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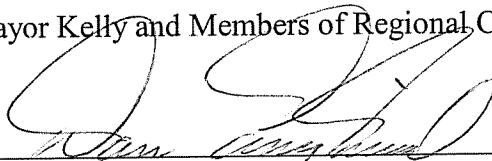


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Halifax Regional Council
December 6, 2005

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: November 28, 2005

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 Regional Council:

- Approve the request to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-law to designate a portion of HRM owned land (PID#40698359) Residential Reserve and rezone it RSU (Residential Single Unit) zone;
- Request staff to follow the public participation program as approved by Council in February 1997.

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). 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 3). The Urquharts acquired the residential property with the intent of acquiring a portion 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 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
- contain two single family homes, one which is considered a legal conforming land use and structure, the other is considered a legal non-conforming structure and a legal conforming land use.

DISCUSSION:

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. The plan amendment to allow for this 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 Planning Services 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 Urquhart's and initiate the planning process to consider predesignating and rezoning the needed property to permit the existing garage and shed.

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.

Summary:

Staff recommends that Regional Council direct staff to begin the process to consider amending 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.

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:

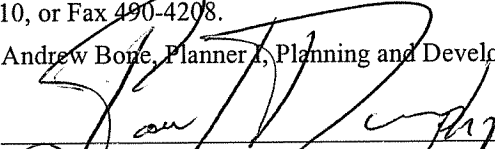
1. Approve the request to amend the Bedford MPS and LUB to designate a portion of HRM owned land (PID#40698359) Residential Reserve and rezone it RSU (Residential Single Unit) Zone. This is the staff recommendation.
2. Refuse the requested amendment. A request to amend its MPS is completely at the discretion 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.

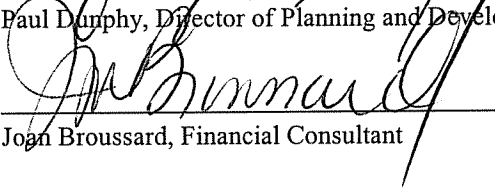
ATTACHMENTS:

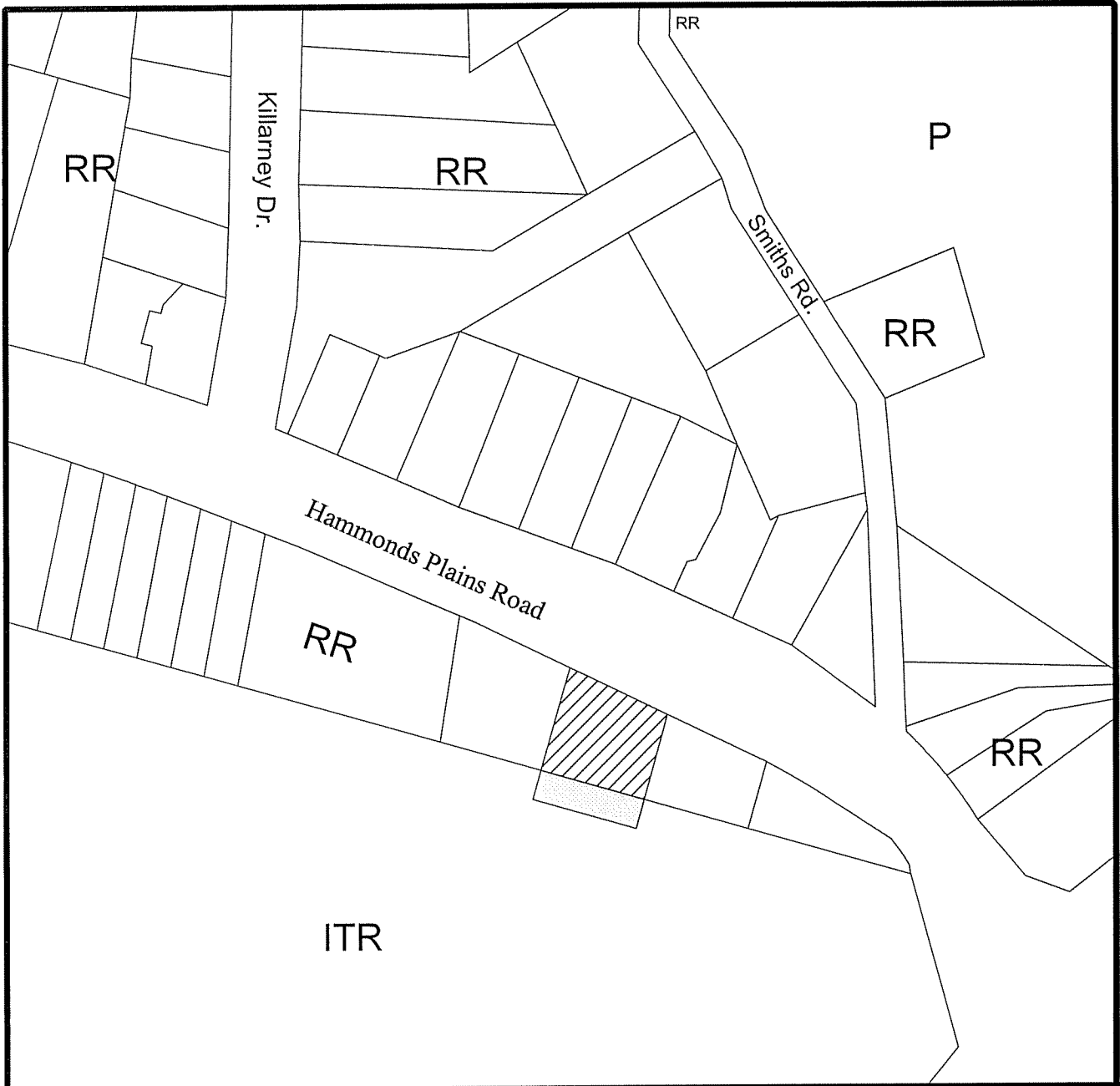
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|--------------|---------------------------------|
| Map 1 | Generalized Future Land Use Map |
| Map 2 | Zoning Map |
| Map 3 | Site Plan |
| Attachment A | ITR Zone Requirements |
| Attachment B | RSU Zone Requirements |

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

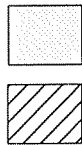
Report Approved by: 
Paul Dunphy, Director of Planning and Development Services

Report Reviewed by: 
Joan Broussard, Financial Consultant



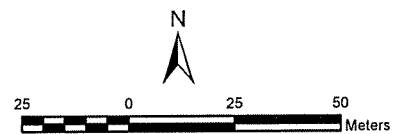
**Map 1
Generalized Future Land Use**

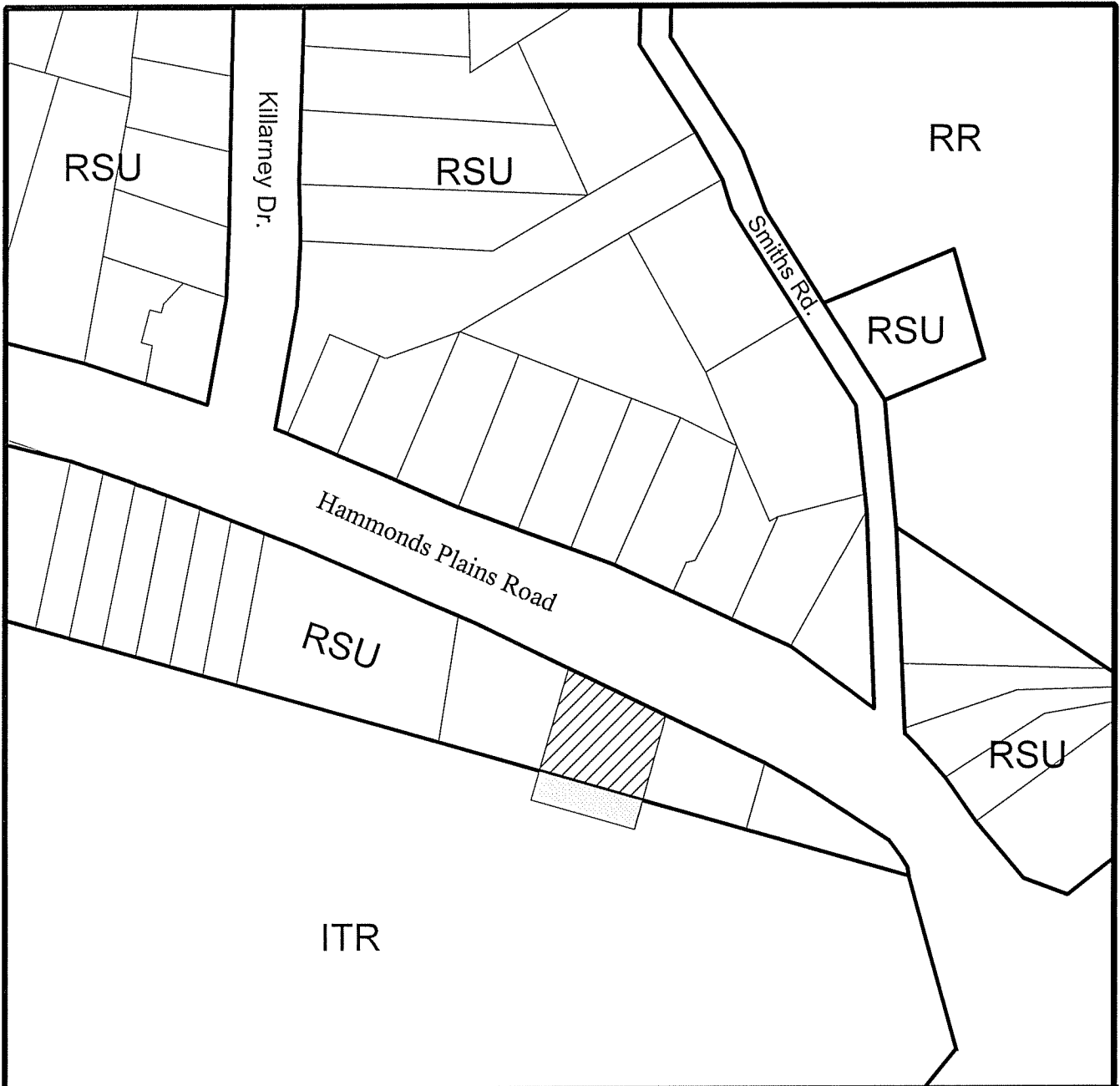
- Bedford Plan Area
- RR Residential Reserve Designation
 - P Park and Recreation Designation
 - ITR Information Technology and Research Designation



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

Lands of
Brent and Karri Urquhart





**Map 2
Zoning**

Bedford Plan Area

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

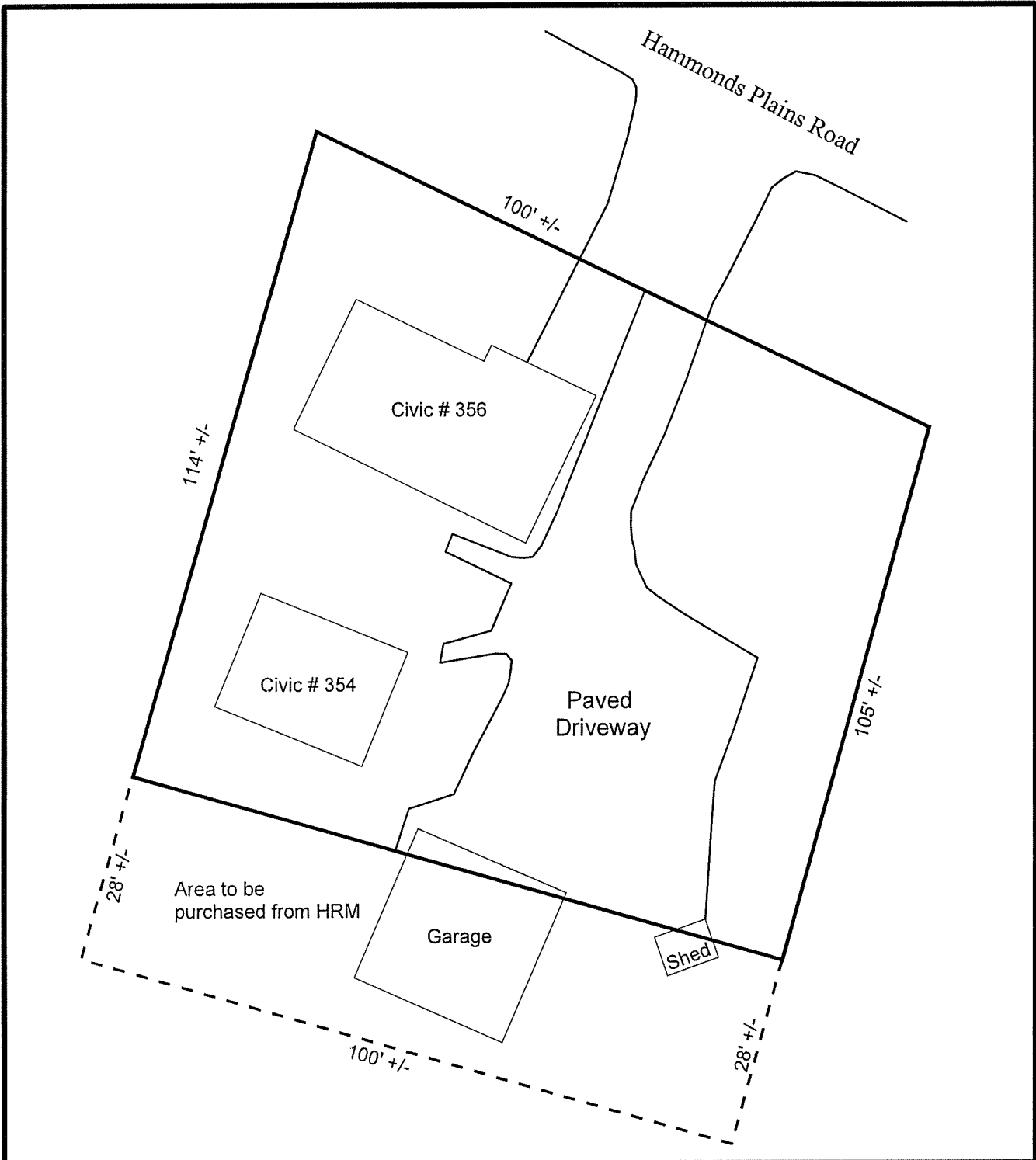


Area to be Rezoned from ITR to RSU
and Redesignated from ITR to RR



Lands of
Brent and Karri Urquhart





Map 3
Site Plan



HALIFAX
REGIONAL MUNICIPALITY
Planning Services

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%