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Item No. 13.1.2
North West Community Council
July 17, 2017

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY: Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: May 26, 2017

SUBJECT: **Case 20211: Amendments to the Municipal Planning Strategy and Land Use By-law for Bedford to allow service stations within the ILI (Light Industrial) Zone, Bedford**

ORIGIN

- Application by WSP Canada Inc.
- June 21, 2016, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

See Attachment C

RECOMMENDATION

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Bedford, as set out in Attachments A and B of this report, to permit service stations in portions of the Bedford Commons commercial area within the Light Industrial (ILI) Zone, Damascus Road, Bedford and schedule a public hearing; and
2. Approve the proposed amendments to the MPS and the LUB for Bedford, as set out in Attachments A and B of this report.

BACKGROUND

WSP Canada Inc., on behalf of Banc Developments Limited, is applying to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Bedford in order to allow the development of a gas bar on Damascus Road. An amendment to the MPS is required as planning policy does not allow for the proposed land use in the Industrial Designation. The applicant's letter (Attachment D) outlines a request to develop a gas bar at the corner of Damascus Road and Duke Street in Bedford (subject site), within what is commonly known as the Bedford Commons commercial area (Map 4).

Subject Site	PID 41376856 (no civic address assigned)	
Location	Southern Corner of Damascus Road and Duke Street, Bedford	
Regional Plan Designation	Urban Settlement / Industrial Park	
Community Plan Designation (Map 1)	IND –Industrial (Map 1A)	
Zoning (Map 2)	ILI – Light Industrial Zone (Map 2A)	
Size of Site	9,771.4 sq. m. (105,181 sq. ft.) in area	
Street Frontage	~ 228 metres (748 feet) of frontage on two streets	
Current Land Use(s)	vacant	
Surrounding Use(s)	North:	Bedford Common commercial centre
	South:	A wetland and the Rocky Lake Dome arena
	East:	Bedford Industrial Park including: <ul style="list-style-type: none"> • Kel-Ann Organics (Soil Manufacture); and • Strescon – Concrete Products
	West:	Bedford Common commercial centre <ul style="list-style-type: none"> • Multiple tenant commercial building

The proposed land use is in close proximity to a water retention area identified in the MPS. The MPS provides for the consideration of a reduced water retention area setback, subject to the development agreement process. A separate application (Case 21012) has been made requesting a reduction in the water retention area setback from 30.5 m (100 feet) to 15.25 m (50 feet). Given this request is contemplated by the MPS, a decision on this matter is the jurisdiction of North West Community Council and will be reviewed under a separate report. That process will determine the appropriate setback independent of this case. The design and operation of service stations are also stringently regulated by Nova Scotia Environment (NSE).

The Request in Relation to the MPS and LUB

The request requires consideration of the following changes to the MPS and LUB:

- Text in the Industrial section of MPS policy to enable service stations on all or part of the subject site zoned Light Industrial (ILI) Zone; and
- Text in the Light Industrial (ILI) Zone to permit a service station on all or part of the subject site.

MPS and LUB Context

The Bedford MPS was last adopted in 1996 and contains policies regarding service stations, which are defined (Attachment F) in the LUB to include the retail sale of gasoline associated with auto service and repair. Service stations uses also include gas bars (Attachment F), a subset of service stations uses that include the sale of fuel, but do not contain auto service or repair. Gas bars were recently added as a permitted use in the Bedford West Secondary Planning Strategy (BWSPS). Accessory or companion uses to service stations or gas bars could include convenience stores, fast food or car wash uses.

The MPS directs service stations to highway-oriented commercial zones on the Bedford Highway located between the Sackville River and the Highway 102 interchange, Commercial Comprehensive Development Districts (CCDD), and gas bars to select areas within the BWSPS, but service stations and gas bars are not enabled within the Industrial designation.

Industrial Designation policy enables a broad range of land uses in the ILI Zone including the following: manufacturing, processing, assembly or warehousing operations, shopping centre commercial uses, commercial uses permitted within the General Business District (CGB) Zone, and utility (SU) uses. However, MPS policies do not enable service stations or gas bars to be permitted within the ILI Zone.

The subject site is within the Industrial designation and the ILI Zone (Maps 1A and 2A). Other lands are designated and/or zoned for ILI uses and are located in a variety of locations throughout Bedford (Maps 1B and 2B). Lands zoned ILI are also outlined in Attachment H.

Light industrial and permitted commercial uses are directed by policy to locate in the Atlantic Acres Industrial Park, in adjacent industrial areas, and in the southern portion of the Bedford Industrial Park. There are also several properties designated in the BWSPS (Bedford West) which also retain the ILI Zone because of historical uses.

The establishment of service stations is highly regulated by the Province, through NSE and their legislation and regulations. Further, the LUB does not specify any special environmental requirements (i.e. increased setbacks from watercourses) for the establishment of service stations beyond that required by NSE.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program (PPP) approved Regional Council on June 21, 2016. The level of community engagement was information sharing and consultation, achieved through a number of objectives outlined in the PPP, including: 1) providing information and seeking public feedback through the HRM website; 2) providing information and seeking public feedback through a published newspaper advertisement; 3) providing information and seeking public feedback by mailing directly to 152 property owners within the notification area shown on Map 3. As directed through the PPP, no public information meeting was held. Attachment D contains written responses received from the public. The public comments received include the following topics:

- Support for the addition of service stations to a limited area on Damascus Road; and
- Concerns over the need for additional service stations and concerns regarding the proximity of service stations to waterbodies.

A public hearing must be held by Regional Council before approval of the proposed MPS and LUB amendments can be considered. Should Regional Council decide to proceed with a public hearing on the proposed MPS and LUB amendments, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 3 will be notified of the hearing by regular mail.

The proposed amendments will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and businesses.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff recommend amendments to the MPS and the LUB in relation to service stations. The following paragraphs review the content and rationale for the proposed MPS and LUB amendments.

Applicant's Rationale

The applicant has provided the following rationale for the consideration of the proposed amendment,

which is further detailed in Attachment D:

- Gas Bars are a modern land use that didn't exist as it is currently modeled. The MPS accordingly does not contemplate the use, and the MPS should specifically enable the use;
- The site is ideally located at the entrance to a commercial centre (Bedford Commons) and near Highway 102, a highly visible site;
- There is a market need for gas bars in the area; and
- Gas bars were excluded in the past due to environmental concerns, but those concerns are no longer valid, as the use is highly regulated by the Province.

Staff Review

The applicant is solely seeking MPS and LUB amendments that would allow for a gas bar on the subject site; however, on June 21, 2016 Regional Council directed staff to:

- 1) Initiate a process to consider amending the MPS and LUB to add service stations to the list of permitted uses in the ILI Zone; and
- 2) Adopt a public participation program comprised of a request for written comments from the public through notification that includes a newspaper advertisement and the posting of information on HRM's website.

In keeping with the direction of Regional Council, staff's review looked broader than the subject site and considered whether service stations should be permitted on all ILI zoned properties.

A detailed review of ILI zoned lands was undertaken to analyze potential impacts. Given the location of existing ILI zoned properties, as shown on Maps 1A and 1B, a variety of surrounding land use scenarios were encountered. For example, a significant numbers of residentially zoned properties were encountered in close proximity to ILI zoned properties, especially in the Hammonds Plains Road, Rocky Lake Road and Bluewater Road areas.

Service stations in general can create perceived and actual land use conflicts, specifically with adjacent residential land uses. Conflicts could include hours of operation, traffic, light impacts and potential odours. While large setbacks from service stations are not a requirement of the LUB or NSE, they are desirable. Because of potential and perceived land use conflicts in relation to service stations, staff focused the consideration of MPS and LUB amendments on the Bedford Common commercial area, where there is a limited relationship with existing residential development.

When the Bedford MPS was last reviewed (1996), the Bedford Common commercial area was not contemplated, and the highway interchange at Highway 102 and Duke Street (Exit 4C) was yet to be constructed. The creation of the highway exit (early 2000's) and the emergence of the Bedford Common commercial area provide strong reasons to consider allowing for service stations in this area; given service stations often provide a complementary land use function in proximity to a highway interchange and within a commercial centre.

The enabling of service stations in the Bedford Common commercial area would also provide a reasonable distribution of the land use throughout the Bedford area. Bedford West, CCDD and CHWY zoned areas, and ILI zoned lands in the Bedford Common commercial area will allow for broad access to this land use.

Staff also identified that updated wording in the MPS will help to better clarify where gas stations and gas bars are permitted and that gas bars are enabled where service station uses are permitted.

Proposed Amendments

It is recommended that the most appropriate lands for service station uses within ILI Zoned areas are located within the Bedford Industrial Park (Bedford Common commercial area) located on Damascus Road.

The Bedford Common commercial area on Damascus Road is ideally situated for the establishment of service stations, due to its proximity to adjacent big box commercial land uses, proximity to the Highway 102 interchange (Exit 4C), and its separation from residential land uses [346 m (1135 feet)] and the closest school [132 m (433 feet)].

While proposed MPS and LUB amendments, which are set out in Attachments A and B, would allow service stations as a permitted use within the Bedford Common Commercial area, the applicant and any other future developer would be responsible for meeting any provincial and other municipal requirements for the siting of the land use.

Also as noted, the proposed MPS amendments also help to better clarify where service stations are permitted and that services station uses also include gas bars.

North West Planning Advisory Committee

On February 1, 2017, the North West Planning Advisory Committee (PAC) identified no issue with the proposed addition of service stations as a permitted use in the ILI Zone in the Damascus Road area (Bedford Common commercial area) of Bedford.

PAC identified that if Regional Council wished to expand the area where service stations were to be permitted beyond the Damascus Road area (Bedford Common commercial area) that additional public consultation would be recommended.

Conclusion

Staff have reviewed the application, and have carried out the process directed by Regional Council, including the consideration of allowing for service station uses in all areas of Bedford zoned ILI. The existing MPS directs service stations to select areas of Bedford that do not necessarily correlate with areas where commercial growth has taken place in recent years. Given the Bedford Common commercial area has emerged as a commercial centre, complementary service uses such as services stations are now considered appropriate in the area. As such, there is merit to allowing service stations within the ILI Zone for lands in the Bedford Commons that have access to Damascus Road. Therefore, it is recommended that Regional Council approve the proposed amendments to the MPS and LUB as outlined in Attachments A and B to enable service stations in the ILI Zone in the Bedford Common commercial area.

FINANCIAL IMPLICATIONS

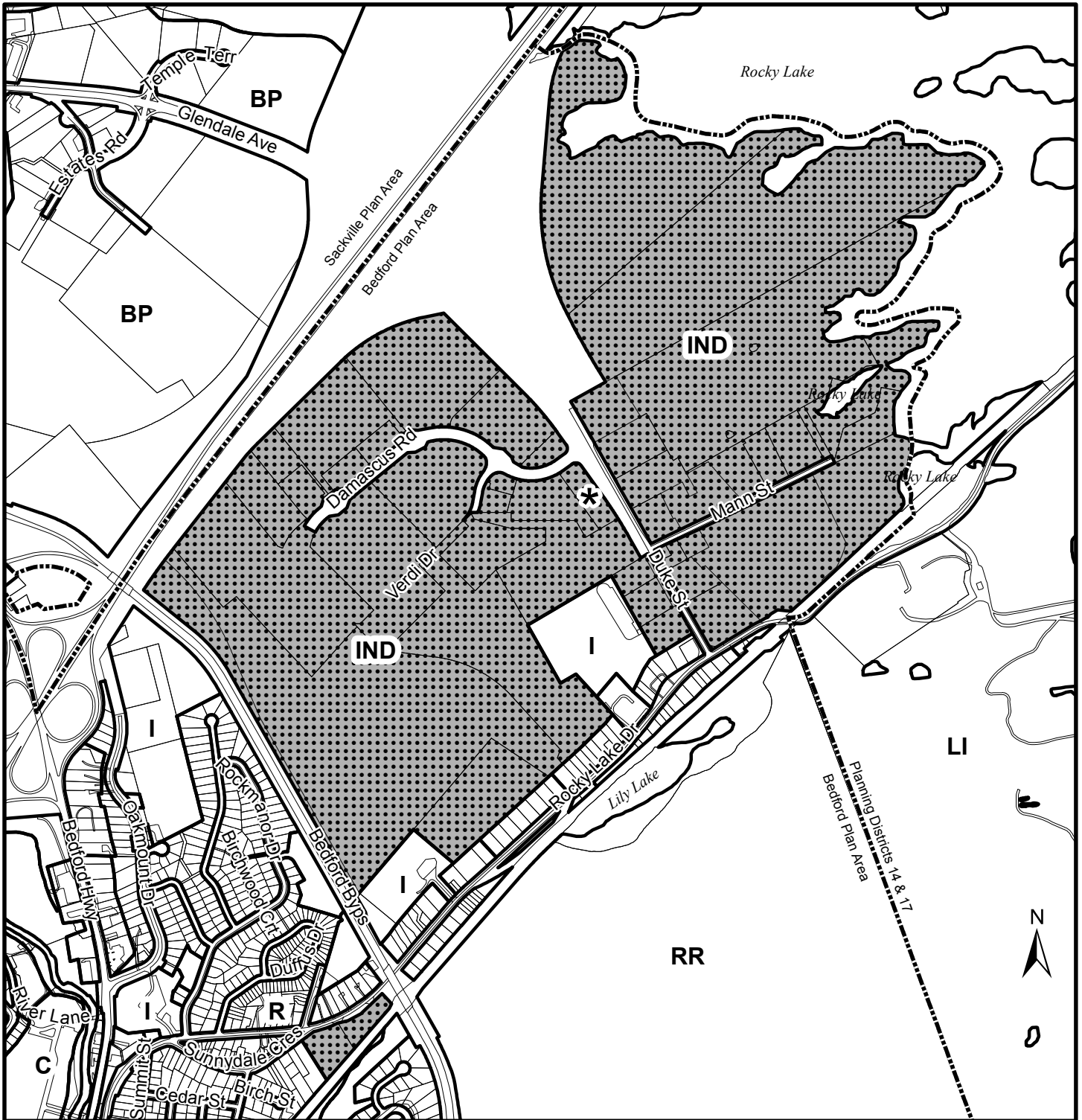
The HRM costs associated with processing this planning application can be accommodated within the approved 2016/17 and 2017/2018 operating budgets for C310 - Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. This application involves proposed MPS and LUB amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.





ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.



**Map 1A - Generalized Future Land Use
Eastern Bedford Area**

HALIFAX

-  Industrial Designation
-  Plan Area Boundary
-  Subject Site
-  Bedford Plan Area

- Bedford Designations**
- R Residential
 - RR Residential Reserve
 - C Commercial
 - IND Industrial
 - I Institutional

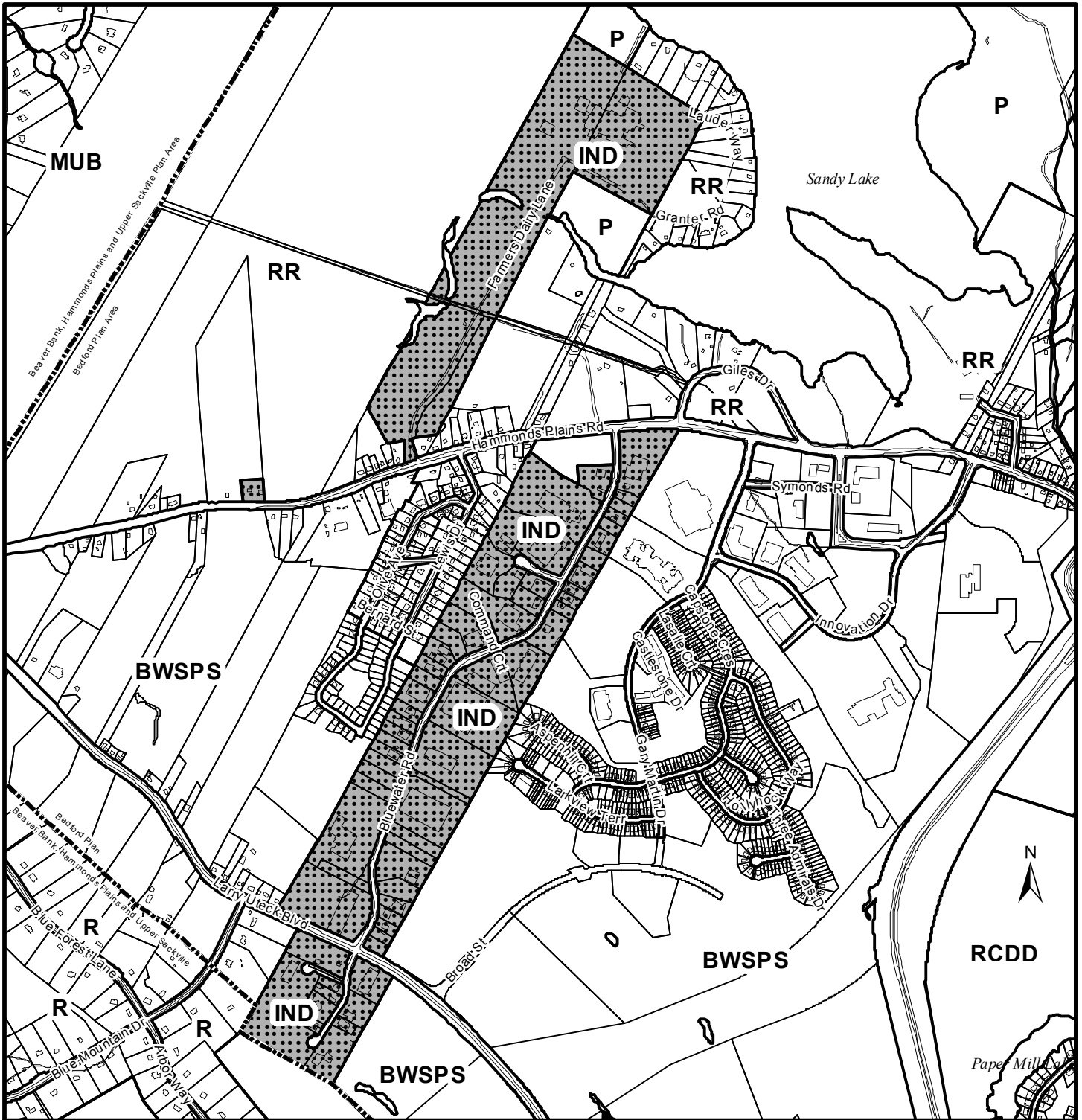
- Sackville Designations**
- BP Business Park

- Planning Districts 14 & 17 Designations**
- LI Light Industrial





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 1B - Generalized Future Land Use
Western Bedford Area**

HALIFAX

-  Industrial Designation
-  Plan Area Boundary

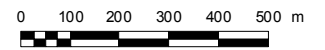
Bedford Designations

- RCDD Residential Comprehensive Development District
- RR Residential Reserve
- P Park and Recreation
- IND Industrial
- BWSPS Bedford West Secondary Planning Strategy

Hammonds Plains, Upper Sackville and Beaver Bank Designations

Bedford
Plan Area

- MUB Mixed Use B
- R Residential



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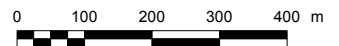


**Map 2A - Zoning
Eastern Bedford Area**

HALIFAX

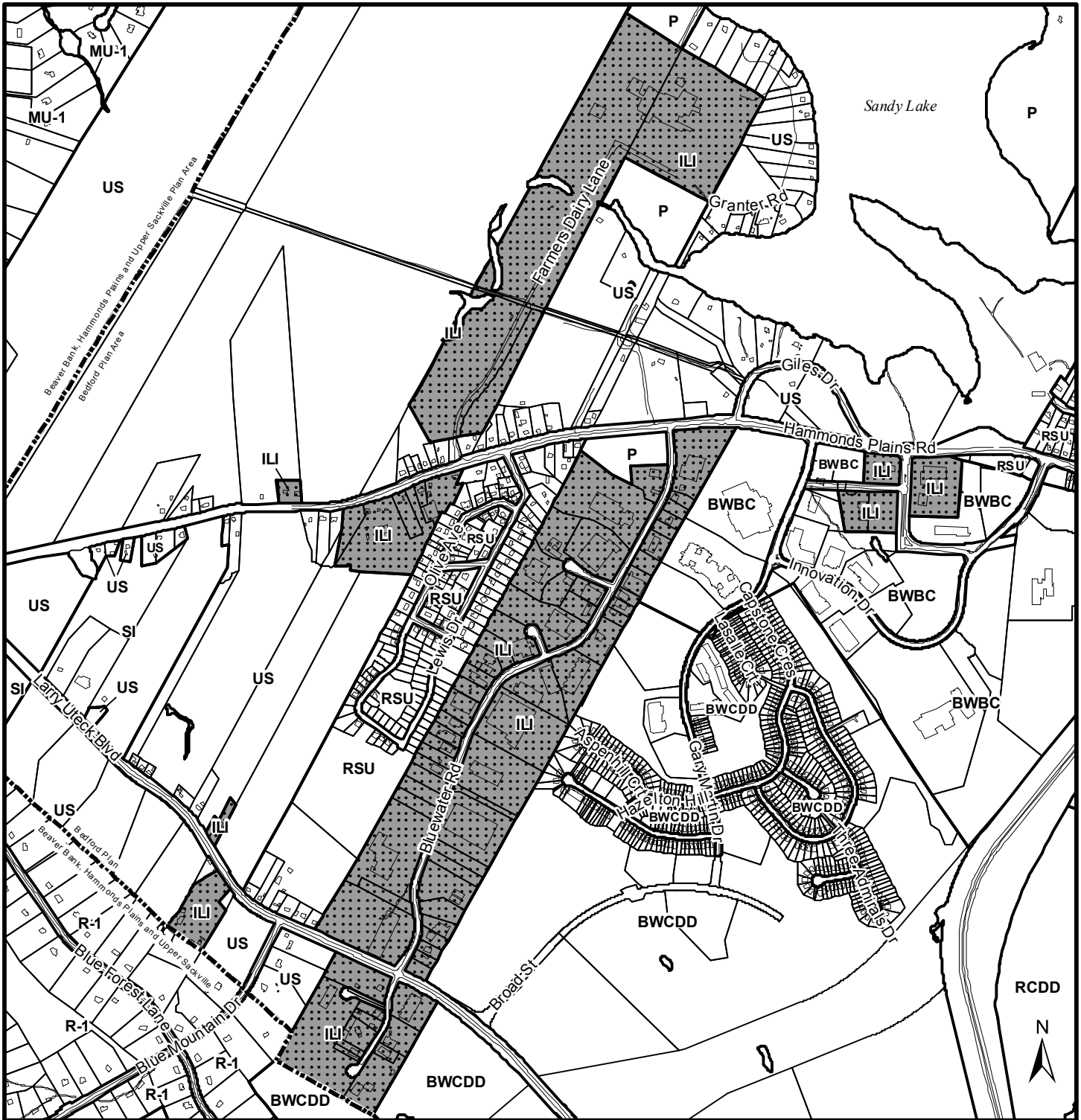
-  Lands Zoned (ILI)
Light Industrial
-  Subject Site
-  Plan Area Boundary

Zone	
Bedford	RSU Single Unit Dwelling
	RTU Two Unit Dwelling
	RMU Multiple Dwelling Unit
	CGB General Business District
	CSC Shopping Centre
	CHWY Highway Oriented Commercial
	CCDD Commercial Comprehensive Development District
	LIL Light Industrial
	IHI Heavy Industrial
	SI Institutional
	P Park
	FW Floodway
	UR Urban Reserve
Sackville	BP Business Park





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

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**Map 2B - Zoning
Western Bedford Area**

 Lands Zoned ILI (Light Industrial)

 Plan Area Boundary

Bedford
Plan Area

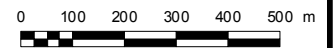
Bedford Zones

- RSU Single Dwelling Unit
- RCDD Residential Comprehensive Development District
- BWCCD Bedford Westl Comprehensive Development District
- ILI Light Industrial
- BWBC Bedford West Business Campus
- SI Institutional
- P Park
- US Urban Settlement

Hammonds Plains, Upper Sackville and Beaver Bank Zones

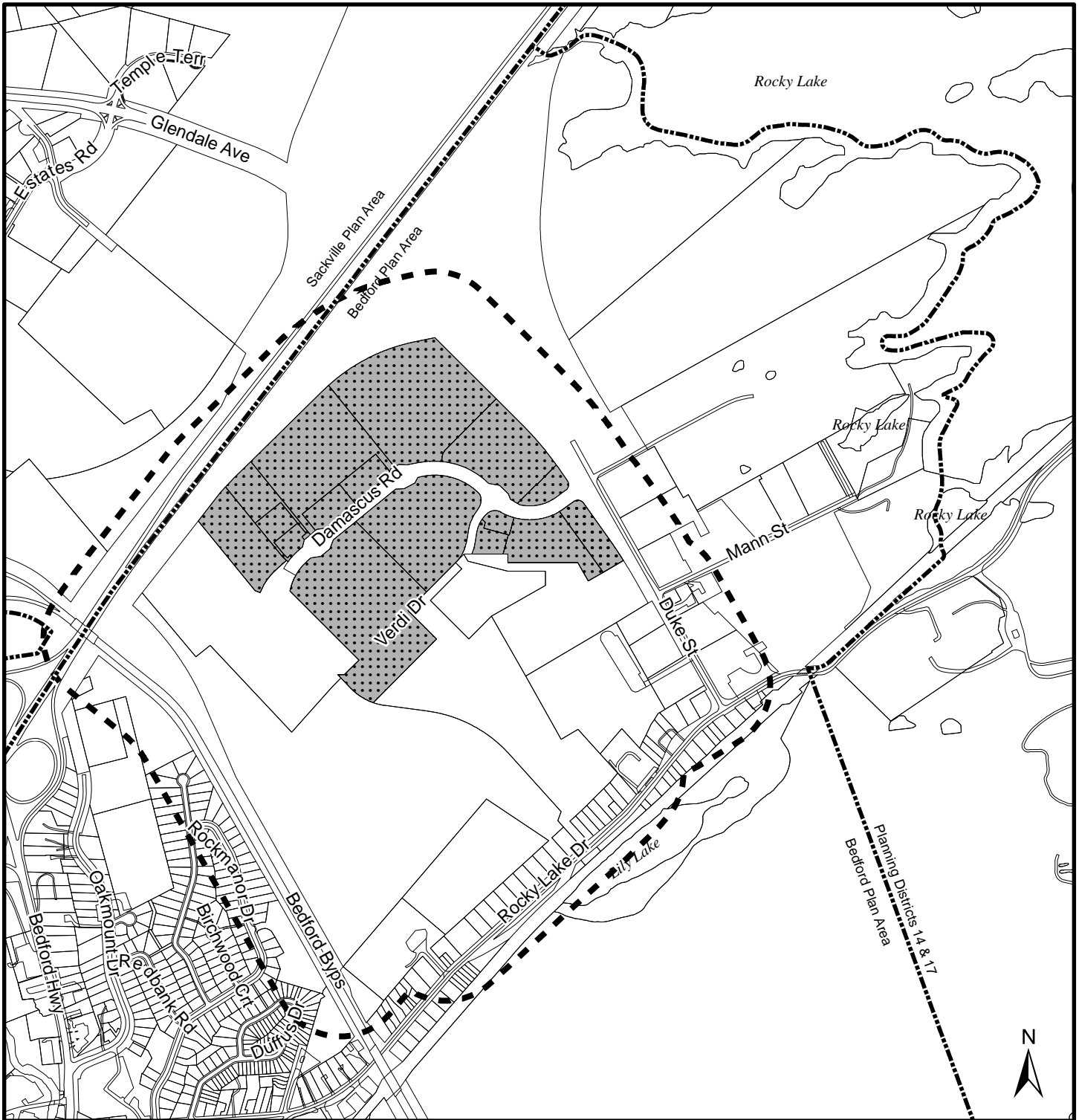
- R-1 Single Unit Dwelling
- MU-1 Mixed Use 1
- US Urban Settlement

HALIFAX






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

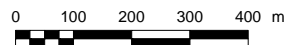
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Map 3 – Notification Area

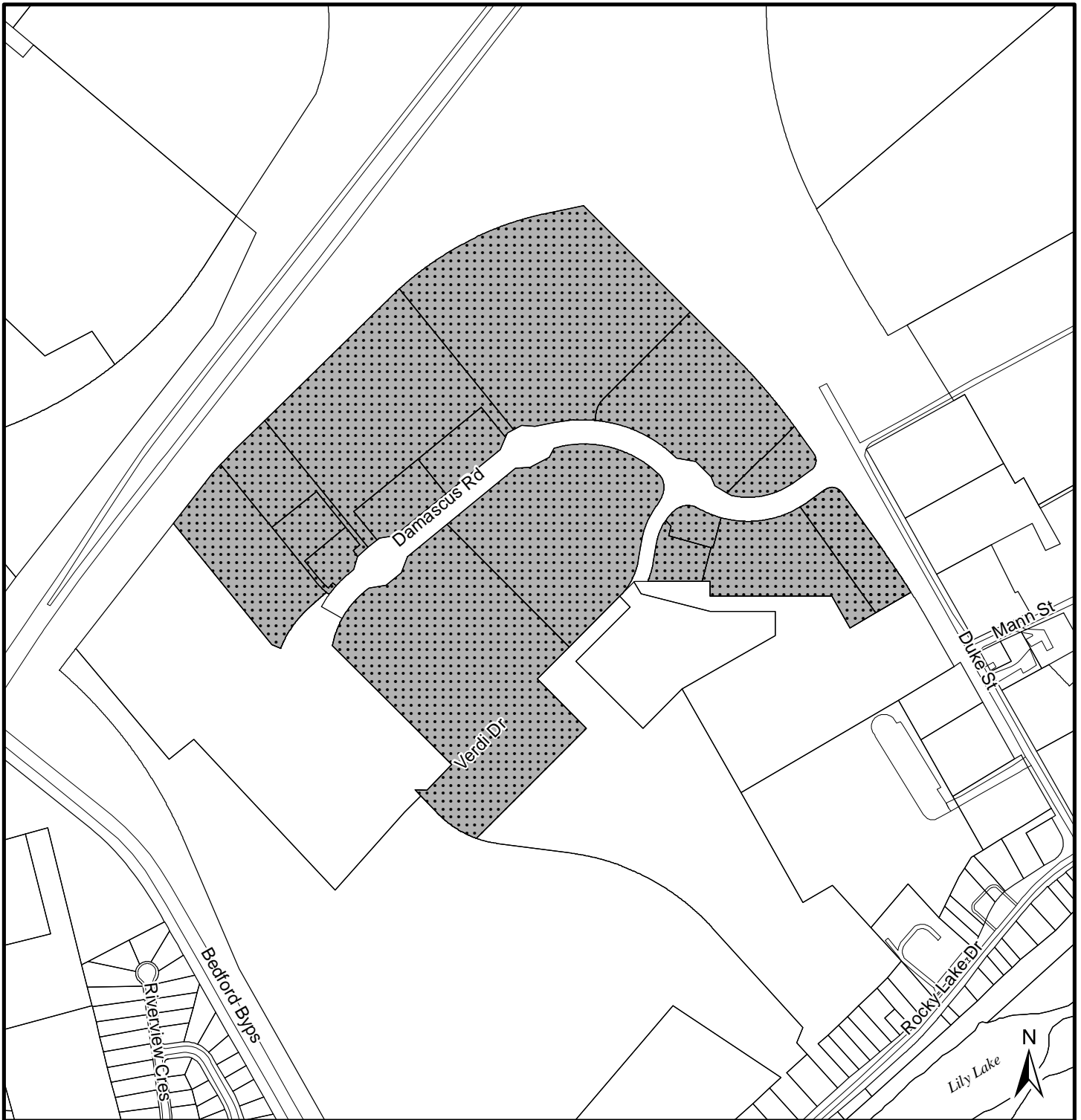
-  Subject Properties
-  Area of notification
-  Plan Area Boundary

HALIFAX




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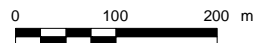
Bedford
Plan Area



Map 4 – Bedford Common Commercial Area

HALIFAX

 Bedford Common Commercial Area



Bedford
Plan Area

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Attachment A
Proposed Amendments to the Municipal Planning Strategy for Bedford

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford is hereby further amended as follows:

1. The Commercial Section, Commercial Objective discussion, item d) shall be amended as shown below with new text shown in bold and deleted text shown in strikeout:

“d) Commercial Highway Oriented Uses
This group includes those businesses that, in order to be successful, operate long hours of the day, require large parking areas, require a high level of exposure to the travelling public, generate high volumes of traffic, and in some cases generate high volumes of noise. This category would include but is not limited to service stations **and gas bars**, auto repair shops, hotels/motels/ motor inns, drive-in and take-out restaurants, and auto or trailer sales. **In addition to some highway commercial uses being permitted within the Bedford West SPS, Commercial Comprehensive Development Districts and the Industrial Designation, At present** these types of uses **primarily** are **located concentrated** between the northern Town boundary and the Sackville River, where they are compatible with the surrounding office buildings and shopping centre developments and take advantage of the high traffic volumes along that portion of the Bedford Highway. Town Council shall ~~direct further permit~~ highway oriented commercial development ~~to in~~ this area. Policy C-6 provides for the regulation of highway commercial land uses.”

2. The Commercial Section, Policy C-3 shall be amended as shown below with new text shown in bold:

“Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;
- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations **and gas bars**, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.”

3. The Commercial Section, Policy C-6 shall be amended as shown below with new text shown in bold and deleted text shown in strikeout:

“Policy C-6:

In regulating highway oriented commercial uses, Town Council shall zone existing highway commercial uses CHWY. Town Council shall ~~limit further~~ **enable** highway oriented development ~~to~~ **on** lands designated Commercial between the northern Town boundary and the Sackville River.”

4. The Industrial Section, Policy I-2 shall be amended as shown below with new text shown in bold:

“Policy I-2:

It shall be the intention of Town Council to direct and encourage industrial development in areas designated "Industrial" on the Generalized Future Land Use Map. The following industrial zones shall be applied within the Industrial designation:

- a) Light Industrial Zone (ILI) which permits industrial uses, including but not limited to, manufacturing, processing, assembly or warehousing operations, shopping centre commercial uses, commercial uses permitted within the General Business District (CGB) Zone, and utility (SU) uses. Commercial office uses permitted within the GBD Zone shall be permitted by development agreement. Light industrial and permitted commercial uses shall be encouraged to locate in the Atlantic Acres Industrial Park, in immediately adjacent industrial areas, and in the southern portion of the Bedford Industrial Park. **Service station and gas bar uses shall be permitted in portions of the Bedford Industrial Park, specifically on lands which have direct access to Damascus Drive in the existing Bedford Common commercial area.**
- b) Harbour Oriented Zone (IHO) which permits light industrial uses requiring direct access to Bedford Basin, marine technology and research facilities, recreational uses, and utilities (SU).
- c) Heavy Industrial (IHI) Zone which permits heavy industrial uses including, but not limited to, manufacturing, railway uses, concrete brick and asphalt plants, recycling facilities, utilities, bulk storage facilities, construction industries, dry cleaning establishments and industrial uses permitted within the ILI Zone.”

I HEREBY CERTIFY that the amendments to the Bedford Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 20__.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of 20__.

Municipal Clerk

Attachment B
Amendments to the Land Use By-law for Bedford

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

1. The following text shall be added to Part 17 as shown in bold below:

“PART 17 LIGHT INDUSTRIAL (ILI) ZONE

No development permit shall be issued in a Light Industrial (ILI) Zone except for one or more of the following uses:

- a) warehouses and storage and distribution centres
- b) manufacturing, processing, assembly, recycling, or warehousing operations which are not objectionable uses;
- c) parking and or storage of industrial or heavy commercial vehicles, equipment and similar goods;
- d) trade centres
- e) building supplies sales
- f) auto service and supplies centres/outlets
- g) uses permitted in the Shopping Centre Zone (CSC);
- h) wholesalers
- i) full service and take-out restaurants
- j) furniture stores
- k) uses permitted in the CGB Zone, except office buildings, subject to CGB Zone provisions
- l) day care facilities;
- m) dry cleaning depot
- n) recycling depot
- o) uses permitted in the SU Zone
- p) bingo halls
- q) billiard/snooker club
- qa) Auto body repair shops on properties identified on Schedules C-1 and C-2
- qb) Service stations and gas bars on properties identified on Schedule C-3**
- r) any uses accessory to the foregoing uses.

ZONE REQUIREMENTS ILI

In any Light Industrial (ILI) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	5,000 sq. ft.
Minimum Lot Frontage	50 ft.
Minimum Front Yard	30 ft. setback
Minimum Rear Yard	0 ft. except 40 ft. where abutting a residential zone
Minimum Side Yard	0 ft. except 40 ft. where abutting a residential zone
Maximum Height of Building	52 ft.
Maximum Lot Coverage	70%

SPECIAL REQUIREMENTS: LANDSCAPING/ OUTDOOR DISPLAY AND STORAGE

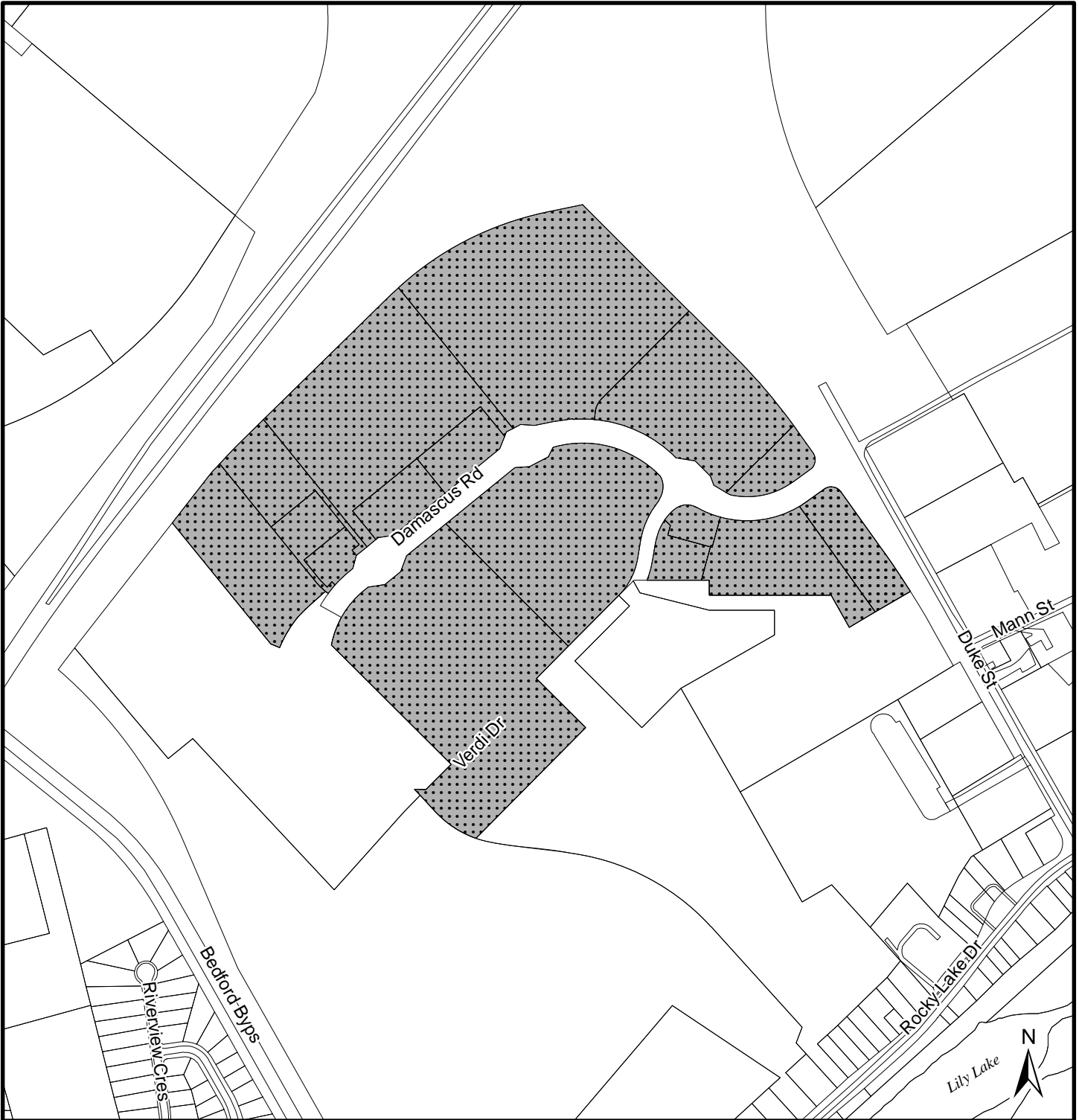
- a) There shall be a landscaped area of at least 15 feet in depth running the length of and directly abutting the front lot line. This landscaped area shall extend the length of the front lot line and of the flankage lot line for a corner lot. Landscaping shall consist of existing vegetation and/or plantings as per *Part 5, Section 32*.

- b) A buffer 40 feet wide, beginning at the property line, shall be required for the for side or rear yards in an Industrial Zone which abut an existing residential use, vacant land zoned for residential use, or a Park or Institutional Zone.
 - c) No outdoor storage shall be located:
 - i) within any required yard; nor
 - ii) within any yard which abuts lands fronting on an arterial road; except where a fence or other visual barrier is provided to completely screen the use.
 - d) Outdoor display may be permitted provided it does not occur on the required 15 Ft. landscaped area described above and required abutting yards as per Part 5, Section 24 b).
 - e) External fuel storage tanks shall be screened unless located at the rear of the building.”
2. The following text shall be added to Part 2, specifically the definition of Automobile Service Station or Service Station, as shown in bold below:
- “Automobile Service Station or Service Station - means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than auto body repairs or an automobile sales establishment. **Further Service Stations may include a gas bar and related accessory uses.**”
3. Schedule C-3 shall be added, attached as Schedule A.

I HEREBY CERTIFY that the amendments to the Bedford Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 20__.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of 20__.

Municipal Clerk

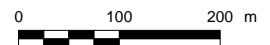


Schedule C-3 – Service Stations as a Permitted Use in the ILI (Light Industrial) Zone

 Land Where Service Station Use is Permitted

HALIFAX

Bedford
Plan Area



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

Attachment C **Legislative Authority**

Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

- 214 (1)** Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

- 215 (1)** The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.
- (4)** The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

- 219 (1)** The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- (2)** The Council may adopt different public participation programs for different types of planning documents.
- (3)** The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.
- 220 (1)** The Council shall adopt, by by-law, planning documents.
- (4)** The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

- 228** The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish
- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
 - (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
 - (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
 - (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

- 229 (1)** A municipal planning strategy may include statements of policy with respect to any or all of the following:
- (a) the goals and objectives of the Municipality for its future;
 - (b) the physical, economic and social environment of the Municipality;
 - (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;

- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,
 - (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1)** The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1)** Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.

- (2) A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4) A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.
- (5) Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the

Council, the

- (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
- (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
- (iii) cost of maintaining municipal streets would be prohibitive;
- (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.

Attachment D - Application Letter



141-14425

May 16, 2016

HALIFAX – Eastern Region Office
40 Alderney Drive, Floor 2, Alderney Gate
Dartmouth, NS, B2Y 2N5

Attn: Ms. Erin Macintyre, Planner II – Rural Policy Applications

Re: Application for Plan Amendment to Bedford Municipal Planning Strategy and Bedford Land Use By-law to permit a gas bar use within the Industrial Light (ILI) Zone

Dear Ms. Macintyre:

On behalf of our client, Hamton Holdings Limited, WSP Canada Inc. (WSP) is pleased to provide you with an application for the following amendments to the *Bedford Municipal Planning Strategy (MPS)* and the *Bedford Land Use By-law (LUB)*:

- Permitting the development of gas bars within the Industrial Light (ILI) zone

The following Planning Application Summary Report includes policy support and justification for the proposed amendment. In addition, the following supporting materials are enclosed:

- Application Form
- Application Fee (\$2,600.00)
- Preliminary Concept Plan (10 copies)
- Traffic Impact Study (4 Copies)
- Servicing Schematic (6 Copies)
- Storm Water Management Plan (6 Copies)
- Wetland Alteration Application in response to MPS Policy E-8 (1 Copy)

WSP trusts that the above listed items are satisfactory to initiate the plan amendment process.

PLANNING APPLICATION SUMMARY REPORT

Section 1: Background

This application is being submitted as a result of our client's property (PID: 41376856) being zoned Industrial Light (ILI) under the LUB, which currently does not permit the development of their desired land use (Gas Bar). The ILI zone permits a variety of commercial uses including 'Auto Service and Supplies Centres/Outlets, however, under the LUB, there is no definition specifically for 'Auto Service' uses. After discussing with representatives from the HRM, it has been determined that gas bars are not considered an 'Auto Service' use. Therefore, we are requesting to amend the MPS and LUB to enable gas bars as a permitted use within the ILI zone.

Section 2: Discussion

Service stations, or gas bars, are a service required by communities and are generally provided in commercial areas nearby significant residential populations. This application request is to allow for a gas bar in an established commercial hub (commonly referred to as

the “Bedford Commons”) which is zoned Industrial Light (ILI) within the Bedford Plan Area. We have identified the following rationale to support our amendment request.

‘Gas Bars’ are a Modern Land Use

According to the LUB, ‘Gas Bars’ are defined as:

“...development used for the retail sale of gasoline, other petroleum products and incidental automotive accessories. This use does not include service stations but may include a car wash or drive-thru restaurant as an accessory use.”

Gas Bars can be interpreted as a modern land use in relation to the dates at which the existing LUB and MPS for the town of Bedford were adopted. This is because developers only began to build these types of land uses, especially the retail/drive-thru components, over the past decade as the demand increased for Gas Service Stations to become a more multifunctional land use. That being said, there is a lack of policy that supports the development of Gas Bars within any zone of the Bedford LUB and MPS. There is existing policy that permits the development of Auto Service stations; however, the demand for Auto Service Stations has significantly decreased because more multifunctional uses (‘Gas Bars’) have become a more appealing and profitable option for consumers and developers.

Location

Commercial areas are generally the most appropriate locations for gas bars due to the low incidence of conflict between land uses. Furthermore, commercial areas on main collector roads or close to highway interchanges are most appropriate for locating gas bars as there is a higher degree of pass-by traffic. The subject property for this application is located directly adjacent to one of the most prominent commercial hubs within the Bedford Plan Area that includes several large and busy retail outlets such as Canadian Tire and Wal-Mart. The subject property is also within proximity to an Exit 4C of Provincial Highway 102.

Need for Gas Bars

Based on current MPS and LUB policies, there are no properties in this particular region of the Bedford Plan Area where gas bars are permitted due to policy restrictions. Subsequently, there are no gas bars located in this area despite the concentration of several significant commercial uses. Based on the premise of ensuring the needs of the commercial hub are met, it is in our opinion that there is a demand for gas bars in this particular region of the Bedford Plan Area, which is zoned Industrial Light (ILI).

Environmental Considerations

In Nova Scotia there are significant measures required from gasoline retailers to protect the environment. The Nova Scotia Environment Act, and subsequent regulations, outlines a series of stringent requirements and penalties which result in a highly regulated environment. These policies regulate tank construction, placement and monitoring. We are confident that existing provincial regulation are appropriate for the establishment of the proposed use.

The subject property includes a portion of a water retention area that can be identified on the map showing environmentally sensitive areas within the Town of Bedford. Policy E-8 of the MPS states that areas where and ILI zone abuts a watercourse or water retention area, Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town Council by a plan amendment, where it is demonstrated that a property cannot be reasonably developed by complying with the 100 foot setback and site



disturbance provisions. A plan amendment shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The plan amendment application shall outline the specific measures to be used to ensure no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. For an explanation of how the proposed development meets the provisions of Policy E-8, please refer to Attachment E.

Section 3: Proposed Amendments to MPS

Policy I-2 (a) shall be amended by adding the text:

- "gas bars"
after the words:
- "commercial uses permitted within the General Business District (CGB) Zone"

Section 4: Proposed Amendments to LUB

Part 17 shall be amended by adding the following text:

- "r) gas bars"
after the words
- "q) billiard/snooker club"

Part 17 shall also be amended by changing the following text:

- "r) any uses accessory to the forgoing uses" to "s) any uses accessory to the forgoing uses."

Section 5: Conclusion

We would ask that you accept this application to consider the proposed amendments as outlined above. Thank you, and should you have any questions or comments, please do not hesitate to contact the undersigned.

Yours truly,
WSP Canada Inc.

Original Signed 

Kourosh Rad, MCIP, LPP
Urban Planner
902.835.9955
Kourosh.Rad@WSPGroup.com

cc. *Ralph Hamilton, Hamton Holdings Ltd.*

Encl.

Attachment A – MPS Policy Review

Policy Criteria	Comment
<p>Z-3 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> <ol style="list-style-type: none"> 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; 2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal; 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; 4. That provisions are made for safe access to the project with minimal impact on the adjacent street network; 5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason: <ol style="list-style-type: none"> i) the financial capability of the Town to absorb any capital or operating costs relating to the 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; 	<ol style="list-style-type: none"> 1. Proposal is in conformance with Industrial Objective of the MPS which is to promote industrial development which is appropriately located in relation to the physical environment and other land uses, consistent with the preservation, creation and maintenance of a well-balanced community. 2. Proposed development is compatible with its adjacent land uses, which are also commercial and industrial. 3. There are no incompatibilities with proposed development and adjacent uses, which are also commercial and industrial 4. Refer to Attachment B – Traffic Impact Assessment. 5. <ol style="list-style-type: none"> i). Town will not absorb any capital or operating costs relating to the proposed development. ii). Refer to Attachment C – Preliminary Servicing Schematic

<p>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;</p> <p>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;</p> <p>v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;</p> <p>vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;</p> <p>vii) the adequacy of recreational land and/ or facilities;</p> <p>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;</p> <p>ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;</p> <p>x) the presence of significant natural features or historical buildings and \ sites;</p> <p>xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;</p> <p>xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,</p>	<p>iii). Refer to Attachment C – Preliminary Servicing Schematic</p> <p>iv). Provincial Regulation for Gasoline retails ensure that there will be no emissions to the air or discharges to the ground of chemical pollutants.</p> <p>v). Refer to Attachment C – Preliminary Servicing Schematic</p> <p>vi). N/A</p> <p>vii). N/A</p> <p>viii). Refer to Attachment B – Traffic Impact Assessment</p> <p>ix). N/A</p> <p>x). Refer to Attachment D – Wetland Alteration Application</p> <p>xi). Proposed development is located within the Primary Development Boundary.</p> <p>xii). Refer to Attachment D – Wetland Alteration Application</p>
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<p>xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.</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"> i) type of use, density, and phasing; ii) traffic generation, access to and egress from the site, and parking; iii) open storage and landscaping; iv) provisions for pedestrian movement and safety; v) provision and development of open space, parks, and walkways; vi) drainage, both natural and subsurface; vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and, viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses. <p>7. Any other matter enabled by Sections 73 and 74 of the Planning Act.</p> <p>8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</p> <ul style="list-style-type: none"> i) provide Council with a clear indication of the nature of the proposed development; and ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding 	<p>xiii). Refer to Attachment D – Wetland Alteration Application</p> <p>6.</p> <ul style="list-style-type: none"> i). Proposed use is compatible with adjacent commercial and industrial land uses. ii). Refer to Attachment B – Traffic Impact Assessment iii). Refer to Attachment E – Concept Plan iv). Refer to Attachment E – Concept Plan v). N/A vi). Refer to Attachment C – Preliminary Servicing Schematic vii). Proposed structure is compatible with adjacent commercial and industrial land uses viii). Refer to Attachment D – Wetland Alteration Application <p>7. N/A</p> <p>8.</p> <ul style="list-style-type: none"> i) Attached letter provides clear indication of the nature of the proposed development. ii) Supporting Traffic and Environmental Studies permit staff to assess and determine the impact the proposed development will have on the proposed site and the
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<p>community.</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>i) an overall concept plan showing the location of all proposed land uses;</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>iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;</p> <p>iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;</p> <p>v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;</p> <p>vi) a description of any protected viewplanes; and,</p> <p>vii) an indication of how the phasing and scheduling is to proceed.</p> <p>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.</p>	<p>surrounding community.</p> <p>9.</p> <p>i). Refer to Attachment E – Concept Plan.</p> <p>ii). N/A</p> <p>iii). Refer to application letter.</p> <p>iv). N/A</p> <p>v). Refer to Attachment E – Concept Plan.</p> <p>vi). N/A</p> <p>vii). N/A</p> <p>b). The site will be developed in a single phase.</p>
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<p>c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.</p> <p>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 AInfrastructure Charges@ Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</p>	<p>c). Refer to Attachment C – Preliminary Servicing Schematic.</p> <p>10. N/A</p>
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Policy Criteria	Comments
<p>Z-6: It shall be the intention of Town Council to include provisions in the Land Use By-law to regulate or prohibit the outdoor storage and outdoor display of goods, machinery, vehicles, building materials, waste materials, aggregates and other items. There shall be requirements to screen outdoor storage sites with landscaping or structures in order to improve the appearance of these land uses within the Town. There shall be a requirement to screen fuel storage tanks as well as to buffer residential, park, and institutional uses where they abut commercial and/or industrial zones. Landscaping shall be required along the street frontages of industrial land uses.</p>	<p>Fuel will be stored in regulated storage tanks beneath the ground and frontages along Duke St. and Damascus Rd. are to be landscaped. Please refer to Attachment D – Concept Plan</p>

Policy Criteria	Comments
<p>E-8 In areas where Industrial ILL or IHI Zones, Institutional Zones (RC-Mar 18/03;E-May 10/03), or Commercial Zones abut a watercourse or water retention area identified on the map Bedford showing environmentally sensitive areas in the Town, Town Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town</p>	<p>Refer to Attachment D – Wetland Alteration Application</p>

<p>Council by a development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions. A development agreement shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The development agreement shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. The setback and site disturbance provisions of this policy are applicable also to commercial uses in an RCDD zone and multiple unit dwellings in all zones. Single unit dwellings, two unit dwellings and townhouses in all zones are subject to the setback provisions of Policy E-4. Policy E-8 shall not apply to properties abutting the Bedford Basin.</p>	
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Policy Criteria	Comments
<p>E-14 Town Council shall require that environmentally sensitive areas as identified in Policy E-13 remain in a natural state, unless as part of a development agreement the proponent undertakes an environmental impact study to determine whether the environmental constraints are non-existent or can be overcome without adversity to the environment. The study shall identify the area's sensitivities through consideration of the items listed in the chart within Appendix A. The study shall address the impact of the proposed development on the area's identified sensitivities and how the impact(s) may be mitigated. The study shall also establish a means of monitoring any potential impacts during the development phase and for a specific time following development. Proposals considered under this policy shall be subject to the evaluation criteria contained in Policy Z-3.</p>	<p>Refer to Attachment D – Wetland Alteration Application</p>

Attachment B
Relevant MPS Policy - Excerpts Bedford Municipal Planning Strategy

INDUSTRIAL OBJECTIVE

To promote industrial development which is appropriately located in relation to the physical environment and other land uses, consistent with the preservation, creation and maintenance of a well-balanced community.

Policy I-1:

It shall be the intention of Town Council through the Economic Development Commission to undertake a marketing and promotion campaign to actively market and promote the Town of Bedford in efforts to attract new industrial development.

Policy I-2:

It shall be the intention of Town Council to direct and encourage industrial development in areas designated "Industrial" on the Generalized Future Land Use Map. The following industrial zones shall be applied within the Industrial designation:

- a) Light Industrial Zone (ILI) which permits industrial uses, including but not limited to, manufacturing, processing, assembly or warehousing operations, shopping centre commercial uses, commercial uses permitted within the General Business District (CGB) Zone, and utility (SU) uses. Commercial office uses permitted within the GBD Zone shall be permitted by development agreement. Light industrial and permitted commercial uses shall be encouraged to locate in the Atlantic Acres Industrial Park, in immediately adjacent industrial areas, and in the southern portion of the Bedford Industrial Park.
- b) Harbour Oriented Zone (IHO) which permits light industrial uses requiring direct access to Bedford Basin, marine technology and research facilities, recreational uses, and utilities (SU).
- c) Heavy Industrial (IHI) Zone which permits heavy industrial uses including, but not limited to, manufacturing, railway uses, concrete brick and asphalt plants, recycling facilities, utilities, bulk storage facilities, construction industries, dry cleaning establishments and industrial uses permitted within the ILI Zone.

Attachment E
Excerpts from the Municipal Planning Strategy for Bedford

Bedford Municipal Planning Strategy

COMMERCIAL

Background

..

Analysis of commercial uses based on these categories forms the basis for the commercial zones established in the Land Use By-Law as enabled by Policy C-3. The categories can be summarized as follows:

..

d) **Commercial Highway Oriented Uses**

This group includes those businesses that, in order to be successful, operate long hours of the day, require large parking areas, require a high level of exposure to the travelling public, generate high volumes of traffic, and in some cases generate high volumes of noise. This category would include but is not limited to service stations, auto repair shops, hotels/motels/ motor inns, drive-in and take-out restaurants, and auto or trailer sales. At present these types of uses primarily are located between the northern Town boundary and the Sackville River, where they are compatible with the surrounding office buildings and shopping centre developments and take advantage of the high traffic volumes along that portion of the Bedford Highway. Town Council shall direct further highway oriented commercial development to this area. Policy C-6 provides for the regulation of highway commercial land uses.

...

...

OBJECTIVES AND POLICIES

COMMERCIAL OBJECTIVE:

To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.

...

...

Types of Commercial Uses

Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;
- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal

and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

The CGB Zone shall be applied to the Sunnyside area where most office buildings were constructed in the recent past. The CSC Zone shall be applied to the Sunnyside Shopping Centre and to Bedford Place Mall.

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

...
...

Policy C-6:

In regulating highway oriented commercial uses, Town Council shall zone existing highway commercial uses CHWY. Town Council shall limit further highway oriented development to lands designated Commercial between the northern Town boundary and the Sackville River.

...

ENVIRONMENT

...

Protection of Watercourses

Policy E-8:

In areas where Industrial ILI or IHI Zones, Institutional Zones (RC-Mar 18/03;E-May 10/03), or Commercial Zones abut a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, Town Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town Council by a development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions. A development agreement shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The development agreement shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. The setback and site disturbance provisions of this policy are applicable also to commercial uses in an RCDD zone and multiple unit dwellings in all zones. Single unit dwellings, two unit dwellings and townhouses in all zones are subject to the setback provisions of Policy E-4. Policy E-8 shall not apply to properties abutting the Bedford Basin.

...
...

Environmentally Sensitive Areas

Policy E-13:

It shall be the intention of Town Council to identify on a map areas which are environmentally sensitive to development. This map shall be known as the Environmentally Sensitive Areas Map. These areas, which require special consideration in their development because of the presence of certain hydrologic and geomorphic features, are slopes which exceed 20% and water retention areas [lakes, ponds, swamps, bogs, marshes]. Environmentally sensitive areas within the two large undeveloped portions of the Town located within the Residential Development Boundary have been studied and identified: a) Union Street RCDD, and b) Papermill Lake RCDD.

Policy E-14:

Town Council shall require that environmentally sensitive areas as identified in Policy E-13 remain in a natural state, unless as part of a development agreement the proponent undertakes an environmental impact study to determine whether the environmental constraints are non-existent or can be overcome without adversity to the environment. The study shall identify the area's sensitivities through consideration of the items listed in the chart within Appendix A. The study shall address the impact of

the proposed development on the area's identified sensitivities and how the impact(s) may be mitigated. The study shall also establish a means of monitoring any potential impacts during the development phase and for a specific time following development. Proposals considered under this policy shall be subject to the evaluation criteria contained in Policy Z-3.

...

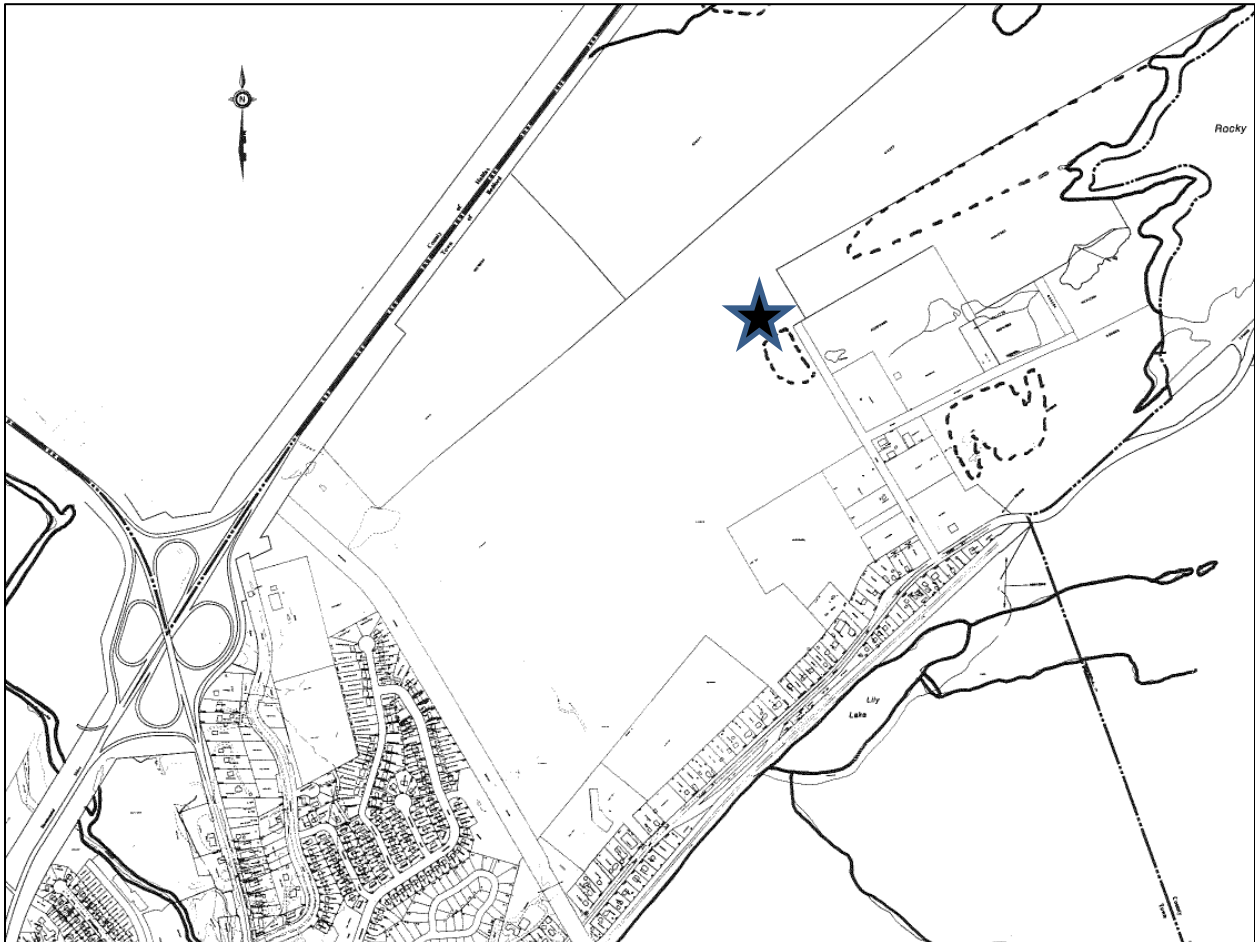


Figure 1 - Excerpt from Environmentally Sensitive Areas Map (Bedford MPS) – Subject lands indicated by star. Dashed line indicates areas identified as “water retention areas”

INDUSTRIAL

...

Bedford Industrial Park is situated on Rocky Lake Drive. CN Rail is the major land owner here. This park, with its rail service, is suited to heavy industrial uses as well as light industrial and commercial uses. The heavy industrial uses will be limited to the area east of the proposed Highway 107.

...

...

In recognition of the fact that industrial activities vary in their requirements for infrastructure, in their impact on adjacent land uses, and in their desired locations, industrial land uses within Bedford are to be controlled by three industrial zones. The Light Industrial Zone will control industrial uses which tend to have the least impact on adjacent areas. Objectionable industries, such as those which emit excessive noises or odours will not be permitted in areas zoned for light industry.

...

...

Environmental concerns relative to industrial development are discussed in Policies I-5 and I-6. Development permit applications for industrial uses which may create an emission or waste problem, or may be a hazardous use, shall be referred to the Department of Environment and the Bedford Waters Advisory Committee, where applicable, for their information and comment (Policy I-5).

...

INDUSTRIAL OBJECTIVE

To promote industrial development which is appropriately located in relation to the physical environment and other land uses, consistent with the preservation, creation and maintenance of a well balanced community.

Policy I-2:

It shall be the intention of Town Council to direct and encourage industrial development in areas designated "Industrial" on the Generalized Future Land Use Map. The following industrial zones shall be applied within the Industrial designation:

- a) Light Industrial Zone (ILI) which permits industrial uses, including but not limited to, manufacturing, processing, assembly or warehousing operations, shopping centre commercial uses, commercial uses permitted within the General Business District (CGB) Zone, and utility (SU) uses. Commercial office uses permitted within the GBD Zone shall be permitted by development agreement. Light industrial and permitted commercial uses shall be encouraged to locate in the Atlantic Acres Industrial Park, in immediately adjacent industrial areas, and in the southern portion of the Bedford Industrial Park.
- b) Harbour Oriented Zone (IHO) which permits light industrial uses requiring direct access to Bedford Basin, marine technology and research facilities, recreational uses, and utilities (SU).
- c) Heavy Industrial (IHI) Zone which permits heavy industrial uses including, but not limited to, manufacturing, railway uses, concrete brick and asphalt plants, recycling facilities, utilities, bulk storage facilities, construction industries, dry cleaning establishments and industrial uses permitted within the ILI Zone.

Policy I-5:

It shall be the intention of Town Council to require the Development Officer to refer all development permit applications for industrial developments which may create or are suspected of creating an emission or waste problem, or may be a hazardous use, to the Provincial Department of Environment, and to the Bedford Waters Advisory Committee where applicable, for their information and comment.

Policy I-6:

It shall be the intention of Town Council to require the safe use, production, transportation, storage, and disposal of hazardous goods in the Town consistent with Federal and Provincial legislation.

Bedford West Secondary Planning Strategy

Policy BW-34:

The Municipality may enter into an agreement to lease or purchase lands within the Community Commercial Centre Designation for public transit and park-and-ride facilities on either a temporary or permanent basis. Site preference will be given to lands directly abutting a Community Collector Road and from which access from Kearney Lake Road or the Community Collector Road could be conveniently and safely secured. Such facilities may include parking structures.

The need to provide for the needs of residents of Bedford West is key to the Commercial Designation, further to this, the need to provide for the sale of gasoline to residents of Bedford West has been identified.

Policy BW-34A:

Within the Community Commercial area it shall be the intention to enable the sale of gasoline at gas bars located proximate to the commercial and transportation core of Bedford West. Further, the establishment of other Highway Commercial uses such as automotive service uses shall not be considered as they are more appropriate in the General Commercial area. Council may consider the establishment of design, architectural and aesthetic guidelines for gas bars within the Community Commercial area to ensure that gas bars are designed appropriately. Regulations shall be established through the Bedford Land Use By-law to limit the permitted location of gas bars as follows:

- i) Gas bars shall be permitted in Sub-Areas 2 and 6;

- ii) Where permitted, gas bars shall be located within 180 metres (590 feet) of Kearney Lake Road, except in Sub-Area 6, and have driveway access to Kearney Lake Road or the community collector road;
 - iii) Within Sub-Area 2, gas bars shall be located to the north of the community collector road; and
 - iv) Within Sub-Area 6, gas stations may be located at any location within the Sub-Area.
- (RC-May 20/14;E-Jun 14/14)

Policy BW-38A:

A range of general and highway commercial, medium and higher density residential, institutional, and recreational uses may be permitted within the General Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:

- a) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;
- b) sidewalks and/or plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;
- c) provisions are made for the storage of bicycles;
- d) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;
- e) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;
- f) the massing, height of buildings and architectural detail contribute to a pedestrian oriented environment; and
- g) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services. (RC-Mar 15/11;E-May 28/11)

Policy BW-36:

The Mixed Use Business Campus designation, illustrated on Schedule BW-7, shall support a wide range of businesses which produce goods and services, recreational uses, hotels, gas bars (RC-May 20/14;E-Jun 14/14), institutional facilities and park-and-ride facilities. Limited provisions shall be made for retail uses, personal and household services and restaurants and standards shall be established for landscaping, architectural design, signs, parking, loading areas and driveway access. A zone shall be established under the Land Use By-law to implement this intent but granting of a municipal development permit shall also be subject to site plan approval. The following matters shall be considered in any site plan approval application:

- a) outdoor storage or outdoor display and sales shall be limited and any outdoor waste containers shall be screened;
- b) open spaces are integrated into the layout and where feasible, larger trees are retained;
- c) landscaping is introduced to all areas disturbed during construction;
- d) preference is given to limiting parking spaces between a building and the front lot line and no loading bays shall be located on the building facade facing a public street;
- e) natural vegetation, landscaping or screening is employed around parking areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;
- f) bicycle storage facilities are provided near the main entrances to the building and/or in designated public spaces;
- g) walkways shall extend from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property and, unless otherwise not possible, shall not cross any driveways or parking areas;
- h) buildings, structures and parking lots are located on a lot so as to minimize the alteration of natural grades and to minimize the area of impervious surfaces;
- i) a storm water management plan has been prepared by a Professional Engineer with any measures required to prevent the contamination of watercourses and, where possible, allows surface water flows to be directed to permeable surfaces; and
- j) The location of gas bars shall be proximate to the intersection of Hammonds Plains Road and Gary Martin Drive. (RC-May 20/14;E-Jun 14/14)

Attachment F
Excerpts from the Land Use By-law for Bedford

PART 2 DEFINITIONS

Automobile Service Station or Service Station - means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than auto body repairs or an automobile sales establishment.

Gas Bars - means development used for the retail sale of gasoline, other petroleum products and incidental automotive accessories. This use does not include service stations but may include a car wash or drive-thru restaurant as an accessory use.

PART 17 LIGHT INDUSTRIAL (ILI) ZONE

No development permit shall be issued in a Light Industrial (ILI) Zone except for one or more of the following uses:

- a) warehouses and storage and distribution centres
- b) manufacturing, processing, assembly, recycling, or warehousing operations which are not objectionable uses;
- c) parking and or storage of industrial or heavy commercial vehicles, equipment and similar goods;
- d) trade centres
- e) building supplies sales
- f) auto service and supplies centres/outlets
- g) uses permitted in the Shopping Centre Zone (CSC);
- h) wholesalers
- i) full service and take-out restaurants
- j) furniture stores
- k) uses permitted in the CGB Zone, except office buildings, subject to CGB Zone provisions
- l) day care facilities;
- m) dry cleaning depot
- n) recycling depot
- o) uses permitted in the SU Zone
- p) bingo halls
- q) billiard/snooker club
- qa) Auto body repair shops on properties identified on Schedules C-1 and C-2
- r) any uses accessory to the foregoing uses.

ZONE REQUIREMENTS ILI

In any Light Industrial (ILI) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	5,000 sq. ft.
Minimum Lot Frontage	50 ft.
Minimum Front Yard	30 ft. setback
Minimum Rear Yard	0 ft. except 40 ft. where abutting a residential zone
Minimum Side Yard	0 ft. except 40 ft. where abutting a residential zone
Maximum Height of Building	52 ft.
Maximum Lot Coverage	70%

SPECIAL REQUIREMENTS: LANDSCAPING/ OUTDOOR DISPLAY AND STORAGE

- a) There shall be a landscaped area of at least 15 feet in depth running the length of and directly abutting the front lot line. This landscaped area shall extend the length of the front lot line and of the flankage lot line for a corner lot. Landscaping shall consist of existing vegetation and/or plantings as per *Part 5, Section 32*.
- b) A buffer 40 feet wide, beginning at the property line, shall be required for the for side or rear yards in an Industrial Zone which abut an existing residential use, vacant land zoned for Bedford Land Use By-law residential use, or a Park or Institutional Zone.
- c) No outdoor storage shall be located:
 - i) within any required yard; nor
 - ii) within any yard which abuts lands fronting on an arterial road; except where a fence or other visual barrier is provided to completely screen the use.
- d) Outdoor display may be permitted provided it does not occur on the required 15 Ft. landscaped area described above and required abutting yards as per Part 5, Section 24 b).
- e) External fuel storage tanks shall be screened unless located at the rear of the building.

Attachment G
Public Comments Received

I recently received a notification in the mail regarding the application of a proposal to add a service station in the Bedford commons area.

I am NOT in favour of this build as there are currently 7 gas stations within a approx 7 KM radius of this proposal site (Shell, Canadian Tire, Petro Canada and Ultramar - Sackville and Petro Canada, Shell and Esso in Bedford). There is rarely a line up at these locations. There are even less Tim Hortons in this radius.

In addition there is lots of water in this area - Rocky Lake and several ponds surrounding. Should there ever be a leak, not only are these areas in the line of run off (difficult if not impossible to contain and clean up with all the exposed rock), but it also may contaminate my basement (soil and gravel covering).

Resident – Rocky Lake Road

In today's mail I received a request for public comment regarding the above noted case. My property is located on Rocky Lake Road and as such I have no objection to the application to allow "Service Stations" to be allowed in the designated area, shown in yellow (Bedford Common Area).

Property Owner – Rocky Lake Road

Attachment H Land Zoned ILI (Light Industrial)

Bedford Industrial Park/Bedford Commons area (southwest of Duke Street)

- Duke Street (Civic 20, 36 and 48)
- Verdi Drive (Civic 20, 36, 44, 50 and 110)
- Damascus Road (Civic 30 through 255) plus PID 's (41376856, 41440199, 41214404, 41214404, 41240276, and 41214271)

Atlantic Acres Industrial Park

- Bluewater Road (Civic 2 through 421)
- Topsail Court (Civic 22 through 27)
- Command Court (Civic 1)

Farmers Dairy Lane (Civic 20 and 745)

Hammonds Plains Road (Civic 734, 736, 738, 740, 768, 780, 798, 845 and 847)

Larry Uteck Boulevard (Civic 383, 387, 389, 1986 and 2019) and PID (00645929)

Rocky Lake Road (Civic 275, 299, 311, and 325)

Symonds Road (Civic 9, 10, 50 and 60)