therefore recommends the property containing the existing school be zoned Institutional as shown on Attachment D-1 of this report.

The Seventh-day Adventist Church Inc. (operator of Sandy Lake Academy) has requested the Institutional (SI) designation and zone be applied to both properties (see Attachment D-1). Staff does not support this request. As the school is located on only a portion of the site, staff recommends only this portion be designated and zoned to Institutional (SI). Community Council

can consider rezoning the balance of the Seventh-day Adventist Church Inc. lands to Institutional (SI) in accordance with Policy S-3 in response to a specific planning application.

**2. Portions of the WFCDD Lands Which Are Partially Infilled:**

Policy WF-19 of the Bedford Municipal Planning Strategy establishes the Waterfront Comprehensive Development District (WFCDD) on the Generalized Future Land Use Map. This policy also requires the WFCDD zone to be applied to infilled lands (i.e. Phase Two) within the WFCDD designation through an amendment to Schedule "A" of the Bedford Land Use By-Law. Infill activity has commenced in Phase Two of the WFCDD designation, however the WFCDD zone has yet to be applied to this area.

It is the opinion of staff, the WFCDD zone should be applied to infill lands of Phase Two in accordance with Policy WF-19 of Bedford Plan (see Attachment E and E-1).

**3. Housekeeping Matters**

Several matters of a technical or housekeeping nature that require correction have been identified. These relate to incorrect wording in a Municipal Planning Strategy policy or Land Use By-law provisions. These are identified in Attachment F and are summarized below:

- enable mobility disabled access ramps within required setbacks (LUB, Part 5 Section 23);
- include satellite dishes to list of uses not subject to height regulations (LUB, Section 25);
- exclude children's play structures and satellite dishes from accessory building provisions (LUB, Part 2 Section 29 (b));
- include parking requirements for Day Care Facilities, Nursery Schools and Early Learning Centres (LUB, Part 5 Section 34 (a));
- enable a wider range of materials (excluding vinyl) to be permitted as exterior cladding (LUB, Part 14 Special Requirements of Architectural Guidelines);
- replace the terminology "no development permit" with "no building or structure" in several clauses throughout the Land Use By-law; and
- additional wording to Part 5 Section 21: Setbacks from Watercourses to include a reference to watercourses identified by the Province of Nova Scotia under the Environment Act.

***Moirs Mill Pond***

The future use of the Moirs Mill Pond was identified in the October 8, 2002 initiation report as a concern if the area is to be infilled. Following a December 2, 2002 Public Meeting, it became apparent that, given the complexity of this issue, a second public meeting was necessary to explore policy options. Therefore, the staff recommendations regarding the future land use intent of Moirs Mill Pond will be provided in a subsequent report.



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**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:**

The following alternatives are identified in conjunction with this report:

1. Community and/or Regional Council may approve the amendments as attached in this report. Staff recommends this alternative for the reasons outlined;
2. Community and/or Regional Council may choose not to amend the Bedford MPS and LUB as attached in this report. This is not recommended for reasons discussed above; or
3. Community and/or Regional Council may choose to either adopt certain amendments but not others outlined in this report or alternatively request amendments in addition to those outlined in which case an additional staff report(s) may be required.

**ATTACHMENTS:**

Attachment A: MPS Amendment - Zoning of Infilled Water Lots along Shore Drive  
Attachment A-1: LUB Amendment - Zoning of Infilled Water Lots along Shore Drive  
Attachment B: MPS Amendment - 1:20 and 1:100 Floodway of the Sackville River  
Attachment B-1: Generalized Future Land Use Map - Sackville River  
Attachment B-2: LUB Amendment - 1:20 and 1:100 Floodway of the Sackville River  
Attachment B-3: Zoning - Sackville River  
Attachment C: MPS Amendment - Setbacks from a watercourse for Institutional Uses (SI)  
Attachment C-1: LUB Amendments - Setbacks from a watercourse for Institutional Uses (SI)  
Attachment D: LUB Amendment - Sandy Lake Academy  
Attachment D-1: Zoning Map - Sandy Lake Academy  
Attachment E: LUB Amendment - Phase II of the Bedford Waterfront  
Attachment E-1: Zoning Map - Phase II of the Bedford Waterfront  
Attachment F: LUB Amendments - Housekeeping Items  
Attachment G: Minutes from the NWPAC Public Participation Meeting dated Dec 2, 2002  
Attachment H: Minutes from Bedford Waters Advisory Committee (BWAC) date Jan 8, 2002

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, 869-4262

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ATTACHMENT A

**Case 00511: Zoning of Infilled Water Lots along Shore Drive  
Amendments to the Bedford Municipal Planning Strategy**

The Municipal Planning Strategy for Bedford is hereby amended by adding:

- E-17(a) It shall be the intention of Council to ensure compatible zoning and development standards are applied to areas of existing and future infill along Shore Drive between Phases One of the Waterfront Development and Partridge Lane without being subject to an amendment of Schedule "A".

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

---

Vi Carmichael  
Municipal Clerk

ATTACHMENT A-1

**Case 00511: Zoning of Infilled Water Lots along Shore Drive  
Amendments to the Bedford Land Use By-law**

The Land Use By-law for Bedford is hereby amended by:

1. Adding Part 3 Section 4 (d) to read as follows:
  - (d) Where the boundary line of a use zone is coincident with a shoreline along Shore Drive between Phases One of the Waterfront Development and Partridge Lane, the boundary line will follow any change in the shoreline. This shall not apply to the Waterfront Development District or the Moirs Mill Pond area.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

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ATTACHMENT B

**Case 00511: 1:20 and 1:100 Floodway of the Sackville River  
Amendments to the Bedford Municipal Planning Strategy**

The Municipal Planning Strategy for Bedford is hereby amended:

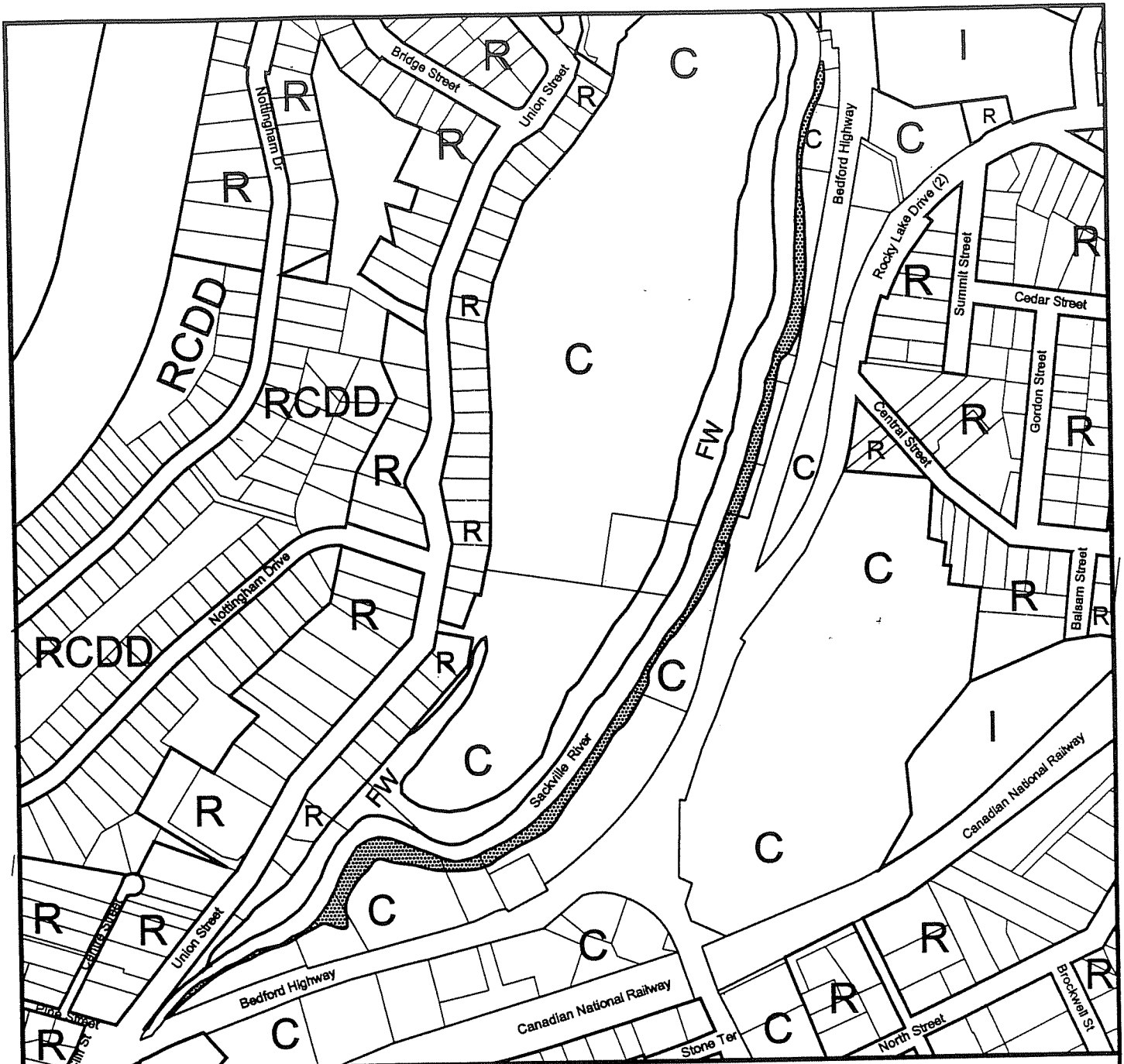
1. The Bedford Generalized Future Land Use Map is amended by Designating the south side of the Sackville River between Union Street and the Bedford Place Mall the 1:20 floodway in accordance with the Canada-Nova Scotia Flood Reduction Program as shown on Attachment B-1.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

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Vi Carmichael  
Municipal Clerk



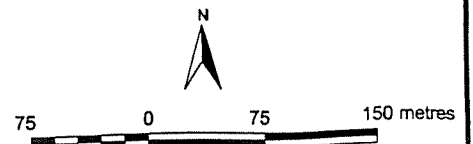
Attachment B-1

Generalized Future Land Use - Sackville River



- R Residential Designation
- RCDD Residential Comprehensive Development District
- C Commercial Designation
- FW Floodway Designation
- I Institutional Designation
- FW Floodway Zone

New Proposed Floodway Designation



**ATTACHMENT B-2**

**Case 00511: 1:20 and 1:100 Floodway of the Sackville River  
Amendments to the Bedford Land Use By-law**

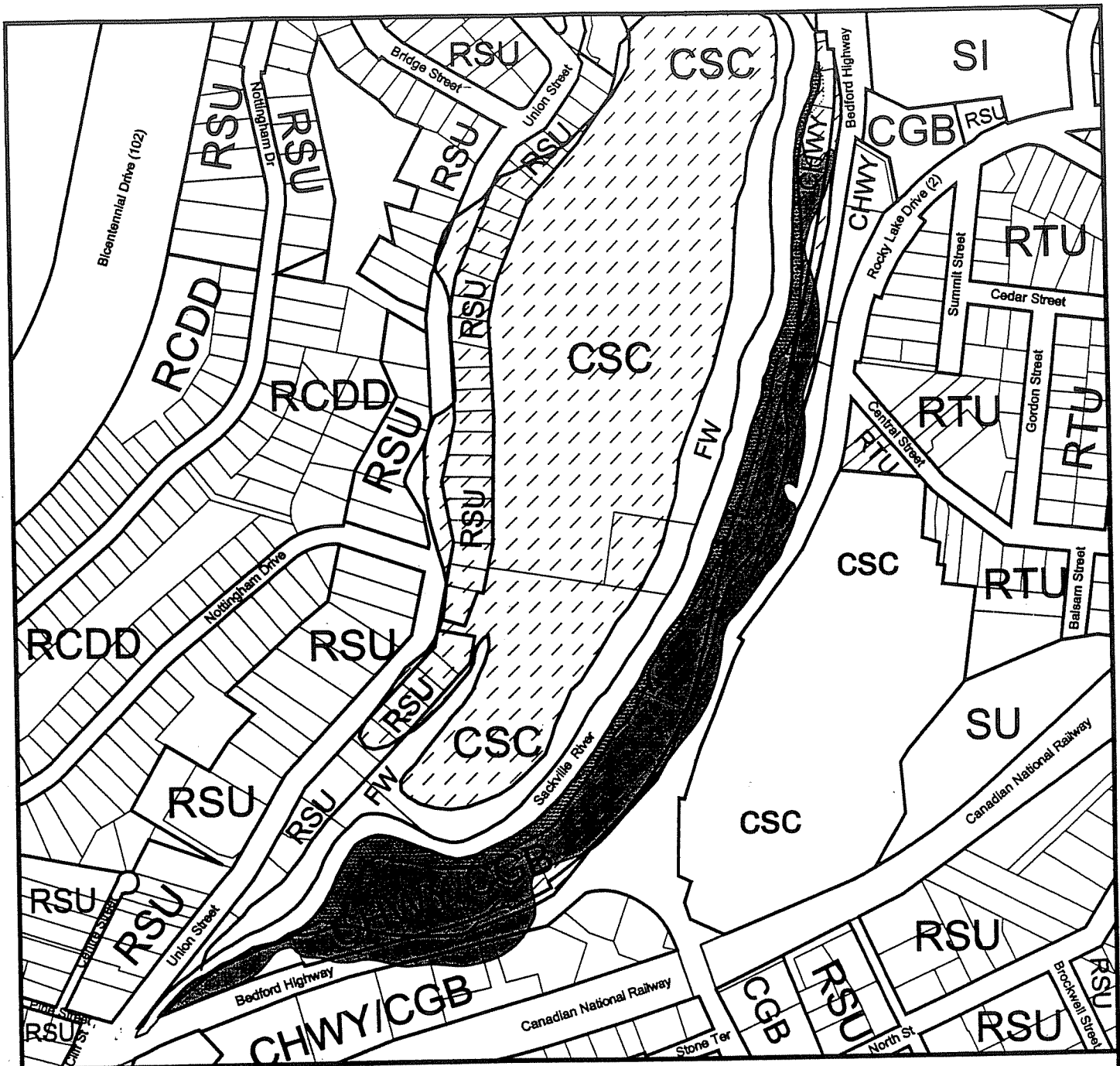
The Land Use By-law for Bedford is hereby amended:

1. The Bedford Zoning Map (Schedule A) is amended by zoning the south side of the Sackville River between Union Street and the Bedford Place Mall the 1:20 floodway and 1:100 floodway fringe in accordance with the Canada-Nova Scotia Flood Reduction Program as shown on Attachment B-3.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of North West Community Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.



GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk




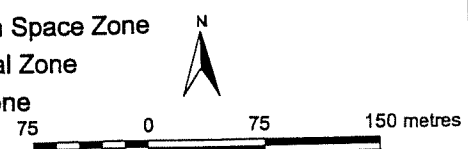
Attachment B-3

Zoning - Sackville River

-  New Proposed Floodway Zone
-  New Proposed Floodway Fringe



- |   |  |      |                                  |
|---|--|------|----------------------------------|
| RSU   | Single Dwelling Unit Zone                      | CMC  | Mainstreet Commercial Zone       |
| RTU   | Two Dwelling Unit Zone                         | CSC  | Shopping Centre Zone             |
| RMU   | Multiple Dwelling Zone                         | CGB  | General Business District Zone   |
| RCDD  | Residential Comprehensive Development District | CHWY | Highway Oriented Commercial Zone |
| RR  | Residential Reserve Zone                       | P    | Park Zone                        |
| FW  | Floodway Zone                                  | POS  | Park Open Space Zone             |
|  | Floodway Fringe                                | SI   | Institutional Zone               |
|   |  | SU   | Utilities Zone                   |





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ATTACHMENT C

**Case 00511: Setback from a Watercourse for Institutional Uses (SI)  
Amendments to the Bedford Municipal Planning Strategy**

The Municipal Planning Strategy for Bedford is hereby amended by:

- E-8 Adding the words "**Institutional Zones**" following "In the areas where Industrial ILI or IHI,"

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

ATTACHMENT C-1

**Case 00511: Setback from a Watercourse for Institutional Uses (SI)  
Amendments to the Bedford Land Use By-law**

The Land Use By-law for Bedford is hereby amended:

1. An addition (in bold) to Part 4 Section 3 (l) to read as follows:  
(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.....;"
  
2. An addition (in bold) to Part 5 Section 21 (b) to read as follows:  
(b) "In all commercial zones and the ILI and IHI industrial zones, **and the SI institutional zone**, no development permit shall be issued for any structure within one hundred feet (100) of any watercourse or water retention area shown on the **Zoning or Environmentally Sensitive Areas Map** and no excavation or infilling within this area shall be permitted....."

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

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**ATTACHMENT D**  
**Case 00511: Sandy Lake Academy**  
**Amendments to the Bedford Land Use By-law**

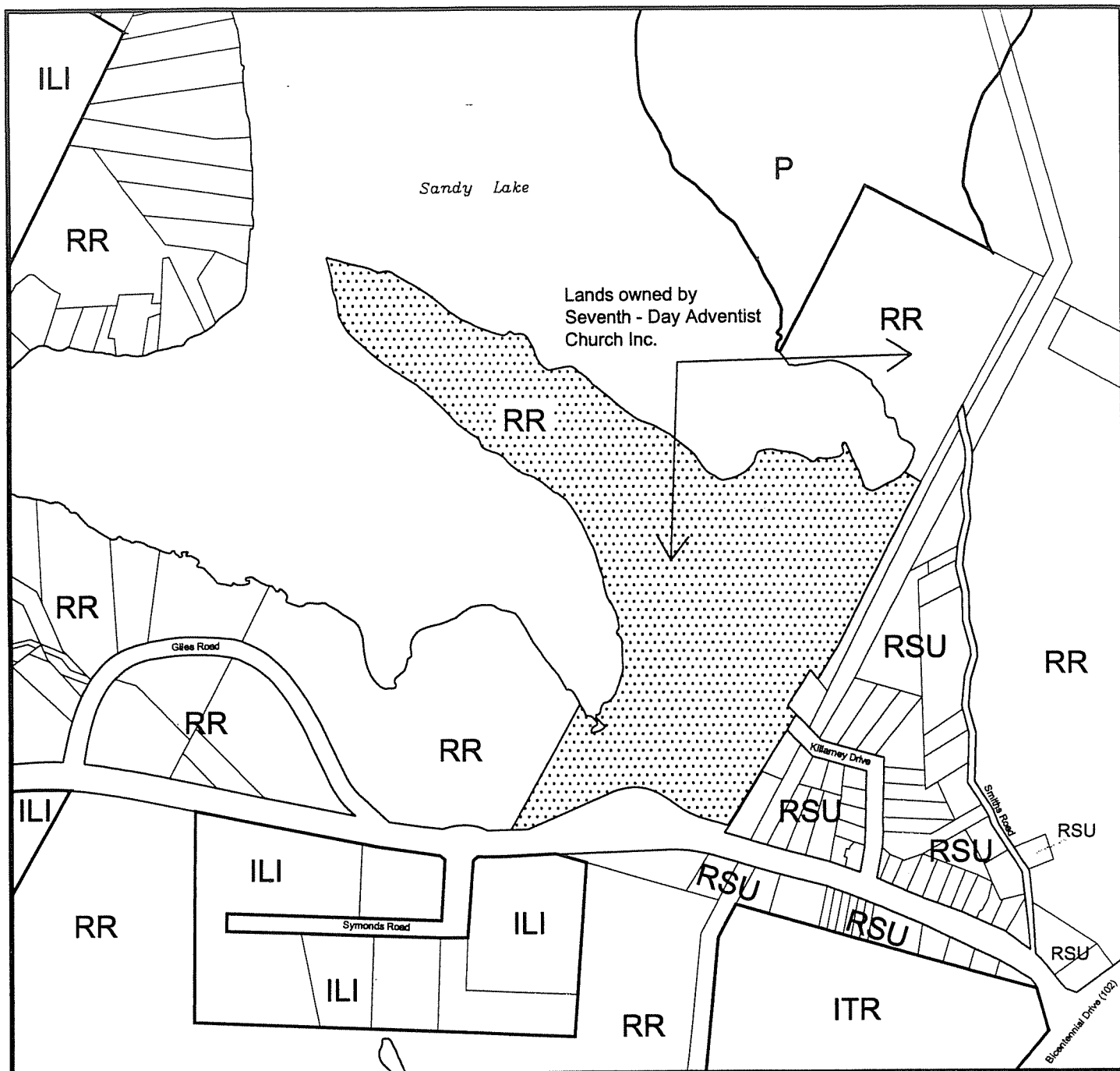
The Land Use By-law for Bedford is hereby amended:

1. The Bedford Zoning Map (Schedule A) is amended by zoning the Sandy Lake Academy located at 425 and 435 Hammonds Plains Road (former 35/36 Killarney Drive) (PID 400098139) from Residential Reserve (RR) to Institutional (SI) as shown on Attachment D-1.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of North West Community Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk



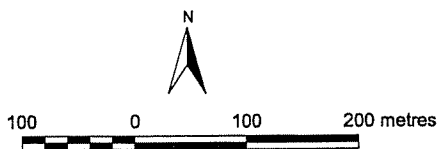
Attachment D-1

Zoning - Sandy Lake Academy



- RSU Single Dwelling Unit Zone
- RR Residential Reserve Zone
- ILI Light Industrial Zone
- ITR Information Technology and Research Zone
- P Park Zone
- SI Institutional Zone

Area to be rezoned from RR to SI



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ATTACHMENT E

**Case 00511: Phase II of the Bedford Waterfront  
Amendments to the Bedford Land Use By-law**

The Land Use By-law for Bedford is hereby amended by:

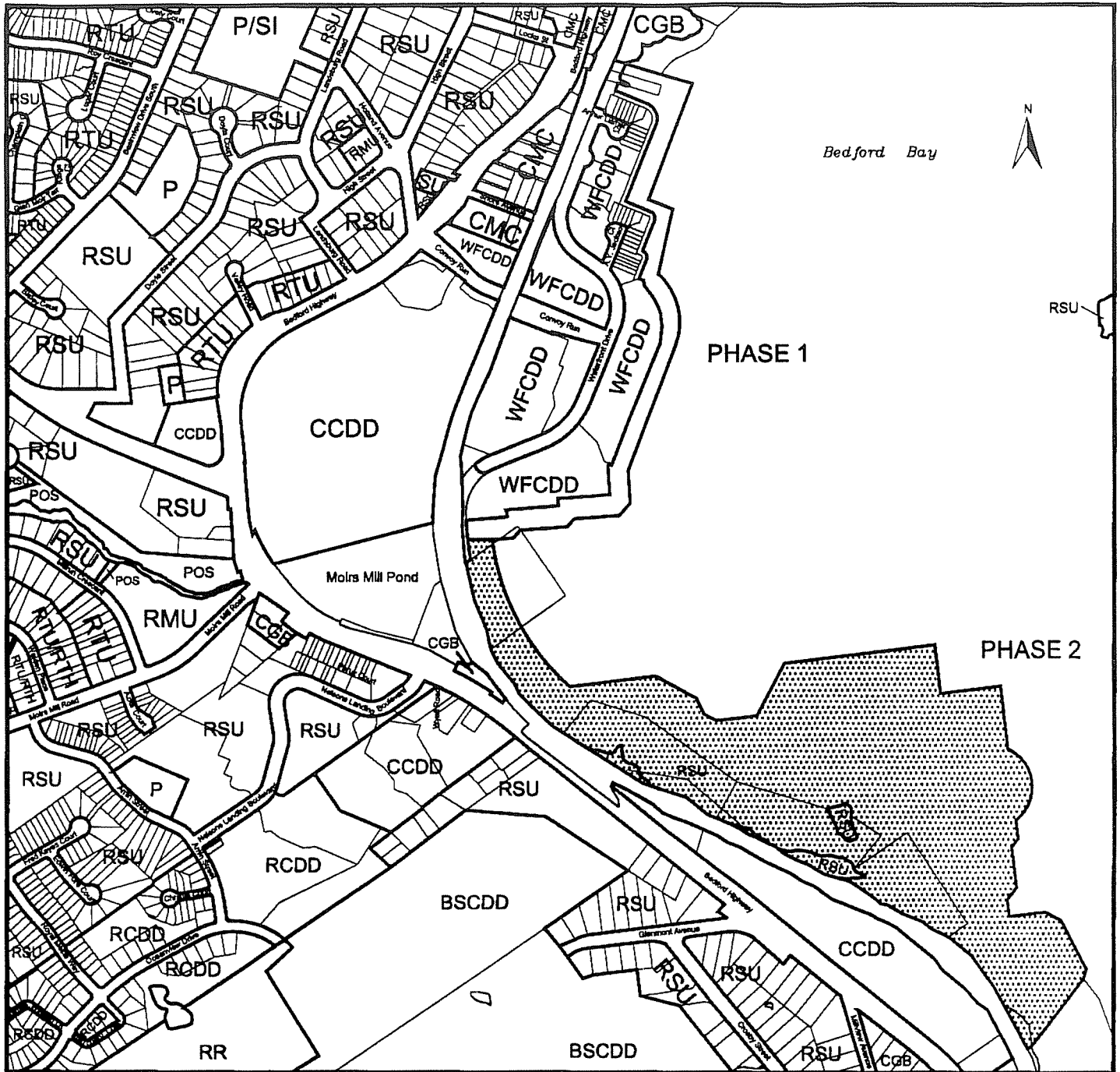
1. Zoning Phase Two of the Waterfront Development lands as shown on Attachment E-1.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of North West Community Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

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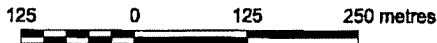
Vi Carmichael  
Municipal Clerk



**Attachment E-1  
Zoning Map - Bedford Waterfront (Phase Two)**



- |     |                           |       |  |
|-----|---------------------------|-------|--|
| RSU | Single Dwelling Unit Zone | CMC   | Mainstreet Commercial Zone                       |
| RTU | Two Dwelling Unit Zone    | CGB   | General Business District Zone                   |
| RMU | Multiple Dwelling zone    | SI    | Institutional Zone                               |
| RTH | Townhouse Zone            | SU    | Utilities Zone                                   |
| RR  | Residential Reserve Zone  | RCDD  | Residential Comprehensive Development District   |
| P   | Park Zone                 | CCDD  | Commercial comprehensive Development District    |
| POS | Park Open Space Zone      | BSCDD | Bedford South Comprehensive Development District |
|     |                           | WFCDD | Waterfront Comprehensive Development District    |

 Area to be rezoned to WFCDD
 

ATTACHMENT F

**Case 00511: Housekeeping Amendments to the Bedford Land Use By-law**

The Land Use By-law for Bedford is hereby amended:

- (1) An addition (in bold) to Part 5 Section 23 following "canopies, awnings, any yard, 4 feet" to read: **Mobility Disabled Access Ramps Any Yard No required setback**
- (2) An addition (in bold) to Part 5 Section 25 following "skylights" to read: **satellite dishes**
- (3) An addition (in bold) to Part 5 Section 29 (b) following "fences" to read: **children play structures, satellite dishes**
- (4) An addition (in bold) to Part 5 Section 34 (a) following "warehouse" to read:  
**Day Care Facilities, 1.5 spaces per 400 square (37.2 m<sup>2</sup>) of  
Nursery Schools, and gross floor area  
Early Learning Centres**
- (6) An addition (in bold) to Part 14 Special Requirements: Architectural Guidelines to read:  
c) Exterior Cladding: bricks, wood shingles, wood siding, wood clapboard, stone **and  
acceptable equivalent, however no vinyl siding shall be  
permitted.**
- (7) Rewording of Part 5 Section 14 to read as follows:  
12. Frontage On A Street  
No ~~development permit~~ **building, structure or use** shall be ~~issued~~ **permitted** unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street; except for alterations, renovations and additions to existing structures located on private streets or for construction of dwellings on existing, vacant lots as per Policy R-28.
- (8) Rewording of Part 5 Section 21 to read as follows:  
21. Special Requirement: Setbacks From Watercourses  
a) In all residential zones, no ~~development permit shall be issued~~ for single unit, two unit or townhouse dwellings **shall be permitted** within fifty (50) feet of any watercourse or water retention area shown on the Environmentally Sensitive Areas map **or as determined by the Province of Nova Scotia under the Environment Act**, and no excavation or infilling shall be permitted within this buffer area except by development agreements. Multiple unit dwellings, and commercial buildings shall be setback a minimum of 100 feet from any

- watercourse or water retention area shown on the Environmentally Sensitive Areas map or as determined by the Province of Nova Scotia under the Environment Act, and no excavation or infilling shall be permitted within this buffer area except by development agreement. This provision does not apply to properties abutting the Bedford Basin.
- b) In all commercial zones and the ILI and IHI industrial zones, ~~no development permit shall be issued for any~~ **no building, structure or use shall be permitted** within one hundred feet (100) of any watercourse or water retention area shown on the ~~Zoning map~~ **Environmentally Sensitive Areas map or as determined by the Province of Nova Scotia under the Environment Act**, and no excavation or infilling within this area shall be permitted, except possibly through the provisions of a development agreement through the provisions of Policy E-8. The 100 ft. area shall be maintained with existing vegetation or shall be landscaped. Single unit, two unit and townhouses within the CCDD Zone shall be regulated by a) above. This provision does not apply to properties abutting the Bedford Basin.
- c) **Notwithstanding Sub-section 21(a) and (b), setback requirements for Construction and Demolition operations are set out in the applicable CD Zone and such operations must comply with the more stringent provisions. (RC-Sept 10/02;E-Nov 9/02)**
- (9) Rewording of Part 5 Section 27 to read as follows:  
**27. Special Requirement: 1:100 Floodway Fringe**  
No ~~development permit~~ **building, structure or use shall be permitted** issued for ~~development~~ within the 1 in 100 year floodway fringe as identified on the Zoning Map, unless the following special requirements are met:

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of North West Community Council held on the \_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk



ATTACHMENT G

NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING  
DECEMBER 2, 2002  
MINUTES

PRESENT: Delphis Roy, Chair  
Ann Merritt  
Gloria Lowther  
Tony Edwards  
Jan Gerrow  
Karen Stadnyk  
Councillor Len Goucher

ABSENT  
WITH REGRETS: George Murphy

STAFF: Ms. Julia Horncastle, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

2. **PUBLIC PARTICIPATION: CASE 00511 - AMENDMENTS TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW RE: APPROPRIATE DESIGNATION AND ZONING OF THE WATERFRONT AREAS ALONG THE BEDFORD BASIN, THE FLOODWAY AREA OF THE SACKVILLE RIVER, AND GENERAL HOUSEKEEPING AMENDMENTS**

Ms. Thea Langille-Hanna, with the aid of overheads, outlined the areas under discussion and the proposed zoning for each area.

**WATERFRONT**

Ms. Langille-Hanna advised Waterfront Comprehensive zoning should be placed on this area. She advised there is no zoning on the property at this time and staff was suggesting WCDD be placed on the property. Ms. Langille-Hanna noted this only requires change to the zoning map and no policy change would be required.

Walter Regan indicated where the two culverts are under the tracks and questioned whether there can be infilling in front of them.

Ms. Langille-Hanna responded that infilling is regulated through provincial legislation. She advised Municipal documents must be put in place to deal with land use issues.

Walter Regan said there should not be any infilling in this area.

Don Lowther questioned whether these issues should be brought to the Bedford Waters Advisory Committee.

Ms. Langille-Hanna advised the items will be coming forward to Bedford Waters Advisory Committee in the future. She noted there is policy that says comments should be provided by BWAC and issues of infill be examined by the waters advisory committee.

Bob Kerr asked if there was a water course in there does it have to follow the Bedford MPS requirements.

Ms. Langille-Hanna advised that if there is a water course that is identified in the MPS then there is a process that has to be followed but this is not a watercourse.

In response to Mr. Kerr, Ms. Langille-Hanna advised they do not know what the final configuration of the culvert will be. Mr. Kerr stated the Municipality should say any streams should be above ground.

In response to a resident, Ms. Langille-Hanna advised this was here tonight to ask the general public if they felt it was time to put the zoning on the property. She noted infilling is happening and the appropriate restrictions should be put on the property.

Ms. Langille-Hanna advised the Municipality has no authority over infilling. The municipal responsibility is to put appropriate zoning and land use regulations on this property so that when the Waterfront Development is ready to do their development the appropriate zoning and regulations will be in place. It will have land use controls. She noted Waterfront Development is infilling and have received approval to do so. She advised the only thing left is to put on the map what zoning is on the piece of property. There has to be a zone on the property to issue permits for development. She advised the municipality is aware infilling is happening. It is now time to put zoning on property noting, the zoning proposed does involve a public process.

Mr. Bill Campbell, Waterfront Development Corporation, advised they are filling in and have all the approvals to do so. They are planning Phase 2 and will be holding meetings in new year. He advised they are doing some technical and engineering work at the present time. They will have to go through a development agreement process. He advised the current plan is not to fill in the culverts.

Ms. Langille-Hanna advised there are no land use regulations in place at present time.

Mr. Murray asked who owns property.

Ms. Langille-Hanna advised it belongs to the Waterfront Development.

Mr. Murray received confirmation that this was essentially a housekeeping matter.

Tom Blackmore asked what is happening in this area.

Ms. Langille-Hanna stated there are no regulations on the property. There should be a list of land uses applied to the property and, once zoning is placed on the property, concept plans are submitted to the municipality to work out details of what is being proposed. She noted the proposal is for commercial, residential and water related uses. This zoning was chosen through consultation with the residents, staff and the former Council of Bedford. She noted there will be view planes that have to be looked at as well.

Mr. Don Lowther stated there are view planes that need to be incorporated into Phase 2 and questioned whether the residents can be assured that the view planes will stay as view planes.

Ms. Langille-Hanna advised the view planes are in the policies. She advised the view plane has been identified and there will be no development in that area.

In response to Mr. Bob Kerr, Ms. Langille-Hanna advised that the zoning has been established but has not been applied.

In response to Mr. Kerr as to the uses, Ms. Langille-Hanna outlined these.

Ms. Gloria Lowther stated 15% of all land that is created is given to HRM and we can say that can be part of the view plane.

Ms. Langille-Hanna stated it should be clarified that the zoning does not include any industrial or highway commercial uses.

In response to Mr. Kerr, Ms. Langille-Hanna said the MPS does define the permitted uses as well as the waterfront development zone. On further question, Ms. Langille-Hanna stated yes staff was suggesting the zone be put on the land as infilling has started.

Mr. Kerr suggested the most restrictive zone be placed on the property.

Ms. Langille-Hanna said the document stated this is the most appropriate time to put a zone on the property. If infilling is happening this is right time to put the zone on the property which will restrict development to those uses listed.

In response to Ann Merritt, Ms. Langille-Hanna said there will be no development on those lands until there is a public hearing.

Mr. Murray asked how much land will be infilled. In response, Ms. Langille-Hanna advised approximately 25 to 30 acres.

A resident asked if the public hearing process has any impact on anything that is planned. Ms. Langille-Hanna explained that any meetings would be about actual development of the area such as type of building, land uses, access points and traffic etc.

Ms. Gloria Lowther agreed with putting one zone on the property but expressed concern with view plane protection. Ms. Langille-Hanna said this would be addressed under the public consultation process.

## SHORE DRIVE

Ms. Langille-Hanna advised these are pre or post confederation lots and when infill activity happens HRM would take the residential single unit zone and move it over to cover the new area created. When someone infills in the water the existing zone and apply it to new piece of land.

Ms. Gloria Lowther asked if someone infilled could they subdivide and make a flag lot.

Ms. Langille-Hanna advised it is not possible. It would have to be existing land, can't infill and create a new flag lot.

In response to Mr. Donovan, Ms. Langille-Hanna said if you infill on your property you could build a shed if it meets the requirements of that zone.

In response to Mr. Murray, Ms. Langille-Hanna said if infill happens the abutting zone would apply to the infilled area.

Ms. Langille-Hanna confirmed these are housekeeping matters but they need to be addressed and a zone needs to be put in place.

In response to Mr. Robert Grant whether RSU boundary follows shoreline, Ms. Langille-Hanna confirmed that it does.

Mr. Walter Reagan asked if there was any way to stop infilling. Ms. Langille-Hanna advised there is not as the approval comes from the federal government and the municipality has to follow the Municipal Planning Strategy regulations.

A resident as if someone infills a couple of feet for a wall would you have to consolidate with the current lot. Ms. Langille- Hanna advised it would be more of an issue if someone building a boat house or shed.

In response to a resident, Ms. Langille-Hanna stated the zone would only be placed on new land that is created.

## FLOODWAY

Ms. Langille-Hanna advised a floodway area was omitted and needs to be put on the map and staff is recommending this be fixed advising they are required through provincial law to do so.

Ms. Merritt advised the public that there are rules and regulations governing building in a floodplain.

Ms. Langille-Hanna advised that the floodplain areas have to be shown on the maps as there may be an issue of liability to the Municipality if they are not clearly identified.

Mr. Walter Regan advised the Waters Advisory Board are in support of this.

#### SETBACK FROM WATERCOURSES

Ms. Langille-Hanna advised institutional has not been mentioned and should have the same setback requirements as a commercial zone does. She suggested 100 ft setback from watercourses be added for institutional uses.

Mr. Walter Regan advised the Waters Advisory Board are in support of this.

#### VARIOUS ISSUES AND DISCREPANCIES

Ms. Langille-Hanna advised some of the proposals to address discrepancies are:

- All senior care facilities in Bedford of 11 or more residents go by development agreement.
- Sandy Lake academy should be institutional.
- "Seniors Residents Complex" instead of "Seniors Apartments" be the wording in LUB.

#### MOIRS MILL POND

Ms. Langille-Hanna advised the future land should be designated.

Mr. Lowther stated the property should have Parkland designation applied to it.

Mr. Murray asked if we could put a moratorium on development in the area.

Ms. Langille-Hanna advised a holding zone could be put on noting there is a legal requirement to have a use applied to every zone.

In response to a resident of Shore Drive who advised the original proposal was to infill the pond, Ms. Langille-Hanna stated that Sobeys are keeping a channel so there would only be partial infilling.

A resident noted this is not covered under the Sobeys development agreement.

Ms. Langille-Hanna confirmed that this was correct and identified the boundary noting, there is a development agreement but it does not cover the pond.

Mr. Bob Kerr said people are opposed to the infilling of the pond. He suggested the area be examined as future recreational use and suggested it be zoned recreational and maybe it will not be infilled if it has that zoning. He suggested putting a zone on that would not make it appealing to developers to develop.

Ms. Langille-Hanna noted there are financial obligations if it is zoned recreational. The municipality would have to purchase it after a period of time.

Ms. Lowther said it was an environmentally sensitive area and it should remain in its natural state.

Ms. Langille-Hanna explained that if Federal approval is given to infill then that approval would supersede municipal regulations.

In response to Ms. Lowther regarding the easement adjacent to the pond, Ms. Langille-Hanna advised she is not sure of the status of the easement as it has not come before Regional council to date.

Mr. Brian Todd stated he feels commercial development would be a good thing. It should be commercial at this location because this is one place where the traffic can be controlled. He stated commercial development in this area would be an enhancement to the community.

Ms. Langille-Hanna advised staff will come back to a future meeting with options.

Mr. Walter Regan stated if infilled he would like to see it zoned CCDD.

Ms. Lowther stated that if it was to be infilled then the zone should be the most restrictive zone in the area. Ms. Langille-Hanna she would come back with options and policy wording.

Councillor Goucher advised the province is interested in putting heritage designation on the pond.

Mr. Grant, Sobey's, advised Sobey's is interested in filling in portions of the pond, noting there is debris in the pond as a result of the previous business in the area. He advised Sobey's has applied to infill 50% of the pond. Many areas of the pond are stagnant. Environmental assessment has been completed and awaiting approvals. They will improve the environmental quality of the rest of the pond. Sobey's is off the understanding that it



be CDD zone and it would require a public hearing process. He stated it should be zoned in accordance with adjacent properties.

In response to Mr. Murray it was confirmed that Sobey's have the deed to the property.

**3. CLOSING COMMENTS**

Mr. Roy thanked those in attendance for their participation and input advising this was the first step in the process and they would have opportunity to provide additional input during the public hearing process.

**4. ADJOURNMENT**

There being no other business, the meeting was adjourned at 9:00 p.m.

## ATTACHMENT H

### BEDFORD WATERS ADVISORY COMMITTEE JANUARY 8, 2003 DRAFT MINUTES

#### 6.1 **CASE 00511: VARIOUS AMENDMENTS TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW**

- Memorandum from Ms. Langille-Hanna dated December 17, 2002 re an application to initiate the plan amendment process associated with waterfront areas along the Bedford Basin, i.e. the Waterfront Comprehensive Development District (WFCDD) and water lots along Shore Drive; the floodway of the Sackville River and general housekeeping matters associated with the Bedford MPS and Land Use By-law. She noted that another Public Participation Meeting is planned for the end of January, first of February to deal with amendments associated with Moirs Mill Pond and Sandy Lake Academy. BWAC will be invited. These amendments will also be brought to the Committee for comment. (*Agenda*)

Ms. Langille-Hanna reviewed with the members the amendments staff is suggesting which relate to water issues. She was seeking comments from the Committee on the following proposals:

- The WFCDD zone should be applied to infill lands of Phase Two.
- The abutting zone and designation be extended to infilled areas along Shore Drive.
- As an oversight has been identified in the mapping of the floodway area of the Sackville River, it is recommended that this oversight be dealt with and any other areas which are subsequently identified as needing adjustment.
- The 100' buffer from a watercourse required for Industrial and Commercial Zones be expanded to include Institutional uses.

Her review was followed by a question and answer session. Some of the issues dealt with are as follows:

- When a request for infilling is made to the Federal Government, the HRM be advised. Ms. Langille-Hanna will draft a letter to this effect, asking that Planning and Development Services, Lower Sackville office be advised.

- It was felt that before any infilled area is built upon, it be required that the area be tested to ensure there is adequate compaction. Secondly, there is a need to ensure there is no erosion and sedimentation. Ms. Langille-Hanna will look into what controls there are.
- Referring to the mapping of the floodway associated with the Canada-Nova Scotia Flood Reduction Program, interest was expressed in having background on the actual study. Mr. Schaffenburg will seek this information.
- It was felt that the calculations for the 1:20 floodway and 1:100 floodway were significantly underestimated and it may be time to readjust, i.e. the 1:20 floodway may actually be a 1:10 floodway.

**MOVED BY Mr. Li and seconded by Mr. Gibb that BWAC is in agreement with the direction Planning and Development Services is taking. MOTION PUT AND CARRIED UNANIMOUSLY.**