



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.5
North West Community Council
February 8, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: January 15, 2016

SUBJECT: **Case 20082: Amendments to Bedford Land Use By-law – Light Industrial and Heavy Industrial Zones**

ORIGIN

Application by WM Fares Group

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to the proposed amendments to the Bedford Land Use By-law (LUB) to amend the ILI and IHI Zones as shown in Attachment A, and schedule a Public Hearing; and
2. Approve the proposed amendments to the Bedford Land Use By-law to amend the ILI and IHI Zones, as shown in Attachment A.

BACKGROUND

WM Fares Group has made an application on behalf of Chapman Auto Body Ltd. to amend the Bedford Land Use By-law (LUB) to permit an auto body repair shop to be located at 90 Bluewater Road, Bedford within the Light Industrial (ILI) Zone. To enable the proposed development, the list of permitted uses within the Light Industrial (ILI) needs to be amended and include auto body repair uses.

Site Specific Proposal

The applicant has requested a site-specific amendment to the ILI Zone for 90 Bluewater Road in order to utilize the existing building on the property for an auto body repair use.

Overview of MPS Policy

The Bedford MPS contains several relevant policies (Attachment B):

- Policy C-16 of the Bedford Municipal Planning Strategy (MPS) regarding Heavy Commercial uses specifically identifies auto body repair as appropriate only within the Industrial Designation;
- Policy I-2 establishes two mixed use industrial zones for Bedford: Light Industrial (ILI) and Heavy Industrial (IHI). A Harbour-Oriented Industrial (IHO) zone is also established that is intended only for port facilities;
- Policies C-16 and I-2 do not identify in which specific Industrial zone auto body repair should be located; and
- Policy Z-3 establishes the evaluation criteria for considering zoning amendments.

Overview of Relevant LUB Provisions

As established by the MPS, the LUB contains three industrial zones (Attachment C). Two of the industrial zones are relevant to this application and they are:

- The ILI Zone which permits uses such as warehouses, manufacturing, auto service and supplies centres/outlets, and recycling depots; and
- The IHI Zone which permits those uses allowed in the ILI Zone as well as more intensive industrial uses such as salvage yards and solid waste transfer stations.

Currently, the Bedford LUB does not contain a definition of auto body repair uses.

Revised Proposal

MPS Policy C-16 of the Bedford MPS indicates that auto body repair is generally an appropriate use within the Industrial Designation in Bedford. Therefore, staff recommends that the application be expanded beyond a site-specific amendment to include all ILI zoned properties that are within the Industrial Designation, including the applicant's site at 90 Bluewater Road, Bedford. The amendments should also include auto body repair as a permitted use within the IHI Zone.

DISCUSSION

The proposal has been reviewed relative to all relevant MPS policies and staff advise that the proposed LUB amendments, as contained in Attachment A, are consistent with the MPS. The proposed amendments address the following matters:

Implementation of Policy

The inclusion of auto body repair as a permitted use in the ILI and IHI zones was specifically intended by the MPS and the proposed LUB amendments would be implementing the intent of MPS policy. Since the lack of reference to auto body repair in the industrial zones is considered an omission, the evaluation criteria within Policy Z-3 are considered to have been satisfied when the MPS was adopted.

Industrial Lands outside the Industrial Designation

Policy C-16 is very specific to the auto body repair uses being limited to the Industrial designation. Certain lands that are zoned ILI were originally designated Industrial but subsequently been brought into the Bedford West Secondary Planning Strategy (BWSPS) and are now subject to that land use designation. The proposed LUB amendments, therefore, enable auto body repair only on those properties within the Industrial Designation as established by the MPS. This limitation will be implemented through maps to be appended to the LUB, in addition to the text amendment for the ILI zone.

Screening Requirements within the ILI and IHI Zones

The potential impacts of the auto body repair use on nearby residential uses have been considered. Auto body repair uses are not considered to generate any more impacts than many of the uses currently permitted within the zones (e.g. manufacturing and processing facilities, dry cleaners, or recycling depots). In addition, as evidenced by Policy C-16, the auto body repair use was contemplated at the time of the creation of the Industrial designation (Attachment B). Therefore, a certain level of impact had already been considered when the policy was adopted and the existing buffering requirements of the LUB are considered adequate (Attachment B).

Defining Auto Body Repair Uses

To provide clarity on the nature of the use, a definition for “auto body repair use” is included in the proposed LUB amendments as follows:

“AUTO BODY REPAIR SHOP means a building or part of a building or a clearly defined space on a lot used for painting and repair of automobile body parts but shall not include the retailing of gasoline or other fuels.”

North West Planning Advisory Committee

The planning application was presented to North West Planning Advisory Committee (NWPAC) on October 7, 2015. NWPAC passed a motion recommending approval with an additional recommendation that Council consider adding extra screening requirements in the ILI Zone as a way to mitigate impacts from auto body repair shops to more sensitive uses.

As stated above, the existing ILI and IHI Zones already contain an appropriate level of screening and no additional requirements are needed.

Conclusion

The inclusion of auto body repair as a permitted use in both the ILI and IHI Zones is consistent with MPS policy, subject to exclusion of properties that are outside of the Industrial designation. Approximately 114 properties are affected by the proposed amendments and would be eligible for a development permit to allow an auto body repair use. Therefore, it is recommended that North West Community Council approve the proposed amendments included as Attachment A of this report.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process was consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM website, responses to inquiries, and public accessibility to Advisory Committees of Council and meetings of Council.

A public hearing must be held by Community Council on the proposed LUB amendments. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, the HRM website will also be updated to indicate notice of the public hearing.

The proposed land use by-law amendment will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

No concerns have been identified.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed amendments to the Bedford LUB subject to modifications. This may necessitate further negotiations with the Developer, a supplementary report and an additional public hearing. A decision of Council to approve the proposed amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse to approve the proposed amendments to the Bedford LUB and, in doing so, must provide reasons why the proposed amendments do not reasonably carry out the intent of the MPS. A decision of Council to reject these proposed amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

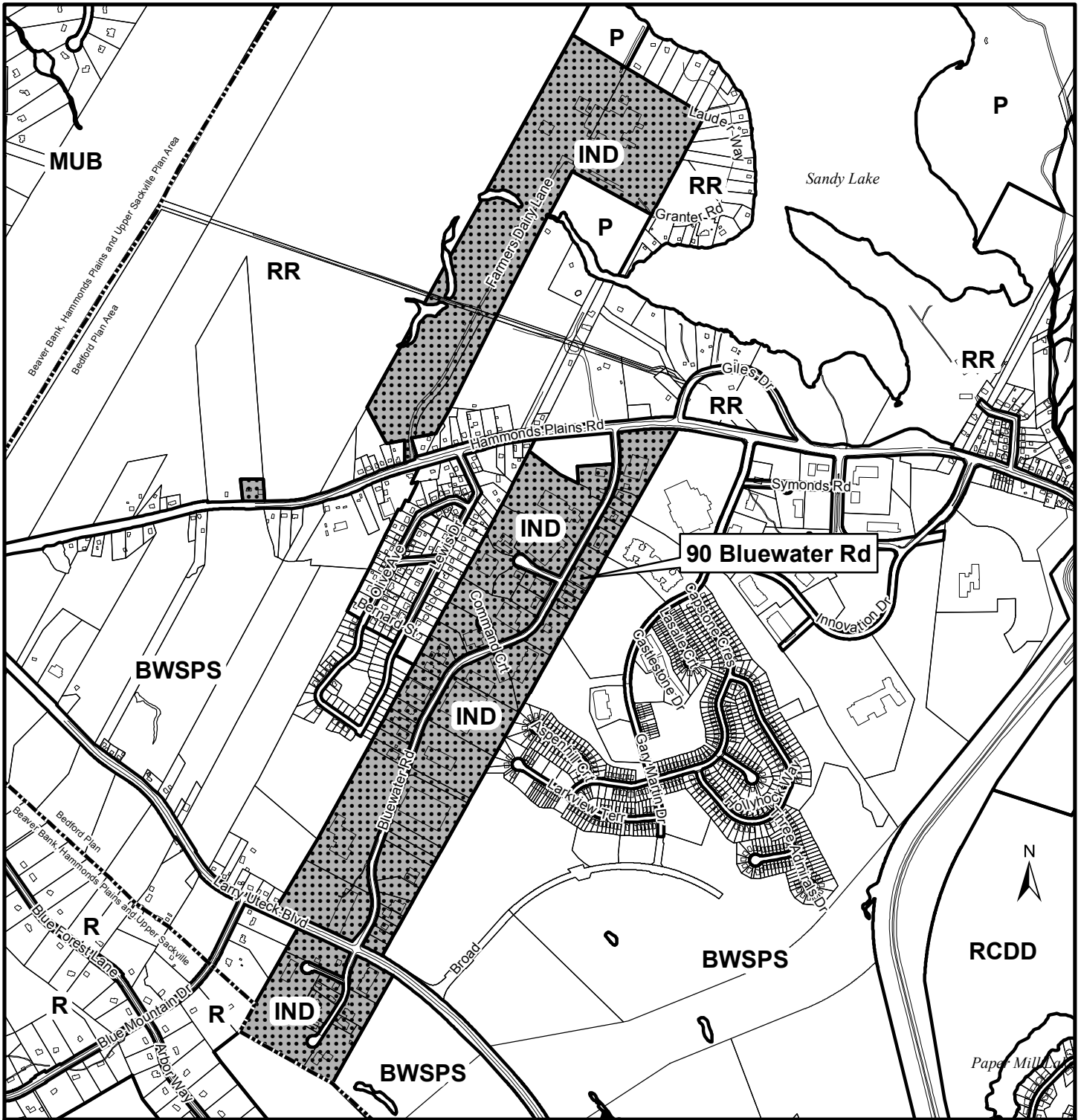
Map 1A	Generalized Future Land Use – Western Bedford Area
Map 1B	Generalized Future Land Use – Eastern Bedford Area
Map 2A	Zoning – Western Bedford Area
Map 2B	Zoning – Eastern Bedford Area
Attachment A	Proposed Amendments to the Bedford LUB
Attachment B	Excerpts from the Bedford MPS
Attachment C	Excerpts from the Bedford LUB

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Nathan Hall, Planning Intern, 902.490.5985



Original Signed

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902.490.4800



**Map 1A - 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

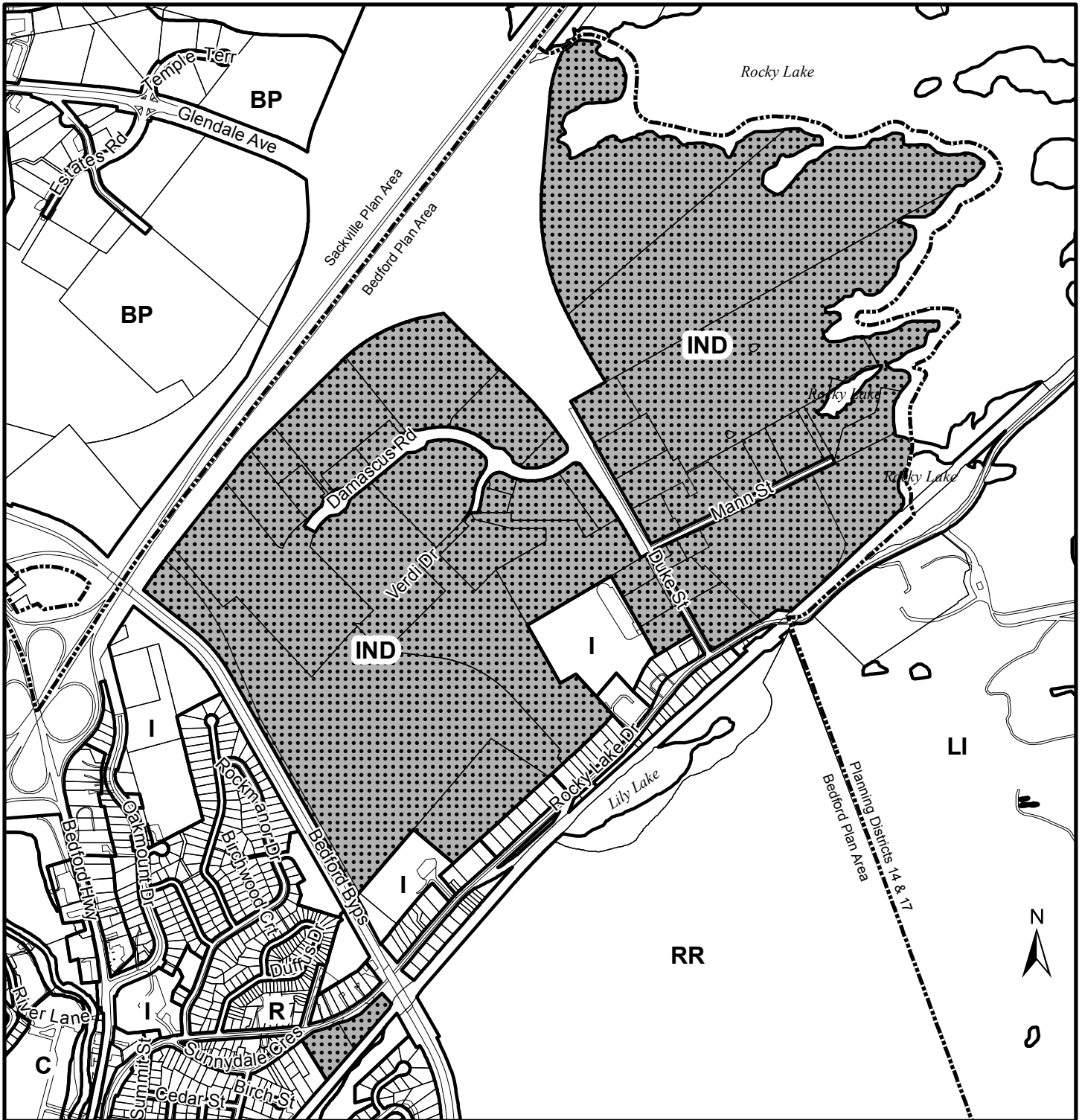
Hammonds Plains, Upper Sackville and Beaver Bank Designations

- Bedford Plan Area
- MUB Mixed Use B
- R Residential





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
Eastern Bedford Area**

HALIFAX

-  Industrial Designation
-  Plan Area Boundary

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

- Sackville Designations**
- BP Business Park



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


Bedford
Plan Area


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

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



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

 Lands Zoned ILI (Light Industrial)
in the Industrial Designation

 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.


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



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

HALIFAX

 Lands Zoned Light Industrial (ILI) Zone & Heavy Industrial (IHI) Zone in the Industrial Designation

 Plan Area Boundary

Bedford
Plan Area

Bedford Zones

- RSU Single Unit Dwelling
- RTU Two Unit Dwelling
- CGB General Business District
- CHWY Highway Oriented Commercial
- CCDD Commercial Comprehensive Development District
- ILI Light Industrial

Sackville Zones

- BP Business Park

Planning Districts 14 & 17 Zones

- I-3 Light Industrial

- IHI Heavy Industrial
- SI Institutional
- SU Utilities
- P Park
- POS Park Open Space
- FW Floodway



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

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

Attachment A
Proposed Amendments to the Bedford Land Use By-law

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

- a) Amend the Table of Contents by adding new Schedules to "Schedules/Appendices" as follows:

"Schedule C-1: Auto Body Repair Shops as a Permitted Use in the ILI (Light Industrial) Zone";
and

"Schedule C-2: Auto Body Repair Shops as a Permitted Use in the ILI (Light Industrial) Zone"

- b) Amend Part 2 by inserting the following definition immediately after the definition for "Area, Net" and immediately before the definition for "Automobile Service Station or Service Station":

"AUTO BODY REPAIR SHOP means a building or part of a building or a clearly defined space on a lot used for painting and repair of automobile body parts but shall not include the retailing of gasoline or other fuels."

- c) Amend Part 17 by adding the following to the list of permitted uses in the Light Industrial (ILI) Zone, immediately after "q) billiard/snooker club":

"qa) Auto body repair shops on properties identified on Schedules C-1 and C-2."

- d) Amend Part 19 by adding the following to the list of permitted uses in the Heavy Industrial (IHI) Zone immediately after "l) local solid waste transfer stations":

"la) Auto body repair shops"

- e) Adopt Schedules C-1 and C-2 as shown on Schedule A attached hereto.

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 North West Community
Council of Halifax Regional Municipality held on
the day of , 20__.

GIVEN under the hand of the municipal clerk
and under the Corporate Seal of the said
Municipality this ____ day of
_____, 201__.


Municipal Clerk

Schedule A – Amendment to the Bedford LUB



Schedule C-1 – Autobody Repair Shops as a Permitted Use in the ILI (Light Industrial) Zones

HALIFAX

 Subject Areas

 Plan Area Boundary

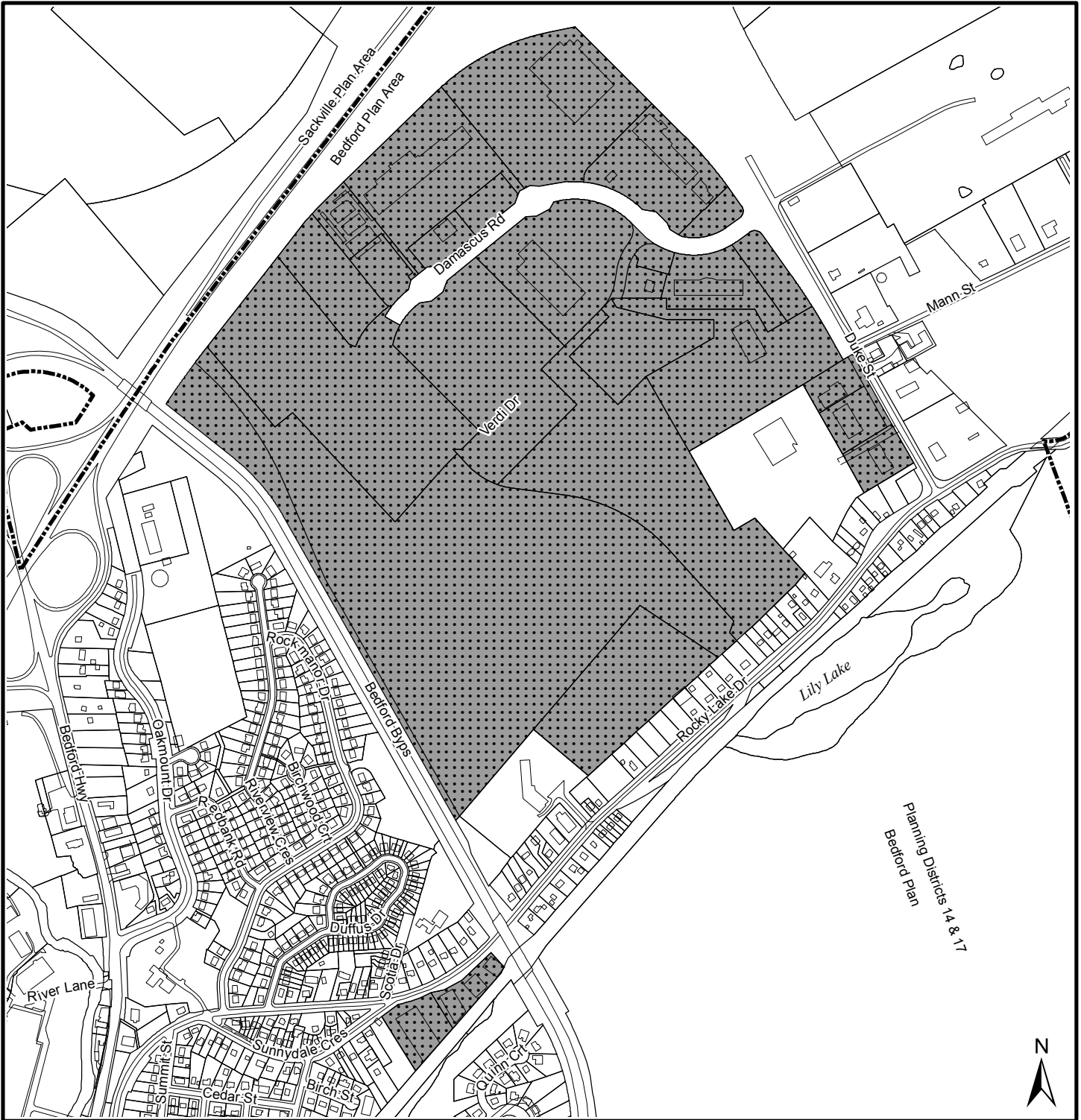


This map is an unofficial reproduction of a portion of the plan area indicated.

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


Bedford
Plan Area


Schedule A – Amendment to the Bedford LUB



Schedule C-2 – Autobody Repair Shops as a Permitted Use in the ILI (Light Industrial) Zone

HALIFAX

 Subject Areas

 Plan Area Boundary



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

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

Bedford
Plan Area

Attachment B
Excerpts from the Bedford Municipal Planning Strategy

Policy C-16:

It shall be the intention of Town Council to require heavy commercial uses, such as building supplies centres, warehouses, distribution centres, and auto body repair shops, to locate in areas designated Industrial. Heavy commercial uses zoned C-6 in the 1982 Land Use By-law shall be zoned Light Industrial.

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.

Policy 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:

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 of:
 - 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;
 - iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;
 - iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
 - v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
 - vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
 - vii) the adequacy of recreational land and/ or facilities;
 - 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;
 - ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
 - x) the presence of significant natural features or historical buildings and sites;

- x) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
- xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
- xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.

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:

- 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.

7. Any other matter enabled by Sections 73 and 74 of the Planning Act.

8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:

- 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 community.

9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:

- a) a plan to a scale of 1":100' or 1":40' showing such items as:
 - i) an overall concept plan showing the location of all proposed land uses;
 - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
 - iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
 - iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
 - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
 - vi) a description of any protected viewplanes; and,
 - vii) an indication of how the phasing and scheduling is to proceed.
- 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.
- c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.

10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

Attachment C
Excerpts from the Bedford Land Use By-law

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; (RC-Mar 3/09;E-Mar 21/09)**
- m) dry cleaning depot
- n) recycling depot
- o) uses permitted in the SU Zone
- p) bingo halls
- q) billiard/snooker club
- 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 Yard0 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.

PART 19 HEAVY INDUSTRIAL (IHI) ZONE

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

- a) warehouse and storage distribution centres;
- b) manufacturing, processing, assembly or warehousing;
- c) railway uses;
- d) parking and/or storage of industrial or heavy commercial vehicles, equipment and similar goods;
- e) trade centres, building supplies sales and wholesalers,
- f) recycling facilities;
- g) construction industries;
- h) concrete, brick and asphalt plants;
- i) utilities
- j) bulk storage facilities
- k) drycleaning establishments;
- l) local solid waste transfer stations
- m) uses permitted in the ILI Zone, subject to the ILI Zone provisions
- n) uses accessory to the foregoing uses.

ZONE REQUIREMENTS IHI ZONE

In any Heavy Industrial (IHI) 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 feet
Minimum Front Yard	30 feet
Minimum Side Yard	15 feet
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.