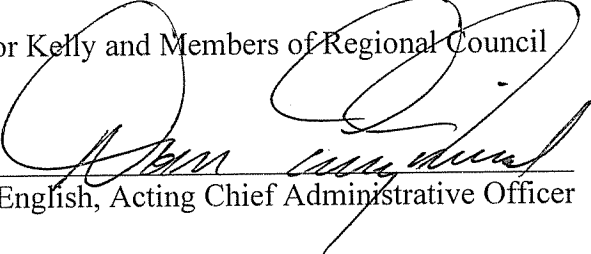


Halifax Regional Council
August 20, 2002

To: Mayor Kelly and Members of Regional Council

Submitted by: 
Dan English, Acting Chief Administrative Officer

Date: July 26, 2002

Subject: Case 00490: Bedford MPS and LUB Amendment - Lot AB - High Street

STAFF REPORT

ORIGIN:

An application by Halifax Regional Municipality to amend the Municipal Planning Strategy and Land Use By-law for Bedford.

RECOMMENDATION:

It is recommended that Halifax Regional Council:

1. Instruct staff to initiate a process to amend the Bedford Municipal Planning Strategy and Land Use By-law to designate Lot AB on High Street Residential and rezone it RSU (Residential Single Unit) zone;
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

BACKGROUND:

The property in question is located on High Street in Bedford and is approximately 12,000 square feet in size. It traverses lands between High Street and Locke Street. For many years the property was thought to be owned by the former Town of Bedford and thought to be an unused public right-of-way. It was determined that the Town did not hold ownership of the land but that the land was the remnant of two subdivisions and privately held. The property is currently not designated on the Generalized Future Land Use Map (Attachment 1) and not zoned on the Zoning Map (Attachment 2).

The current owners, Fred and Claudette Shuman, have consolidated the property and through the subdivision and permitting process, Planning Services staff were informed that the property did not have zoning. The owners are currently constructing a home on the property and may further subdivide the property in the future.

Staff investigated the reasons for the lack of a designation and zoning. The designation and zoning appear not to have been applied on this property due to the fact that the property was thought to have been a public right-of-way. It is standard practice not to designate or zone public right-of ways or streets.

DISCUSSION:Land Use By-law Requirements and Municipal Planning Strategy Policies

Lands which are not designated and zoned under a Municipal Planning Strategy and Land Use By-law are not subject to the restrictions on land use normally found in most zones of the Land Use By-law. Essentially, land not designated and zoned is capable of being developed for any land use without restriction or control. Notwithstanding this there may be general provisions relating to land use from the Land Use By-law which may still apply to unzoned properties.

In this instance, there is no reason to believe that the owners of the property intend to establish any land use which is contrary to the surrounding residential zoning. However, in order to maintain the stability and consistency of areas of the Municipality, especially residential neighbourhoods, appropriate zoning is essential. Planning Services is requesting that the Bedford Municipal Planning Strategy and Land Use By-law be amended to place a Residential designation on the Generalized Future Land Use Map and a Residential Single Unit (RSU) zone on the Zoning Map. The Residential Designation and RSU Zone primarily permit single unit dwellings and is the designation and zone for all surrounding properties. The amendments to allow for this are relatively simple as there is no specific policy in the Bedford MPS which references this property. The only required modification to the Plan would be to amend the Generalized Future Land Use Map to apply the Residential designation to this property and

amend the Zoning Map of the Land Use By-law to apply the Residential single Unit (RSU) zone to the property. No text modifications to the Municipal Planning Strategy or Land Use By-law are required.

In order for Planning Services to recommend considering a change to the Municipal Planning Strategy, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. In this case the Municipal Planning Strategy and Land Use By-law plan simply did not designate or zone the property based on the assumption that the land was publically held and was a public right-of-way. As this assumption was wrong and the land is privately owned, this error would qualify this property for consideration for a plan amendment based on staff's review criteria.

Conclusion

Staff recommends that Regional Council direct staff to begin the process to consider amending the Bedford Municipal Planning Strategy to designate Lot AB on High Street in Bedford, Residential on the Generalized Future Land Use Map of the Bedford MPS and concurrently amend the Bedford Land Use By-law 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. Alternatives are not recommended as Staff feels the amendment would be consistent with the Plan and there is merit in proceeding with the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law.
2. Refuse the requested amendment. The implication of refusing such an amendment is the risk that any land use may be established on the subject property. A request to amend the Municipal Planning Strategy is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed.

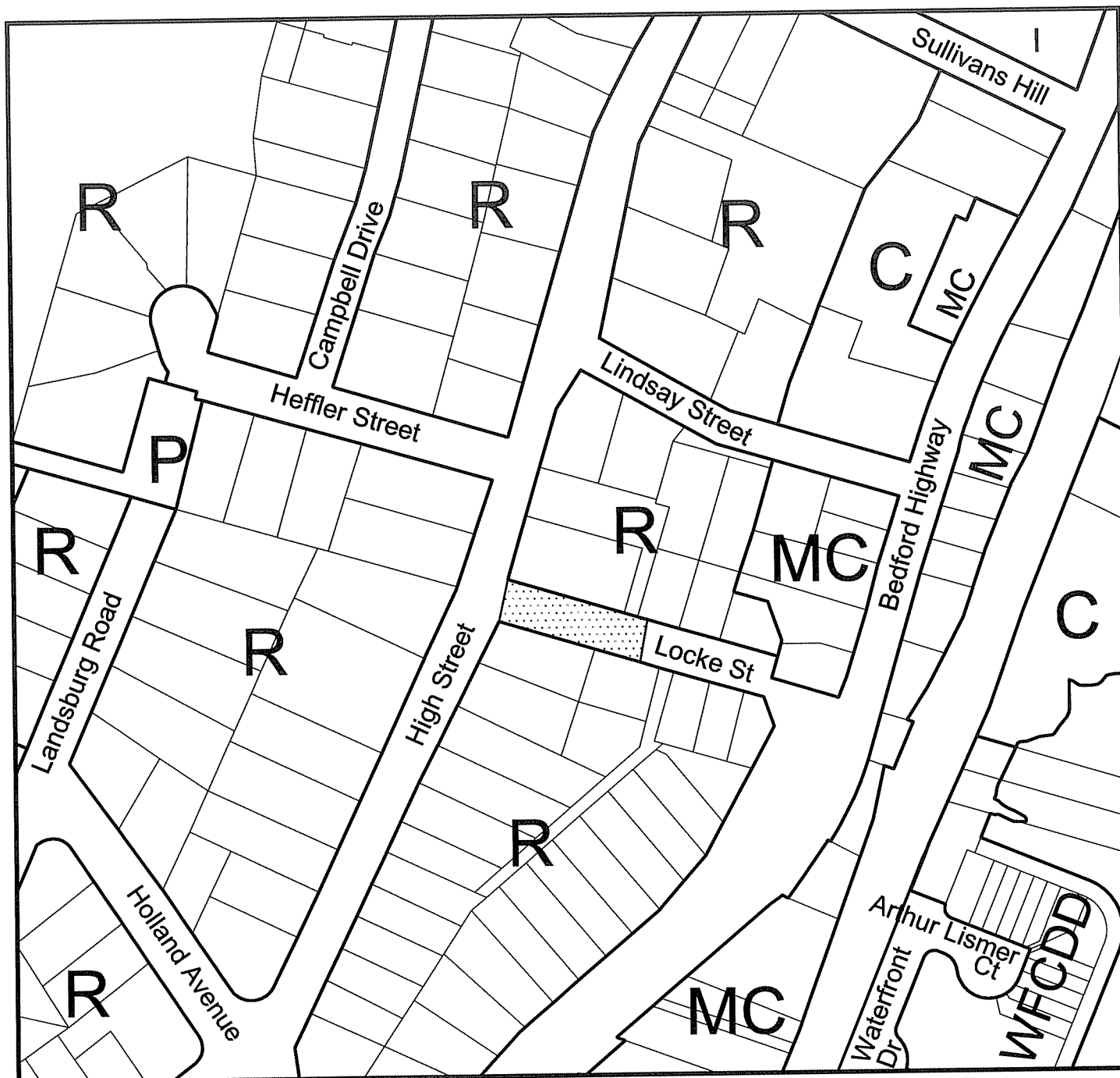
ATTACHMENTS:

Attachment 1 Generalized Future Land Use Map
Attachment 2 Zoning Map

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.

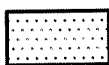
Report Prepared by: Andrew Bone, Planner, 869-4226

Report Approved by: 
Paul Dunphy, Director, Planning & Development Services



Map 1

Generalized Future Land Use

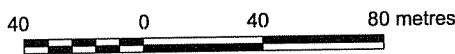


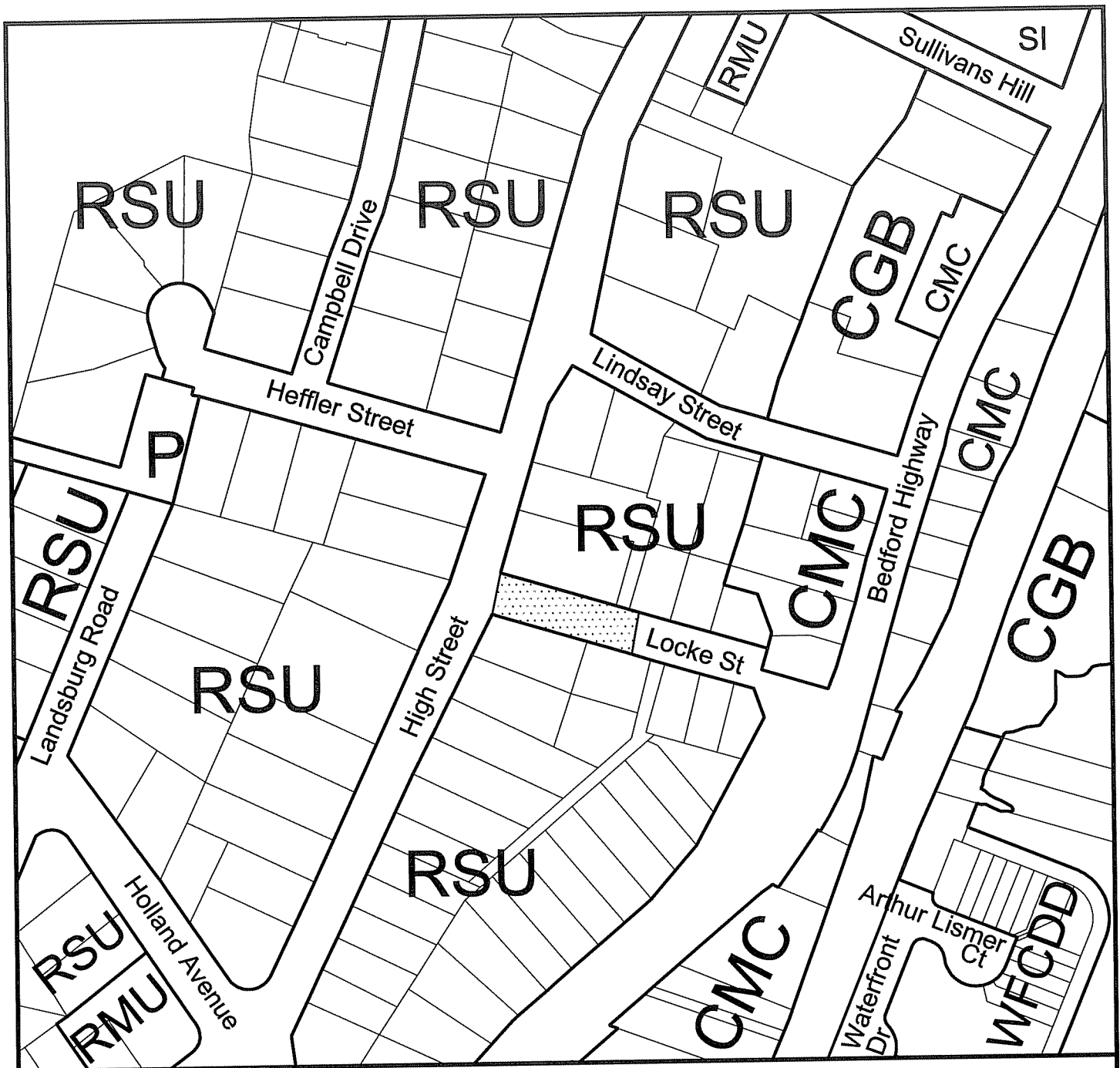
Subject Property



- R Residential Designation
- MC Mainstreet Commercial Designation
- C Commercial Designation

- P Park and Recreation Designation
- I Institutional Designation
- WFCDD Waterfront Comprehensive Development District





Map 2
Zoning

 Subject Property



RSU Single Dwelling Unit Zone
 RMU Multiple Dwelling Zone
 CMC Mainstreet Commercial Zone
 CGB General Business District Zone

P Park Zone
 SI Institutional Zone
 WFCDD Waterfront Comprehensive Development District

