



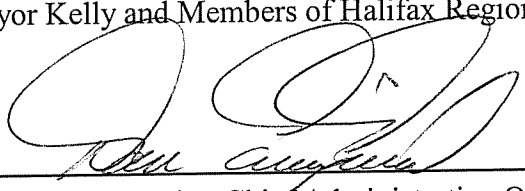
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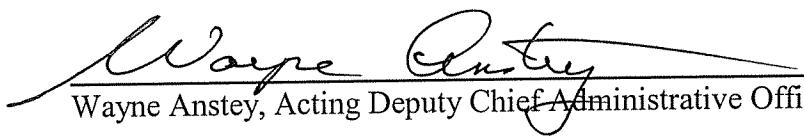
Halifax Regional Council
October 25, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer



Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: October 12, 2005

SUBJECT: **Case 00790 - Amendments to the Bedford Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB)**

ORIGIN

Request by North West Community Council.

RECOMMENDATION

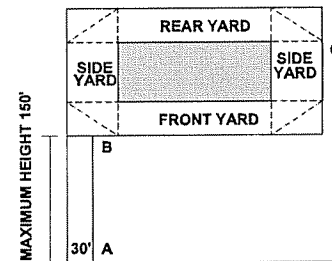
It is recommended that Regional Council:

- Approve the request to initiate the process to consider amending the Bedford Municipal Planning Strategy's and Land Use Bylaw's provisions relating to flag lots;
- Request staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND

The Bedford Municipal Planning Strategy (MPS) includes statements and policies relating to the efficient use of existing infrastructure. These statements and policies allow Council to consider infill development through the use of flag lots in residential areas by development agreement (Policy R-27). The Bedford Land Use By-law defines a flag lot as follows:

Flag Lot - means a lot shown on an approved plan of subdivision the configuration of which resembles the figure below where the "Pole" A to B section of the lot cannot exceed one hundred and fifty (150) feet in length and shall be a minimum width of thirty (30) feet and where the "C" portion of the flag lot excluding the "pole" shall contain the required minimum lot area specified in the applicable zone. The "pole" shall also be excluded for the purpose of calculating front, rear, and sideyard setbacks. Minimum yard requirements must be achieved within the "C" portion of the flag lot as illustrated in the diagram.



The policy allows property owners who have larger parcels of land, but having insufficient frontage to enable subdivision according to adopted standard, to subdivide their property into two lots provided their lots were in existence prior to the approval of the strategy (March 1996). One lot is required to meet the full road frontage required by the Land Use By-law, typically sixty feet. The second lot is permitted to be a flag lot, as defined above, with a minimum of thirty feet of road frontage.

Since the approval of the MPS there have been several applications for flag lots in Bedford. Subsequent to the approval of a development agreement for a flag lot on March 24, 2005 (Case 00706), North West Community Council made the following motion:

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that the issue of the Municipal Planning Strategy for Bedford and the issue of flag lots be referred to staff and the North West Planning Advisory Committee for review.

DISCUSSION

The issue of flag lots in Bedford has been a subject of discussion among North West Community Council, North West Planning Advisory Committee and staff for many years. Through these discussions, there seems to be agreement that the intent of the policy, to promote the efficient use of municipal infrastructure, is beneficial. Notwithstanding this, there seems to be a high level of concern that the flag lot policies may not be adequate in effectively responding to the concerns of the community or property owners who live adjacent to flag lot developments.

Staff have reviewed existing policy within the MPS that allows the creation of flag lots (Attachment A) and concur with North West Community Council that this policy needs to be reviewed in order to:

- determine the number of properties currently eligible to use Policy R-27.
- determine the issues the community may have relating to the creation of flag lots.
- examine the practice of infill development and flag lots in other municipalities.
- determine if changes to the policy are appropriate.

Draft Regional Plan:

Regional Planning has reviewed the above request and indicated that they should be a team member in the review of this policy. Regional Planning has indicated that with infill development, urban design standards are important and should be considered as part of the flag lot policy. In addition Regional Planning has offered that there may be tools other than a development agreement available through the Municipal Government Act, such as site plan approval which could be used to permit appropriate infill development.

Summary:

The proposal by North West Community Council to have staff review the flag lot policies contained within the Bedford MPS and LUB appears reasonable and furthers the intent of the Bedford MPS to ensure neighbourhood stability while encouraging the efficient use of existing infrastructure. Initiation of the process to consider MPS amendments for this request is appropriate at this time.

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

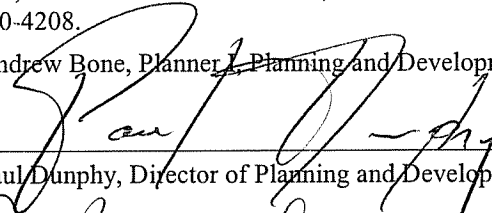
1. Council may choose to initiate the MPS amendment process. This is the staff recommendation.
2. Council may choose not to initiate the MPS amendment process. This is not recommended for reasons discussed above.

ATTACHMENTS

Attachment A: Excerpts from the Bedford Municipal Planning Strategy

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 Approved by: 
Paul Dunphy, Director of Planning and Development Services

Report Reviewed by: 
Joan Broussard, Financial Consultant

ATTACHMENT A

Excerpts from the Bedford Municipal Planning Strategy

Residents have also expressed concern about maintaining neighbourhood stability. Policy R-8 explains how it is the intention of Town Council to maintain neighbourhood stability with regard to rezoning and development agreement applications in established neighbourhoods. These established neighbourhoods are those which are currently developed with housing and which are designated "Residential" and "Residential Reserve" on the Generalized Future Land Use Map.

Policy R-8:

It shall be the intention of Town Council to promote neighbourhood stability within established residential areas which are zoned for a residential use on the Zoning Map. Established residential areas are those which are designated "Residential" and "Residential Reserve" on the Generalized Future Land Use Map. A plan amendment shall be required in order for Town Council to consider rezoning or development agreement applications which would seek to increase the number of dwelling units or alter the land uses. Notwithstanding the foregoing, Town Council may consider applications for a development agreement to permit the inclusion of an apartment unit within a single-unit dwelling in the RSU Zone or other housing options as identified in Policies R-18 and 19. Apartment units added within single unit dwellings shall not exceed 700 sq. ft. in area and detached garden flats shall not exceed 700 sq.ft. in area.

Efficient Use of Land

Policy R-27 explains Council's intention to consider applications to infill within existing residential areas in order that municipal infrastructure may be used more efficiently. Provisions will be included within the Land Use By-law to permit subdivision of wider existing lots to permit infilling provided there is not a non-conforming land use. Policy R-28 permits infill development on existing lots which do not meet the requirement of having frontage on a street, but which do have access via an easement or other instrument to a public street.

Policy R-27:

It shall be the intention of Town Council to consider applications to infill within existing residential areas. Infilling shall be encouraged to enable efficient use of municipal infrastructure. Town Council shall permit reduction of lot frontage requirements for subdivision of lots which existed prior to the adoption of this strategy, provided the existing land uses are in conformance with the zoning on the property. Infilling activity within existing residential neighbourhoods shall be regulated through provisions in the Land Use By-law. Council shall permit the creation of flag lots by development agreement. Such development agreements will require that:

- the application for a development agreement shall include the specifications for the building envelope for the proposed dwelling such that the new dwelling shall not exceed the average height and building footprint of the existing dwellings which abut the vacant lot;

- the minimum rear yard separation distances between the proposed new dwelling and the existing dwellings shall be 40 feet;
- minimum front, side and rear yards shall be provided in accordance with the zone requirements
- minimum lot area shall be 6,000 sq. ft.; and,
- the lot must be located within an area which is zoned for residential land use

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters :

1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:
 - i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
 - ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
 - iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;
 - iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
 - v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
 - vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
 - vii) the adequacy of recreational land and/or facilities;

- viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
 - ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
 - x) the presence of significant natural features or historical buildings and sites;
 - xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
 - xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
 - xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.
6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:
- i) type of use, density, and phasing;
 - ii) traffic generation, access to and egress from the site, and parking;
 - iii) open storage and landscaping;
 - iv) provisions for pedestrian movement and safety;
 - v) provision and development of open space, parks, and walkways;
 - vi) drainage, both natural and subsurface;
 - vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,
 - viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.
7. Any other matter enabled by Sections 73 and 74 of the Planning Act.
8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:
- i) provide Council with a clear indication of the nature of the proposed development; and
 - ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.
9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:
- a) a plan to a scale of 1":100' or 1":40' showing such items as:
 - i) an overall concept plan showing the location of all proposed land uses;
 - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
 - iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;

- iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
 - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
 - vi) a description of any protected viewplanes; and,
 - vii) an indication of how the phasing and scheduling is to proceed.
 - b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.
 - c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.
10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)