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Item No. 13.1.2
Halifax and West Community Council
February 28, 2023

TO: Chair and Members of Halifax and West

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

DATE: January 26, 2023

SUBJECT: Case 24020: Land Use By-law Amendment for the Kearney Lake area of
Halifax (Bedford West - Sub Area 11)

ORIGIN

- Staff initiated review of zoning applied to Bedford West Sub Area 11 in response to public feedback received through Planning Case 20401 for Bedford West Sub Area 10.
- On October 12th, 2022, Halifax and West Community Council gave First Reading to consider approval of proposed amendments to the Halifax Mainland Land Use By-law to enable R-2 Zone uses within the Kearney Lake area of Halifax (Bedford West - Sub Area 11) and scheduled a public hearing.
- The public hearing, scheduled for November 15, 2022, was cancelled due to a discrepancy between the public notification and affected properties of the proposed amendments.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendments to the Halifax Mainland Land Use By-law, as set out in Attachment A, to allow R-2 uses serviced with on-site services on certain lands surrounding Kearney Lake and schedule a public hearing;
2. Adopt the amendments to the Halifax Mainland Land Use By-law, as set out in Attachment A.

BACKGROUND

In 2006, the Bedford West Secondary Planning Strategy (BWSPS) was adopted to guide and enable the development of the community of Bedford West. Bedford West was divided into 12 Sub-Areas. Some Sub-Areas, including Sub-Areas 10 and 11 (Map 3 of this report), required additional comprehensive planning prior to enabling development. To prevent premature subdivision and development in advance of comprehensive planning, Sub-Areas 10 and 11 were rezoned from Two Family Dwelling Zone (R-2) to Urban Settlement Zone (US). The US Zone has limited permitted uses, which include single family dwellings on existing lots with frontage. However, it was intended that existing lots with frontage on a public street in the Kearney Lake area designated as Residential Environment would retain the right to develop R-2 Zone uses including duplex and semi-detached dwellings. Due to an inconsistency between the text of the Halifax Mainland Land Use By-Law (LUB) and the associated Generalized Future Land Use Map (GFLUM), some properties in this area are not able to develop R-2 Zone uses. The [Community Council report](#) for Case 24020 discussed the detailed policy context and proposed LUB amendments to restore the ability to develop R-2 Zone uses on specific properties within the Kearney Lake area.

On October 12, 2022, Council gave First Reading to consider approval of the proposed LUB amendments and scheduled a public hearing for November 15, 2022. However, the public hearing was cancelled because staff became aware of an inconsistency in the advertisement for the public hearing. Schedule 1 of Attachment A in the October 5, 2022, Council report included the entirety of Bedford West Sub-Area 10 in the proposed amendments to the Halifax Mainland Land Use By-Law. However, as the proposed amendments were not intended to apply to the area of Bedford West Sub Area 10 zoned as BWCCDD, not all the property owners who may be affected by the proposed amendments were notified. This supplementary report has been prepared to address this inconsistency.

DISCUSSION

To address the inconsistency between the notification area and LUB amendments, staff have revised the proposed LUB amendment mapping to include only the lands that were previously designated Residential Environments prior to the BWSPS coming into effect, and that are not zoned Bedford West Comprehensive Development District (BWCCDD). The completion of comprehensive planning for Sub Area 10 in 2021 rezoned most properties in the sub-area from US to BWCCDD. As a result, provisions concerning R-2 Zone uses are no longer relevant to the properties in Sub Area 10. Therefore, the revised LUB amendments clarify that the provisions to allow R-2 Zone uses on existing lots with frontage on a public street are limited to the area of Kearney Lake that was designated Residential Environments prior to the 2006 adoption of the BWSPS and that are not zoned BWCCDD (Map 4). The revised LUB amendments, including the updated mapping, are set out in Attachment A.

Consistent with the October 12, 2022 Council report, the proposed LUB amendments continue to clarify that the ability to develop R-2 Zone uses is restricted to existing lots that abut the existing public street network. Development of these properties will be subject to the requirements of the LUB and the Nova Scotia Department of Environment and Climate Change's on-site sewage disposal requirements. In line with policy SU-3 of the Regional Plan, which seeks to limit subdivision in advance of master planning, the creation of any new lots must meet the lot frontage and area requirements of the US Zone (2 hectares and 110 metres respectively).

Staff have reviewed all relevant policies and advise that the proposed amendments are reasonably consistent with the intent of the MPS. The proposed LUB amendments will permit R-2 Zone uses on existing lots around Kearney Lake that were designated Residential Environments prior to the adoption of the BWSPS, have frontage on an existing street, and are not zoned BWCCDD. Additionally, these same specified lands will be permitted to develop R-2 Zone uses using on-site services. Staff therefore recommend that the Halifax and West Community Council approve the proposed LUB amendments as set out in Attachment A of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and detailed in the October 5, 2022 Council report.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendments. Should Community Council decide to proceed with a public hearing on this case, property owners within the notification area shown on Map 4 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning case can be accommodated within the approved 2022-2023 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This proposal 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 amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further analysis and may require a supplementary report or another public hearing. 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*.
2. Halifax and 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 RMPS, Halifax MPS, or BWSPS. 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*.

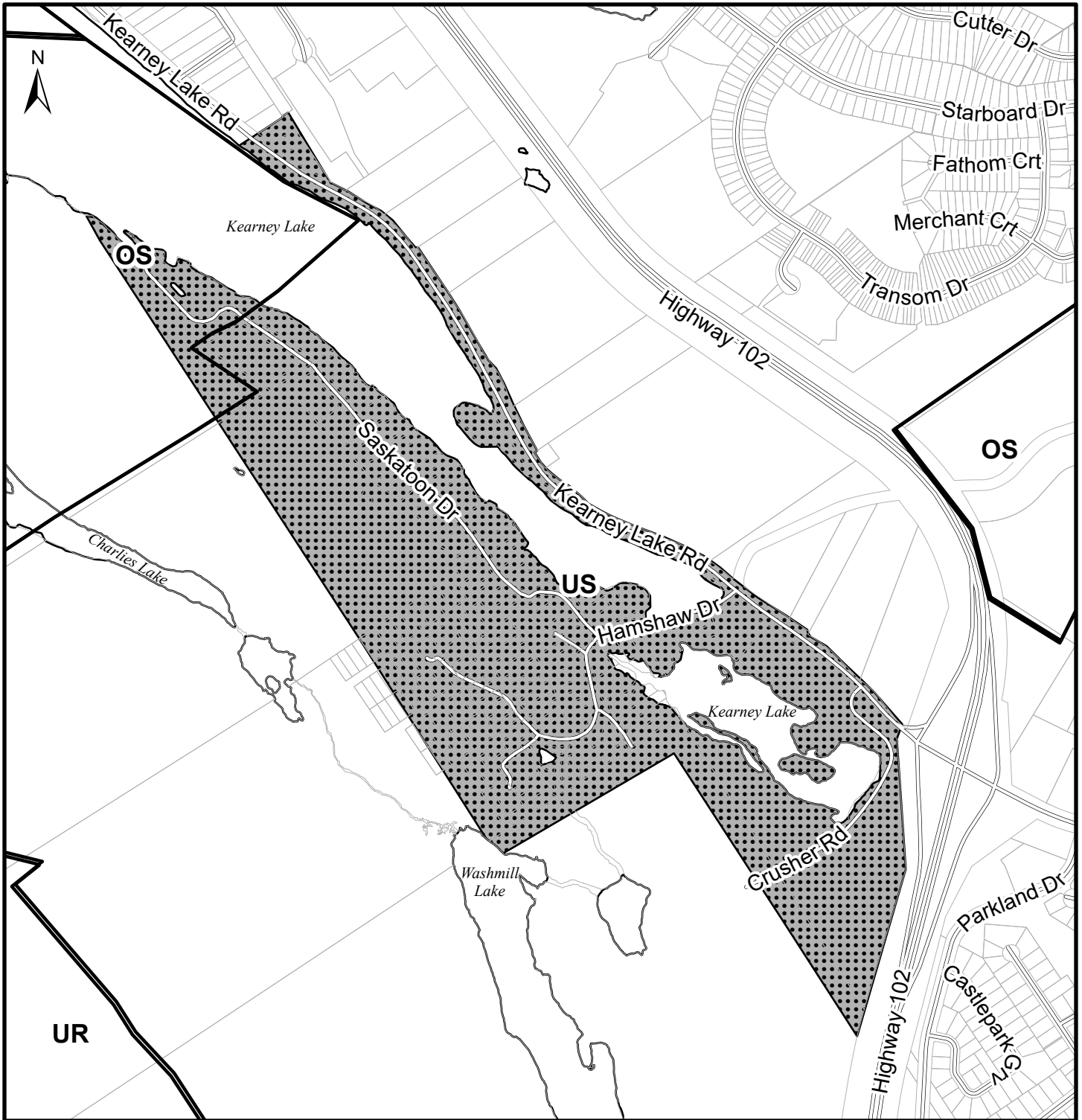
ATTACHMENTS

Map 1:	Regional Generalized Future Land Use
Map 2:	Generalized Future Land Use
Map 3:	Bedford West Sub Areas
Map 4:	Zoning and Notification Area

Attachment A: Proposed Amendments to the Halifax Mainland Land Use By-law

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: James Coons, Planner II, Planned Growth, 782.640.7651



Map 1 - Regional Generalized Future Land Use

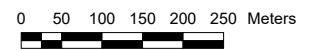
Bedford West

HALIFAX

 Area Subject to Proposed Amendments

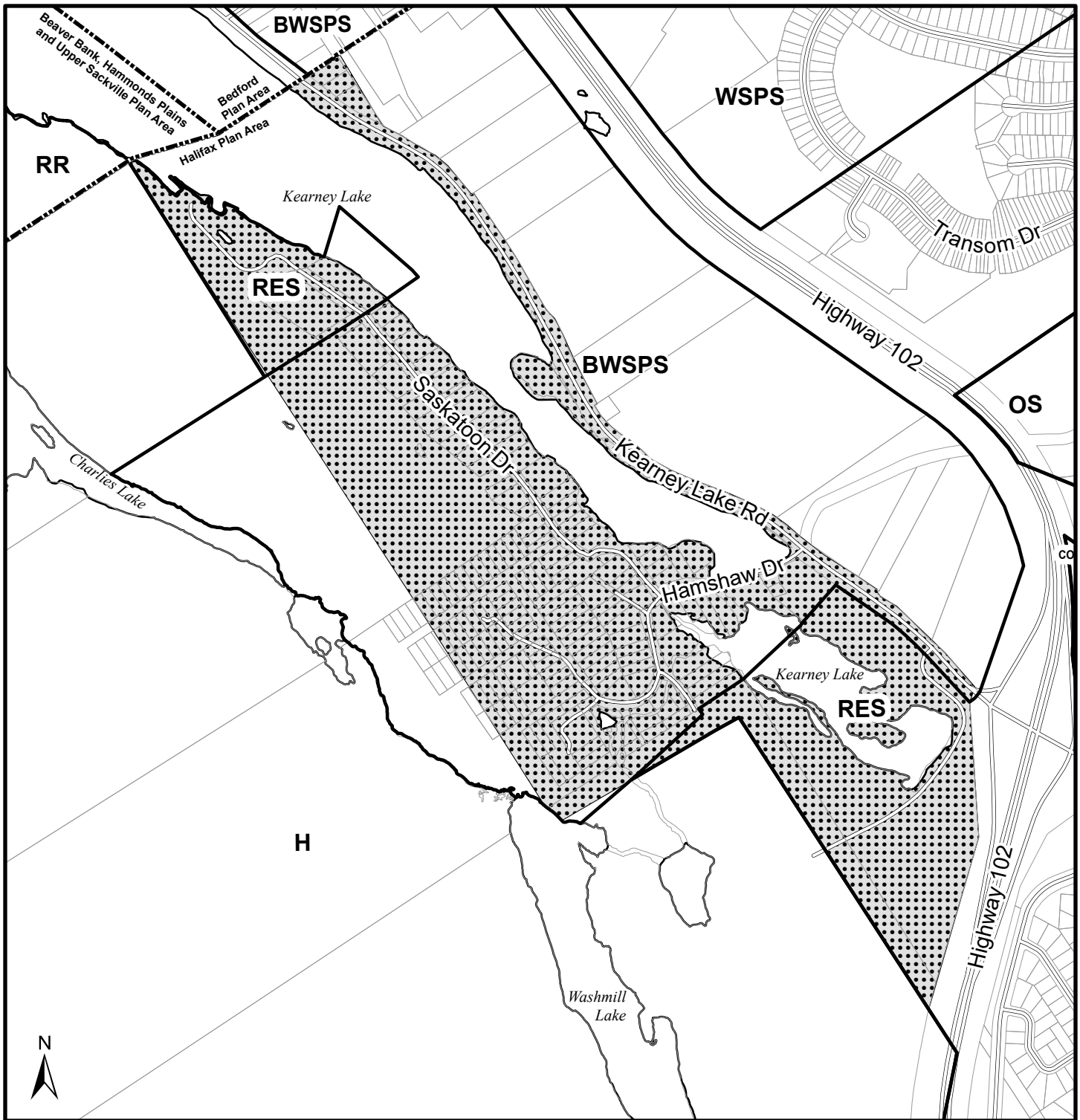
Designation

- OS Open Space and Natural Resources
- UR Urban Reserve
- US Urban Settlement



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.



Map 2 - Generalized Future Land Use

Bedford West

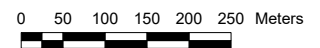
HALIFAX



Area Subject to Proposed Amendments

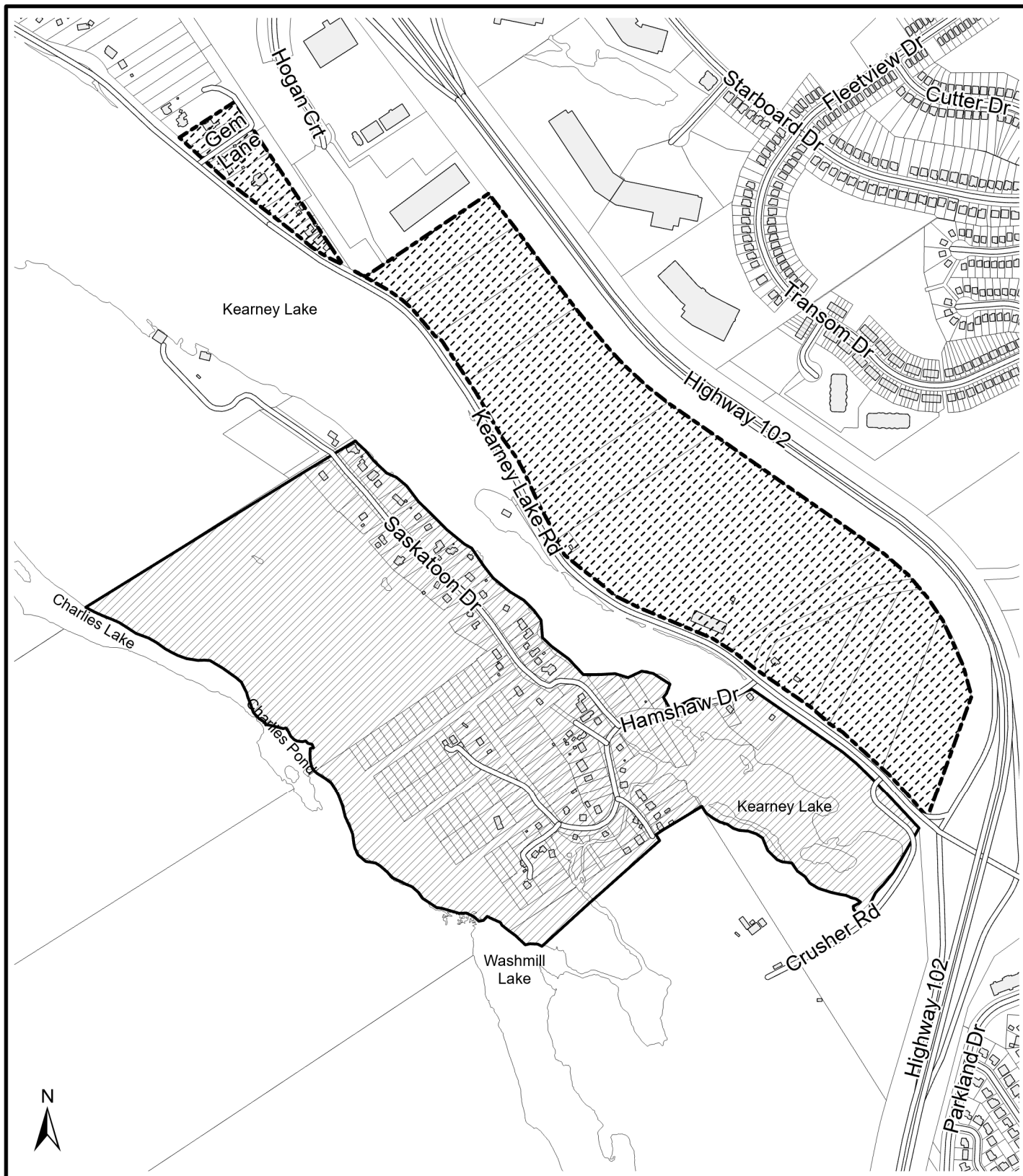
Designation

Halifax Plan Area	Bedford	BWSPS	Bedford West Secondary Planning Strategy
Bedford Plan Area	Halifax	COM	Commercial
Beaver Bank, Hammonds Plains and Upper Sackville Plan Area	HPSBB	H	Holding Area
		OS	Major Community Open Spaces
		RES	Residential Environments
		WSPS	Wentworth Secondary Planning Strategy
		RR	Rural Resources





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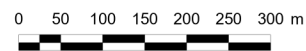


Map 3: Bedford West Sub-Areas

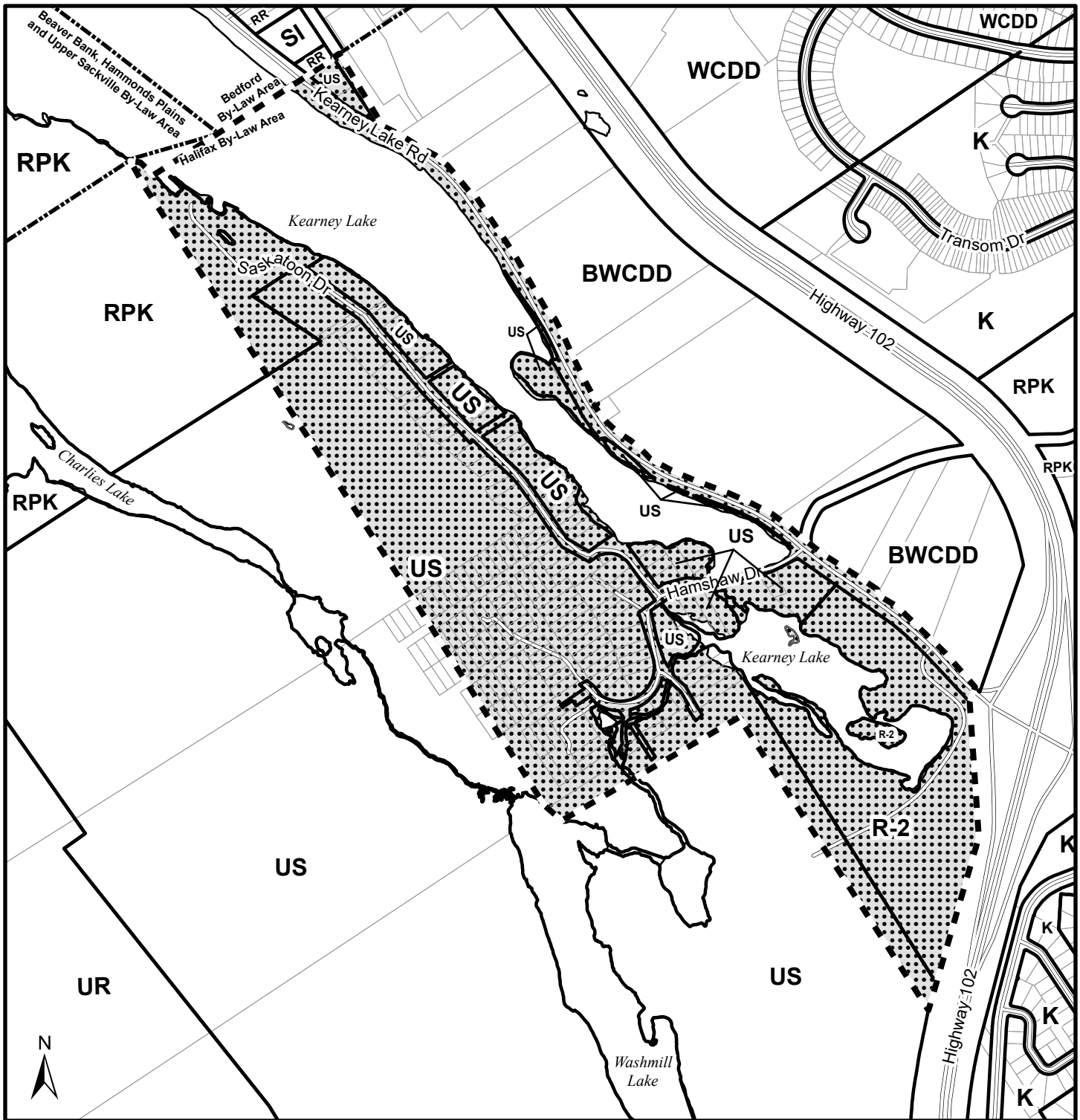
Bedford West

-  Sub-Area 11
-  Sub-Area 10

HALIFAX



HRM does not guarantee the accuracy of any representation on this plan.



Map 4 - Zoning and Notification
Bedford West

HALIFAX

Area Subject to Proposed Amendments

Notification Area

Halifax By-Law Area
Bedford By-Law Area
Beaver Bank, Hammonds Plains and Upper Sackville (HPSBB) By-Law Area

ZONE	
BWCCD	Bedford West Comprehensive Development District
K	Schedule K
R-1	Single Family Dwelling
R-2	Two Family Dwelling
RPK	Regional Park
UR	Urban Reserve
US	Urban Settlement
WCDD	Wentworth Comprehensive Development District

BEDFORD	
RR	Residential Reserve
SI	Institutional
US	Urban Settlement

HPSBB	
RPK	Regional Park

0 50 100 150 200 250 Meters

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**Attachment A:
Proposed Amendments to the
Halifax Mainland Land Use By-law**

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

1. Adding Schedule ZM-35 to the Table of Contents following Schedule ZM-34, as shown in bold below:

ZM-34: Maximum Height in the Dunbrack Multi Unit Zone (RC-Feb 23/21; E-Mar 8/21).....
ZM-35: Kearney Lake Area.....

2. Amend Section 14A(g) within the GENERAL PROVISIONS by deleting and inserting the text shown below in strikeout and bold:

(g) R-1 and R-2 uses on lots which abut the existing public street network for the area designated ~~"Residential Environments" for the area of Kearney Lake west of the Bicentennial highway~~ **identified on Schedule ZM-35.**

2. Amend Section 61A(5) within the US (URBAN SETTLEMENT) ZONE by deleting and inserting the text shown below in strikeout and bold:

KEARNEY LAKE - RESIDENTIAL ENVIRONMENTS

61A(5) Notwithstanding ~~sections~~ **Sections** 61A(1) through ~~46A(4)~~ **61A(4)**, within the area of ~~Kearney Lake west of the Bicentennial Highway and designated "Residential Environments"~~, **identified on Schedule ZM-35, lands existing lots which abut the existing public street network** shall be developed subject to the permitted uses and requirements of the R-2 Zone (Two-Family Dwelling Zone).

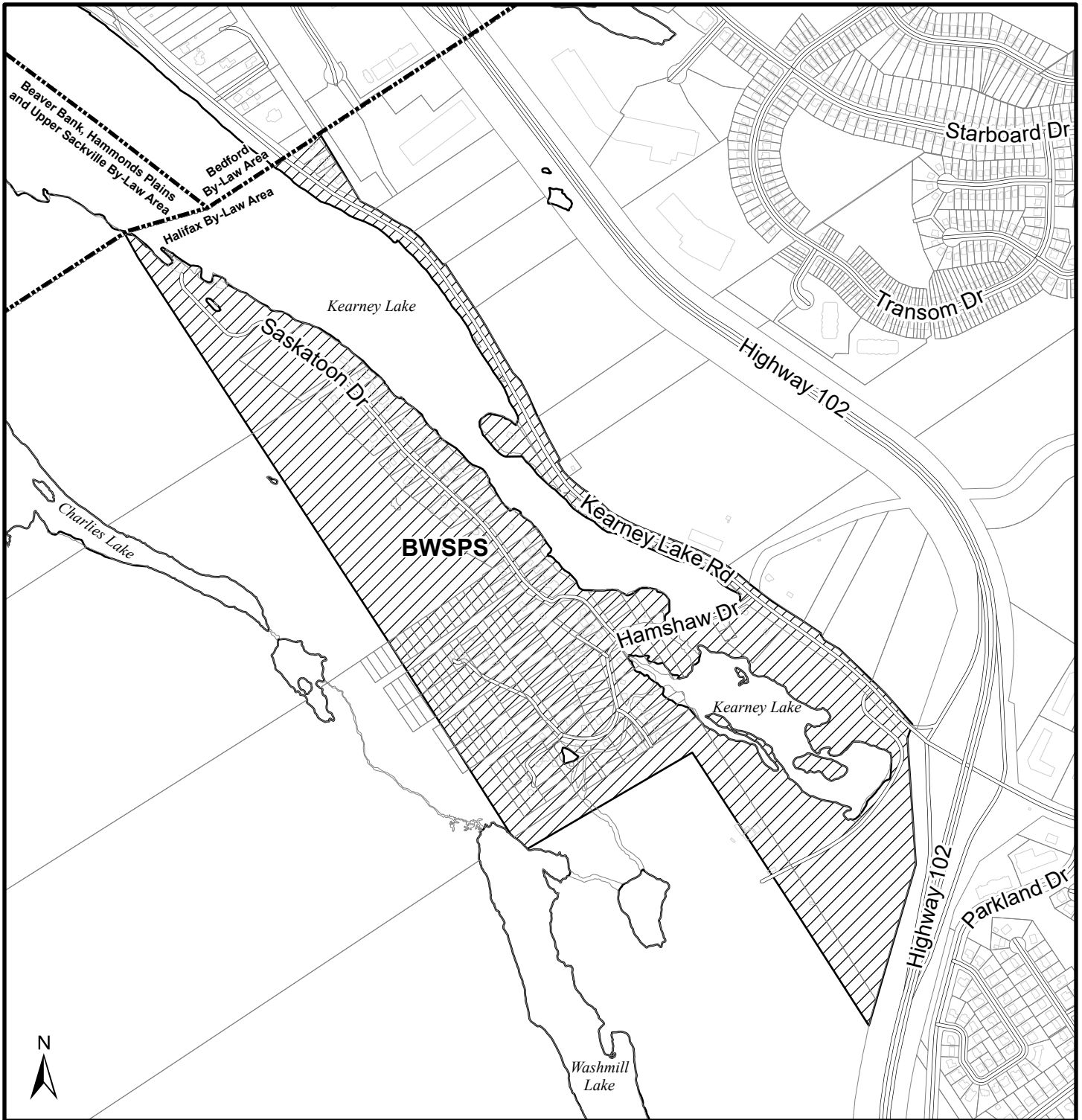
3. Adding Schedule ZM-35 immediately after Schedule ZM-34, as shown on the attached Schedule 1.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax and West Community Council of the Halifax Regional Municipality held on the ____ day of _____, A.D., 20____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20____.

Municipal Clerk

Schedule 1 of Attachment A

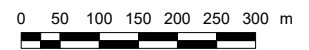


Schedule ZM-35: Kearney Lake Area

HALIFAX



Area of Kearney Lake west of the Bictennial Highway subject to Sections 14A(g) and 61A(5)



Halifax Plan Area
Bedford Plan Area
Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

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