

North West Community Council
January 22, 2009

TO: North West Community Council

SUBMITTED BY:


- Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 01193: Bedford Land Use By-law Amendment

DATE: January 9, 2009

ORIGIN

North West Planning Advisory Committee meeting - January 8, 2009

RECOMMENDATION

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

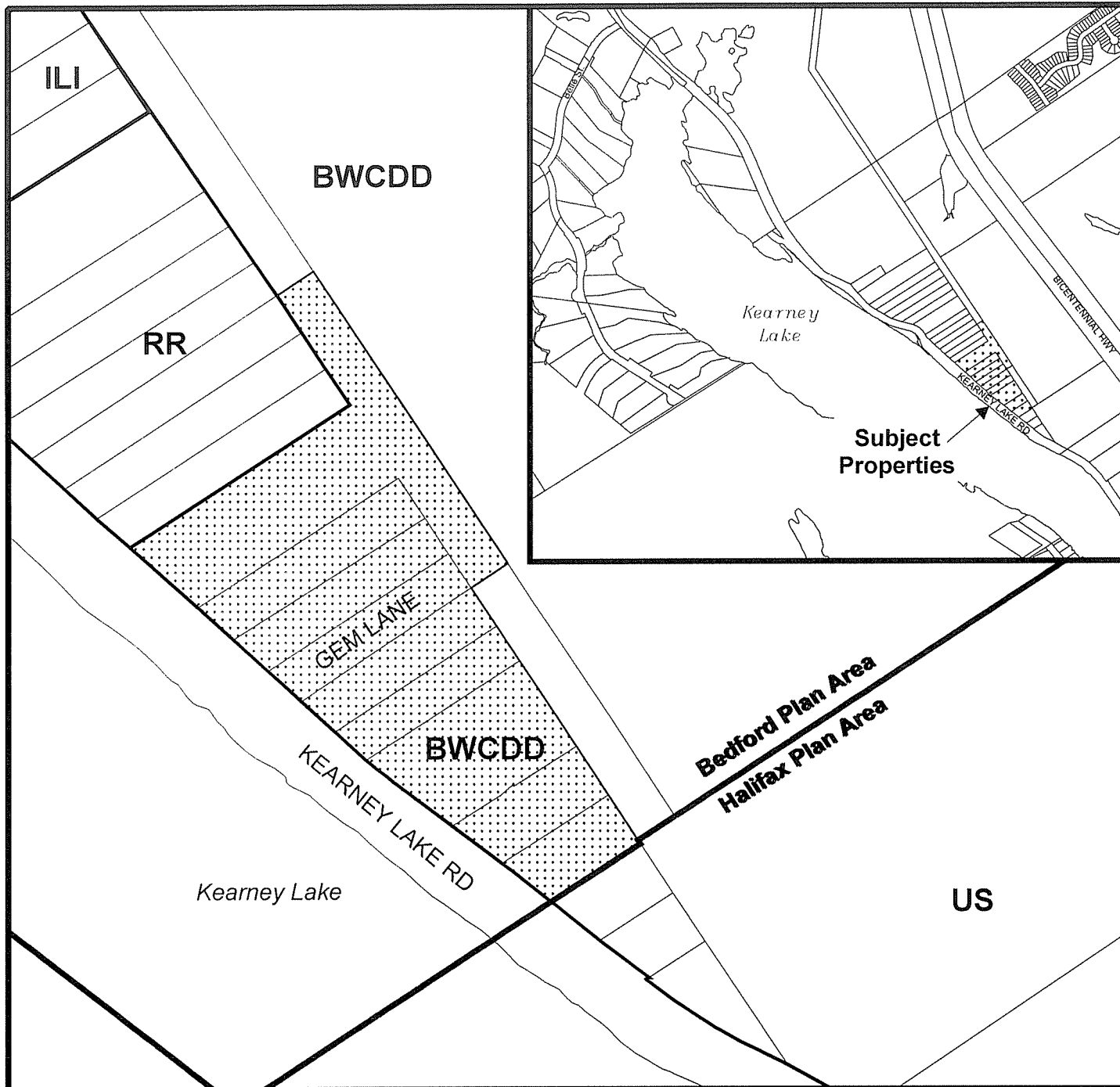
- (a) Give First Reading to the proposed amendment to the Bedford Land Use By-law to rezone PID#'s 00418145, 00418178, 40054678, 40648404, 40054587, 40054579, 00417873, 00417881 and 41055534 (Civic 337, 341, 343, 345, 353 and 357 Kearney Lake Road and Civic 36 to 54 Gem Lane) from BWCDD (Bedford West Comprehensive Development District) Zone to RR (Residential Reserve) Zone as shown in the revised Schedule A, and schedule a public hearing.
- (b) Approve the proposed amendment to the Bedford Land Use By-law to rezone PID#'s 00418145, 00418178, 40054678, 40648404, 40054587, 40054579, 00417873, 00417881 and 41055534 (Civic 337, 341, 343, 345, 353 and 357 Kearney Lake Road and Civic 36 to 54 Gem Lane) from BWCDD (Bedford West Comprehensive Development District) Zone to RR (Residential Reserve) Zone as shown in the revised Schedule A.

ATTACHMENTS

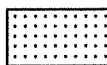
Staff report dated December 8, 2008
Revised Schedule A Zoning

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, Chair, North West PAC



Schedule A (Revised)
Zoning



Area to be rezoned
from BWCDD to RR



Bedford Plan Area

- BWCDD Bedford West Secondary Planning Strategy
- RR Residential Reserve Zone
- ILI Light Industrial Zone

Halifax Plan Area

- US Urban Settlement Zone

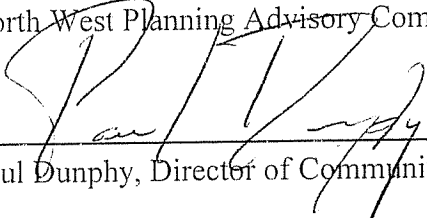




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
January 7, 2009

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: December 8, 2008

SUBJECT: Case 01193: Bedford Land Use By-law Amendment

ORIGIN

Application by HRM Planning Services

RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

- (a) Give First Reading to the proposed amendment to the Bedford Land Use By-law to rezone PID#'s 00418145, 00418178, 40054678, 40648404, 40054587, 40054579, 00417873, 00417881 and 41055534 (Civic 337, 341, 343, 345, 353 and 357 Kearney Lake Road and Civic 36 to 54 Gem Lane) from BWCD (Bedford West Comprehensive Development District) Zone to RR (Residential Reserve) Zone as shown in Attachment A and schedule a public hearing.
- (b) Approve the proposed amendment to the Bedford Land Use By-law to rezone PID#'s 00418145, 00418178, 40054678, 40648404, 40054587, 40054579, 00417873, 00417881 and 41055534 (Civic 337, 341, 343, 345, 353 and 357 Kearney Lake Road and Civic 36 to 54 Gem Lane) from BWCD (Bedford West Comprehensive Development District) Zone to RR (Residential Reserve) Zone as shown in Attachment A .

BACKGROUND

Staff have discovered an error in the Bedford Land Use By-law for a number of properties under the Bedford West Secondary Planning Strategy (SPS) and Bedford Land Use By-law (LUB). The properties are located at 337, 341, 343, 345, 353 and 357 Kearney Lake Road and 36 to 54 Gem Lane. These properties are currently designated BWSPS (Bedford West Secondary Planning Strategy) as shown on Map1 and zoned BWCCD (Bedford West Comprehensive Development District) Zone as shown on Map 2. Eight of the properties are located in a portion of Bedford West identified as Sub-Area 10 (Map 4) and one property is identified as Sub-Area 9. Under Bedford West SPS policy (Attachment D) and Regional Plan policy (Attachment E) these properties should be zoned RR (Residential reserve) Zone.

DISCUSSION

The identified properties were originally designated RR (Residential Reserve) under the Bedford MPS and zoned RR (Residential Reserve) (Map 3) under the Bedford LUB. When the Bedford West SPS came in to effect in 2006, policy (Attachment D) stated the zones in this portion of Sub Area 9 and 10 were to remain the same. The property was inadvertently zoned BWCCD (Bedford West Comprehensive Development District) Zone. Subsequently, the Regional Plan came in to effect and required all lands within the Urban Settlement Designation, but outside the Urban Service area, be rezoned to the US (Urban Settlement) Zone. Policy SU-7 appears to exclude lands within Bedford West from this requirement, thus the appropriate zone for the affected properties is the RR (Residential Reserve) Zone.

Public Participation: A public information meeting was not held as the proposal is to correct an error. Councillor Outhit authorized the waiving of the need for a public participation meeting. If Council should decide to hold a public hearing, notification, in addition to a newspaper ad will be sent to the notification area identified on Map 2.

Conclusion

Staff wish to identify that the existing BWCCD zoning on the subject properties is not consistent with the Bedford West SPS. Staff recommend that Council approve the proposed Land Use By-law amendment to rezone the subject properties to RR (Residential Reserve) Zone as identified in Attachment A to be consistent with the Bedford West SPS and Regional MPS.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

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

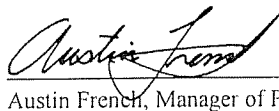
1. Council may choose to approve the proposed amendment to the Land Use By-law. This is the recommended course of action.
2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies.
3. Council may choose to alter the proposed amendment to the Land Use By-law. This may necessitate further report(s). In the event substantive revisions are requested subsequent to advertising for a public hearing, an additional public hearing may be required .

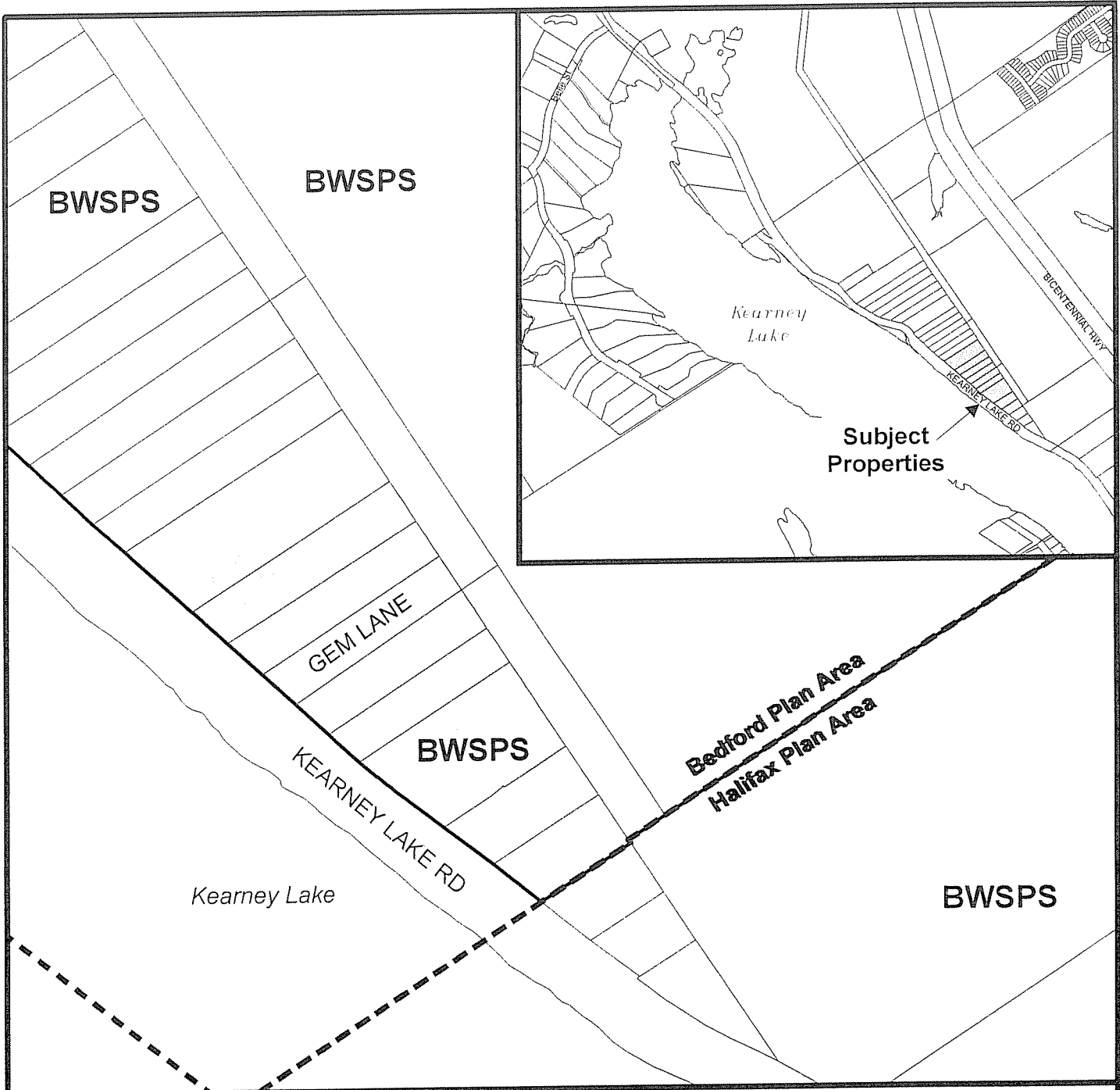
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Zoning Prior to Bedford West SPS
Map 4	Bedford West Sub Areas
Attachment "A"	Proposed Land Use By-law Amendments
Attachment "B"	BWCDD Zone Requirements
Attachment "C"	RR Zone Requirements
Attachment "D"	Relevant Bedford West Secondary Planning Strategy Policies
Attachment "E"	Relevant Regional Municipal Planning Strategy Policies


A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> 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 : Andrew Bone, Sr. Planner, Community Development 869-4226

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1
Generalized Future Land Use

 Area to be rezoned from BWCDD to RR



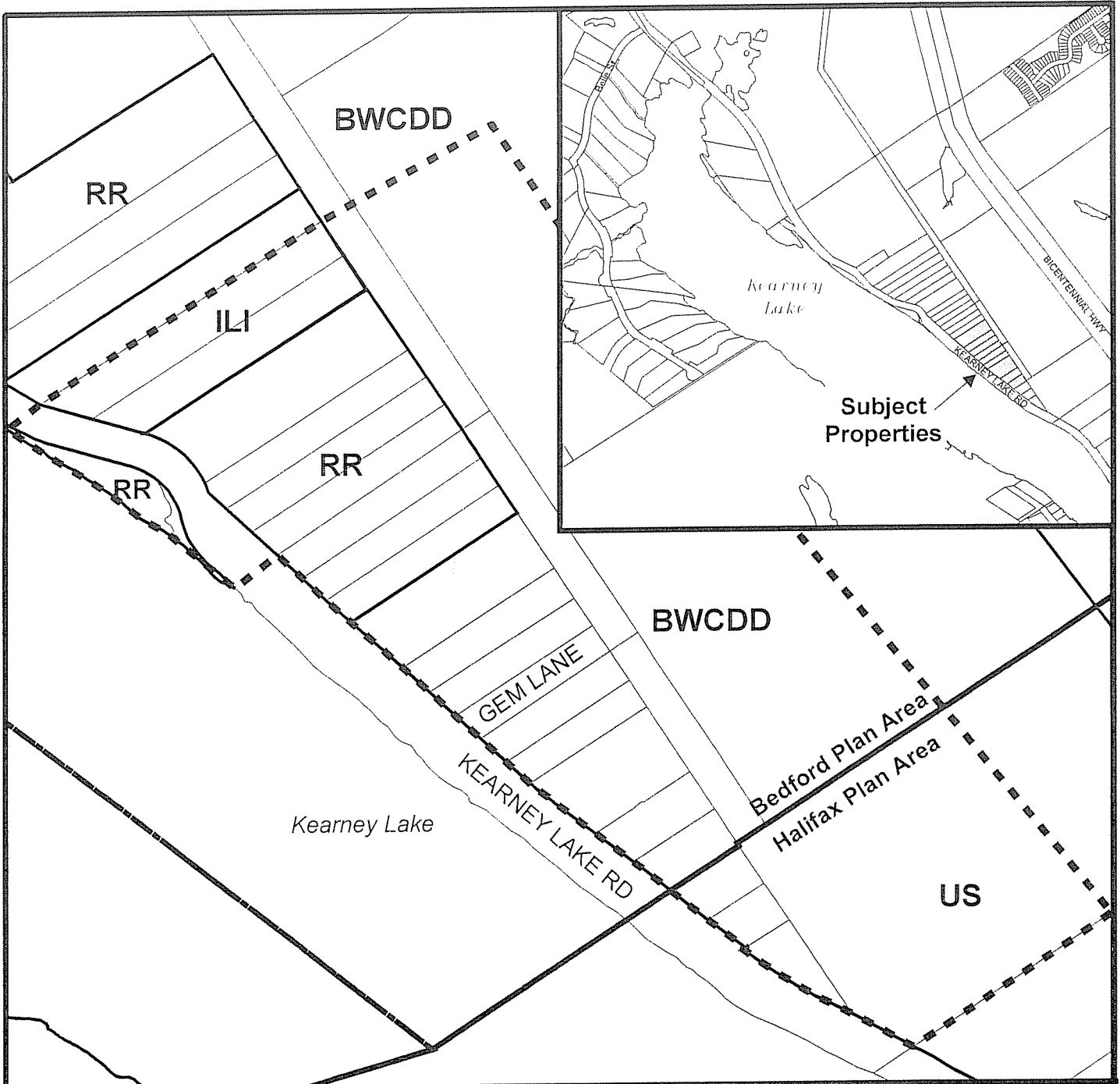
Bedford Plan Area

BWSPS Bedford West Secondary Planning Strategy



Halifax Plan Area

BWSPS Bedford West Secondary Planning Strategy





Map 2
Zoning

-  Area to be rezoned from BWCCD to RR
-  Notification Area



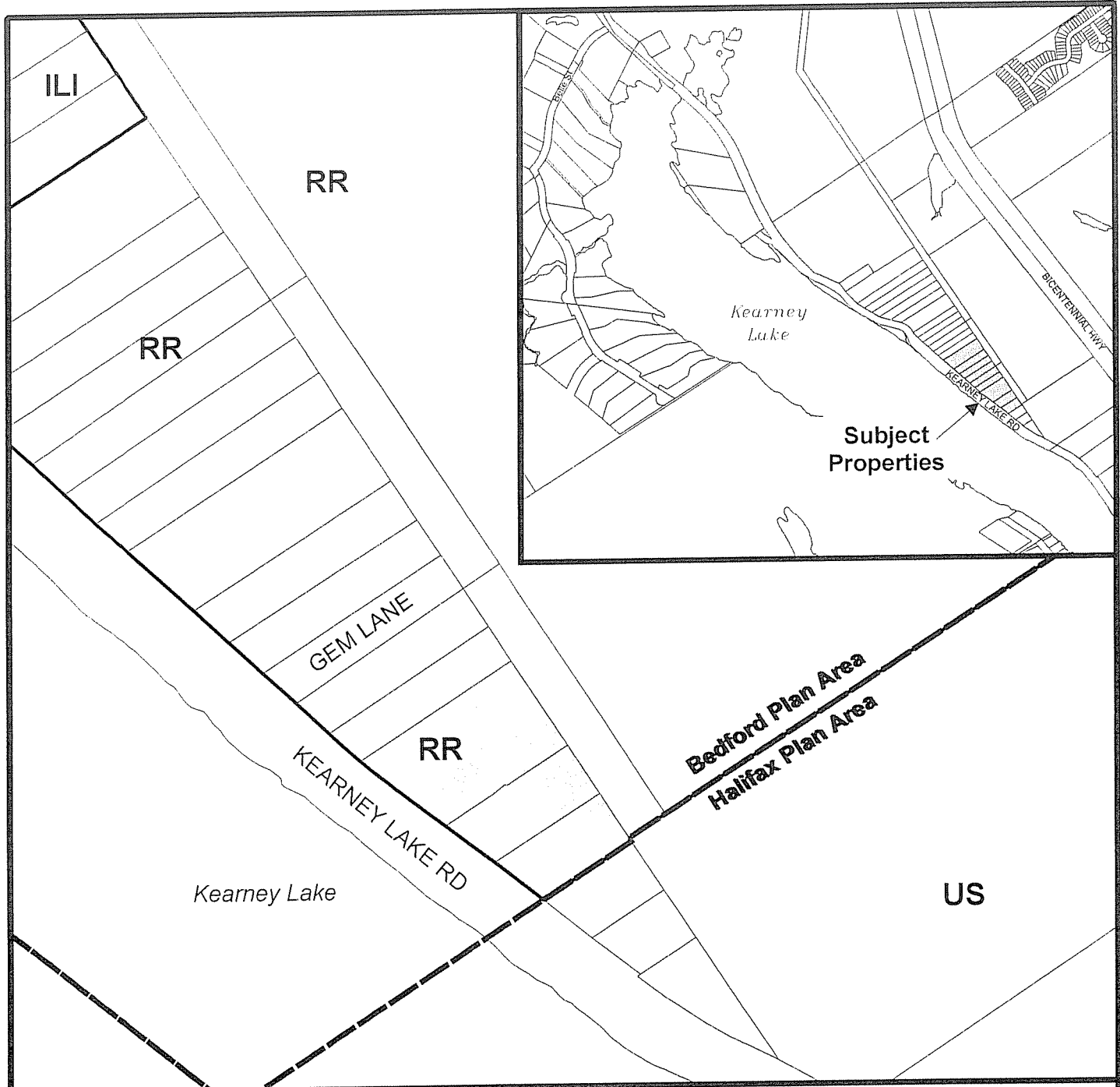
Bedford Plan Area

- BWCCD Bedford West Secondary Planning Strategy
- RR Residential Reserve Zone
- ILI Light Industrial Zone


Halifax Plan Area

- US Urban Settlement Zone





Map 3
Zoning prior to Bedford West

 Area to be rezoned from BWCDD to RR



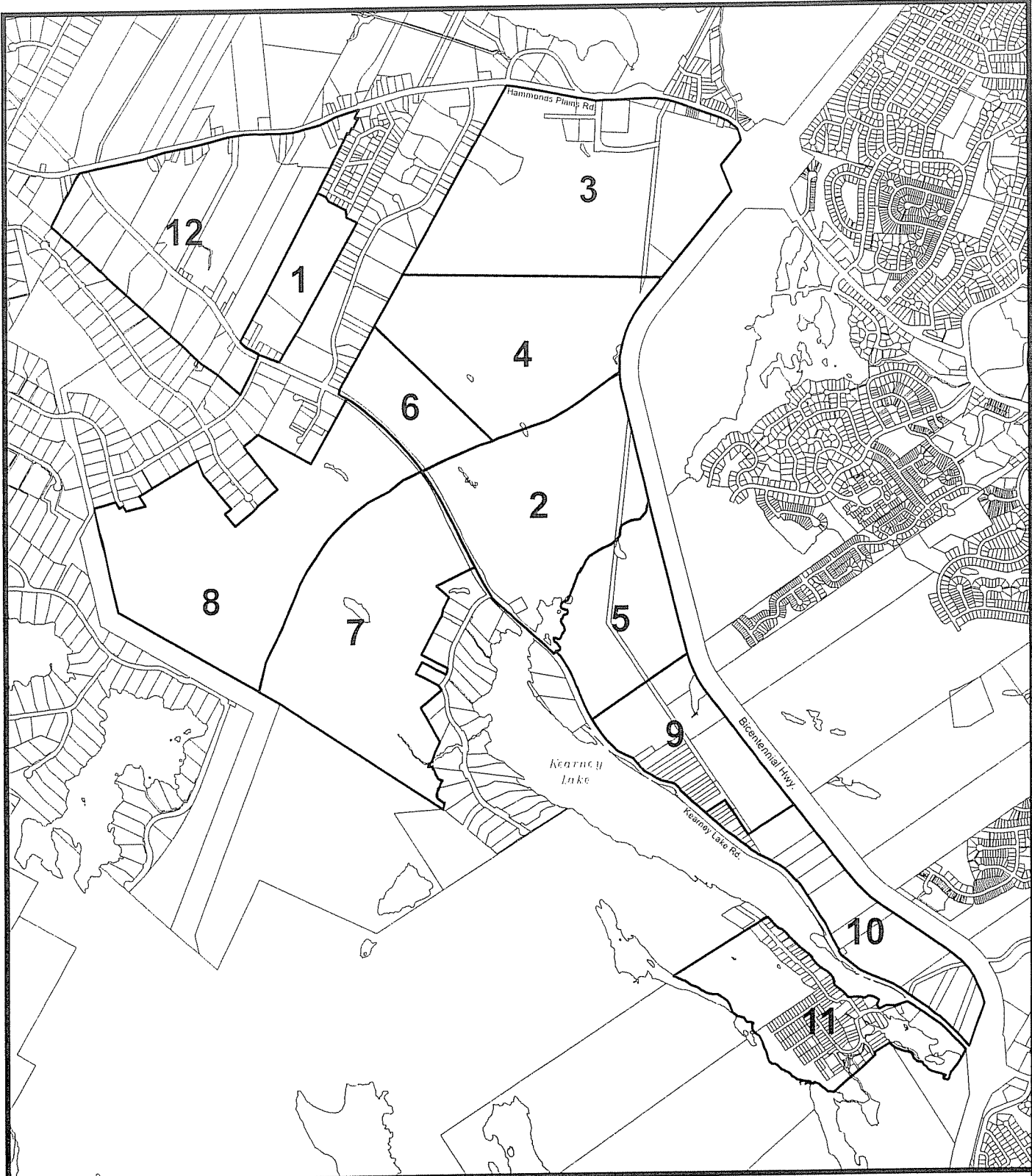
Bedford Plan Area

RR Residential Reserve Zone
ILI Light Industrial Zone

Halifax Plan Area

US Urban Settlement Zone





Map 4
Bedford West Sub Areas

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Attachment "A"
Proposed Land Use By-law Amendment

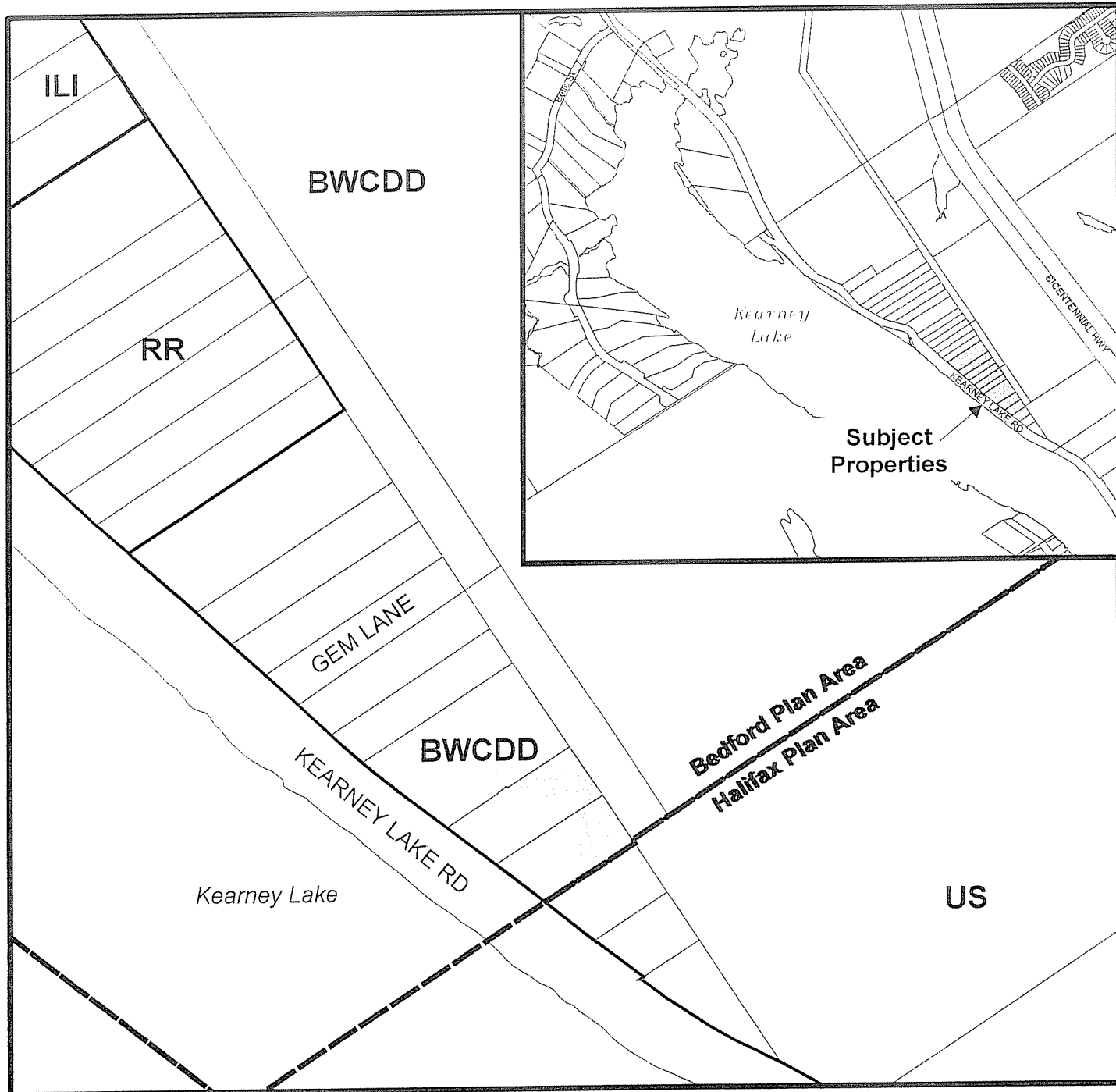
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Bedford Land Use By-law as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended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

1. Schedule A (Bedford Zoning Map) is further amended by rezoning PID#s 00418145, 00418178, 40054678, 40648404, 40054587, 40054579, 00417873, 00417881 and 41055534, located on Kearney Lake Road and Gem Lane from BWCD (Bedford West Comprehensive Development District) Zone to RR (Rural Residential) Zone as shown on the attached Schedule A.


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 North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk



**Schedule A
Zoning**

 Area to be rezoned from BWCDD to RR



Bedford Plan Area

BWCDD Bedford West Secondary Planning Strategy
 RR Residential Reserve Zone
 ILI Light Industrial Zone

Halifax Plan Area

US Urban Settlement Zone



Attachment "B"
BWCDD Zone Requirements

PART 10B BEDFORD WEST COMPREHENSIVE DEVELOPMENT DISTRICT (BWCDD)
ZONE

- 1) No development permit shall be issued for a development with a Bedford West Comprehensive Development District (BWCDD) Zone except in accordance with a development agreement approved pursuant to policies contained in the Bedford West Secondary Planning Strategy.

Attachment "C"
RR Zone Requirements

PART 11 RESIDENTIAL RESERVE (RR) ZONE

No development permit shall be issued in a Residential Reserve (RR) Zone except for one or more of the following uses:

- a) single unit dwellings;
- b) neighbourhood parks;
- c) homes for special care for up to 10 residents;
- d) uses accessory to the foregoing uses.

ZONE REQUIREMENTS RR

In any Residential Reserve (RR) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	5 acres
Minimum Lot Frontage	360 feet
Minimum Front Yard	30 ft. setback
Minimum Rear Yard	50 ft.
Minimum Side Yard	8 ft.
Maximum Height of Building	35 ft.
Maximum Number of Dwelling Units on Lot	1
Lot Coverage	10%

SPECIAL REQUIREMENTS - UNSERVICED LOTS

Notwithstanding anything else in this By-law, the minimum lot frontage for unserviced lots within as RR zone may be reduced to one hundred twenty (120) feet and the minimum lot area reduced to one (1) acre where the following conditions are met:

- a) the original parcel of land contains a dwelling which was constructed on or before October 9, 1991 by-law; and,
- b) the lot completely fronts on a street which was public on or before October 9,1991.

Notwithstanding anything else in this By-law, for 700 Kearney Lake Road (PID 40648370), the minimum lot frontage is reduced to one hundred fifty (150) feet and the minimum lot area is reduced to two (2) acres. (Regional Council - April 24, 2001, Effective - May 25, 2001)

Attachment "D"
Relevant Bedford West Secondary Planning Strategy Policies

Sub-Area 9:

These lands drain towards the proposed sewage pumping station at the outlet of Kearney Lake and encompasses the proposed connector road between Kearney Lake Road and the new Larry Uteck Boulevard interchange with the Bicentennial Highway. Lands in the vicinity of the interchange may be suitable for both community commercial and highway commercial uses. The remaining lands may be developed with residential uses. The steep slopes offer challenges to integrating development with the natural environment and opportunities to take advantage of the vistas of Kearney Lake and the forested regions to the west. Comprehensive planning over larger properties is therefore supported with the opportunity for public input in the planning and design process.

There are also a number of narrow, smaller properties with frontage on the Kearney Lake Road - a number of which have been developed with residences serviced by well and septic systems. Municipal sewer and water systems proposed for surrounding lands will be designed to allow for extensions to these properties. The current zoning applied to these lands shall be reviewed before any extensions are considered.

The capacity of the temporary pumping station and force main (directing sewage to the Mill Cove Treatment facility) has been sized to service both sub-areas 5 and 9 before a permanent pumping station and forcemain are required to direct sewage to the Halifax Treatment Facility (policy BW-16, clause (d)). An application may be made to service sub-area 9 from the temporary pumping station provided that all associated servicing costs are assumed by the developers (BW-20, clause (h)).

Policy BW-39:

A comprehensive development district zone shall be applied to larger undeveloped parcels within Sub-Area 9. Commercial uses may be considered on lands in the vicinity of the proposed interchange with consideration given to the criteria of policy BW-33, except that clause (a) shall not apply. Residential uses may be permitted on the remaining lands with consideration given to the criteria of policy BW-32. No development agreement application shall be considered for approval unless a public participation program has been undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for the Sub-Area.

Policy BW-40:

The R-2 (Two Family Dwelling) Zone shall be applied to smaller parcels of land with frontage on the Kearney Lake Road. No municipal services shall be extended until such time as the zoning provisions have been reviewed in consultation with affected property owners. Such consultation shall also review the need to extend central services to these properties and the means of finance.

Sub-Areas 10 and 12:

These current zoning provisions shall be maintained on these lands until such time as municipal services can be extended. When service extensions can be made, a comprehensive development district zone shall be applied to all undeveloped lands within the Sub-Area to be serviced. Any future residential development shall be guided by the criterion of policy BW-32 and any commercial development shall be guided by policy.

Policy BW-41:

No municipal services shall be extended to existing developments within Sub-Areas 10 and 12 until consultations have been held with affected property owners to determine:

- (a) the need for amendments to existing policies under the Municipal Planning Strategy and zoning regulations under the Land Use By-law;
- (b) the need for municipal services and a means of finance.

Policy BW-42:

When municipal services are available for Sub-Areas 10 or 12 , a comprehensive development district zone may be applied to undeveloped properties within the Sub-Area to be serviced. No development agreement application shall be considered for approval unless a public participation program has been undertaken to identify development opportunities and constraints and to facilitate collaboration in the preparation of a conceptual concept design for the entire Sub-Area. Any future residential development shall be guided by policy BW-32 and any commercial development shall be guided by policy BW-33. (RC-June20/06;E-July 29, 2006)

Attachment "E"
Relevant Regional Municipal Planning Strategy Policies

- SU-2 HRM shall establish an Urban Service Area under the Subdivision By-law to designate those areas within the Urban Settlement Designation and the Harbour Designation, or as otherwise determined under Policy IM-18, where municipal wastewater and water distribution systems are to be provided. The Area shall initially include all lands within existing service boundaries established under secondary planning strategies at the time of adoption of this Plan. Lands within the Urban Service Area shall only be developed with municipal wastewater and water distribution systems. Any service boundary established under existing secondary planning strategies shall be replaced by the Urban Service Area boundary.
- SU-3 HRM shall, through the applicable land use by-law, establish an Urban Settlement Zone to encompass lands that are within the Urban Settlement Designation but outside the Urban Service Area. This zone shall permit single unit dwellings serviced with on-site sewage disposal systems and wells on two hectare lots on existing roads, public parks and playgrounds.
- SU-7 Notwithstanding Policies S-3 and SU-5, where secondary planning strategies have been adopted to allow for the development of the Bedford West or Morris-Russell Lake communities, the Subdivision By-law shall be amended to expand the Urban Service Area in accordance with a phasing plan adopted under the Secondary Planning Strategies, provided that an infrastructure charge area is established for those areas. Similarly, the zoning shall be amended as appropriate in accordance with the applicable Secondary Planning Strategy.