



P.O. Box 1749
Halifax, Nova Scotia
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Item No.
North West Community Council
July 21, 2014

TO: Chair and Members of North West Community Council
Original Signed

SUBMITTED BY: 
Brad Anguish, Director of Community and Recreation Services

DATE: June 20, 2014

SUBJECT: **Cases 19218/19303: Amendment to Bedford Land Use By-law to identify 23 Olive Avenue and 165 & 167 High Street, Bedford, as existing two unit dwellings in the RSU Zone**

ORIGIN

Staff

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter – Part VIII “Planning and Development”

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to the proposed amendment of the Bedford Land Use By-law to include 23 Olive Avenue and 165 and 167 High Street as existing two unit dwellings in the RSU (Residential Single Unit) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed amendment to the Bedford Land Use By-law as provided in Attachment A of this report.

BACKGROUND

The Bedford Land Use By-law lists the permitted uses in the Residential Single Unit (RSU) zone, which are limited to single unit dwellings, neighbourhood parks, special care facilities for up to 10 residents, accessory uses and existing two unit dwellings. A list of 8 properties that contained two unit dwellings on the effective date of the Land Use By-law are listed within the RSU Zone.

23 Olive Avenue and 165 and 167 High Street are absent from the list of permitted existing two unit dwellings in the RSU zone. Staff advised that this appears to have been an oversight at the time of the adoption of the Bedford Land Use By-law and this application has been initiated by staff to correct this matter.

Location, Designation and Zoning

23 Olive Avenue:

<i>Subject Property</i>	23 Olive Avenue (PID 41399692), Bedford
<i>Location</i>	South of Hammonds Plains Road off Lewis Drive
<i>Lot Area</i>	775.6 square meters (8,349 square feet)
<i>Designation</i>	RR (Residential Reserve) (Map 1A) under the Bedford Municipal Planning Strategy and US (Urban Settlement) under the Regional Plan
<i>Zoning</i>	RSU (Residential Single Unit) (Map 2A) under the Bedford Land Use By-law
<i>Surrounding Land Uses</i>	Single unit dwellings and a vacant parcel to the north. Two unit dwelling to the west.
<i>Current Use</i>	Two unit dwelling

165 & 167 High Street:

<i>Subject Property</i>	165 and 167 High Street (PID 41056110), Bedford
<i>Location</i>	North of Hammonds Plains Road intersection with Bedford Highway, one block west from Bedford Highway
<i>Lot Area</i>	1,219.8 square meters (13,131 square feet)
<i>Designation</i>	R (Residential) (Map 1B) under the Bedford Municipal Planning Strategy and US (Urban Settlement) under the Regional Plan
<i>Zoning</i>	RSU (Residential Single Unit) (Map 2B) under the Bedford Land Use By-law
<i>Surrounding Land Uses</i>	Single unit dwellings
<i>Current Use</i>	Two unit dwelling

Enabling Policy

Policy R-4 of the Bedford Municipal Planning Strategy (MPS) establishes a Residential designation, which is applied to 165/167 High Street and is generally applied to properties with municipal water and sewer services. Policy R-6 establishes a Residential Reserve designation, which is applied to 23 Olive Avenue, and is generally applied to properties with on-site services. However, 23 Olive Avenue is serviced with municipal water and sewer. These two designations direct future residential growth while supporting existing residential development patterns. Policy R-5 is common to both properties and provides for a variety of residential zones permitting a mix of residential uses and enables the creation of the Residential Single Unit Zone (RSU) which allows single detached dwellings and existing two unit dwellings.

DISCUSSION

There is clear evidence of the authorization of the use of both subject properties as two unit dwellings before the 1996 effective date of the Bedford Land Use By-law.

23 Olive Avenue

A permit for the construction of a two unit dwelling at 23 Olive Avenue was issued July 7, 1969, and the permit is noted as 'Job Complete and Occupied'. The 1969 permit predates both the original 1982 effective date of the original Bedford Land Use By-law and the last overall plan review date of 1996. Therefore, 23 Olive Avenue contains an existing two unit dwelling.

165 and 167 High Street

HRM records indicate the building located at 165 and 167 High Street has been used as a two unit dwelling as far back as 1972, which predates both the original 1982 effective date of the original Bedford Land Use By-law and the last overall plan review date of 1996. A permit authorizing the use of the residence at 165 & 167 High Street was issued on August 21, 1991. Therefore, 165/167 High Street contains an existing two unit dwelling.

North West Planning Advisory Committee

The North West Planning Advisory Committee (NWPAC) reviewed these applications on May 7 and June 4, 2014. The Committee did not identify any issues or concerns and have recommended approval of the proposed amendments.

Conclusion

Staff advise that identifying 23 Olive Avenue and 165 and 167 High Street as existing two unit dwellings complies with the intent of Policy R-5. Policy R-5 states, *'It shall be the intention of Town Council to establish the following zones within the residential designation: Residential Single Unit Zone (RSU) which permits single detached dwellings and existing two unit dwellings'*.

The absence of 23 Olive Avenue and 165 and 167 High Street from the list of permitted existing two unit dwellings in the RSU zone is an oversight and this amendment to the Land Use By-law will correct the error. Without this amendment the properties are subject to HRM Charter limitations relative to conforming uses.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

A Public Information Meeting was not held due to the minor nature of the application. A public hearing has to be held by Community Council before they can consider approval of any amendments to the Land Use By-law. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the areas shown on Maps 2A and 2B will be notified of the hearing by regular mail.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the MPS. No additional concerns were identified beyond those discussed in this report.

ALTERNATIVES

1. Community Council may choose to refuse to approve the proposed amendments to the Bedford Land Use Bylaw as provided in Attachment A of this report, and in doing so, must provide reasons why the Land Use bylaw amendments do not reasonably carry out the intent of the MPS. This is not recommended. A decision of Community Council to reject these Land Use Bylaw amendments, with

or without a public hearing, is appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.

2. Community Council may choose to approve the proposed amendments to the Bedford Land Use Bylaw subject to modifications. This may necessitate further negotiation with the applicant, a supplementary staff report and an additional public hearing.


ATTACHMENTS

Attachment A	Proposed Land Use By-law Amendment
Map 1A	23 Olive Ave- Generalized Future Land Use
Map 2A	23 Olive Ave- Zoning and Notification
Map 1B	165 and 167 High Street - Generalized Future Land Use
Map 2B	165 and 167 High Street - Zoning and Notification

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> 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: Erin MacIntyre, Planner 1, 490-6704

Original Signed

Report Approved by:  Kelly Denty, Manager Development Approvals, 490-4800

Attachment A

Proposed Amendments to the Bedford Land Use By-law

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

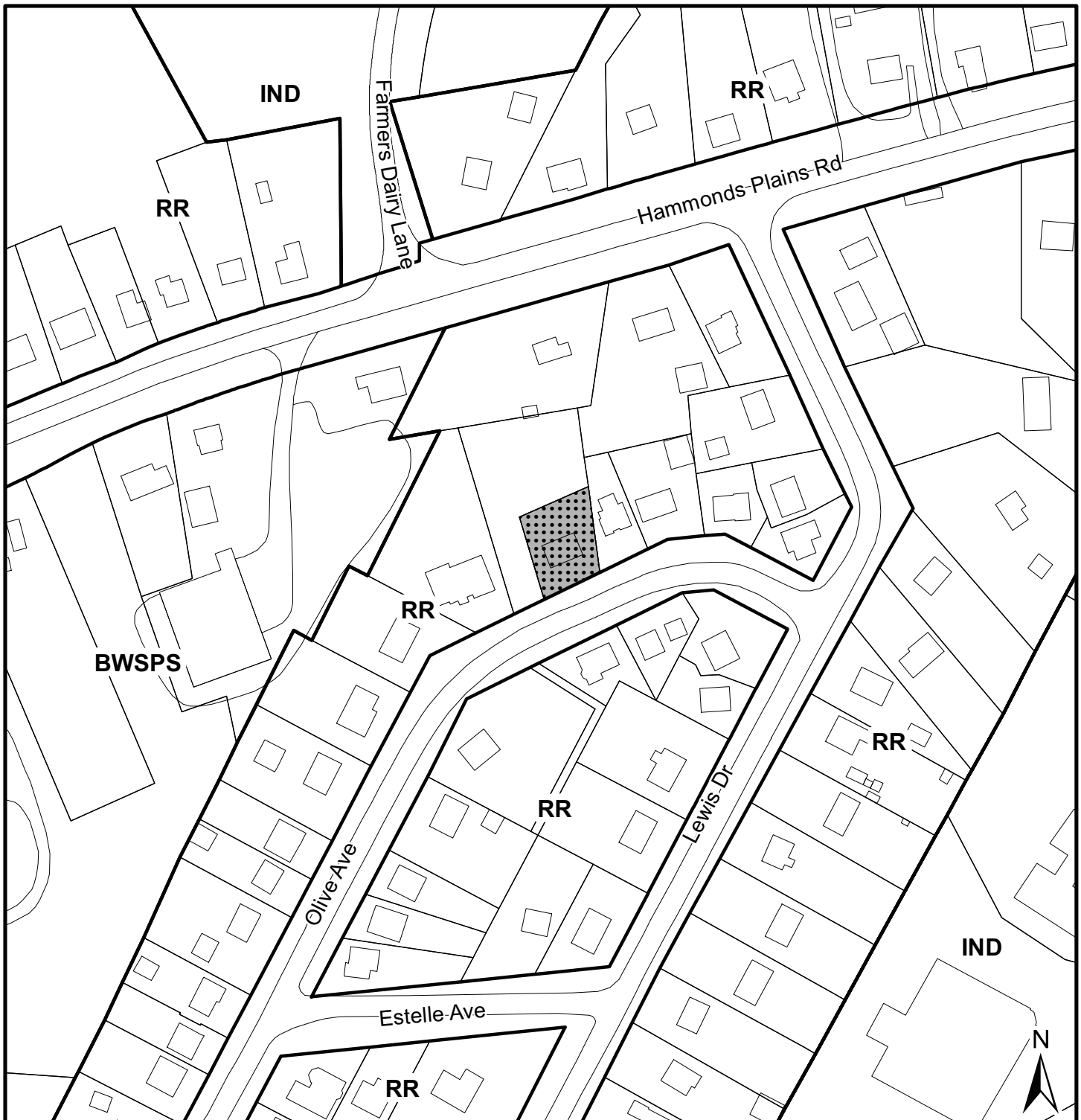
1. Within Part 6, Subsection e) insert the following two addresses directly after '20 Emmerson Street (LRIS #433631 (RC- Jul 8/04; E-Jul 10/04)' :

23 Olive Avenue (LRIS # 41399692)
165 & 167 High Street (LRIS # 41056110)

I HEREBY CERTIFY that the amendments to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the _____ day of _____, 2014.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2014.

Cathy Mellett
Municipal Clerk



Map 1A - 23 Olive Ave- Generalized Future Land Use

23 Olive Avenue
Bedford

HALIFAX

 Subject Property

Designation

RR	Residential Reserve
IND	Industrial
BWSPS	Bedford West Secondary Planning Strategy

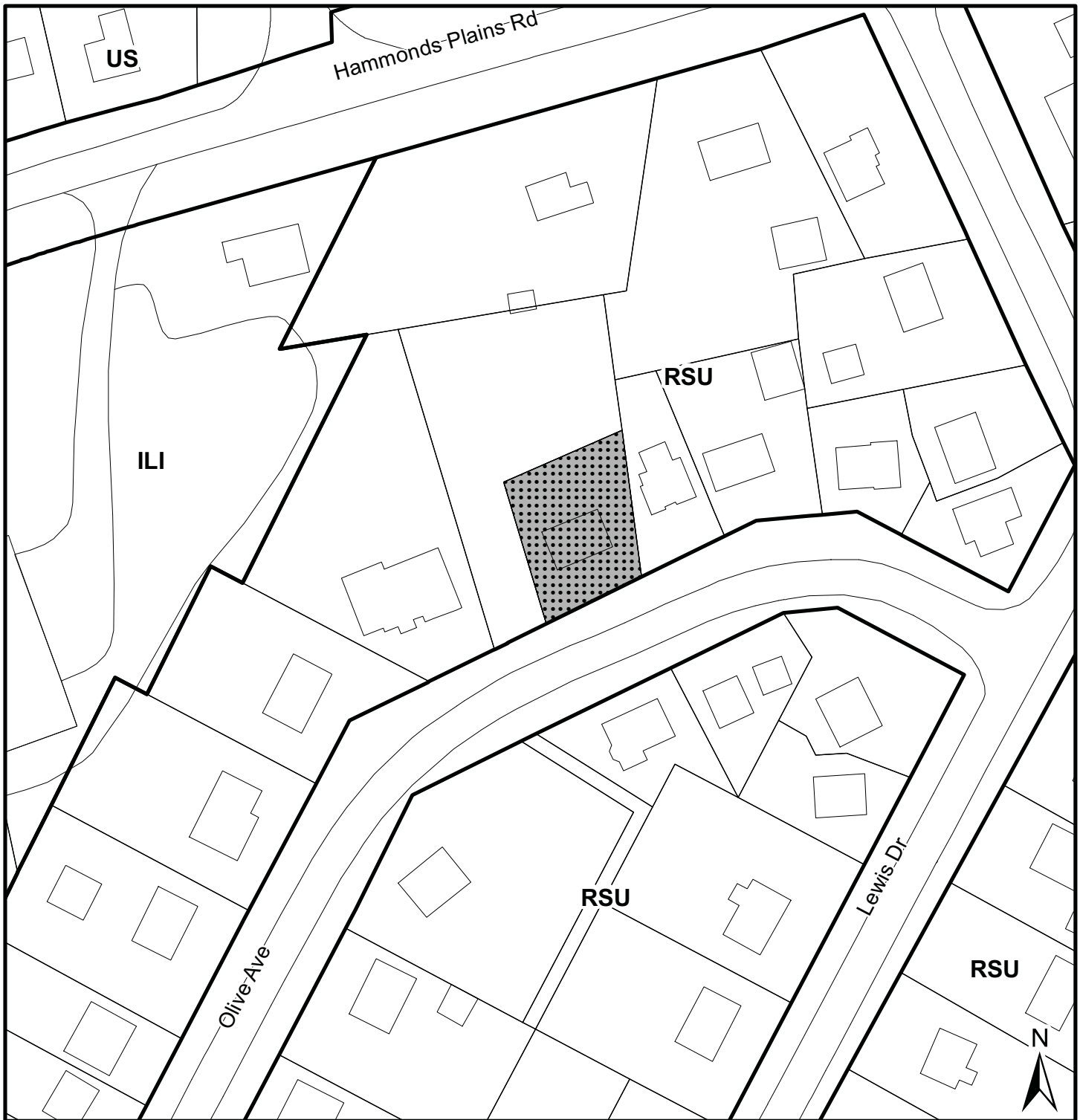
0 20 40 60 m



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

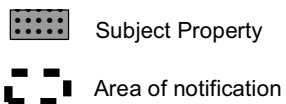
HRM does not guarantee the accuracy of any representation on this plan.

Bedford
Plan Area



Map 2A - 23 Olive Ave -Zoning and Notification

23 Olive Avenue
Bedford

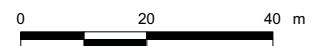


Bedford
Land Use By-Law Area

Zone

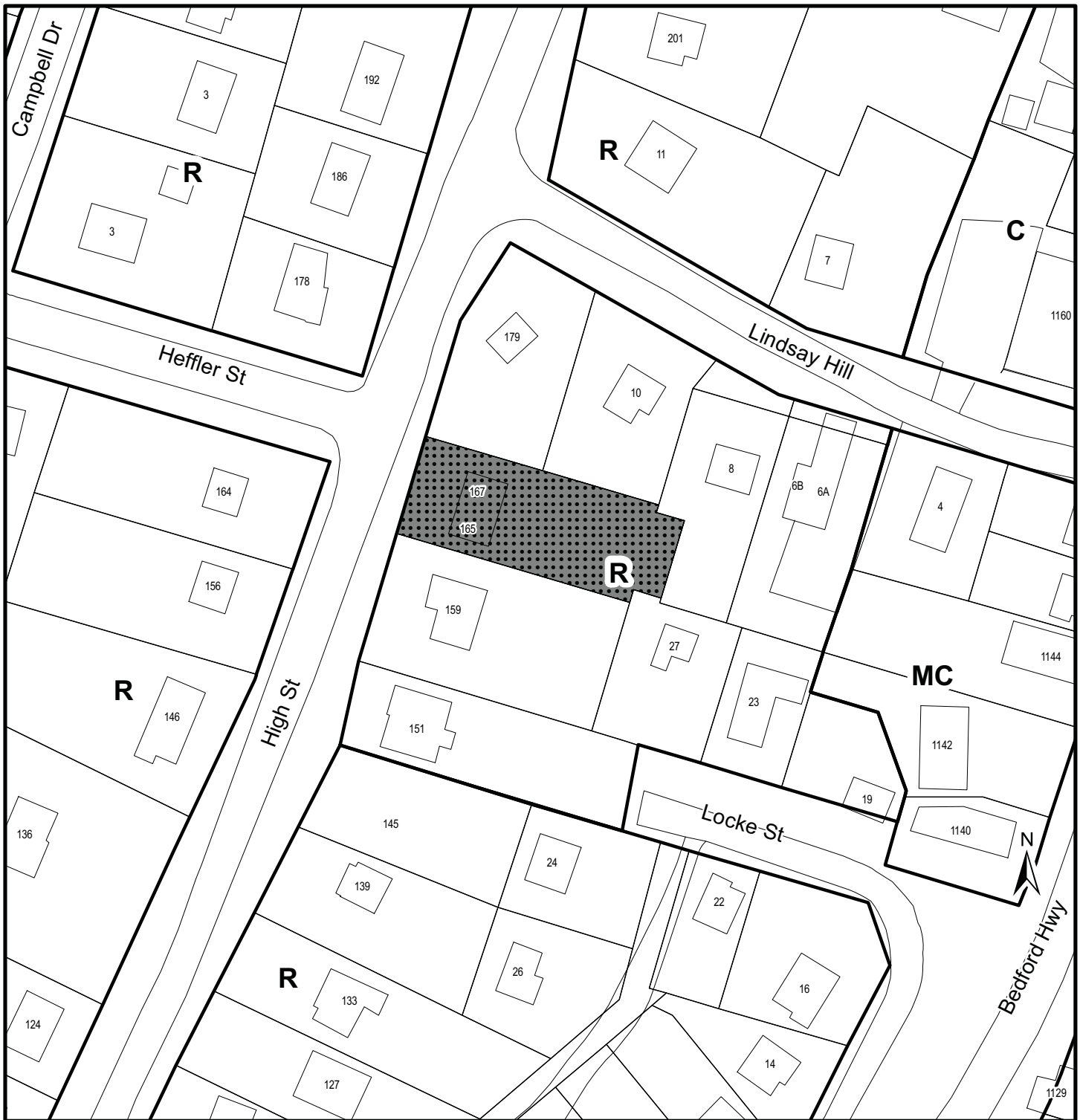
RSU	Single Dwelling Unit
US	Urban Settlement
ILI	Light Industrial

HALIFAX




This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Map 1B - 165/167 High Street - Generalized Future Land Use

165/167 High Street,
Bedford

 Subject Area

Designation

R	Residential
MC	Mainstreet Commercial

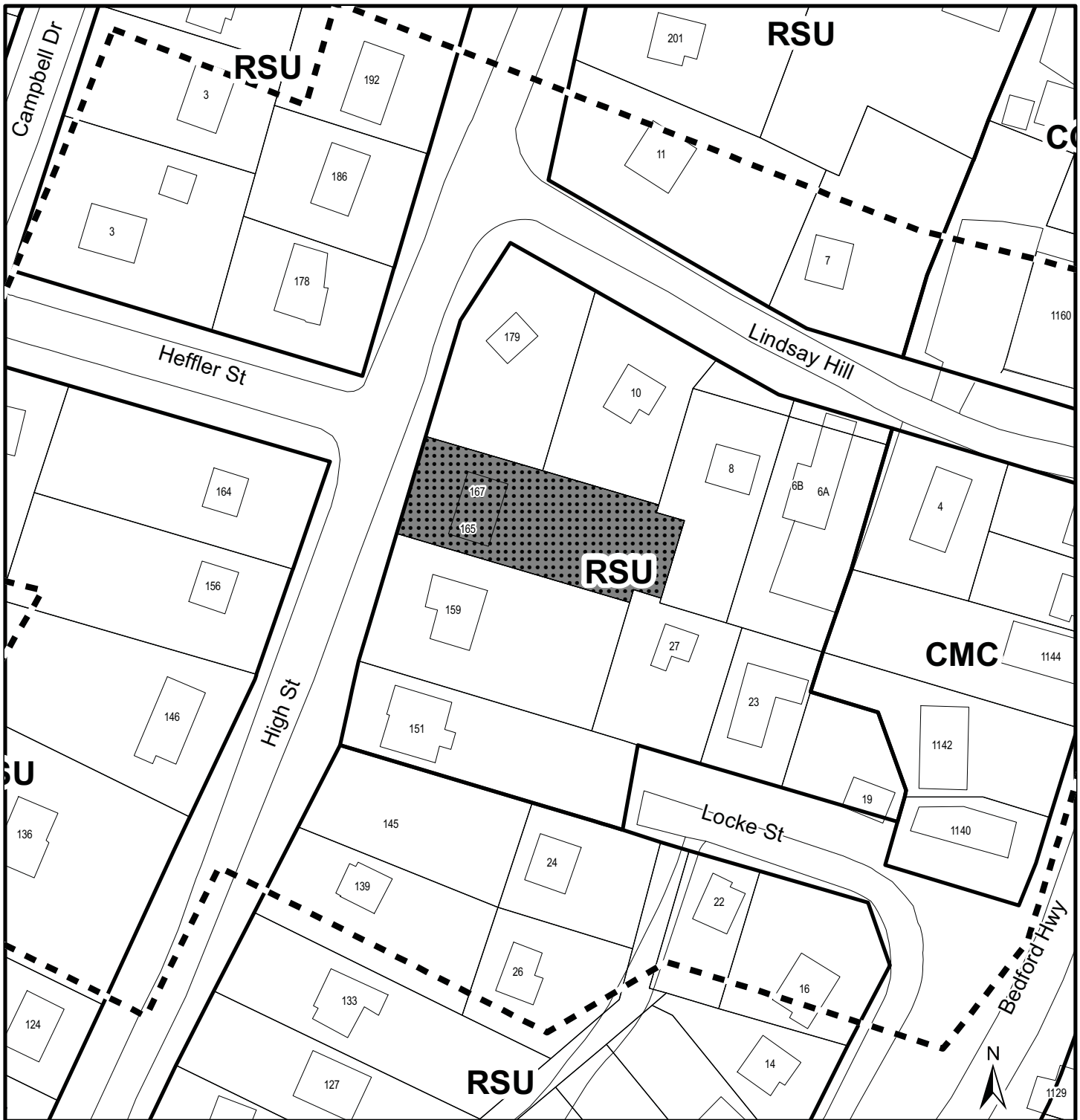
Bedford Plan Area

HALIFAX

0 20 m

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Map 2B - 165/167 High Street - Zoning and Notification

165/167 High Street,
Bedford

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0 20 m

-  Subject Area
-  Area of Notification

Zone

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

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Bedford Plan Area