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North West Community Council
April 27, 2006

TO: North West Community Council

SUBMITTED BY: Gail Harnish / for
Ann Merritt, Acting Chair
North West Planning Advisory Committee

RE: Case 00832: Bedford MPS and LUB Amendment - 356 Hammonds Plains Road

DATE: April 6, 2006

ORIGIN

North West Planning Advisory Committee meeting - April 5, 2006

RECOMMENDATION

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

- Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment D of the staff report dated March 17, 2006, and schedule a public hearing;
- Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment D of the staff report dated March 17, 2006.

ATTACHMENTS

Staff report dated March 17, 2006

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: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ann Merritt, Acting Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
April 5, 2006

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: March 17, 2006

Subject: **Case 00832: Bedford MPS and LUB Amendment - 356
Hammonds Plains Road**

ORIGIN:

An application by Brent and Karri Urquhart to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Bedford.

RECOMMENDATION:

It is recommended that North West Community Council recommend that Regional Council:

- Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment D and schedule a public hearing;
- Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment D.

BACKGROUND:

Brent and Karri Urquhart recently acquired a residential property with two single family homes located on it at 354/356 Hammonds Plains Road in Bedford (Map 1). One home is considered a legal conforming land use and structure, the other home is considered a legal non-conforming structure and a legal conforming land use. The property is adjacent to a large undeveloped 48 acre site previously intended for the construction of a blood processing plant. The site is owned by HRM and is part of the Bedford West Master Plan Area.

Shortly before acquisition of their home at 354/356 Hammonds Plains Road, it was brought to the attention of the Urquharts that the garage and shed on the property was partially located on the adjacent HRM parcel (Map 4). The Urquharts acquired the residential property with the intent of acquiring a portion of the HRM property at a later date to resolve the issue of a large portion of the garage and shed being located on HRM property.

To date the Urquharts have negotiated the terms and conditions of an agreement of purchase and sale with HRM Real Property and Asset Management for the acquisition of the lands they require, 2800 square feet, to ensure the garage is not located on HRM property. The terms and conditions of the proposed conveyance have been approved by the Municipality.

The garage and shed straddle a zone boundary and were constructed in a location which is not permitted under the Land Use By-law. In addition, the current zoning on the piece of land the Urquharts wish to acquire does not permit the existing garage and shed, and the Bedford MPS provides no means of rezoning the land to a zone which permits the garage and shed.

The lands in question:

- are subject to the Bedford MPS and LUB;
- are designated and zoned Information Technology and Research (see Maps 1 and 2);
- are approximately 2800 square feet (28 feet by 100 feet) in size; and

Surrounding Land Uses: The property is adjacent on the east, west and north to properties zoned RSU (Residential Single Unit Dwelling) Zone and developed as single family homes. To the south are undeveloped lands zoned ITR (Information, Technology and Research) Zone.

Synopsis of Proposed Development: The applicants are requesting that the Bedford MPS be amended to allow for a rezoning to Residential Single Unit (RSU), the zone which primarily permits single unit dwellings.

Public Meeting: A public meeting was held on January 4, 2006 for this application. Minutes of the meeting are provided as Attachment C. The notification area is shown on Map 3.

DISCUSSION:

The plan amendment to allow the proposed zone change is relatively simple as there is no specific policy in the Bedford MPS which references the subject property. The only modification required to the MPS would be to amend the Generalized Future Land Use Map by changing the designation for this property from Information, Technology and Research to Residential Reserve and amend the Zoning Map to rezone the property from ITR (Information, Technology and Research) Zone to RSU (Residential Single Unit) Zone.

In order for staff to recommend considering a change to the MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated.

The Bedford MPS identified the subject site as Information, Technology and Research on the Generalized Future Land Use Map. The MPS anticipated that this property would be used for those uses. The garage is a significant size and would be very costly to move or demolish. The proposed amendments do not change any land use rights pertaining to the non-conforming structure. Therefore staff see it reasonable in this instance to sell the required property to the Urquharts and redesignating and rezoning the needed property to permit the existing garage and shed.

During the review of the proposal no issues were identified which were of concern.

Draft Regional Plan/Bedford West Master Plan:

Under the draft Secondary Planning Strategy prepared by the Bedford West Public Participation Committee, the HRM lands which were originally acquired for the blood processing plant and abutting lands owned by Annapolis Group are designated and zoned for a business campus. The new business campus zone will permit the uses permitted by the ITR zone, as well as additional business uses. Residential uses are not permitted by the proposed zone but a policy has been included in the Secondary Planning Strategy which would allow for consideration of residential developments by development agreement.

Although rezoning to RSU is not contemplated by the draft Secondary Planning Strategy, the proposal would not, in the opinion of Regional Planning staff, adversely affect the future development potential of the business campus lands as the area requested is relatively small and on the periphery.

If Council approves the proposed plan amendment, care must be taken to ensure that the proposed changes are reflected in the draft Bedford West Secondary Planning Strategy.

Summary:

Staff recommends that Regional Council amend the Bedford MPS to designate a portion of the subject site, PID#40698359, Residential Reserve on the Generalized Future Land Use Map and concurrently amend the Bedford LUB to rezone the site Residential Single Unit (RSU) Zone as identified in Attachment D.

BUDGET IMPLICATIONS:

None.

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. Approve the request to amend the Bedford MPS and LUB to designate a portion of HRM owned land (PID#40698359) Residential Reserve and rezone it RSU (Residential Single Unit) Zone. This is the staff recommendation.
2. Refuse the requested amendment. A request to amend its MPS is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as staff feels that there is merit in proceeding with amendments to the Bedford MPS. A decision to refuse the proposed changes would require the property owner to remedy the situation by removing the offending structure.

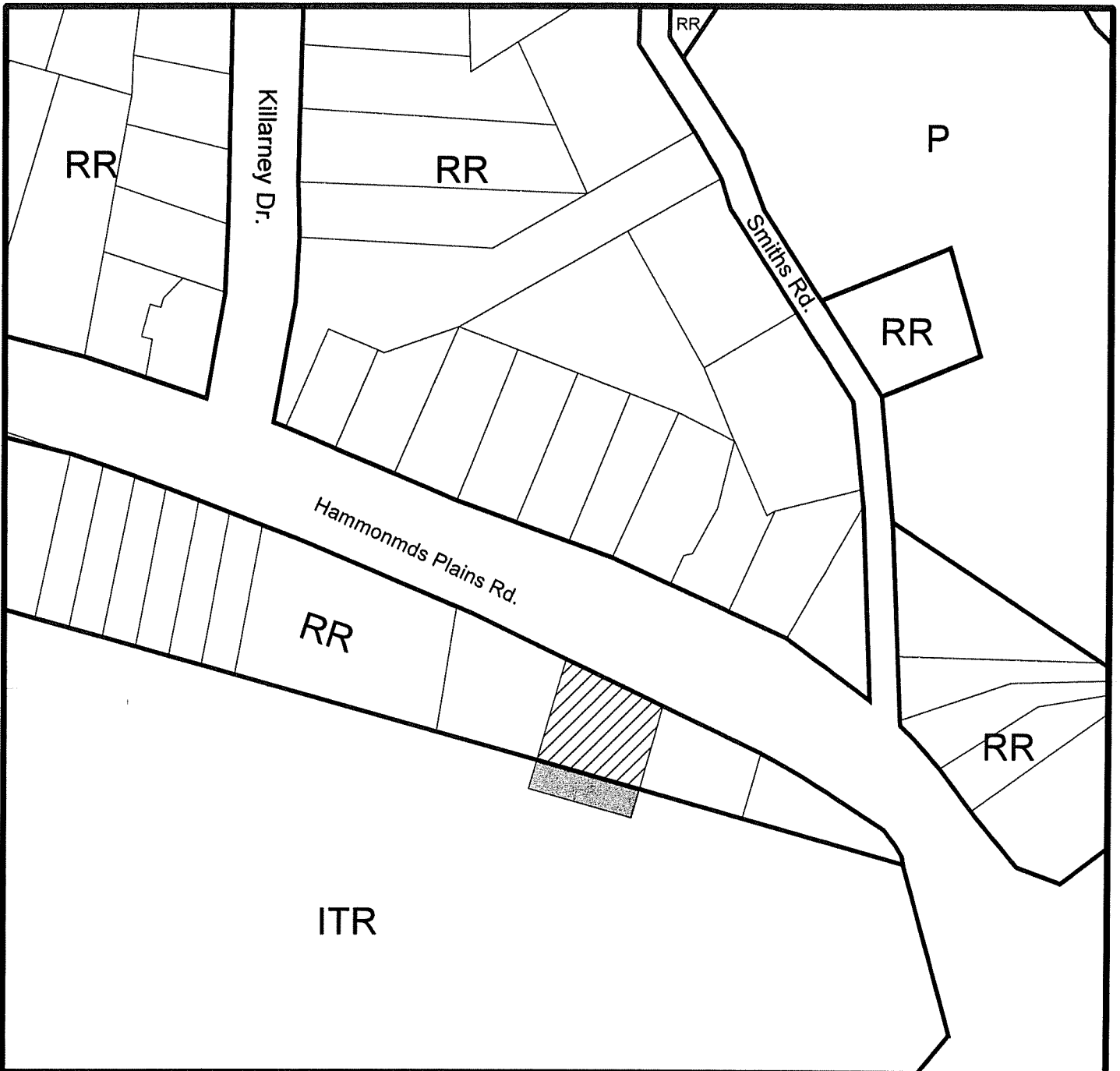
ATTACHMENTS:

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Notification Map
Map 4	Site Plan
Attachment A	ITR Zone Requirements
Attachment B	RSU Zone Requirements
Attachment C	Public Meeting Minutes
Attachment D	Proposed Changes to Bedford MPS and LUB

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: Andrew Bone, Planner I, Planning and Development Services 869-4226

Report Reviewed by: *Kathy Smith*
Jr Joan Broussard, Financial Consultant



**Map 1
Generalized Future Land Use**



Area to be Rezoned from ITR to RSU
and Redesignated from ITR to RR



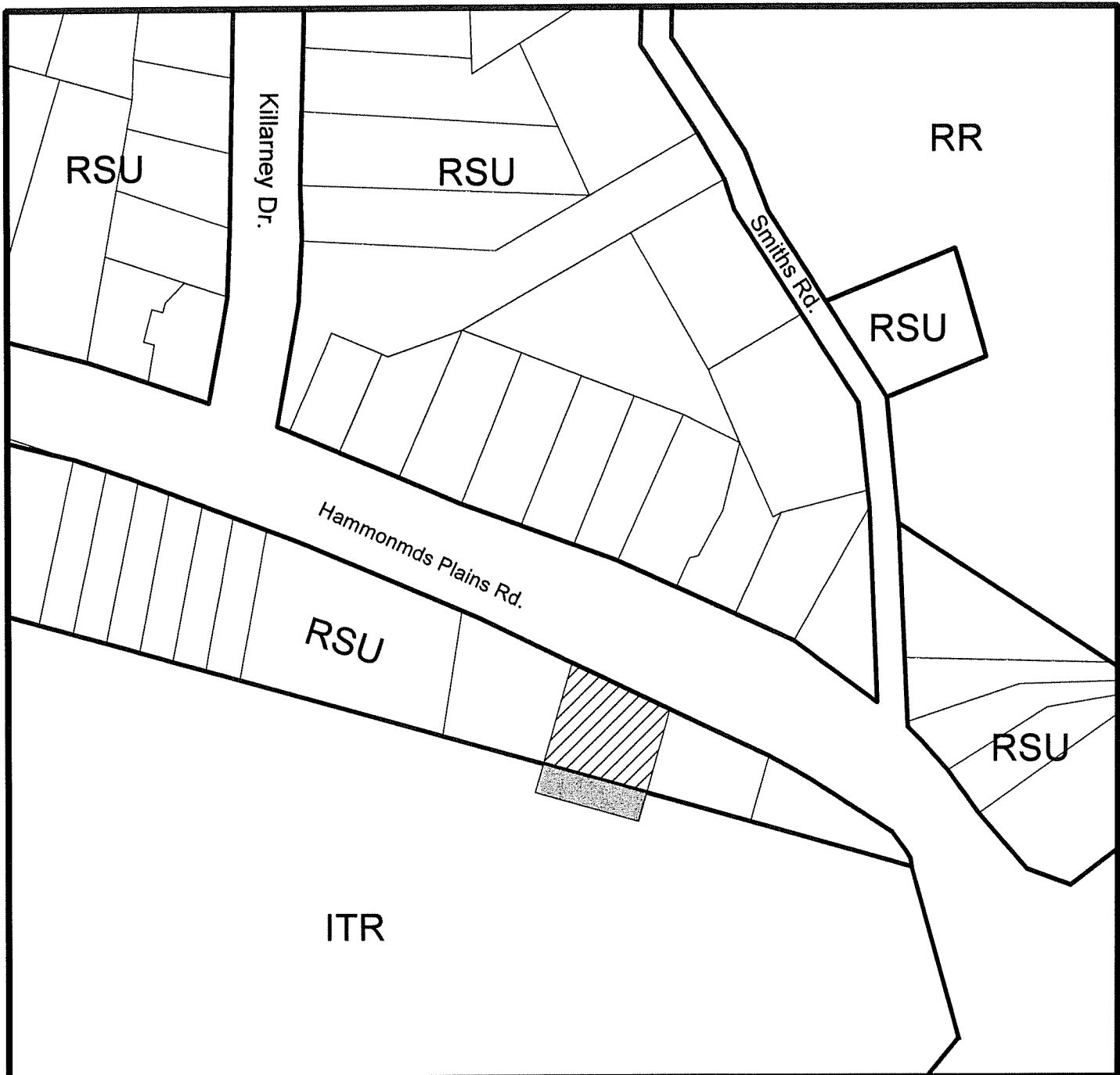
Lands of
Brent and Karri Urquhart



Bedford Plan Area

- RR Residential Reserve Designation
- P Park and Recreation Designation
- ITR Information Technology and Research Designation





**Map 2
Zoning**

Bedford Plan Area

- RSU Single Dwelling Unit Zone
- RR Two Dwelling Unit Zone
- ITR Information Technology and Research Zone

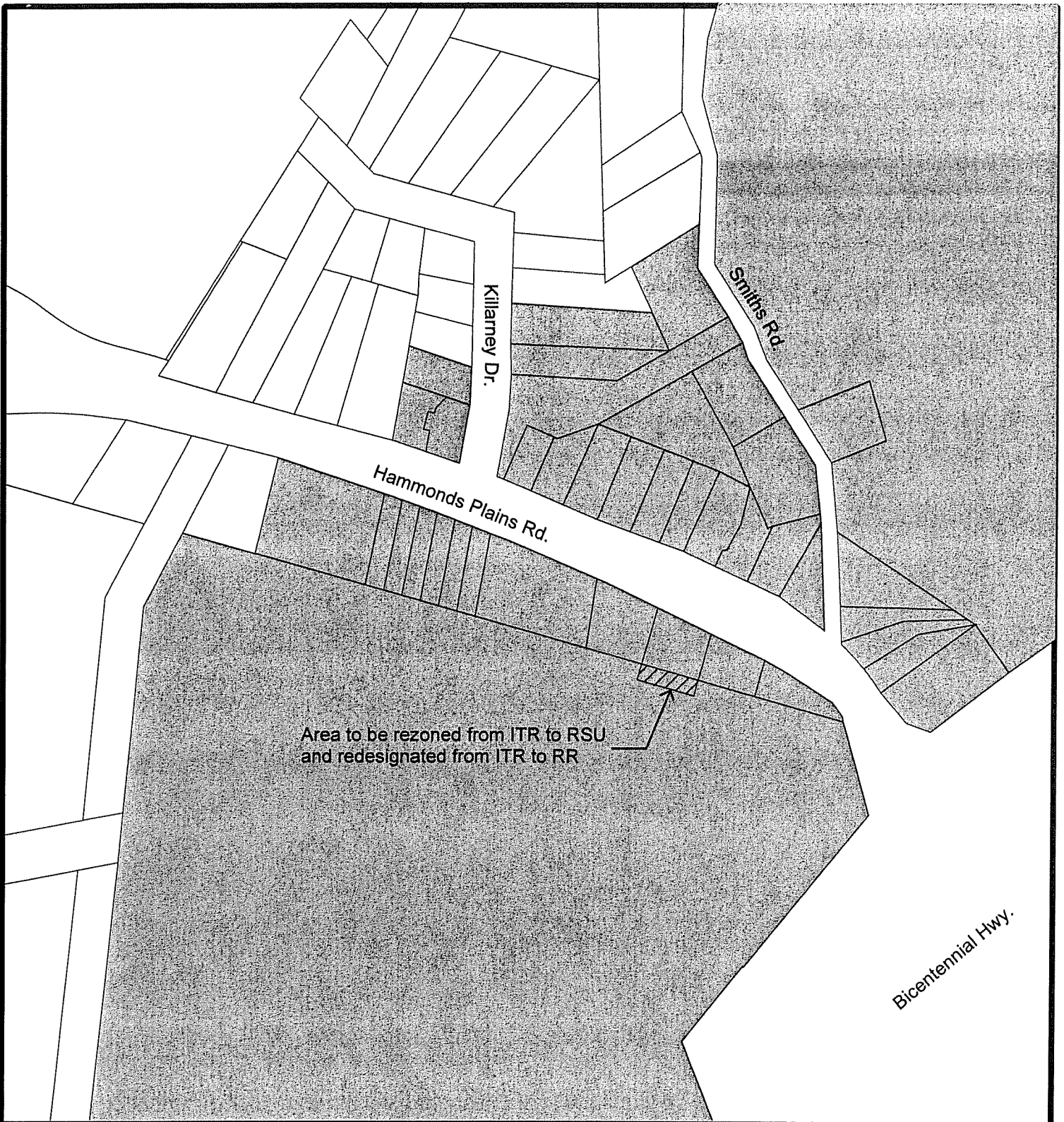


Area to be Rezoned from ITR to RSU
and Redesignated from ITR to RR



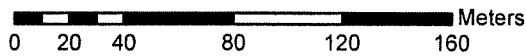
Lands of
Brent and Karri Urquhart

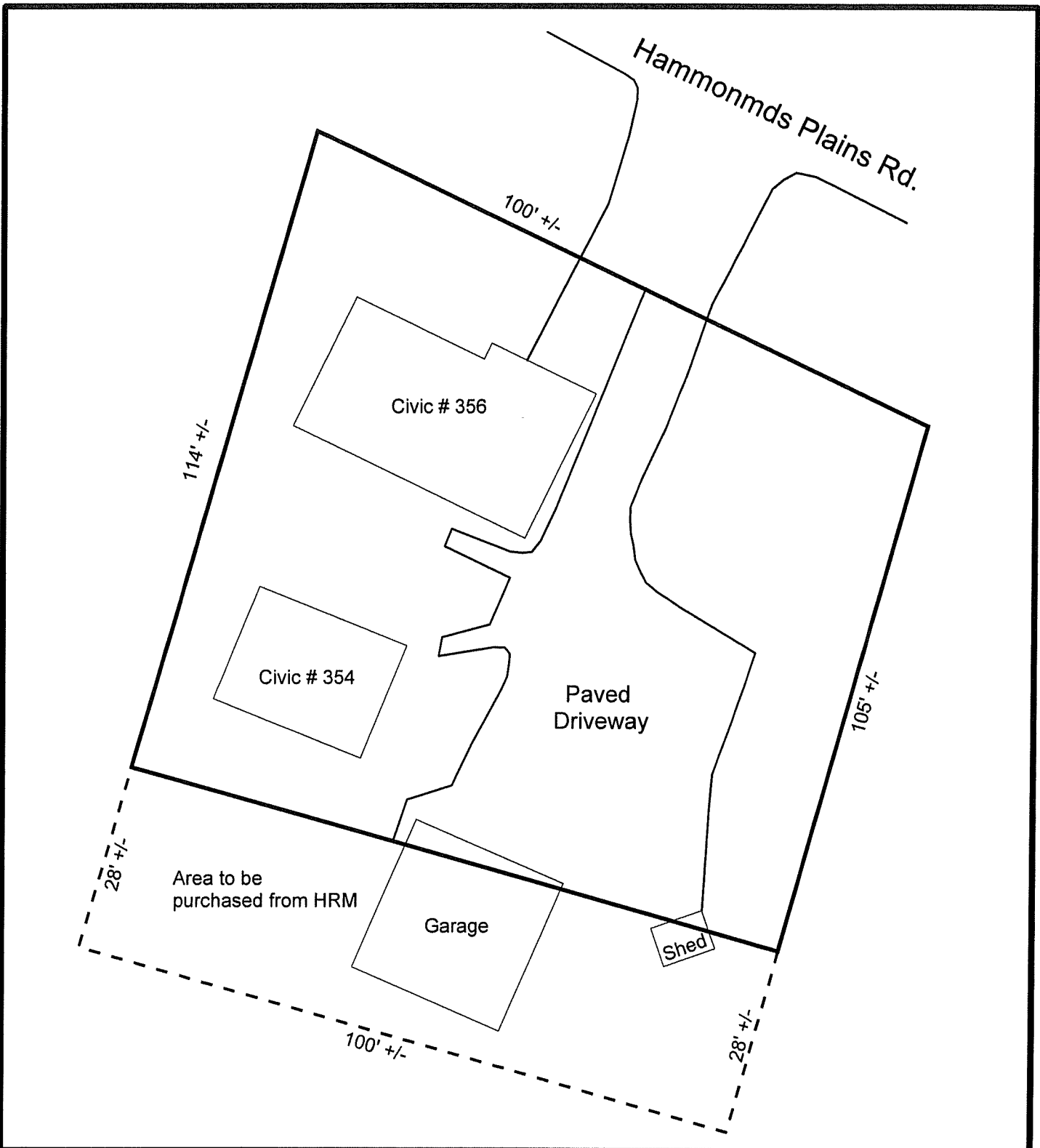




Map 3
Notification

 Notification Area





Map 4
Site Plan



**Attachment A
ITR Zone Requirements**

PART 19A INFORMATION, TECHNOLOGY, AND RESEARCH (ITR) ZONE

No development permit shall be issued in an Information, Technology and Research (ITR) Zone except for one or more of the following uses:

- a) Educational, research and development, and design facilities where the main area of focus is the research and development of new products, prototypes, processes and technical training;
- b) Medical, optical, pharmaceutical and dental laboratories and related research and processing facilities;
- c) Scientific, industrial, or commercial research, development and testing laboratories;
- d) Corporate, administrative, and business offices associated with uses (a) through (k).
- e) Data processing and computer centres, including service and maintenance of electronic data processing equipment;
- f) Legal, engineering, surveying, accounting, architectural, scientific and similar professional offices;
- g) Radio and television broadcasting stations as well as activities related to telecommunications research and development;
- h) The assembly of professional and scientific instruments;
- i) Aerospace research facilities not including testing laboratories unless enclosed within a structure which does not emit sound above an amount discernable at the property lines in excess of the normal intensity of street or traffic noises, sound or vibrations noticeable at such points;
- j) Agricultural and food sciences research and development;
- k) Petrochemical research and development;
- l) Utility and public service facilities and uses needed to service the immediate vicinity;
- m) Recreational facilities needed to meet the needs of employees;
- n) Full service and take-out restaurants, coffee shops, motels, banks, convenience stores, and liquor stores;
- o) Daycare and early childhood education centres;
- p) The above uses or related uses may operate from multiple units or structures on one lot;
- q) Accessory buildings and use, including assembly operations limited to the development of prototypes, which are customarily incidental or specifically related to a principal permitted use are permitted.

ZONE REQUIREMENTS (ITR)

In any Information, Technical and Research (ITR) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	43,560 sq.ft.(1 acre)
Minimum Lot Frontage	100 ft.
Minimum Front Yard or Flankage Yard	50 ft.
Minimum Rear Yard	20 ft.
Minimum Side Yard	20 ft.
Maximum Height of Building	52 ft.
Maximum Impervious Surface Coverage	50%

SPECIAL REQUIREMENTS

1. Height

- a) Maximum building height shall not apply to water towers;

2. Landscaping

- a) A minimum of 50% of the property shall be landscaped. Landscaping shall include the retention of natural vegetation.
- b) At least 50% of the area between the street(s) and buildings shall be landscaped. Trimming and selective cutting of natural vegetation is permitted.
- c) A 15 foot landscape strip shall be installed along all street property lines, exclusive of driveways, walks and railroads rights-of-way. When the 15 foot landscape strip occurs between a parking area or vehicle manoeuvring area, loading area and the street, a landscape shrub screen of at least 50% opaqueness and a minimum of four feet in height within one year after installation is required. Mature trees at a maximum spacing of twenty feet may be substituted for or combined with a scrub screen. The landscaping may be calculated as part of the 50% landscaping requirement in (a) above.

3. Buffering

- a) A buffer 100 feet wide, beginning at the property line, shall be required for the side or rear yards in an Information, Technology and Research Zone which abuts on existing residential use, vacant land zoned for residential use, or a Park or Institutional Zone.
- b) A buffer 50 feet wide shall be required on properties abutting the Bicentennial Highway. Signs, servicing corridors, and water retention facilities are permitted within the buffer.

4. Accessory Uses/Storage

- a) All permitted uses and accessory activities, including the storage of equipment or supplies used in any production or assembly shall be confined within an enclosed building. Accessory activities involving toxic or flammable products which cannot be located within an enclosed building shall be screened from view from all adjacent properties and public streets.
- b) External fuel storage tanks utilized as part of the heating equipment of an establishment or bulk storage of any materials used in any production or assembly shall be screened from view from all adjacent properties and public streets.
- c) All refuse shall be collected and stored in containers which shall be screened from view from all adjacent properties and public streets.
- d) Utility and public service facilities and uses need to service the immediate vicinity shall be screened from view from all adjacent properties and public streets.

5. Parking

Notwithstanding the general parking regulations in Part 5, Section 35, (General Provisions), the following shall apply:

- a) Deleted
- b) No parking spaces may be located within required yards, except that an area equivalent to not more than 5% of the total area of all required parking spaces may be located within a required yard for use as parking space for visitors, selected personnel and minor deliveries.

6. Loading

Notwithstanding the general loading space regulations in Part 5, Section 37, (General Provisions), the following shall apply:

- a) All loading must be on site and no on-street loading is permitted.
- b) Truck loading facilities shall be at the rear or side of the building and shall be screened from view from any adjacent residential property.
- c) Loading space areas, including driveways leading to such area, shall be paved with a dust free all-weather surface, be well drained and be of a strength adequate for the truck traffic expected.

7. Signage

Notwithstanding the general signage regulations in Part 5, Section 38, (General Provisions), the following shall apply:

- a) No more than two signs per business shall be permitted.

- b) Signs shall be restricted to advertising only the person, firm, company, or corporation operating the use conducted on the site or products sold therein.
- c) Signs shall have an area not to exceed one (1) square feet of surface for each one (1) foot of lineal frontage of building. However, no sign shall exceed one hundred (100) square feet per face.
- d) Signs shall be illuminated from the exterior.
- e) No more than one free-standing or ground mounted sign may be permitted per lot.
- f) Ground signs shall not exceed eight (8) feet above grade in vertical height and shall not be erected in the first ten (10) feet, as measured from the property line, of any street setback.
- g) Businesses located in multiple tenant buildings may have a maximum of two (2) signs with a maximum of one (1) sign for each facade. Each sign shall not exceed an area equal to ten (10) percent of the business face upon which it is located. However, no sign shall exceed thirty-five (35) square feet in area.
- h) Directory listing signs: Detailed signs for multi-tenant buildings may list building tenants. The portion of the sign area devoted to such a listing shall be limited to 60% of the total permitted sign area, and the tenant listing shall be uniform in size, type, and lettering. It is understood, however, that tenant "logos" are permitted to be depicted on such signs, the size of the logo to be appropriate to the size of the sign lettering. Each sign shall not exceed twenty (15) feet in height.
- i) One announcement/construction sign per lot is permitted. Announcement/construction signage shall not exceed 200 square feet in area per face and shall be removed from the site at the time of issuance of permits for permanent signage.

ITR Park Identification and Directory Signs

- j) Identification Sign: One identification sign with the park logo at each entrance or along each street abutting the boundaries of the tract shall be permitted. The maximum area of each sign face shall be one hundred and fifty (150) square feet.
- k) Directory Signs: Signs identifying companies in the research and development park shall be permitted within 300 feet from the maximum of two (2) major arterial streets. The sign(s) shall have a maximum height of twelve (12) feet and shall not exceed one hundred and fifty (150) square feet per face.
- l) A map locator directory sign identifying companies in a research and development park shall be permitted. A maximum of two (2) such signs shall be permitted within 300 feet from the maximum of two (2) major arterial streets. The sign (s) shall have a maximum height of twelve (12) feet and shall not exceed one hundred and fifty (150) square feet per face.

- m) Spaces on such directory signs allocated for company identification shall be of equal area, and letters and typeface must be of equal value and uniform throughout the sign.
- n) There shall be a maximum of two (2) directory signs in an ITR park.

**Attachment B
RSU Zone Requirements**

PART 6 RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE

No development permit shall be issued in a Residential Single Dwelling Unit (RSU) Zone except for one or more of the following uses:

- a) single detached dwelling units;
- b) neighbourhood parks;
- c) special care facilities for up to 10 residents;
- d) uses accessory to the foregoing uses.
- e) existing two unit dwellings as follows:

Address

- 11 Olive Avenue (LRIS # 419440)
- 37 Olive Avenue (LRIS # 419465)
- 65 Olive Avenue (LRIS # 487868)
- 24 Olive Avenue (LRIS # 40566630)
- 380 & 382 Hammonds Plains Road (LRIS #s 473405, 40080616)
- 384 & 386 Hammonds Plains Road (LRIS #s 473413, 40070765)
- 388 & 390 Hammonds Plains Road (LRIS #s 473421, 417345)
- 20 Emmerson Street (LRIS #433631) (RC-July 8/04;E-July 10/04)**

ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,000 Sq. Ft. serviced;
Minimum Lot Frontage	60 Ft.
Minimum Front Yard	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard	20 Ft.
Minimum Side Yard	8 Ft.
Minimum Flankage Yard	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building	35 Ft.
Maximum Number of Dwelling Units on Lot	1
Maximum Lot Coverage	35%

Attachment C
Public Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY

**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES**

January 4, 2006

- PRESENT:** Ms. Gloria Lowther
Ms. Barb Grant, Vice Chair
Mr. Walter Regan
Mr. Joel Matheson, Chair
Mr. George Murphy
Mr. David Grace
Councillor Len Goucher
- REGRETS:** Mr. Warren Hutt
Ms. Ann Merritt
- STAFF:** Mr. Andrew Bone, Planner
Ms. Stephanie Parsons, Legislative Assistant

1. CALL TO ORDER/OPENING REMARKS/PURPOSE OF MEETING

With no members of the public present the Chair called the meeting to order at 7:00 p.m. in the cafeteria, Basinview Drive Community Elementary School, Bedford. The applicant Mr. Urquhart was in attendance and the Mr. Matheson, Chair introduced the members of the Committee.

2. PUBLIC PARTICIPATION CASE 008321 - Proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford to designate a portion of HRM owned land (PID #40698359) Residential Reserve and rezone it to Residential Single Unit Zone

Staff Presentation

A staff report dated December 6, 2005 was submitted.

In reference to Map 3 of the staff report, Mr. Andrew Bone, Planner, advised that the Urquhart's acquired a residential property at 354/356 Hammonds Plains Road in Bedford. At the time of purchase the Urquhart's were aware that the garage and shed is partially located on HRM property. To resolve the issue the Urquhart's have negotiated the terms and conditions of an agreement of purchase and sale with HRM. However, the garage and shed are not permitted under the Land Use By-Law and the Bedford MPS does not allow any means of rezoning the land to a zone which permits the garage and shed. If approved by Council that portion of land will be zoned residential single unit. The applicants are requesting that the Bedford MPS be amended to allow for a rezoning of residential single unit.

Mr. Regan questioned if there were other lots similar to this property. Mr. Bone advised that there were none in the immediate area.

Mr. Grace asked if there was an opportunity to subdivide the lots. Mr. Bone advised that the rezoning does not allow for the subdividing of the lot as there is not enough frontage space.

The Chair asked the applicant if he had any comments, the applicant advised that he had no comments.

There were no further comments from the Committee or the applicant.

3. CLOSING COMMENTS

Mr. Bone advised that there is no staff recommendation, the intent of the meeting was to obtain public input.

4. ADJOURNMENT - The meeting adjourned at 7:06 p.m.

Stephanie Parsons
Legislative Assistant

Attachment D
Proposed Changes to the Bedford MPS and Land Use By-law

Case 00832: Amendments for Bedford Municipal Planning Strategy

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Bedford as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows::

1. The Bedford Generalized Future Land Use Map is further amended by redesignating a portion of PID#40698359 from ITR (Information Technology and Resesearch) Zone to RR (Residential Reserve) as shown on the attached Map 1.

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Bedford as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2006

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2006

Jan Gibson
Municipal Clerk

Case 00832: Amendments for Bedford Land Use By-law

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

1. The Bedford Zoning Map is further amended by rezoning a portion of PID#40698359 from ITR (Information Technology and Research) Zone to RSU (Single Unit Dwelling) Zone as shown on the attached Map 2.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2006

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2006

Jan Gibson
Municipal Clerk