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**Item No. 13.1.2**  
**North West Community Council**  
**September 19, 2022**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** - Original Signed -  
Kelly Denty, Director of Planning and Development

**DATE:** July 21, 2022

**SUBJECT:** **Case 24308: Bedford Land Use By-law Amendment (Rezoning) for 378 Shore Drive, Bedford**

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**ORIGIN**

Application by Stephen Adams Consulting Services Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Bedford, as set out in Attachment A, to rezone 378 Shore Drive, Bedford from the RMU (Residential Multiple Dwelling Unit) Zone to the RTU (Residential Two Dwelling Unit) Zone and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Bedford, as set out in Attachment A.

## **BACKGROUND**

Stephen Adams Consulting Services Inc. has applied, on behalf of the property owner, to rezone 378 Shore Drive, Bedford from the RMU (Residential Multiple Dwelling Unit) Zone to the RTU (Residential Two Dwelling Unit) Zone of the Bedford Land Use Bylaw (LUB).

<b>Subject Site</b>	378 Shore Drive, Bedford
<b>Location</b>	North side of Shore Drive
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Residential
<b>Zoning (Map 2)</b>	RMU (Residential Multiple Dwelling Unit) Zone
<b>Size of Site</b>	~2,061 sq. m (22,188 sq. ft.)
<b>Street Frontage</b>	~64.5 m (211 ft.)
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Mix of residential and recreational uses

### **Proposal Details**

The applicant proposes to rezone the subject property from its existing RMU (Residential Multiple Dwelling Unit) Zone to the RTU (Residential Two Dwelling Unit) Zone to allow for the construction of semi-detached dwellings on the property. The proposal also includes eventual subdivision of the property, subject to the minimum lot and area requirements of the RTU Zone.

### **Enabling Policy and LUB Context**

This application is enabled through Policy R-8 of the Bedford Municipal Planning Strategy (MPS). The Generalized Future Land Use Map (Map 1) for Bedford includes the property within a Residential Designation. This designation has been applied to the lands of the Plan area which are intended to permit the full range of residential uses, park uses, and special care facilities. The Residential Designation is an all-encompassing designation that allows Council to consider zoning amendments provided they do alter the land uses, increase the number of dwelling units, and do not conflict with the policies of the MPS.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website (95 unique webpage views), signage posted on the subject site, postcards mailed to property owners within a notification area of 500 feet. Of the one hundred and one (101) postcards mailed there were two responses received. One individual believed the current zoning should remain as the area needs apartment units; the other was supportive of the re-zoning as it will result in less traffic and is a better fit for the neighbourhood in terms of density and built form. A virtual public information meeting was scheduled for July 21; however, this was cancelled as there were no members of the public wishing to attend the meeting.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements required in the Bedford MPS, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM planning applications website will also be updated to indicate notice of the public hearing.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Bedford MPS. Attachment A contains the proposed rezoning which would allow the construction and future subdivision of the property.

### **LUB Amendment Review**

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following has been identified for more detailed discussion:

#### Compatibility in Built Form and Use

The built form of the existing neighbourhood is primarily of a low-density form, with a mix of single unit, two-unit, and townhouse buildings. The change in zoning maintains and reinforces the predominate use of the neighbourhood (residential) while also ensuring a built form that blends with the established built form of the neighborhood.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the Bedford MPS. The use and built form enabled by the RTU (Residential Two Unit) Zone is compatible with the surrounding area and the existing neighbourhood. As this is considered a down zoning resulting in less potential units than the existing zoning, there are no concerns regarding traffic or municipal services. Therefore, staff recommend that North West Community Council approve the proposed LUB amendment.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2022-2023 operating budget for C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the Bedford MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

**ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification Area

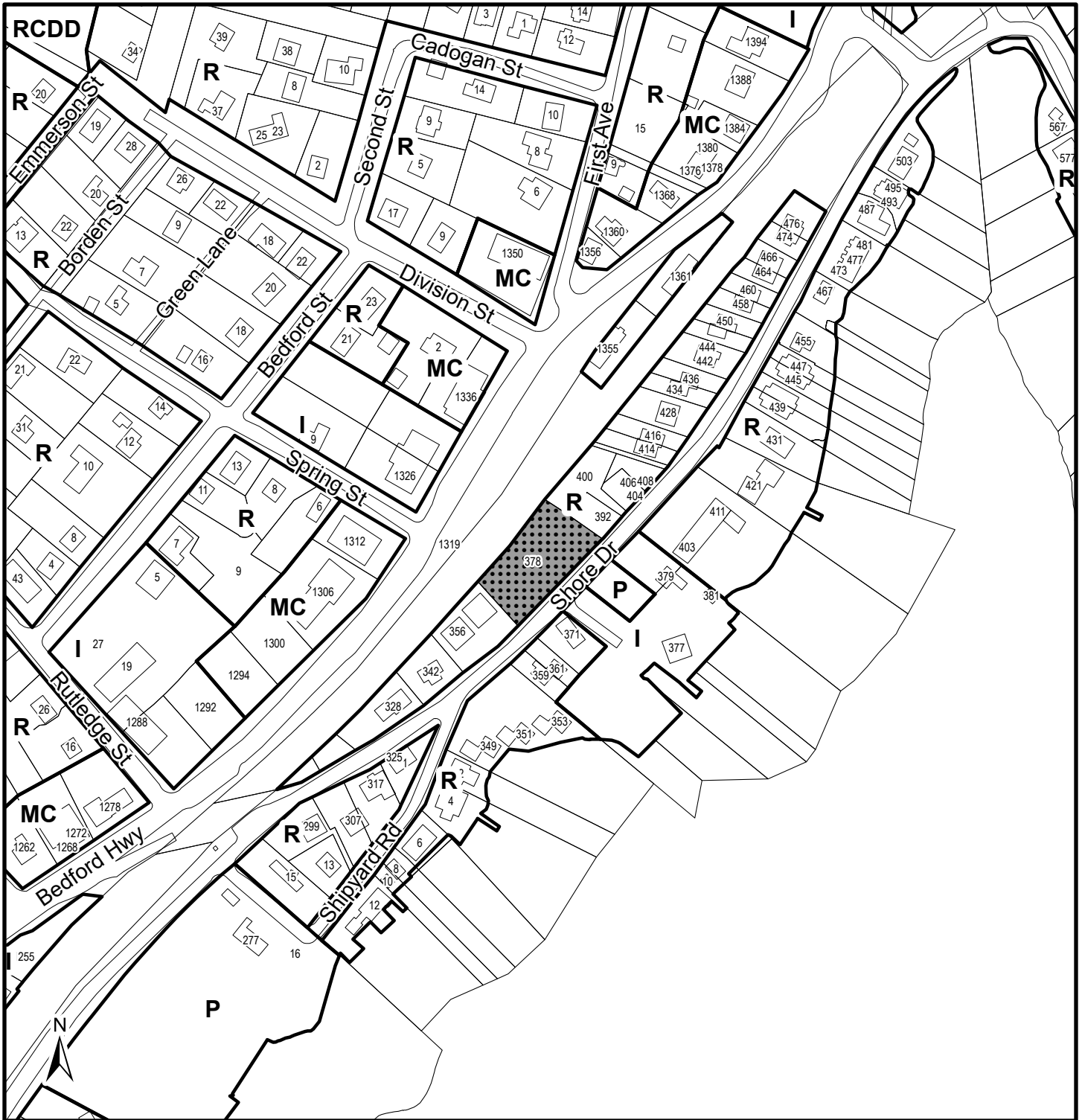
Attachment A: Proposed Amendment to the Land Use By-Law for Bedford  
Attachment B: Review of Relevant Policies from the Bedford Municipal Planning Strategy

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Dean MacDougall, Planner III, 902.240.7085

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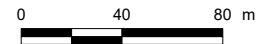


**Map 1 - Generalized Future Land Use**

378 Shore Drive  
Bedford

 Subject Property

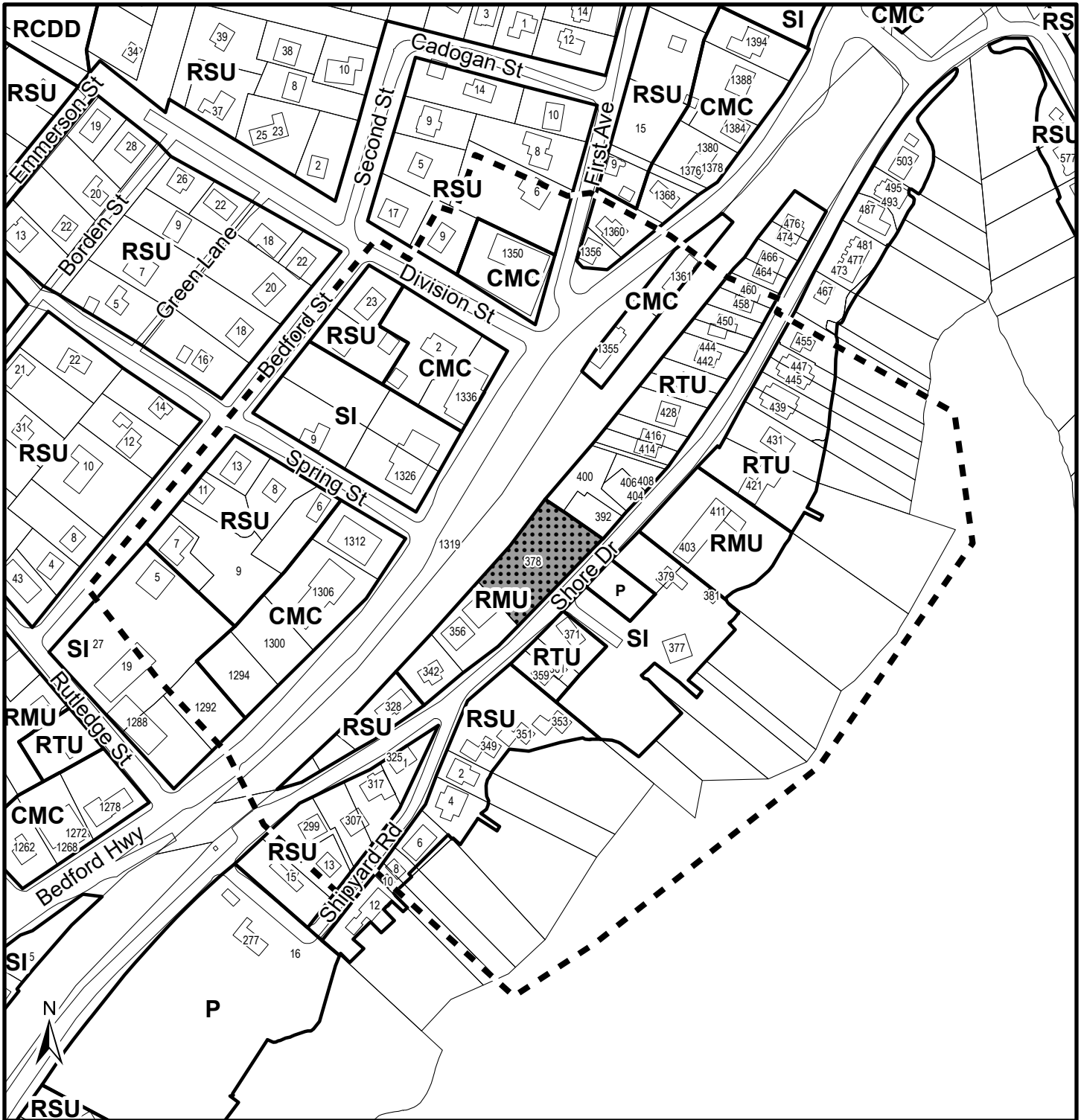
- Designation**
- I Institutional
  - MC Mainstreet Commercial
  - P Park and Recreation
  - R Residential



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.



The accuracy of any representation on this plan is not guaranteed.

Bedford  
Land Use By-Law Area



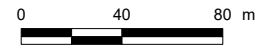
**Map 2 - Zoning and Notification Area**

378 Shore Drive  
Bedford

-  Subject Property
-  Area of Notification

Bedford  
Land Use By-Law Area

Zone	
CMC	Mainstreet Commercial
P	Park
RMU	Multiple Dwelling Unit
RSU	Single Dwelling Unit
RTU	Two Dwelling Unit
SI	Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

## ATTACHMENT A

### Proposed Amendment to the Land Use By-law for Bedford

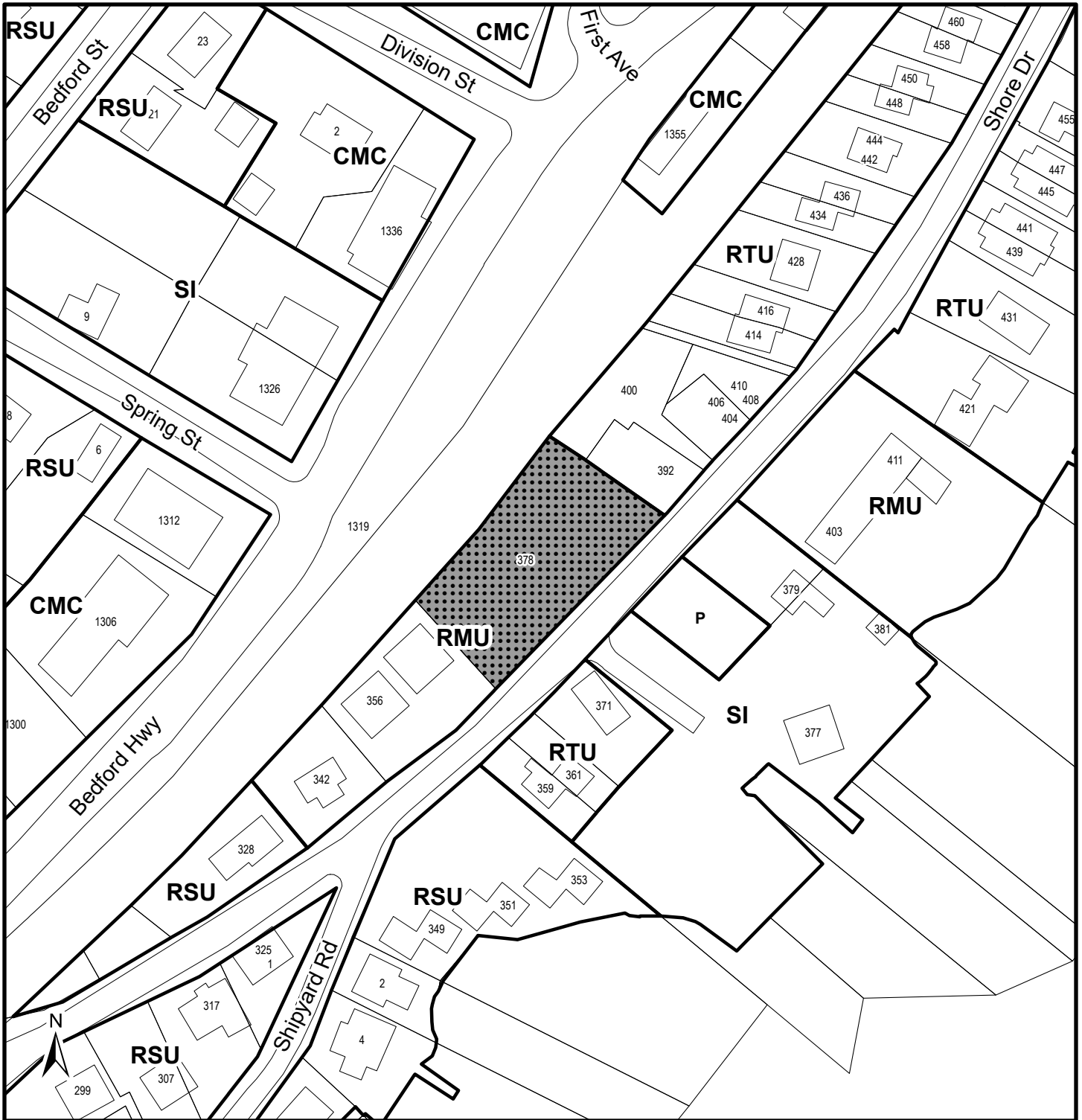
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby further amended as follows:

1. Schedule A – Bedford Zoning Map shall be amended to rezone 378 Shore Drive, Bedford (PID 00431163) from the RMU (Residential Multiple Dwelling Unit) Zone to the RTU (Residential Two Dwelling Unit) Zone, as shown on Schedule A attached hereto.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 201[#].


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Iain MacLean  
Municipal Clerk



**Schedule A**

378 Shore Drive  
Bedford

 Area proposed to be rezoned from RMU (Multiple Dwelling Unit) to RTU (Two Dwelling Unit)

Bedford Land Use By-law

Zone	
CMC	Mainstreet Commercial
P	Park
RMU	Multiple Dwelling Unit
RSU	Single Dwelling Unit
RTU	Two Dwelling Unit
SI	Institutional

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



**Attachment B**  
**Review of Relevant Policies from the Bedford Municipal Planning Strategy**

**Residential Objective**

To make provision for a choice of housing types; to make provision for construction of affordable housing; to provide for preservation of the character of existing neighbourhoods in their present form; to permit residential development to occur in areas where the Town can economically provide services; to consider the need for permanent buffers and/or separation distances where residential uses abut incompatible land uses; to encourage the provision of housing for those with special needs; to provide for a mix of housing types in new developments consistent with the trend in starts in Bedford since 1980; to plan for provision of supporting neighbourhood infrastructure such as schools, parkland and commercial facilities; and, to encourage development that would be designed to suit the natural terrain minimizing negative impacts to the natural environment.

<b>Policy</b>	<b>Comment</b>
<p><b>Policy R-8:</b> 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.</p> <p>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.</p> <p>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.</p>	<p>The subject property is designated "Residential", and the request is to rezone from the Residential Multiple Unit (RMU) Zone to the Residential Two Unit (RTU) Zone. This request is decreasing the number of possible dwelling units on the property and is not altering the land use as it will remain a residential use. Under the requirements of the Land Use By-law the property could be subdivided into 3 lots resulting in 6 units. A multi-unit building of 14 could be built on the site based on previous development permits issued for the site.</p>
<b>Implementation Policies</b>	
<p><b>Policy Z-3:</b> 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:</p>	
<p>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;</p>	<p>The proposal ensures a residential use within the residential designation and is compatible to the existing residential character and form of the neighbourhood. Staff are of the opinion the proposal is in conformance with the intent of this Plan.</p> <p>Policy R-16 is not applicable to this application.</p>
<p>2. That the proposal is compatible with adjacent uses and the existing development form in the</p>	<p>The existing residential development form is mixed with single unit, two-unit, townhouse, and low-density multiple unit dwellings. The use, bulk, scale of the</p>

neighbourhood in terms of the use, bulk, and scale of the proposal;	proposal will adhere to the requirements of the RTU zone of the LUB, which ensures compatible with the surrounding developments.
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;	No incompatibilities are anticipated and the development of the lands will be required to adhere to the regulations of the Land Use By-law.
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;	The site has an existing curb cut and driveway with frontage onto Shore Drive which can be used to support the proposed development. Any alteration would only be approved in compliance with Streets By-Law (S-300)
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;	No cost is expected to be incurred by the municipality with this 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;	Sewer and water services in the area are adequate to support the proposed development. Halifax Water advised detailed plans and examination will be required at permitting.
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;	This development is not expected to contribute to a pollution problem in the area.
v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;	No watercourses or parks are located on or adjacent to the property. The development will be required to provide at permitting a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met.
vii) the adequacy of recreational land and/ or facilities;	The subject property is located within an urban area with access to local community parks, schools, and facilities. Located near by is Bedford Lions Park and Fish Hatchery Park, and Lebrun Recreation Centre.
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;	The existing street network is adequate to support the proposed development. HRM Engineering has advised that a traffic impact statement is not required as the proposed use will be less intensive than the as-of-right potential under the RMU Zone.
ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;	No access to rivers, lakes, or shorelines are available through this property.
x) the presence of significant natural features or historical buildings and sites;	No presence of significant natural features, historical buildings, or sites on or near the property.

<p>xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;</p>	<p>The subject property is within existing service areas and urban area. This will not contribute to a scattered development pattern, will not require extensions to trunk facilities or public services beyond the development boundary.</p>
<p>xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,</p>	<p>No impact on environmentally sensitive areas are expected through this development.</p>
<p>xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.</p>	<p>The site is relatively flat but grades due increase at the rear up to the rail bed. The concept plan submitted illustrates that the siting is appropriate and satisfies all setback requirements of the Residential Two Unit Zone of the Bedford LUB.</p>
<p>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:</p> <ul style="list-style-type: none"> <li>i) type of use, density, and phasing;</li> <li>ii) traffic generation, access to and egress from the site, and parking;</li> <li>iii) open storage and landscaping;</li> <li>iv) provisions for pedestrian movement and safety;</li> <li>v) provision and development of open space, parks, and walkways;</li> <li>vi) drainage, both natural and subsurface;</li> <li>vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,</li> <li>viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.</li> </ul>	<p>This is a rezoning request and the development of the site will adhere to the regulations of the Land Use By-law. A development agreement is not required nor sought.</p>
<p>7. Any other matter enabled by Sections 73 and 74 of the Planning Act.</p>	<p>No concerns.</p>
<p>8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</p>	
<p>i) provide Council with a clear indication of the nature of the proposed development; and</p>	<p>Proposed development is as described in this staff report.</p>
<p>ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.</p>	<p>Proposed development is as described in this staff report.</p>
<p>9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:</p>	
<p>a) a plan to a scale of 1":100' or 1":40' showing such items as:</p>	<p>Provided</p>
<p>i) an overall concept plan showing the location of all proposed land uses;</p>	<p>Provided</p>
<p>ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;</p>	<p>Provided</p>

iii) description, area, and location of all proposed commercial, cultural, mixeduse projects proposed;	N/A
iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;	N/A
v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes	N/A
vi) a description of any protected viewplanes; and,	N/A
vii) an indication of how the phasing and scheduling is to proceed.	N/A
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.	No phasing required
c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.	Provided
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-Jul 2/02;EAug 17/02)	N/A