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Item No. 10.1.2
North West Community Council
February 10, 2025 Pubic Hearing
January 13, 2025 First Reading

TO: Chair and Members of North West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: November 4, 2024

SUBJECT: **PLANAPP 2024-01716: Amendment to Bedford Land Use By-law to permit automotive vehicles, parts, & accessories sales and services uses in the Light Industrial (ILI) zone**

ORIGIN

Application by the property owner, 3107511 Nova Scotia Limited (Fraserway RV).

EXECUTIVE SUMMARY

This report recommends amendments to the Bedford Land Use By-law to add “automotive vehicles, parts, & accessories sales and services” as a permitted use within the Light Industrial (ILI) Zone of the Bedford Land Use By-law. The proposed use is comparable to other commercial uses permitted within the ILI Zone. Staff recommend that North West Community Council add this use to the ILI Zone. There are no financial implications or noted risks anticipated to arise from adding this use to the ILI Zone.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Bedford Land Use By-law, as set out in Attachment A, to add “automotive vehicles, parts, & accessories sales and services” as a permitted use to the Light Industrial (ILI) zone and schedule a public hearing;
2. Adopt the amendment to the text of the Bedford Land Use By-law as set out in Attachment A.

BACKGROUND

3107511 Nova Scotia Limited (Fraserway RV) is applying to add “automotive vehicles, parts, & accessories sales and services” as a permitted use within the Light Industrial (ILI) Zone of the Bedford Land Use By-law (LUB).

Subject Site	726 Rocky Lake Drive, Bedford (PID 00361006)
Location	Corner of Rocky Lake Drive and Duke Street
Regional Plan Designation	Urban Settlement (US) and Industrial Park (IP)
Community Plan Designation (Map 1)	Industrial (IND)
Zoning (Map 2)	Heavy Industrial (IHI)
Size of Site	~ 16,622 square metres
Street Frontage	~ 270 metres
Current Land Use	Automotive vehicles, parts, & accessories sales and services
Surrounding Uses	Mix of industrial, commercial, institutional, and residential

History

The applicant is currently operating this use (automotive vehicles, parts, & accessories sales and services) on their property at 726 Rocky Lake Drive in Bedford. The existing use was issued approvals in 1989, before the current Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) came into effect in 1996. At the time of adoption of the MPS and LUB, the property was zoned Heavy Industrial (IHI), making the use non-conforming. The *HRM Charter* allows non-conforming uses to continue operating but prohibits any expansion. Although the property has changed ownership over the years, its use has remained consistent. The current property owner intends to construct a new dealership building, which would be considered an expansion of the business which for a non-conforming use is not permitted. As a result, the applicant is requesting that the existing use be added to those permitted under the Light Industrial (ILI) zone in the LUB. Since Light Industrial (ILI) uses are permitted within the Heavy Industrial (IHI) Zone, this would allow both the use and future expansions on the property.

Enabling Policy and LUB Context

The Bedford MPS contains policies regarding Commercial Highway Oriented Uses which include service stations and gas bars, auto repair shops, hotels/motels/motor inns, drive-in and take-out restaurants, and auto or trailer sales. The MPS directs these uses to highway-oriented commercial zones on the Bedford Highway located between the Sackville River and the Highway 102 interchange, Commercial Comprehensive Development Districts (CCDD), the Bedford West Secondary Plan area, and the Industrial designation.

Industrial Designation policies enable a broad range of land uses in the Light Industrial zone, including but not limited to manufacturing, processing, assembly or warehousing operations, shopping centres, commercial uses permitted within the General Business District Zone, and utility uses. Commercial uses are encouraged to locate in the Atlantic Acres Industrial Park, in immediately adjacent industrial areas, and in the southern portion of the Bedford Industrial Park.

The MPS and LUB permit heavy industrial uses within the Heavy Industrial (IHI) Zone, 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 uses permitted within the Light Industrial Zone.

DISCUSSION

Staff have reviewed the Bedford MPS policies for this type of land use and propose an amendment to the Land Use By-law (Attachment A) which includes inserting “automotive vehicles, parts, & accessories sales and services” as a permitted use to the Light Industrial (ILI) zone.

The Industrial Designation permits Commercial Highway-Oriented Uses and encourages such uses to locate in the Bedford Industrial Park. Currently, permitted uses within the ILI zone include Commercial Highway-Oriented Uses, such as service stations, gas bars, auto repair shops, hotels/motels/motor inns, and drive-in and take-out restaurants, but it does not include auto or trailer sales. While the subject site falls within both the Industrial Designation and the Bedford Industrial Park, auto or trailer sales have not been included in the list of uses permitted in the ILI zone.

The MPS identifies auto or trailer sales as similar uses already permitted in the ILI Zone, and so staff believe that adding “automotive vehicles, parts, and accessories sales and services” as a permitted use aligns with the intent of the Bedford MPS. This use is already permitted in the Highway Oriented Commercial (CHWY) zone.

Other lands designated or zoned ILI are spread across various locations in Bedford (see Maps 3A/B and 4A/B). These areas are either within the Bedford West Secondary Planning Strategy, the Atlantic Acres Industrial Park, the Bedford Industrial Park, or adjacent industrial areas, supporting the overall intent of the MPS.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council. In this case, no specific policies were identified as a conflict.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. While “automotive vehicles, parts, & accessories sales and services” uses were not originally contemplated for the ILI Zone of the Bedford LUB, the MPS identifies this as a similar use to those permitted in the ILI Zone. Therefore, staff recommend that North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2024-2025 operating budget for Planning and Development.

RISK CONSIDERATION

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website and letters mailed to property owners who met the notification criteria.

The HRM website received a total of 109 unique pageviews over the course of the application. A total of 310 letters were mailed to property owners within 76.2 metres (250 feet) of the applicant's property and to property owners who either owned an ILI-zoned property or owned a property directly abutting an ILI-zoned

property. One property owner contacted staff on the application, and they expressed support for the LUB amendment.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners be notified of the hearing by regular mail within the ILI Zones shown on Map 2, 4A and 4B and the properties which abut these ILI Zone properties. The HRM website will also be updated to indicate notice of the public hearing. The proposal will potentially impact local residents and businesses within business parks, which are where the majority of ILI zoned parcels are located.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

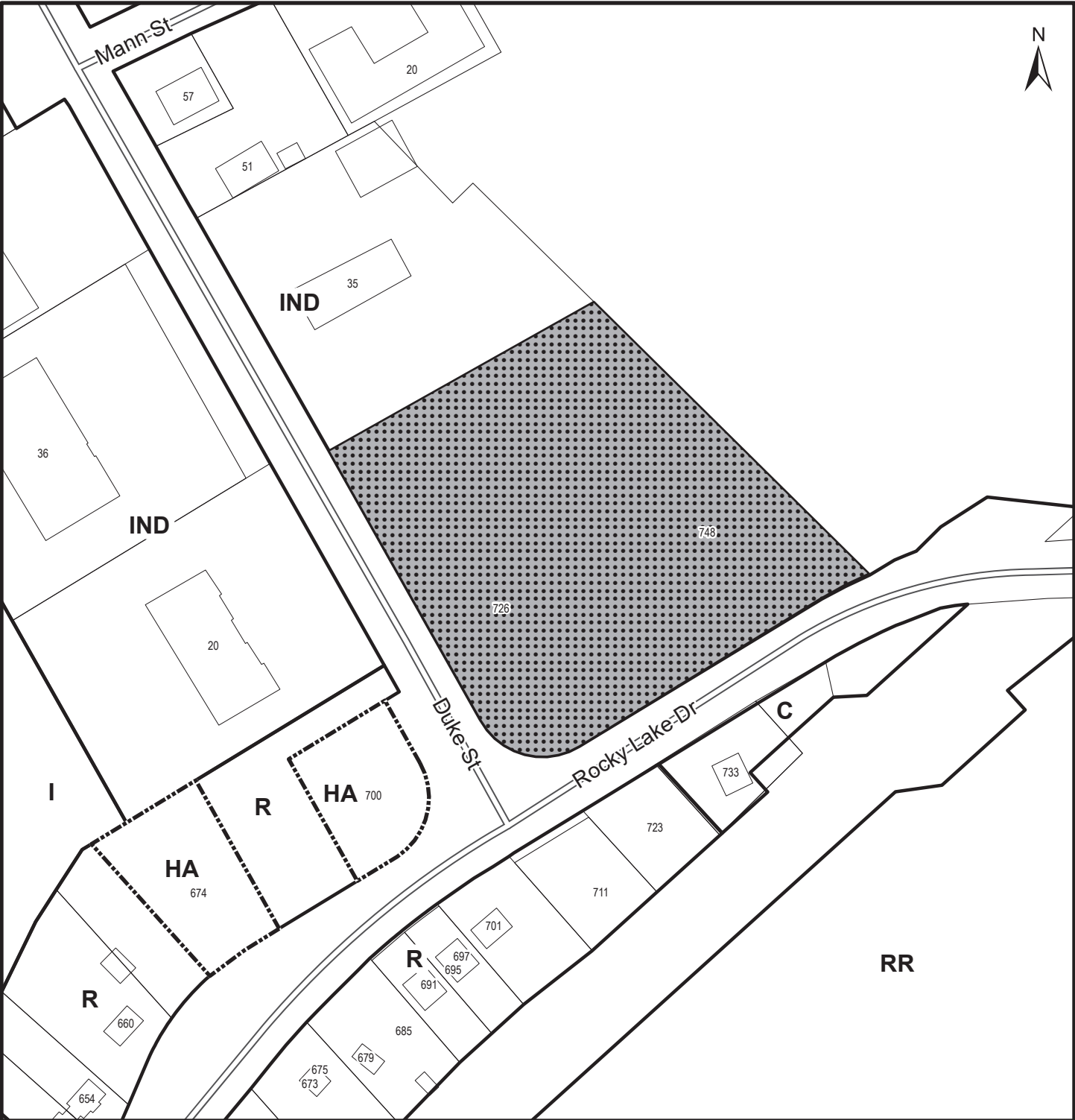
ALTERNATIVES

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

ATTACHMENTS

Map 1:	Generalized Future Land Use (Applicant Property)
Map 2:	Zoning and Notification Area (Applicant Property)
Map 3A:	Generalized Future Land Use (West)
Map 3B:	Generalized Future Land Use (East)
Map 4A:	Zoning (West)
Map 4B:	Zoning (East)
Attachment A:	Proposed Amendment to the Land Use By-law for Bedford
Attachment B:	Review of Relevant MPS Policies

Report Prepared by: Dean MacDougall, Planner III – Planning and Development, 902.240.7085



Map 1 - Generalized Future Land Use

726 Rocky Lake Drive, Bedford

HALIFAX



Subject Property



Suburban Housing Accelerator

Designation

BED

R

Residential

C

Commercial

RR

Residential Reserve

IND

Industrial

SHA

HA

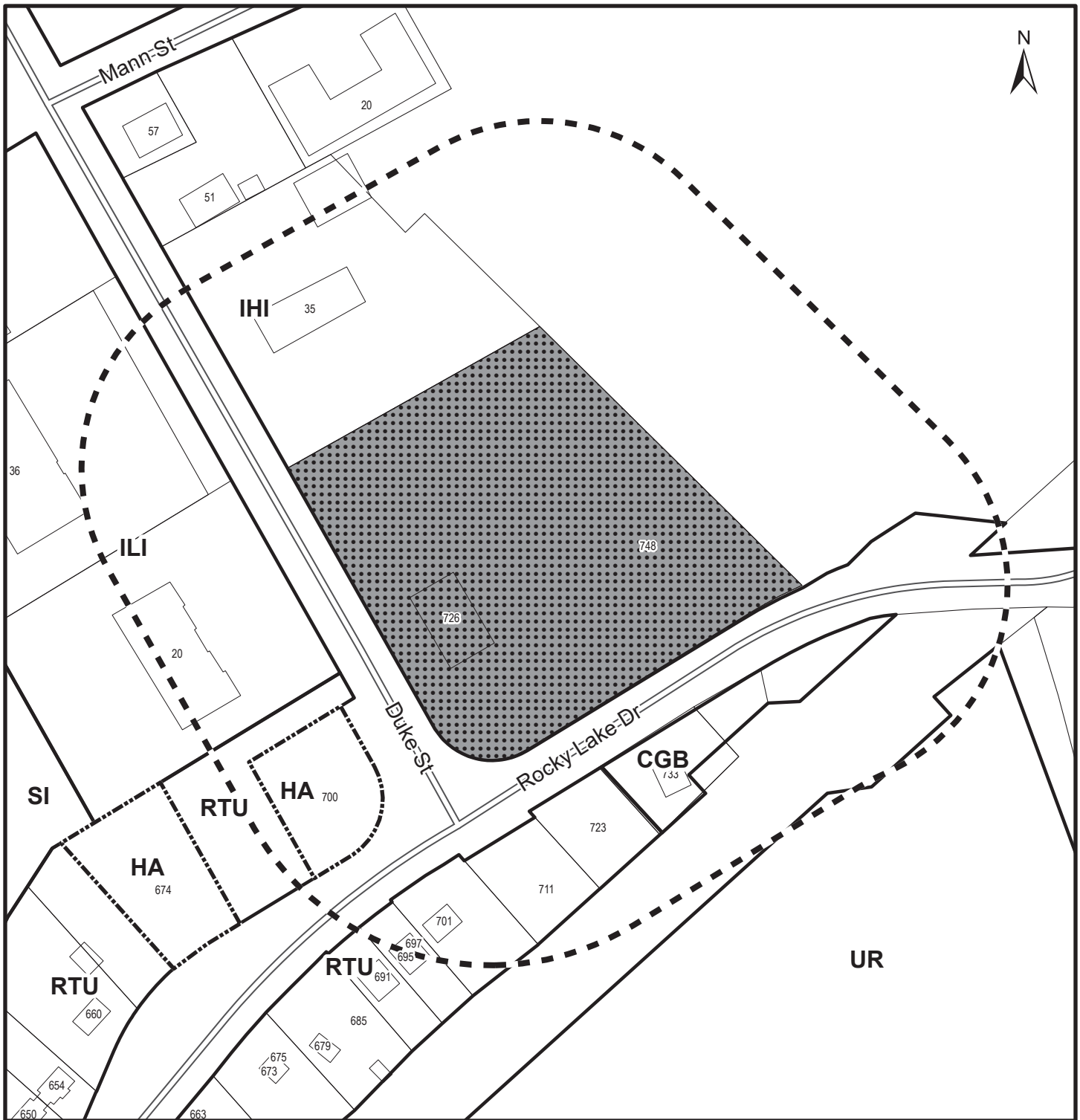
Housing Accelerator

0 10 20 30 40 50 60 70 m

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

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




Bedford Land Use By-Law Area
Suburban Housing Accelerator Land Use By-law



Map 2 - Zoning and Notification Area

726 Rocky Lake Drive, Bedford

HALIFAX

-  Subject Property
-  Area of Notification
-  Suburban Housing Accelerator

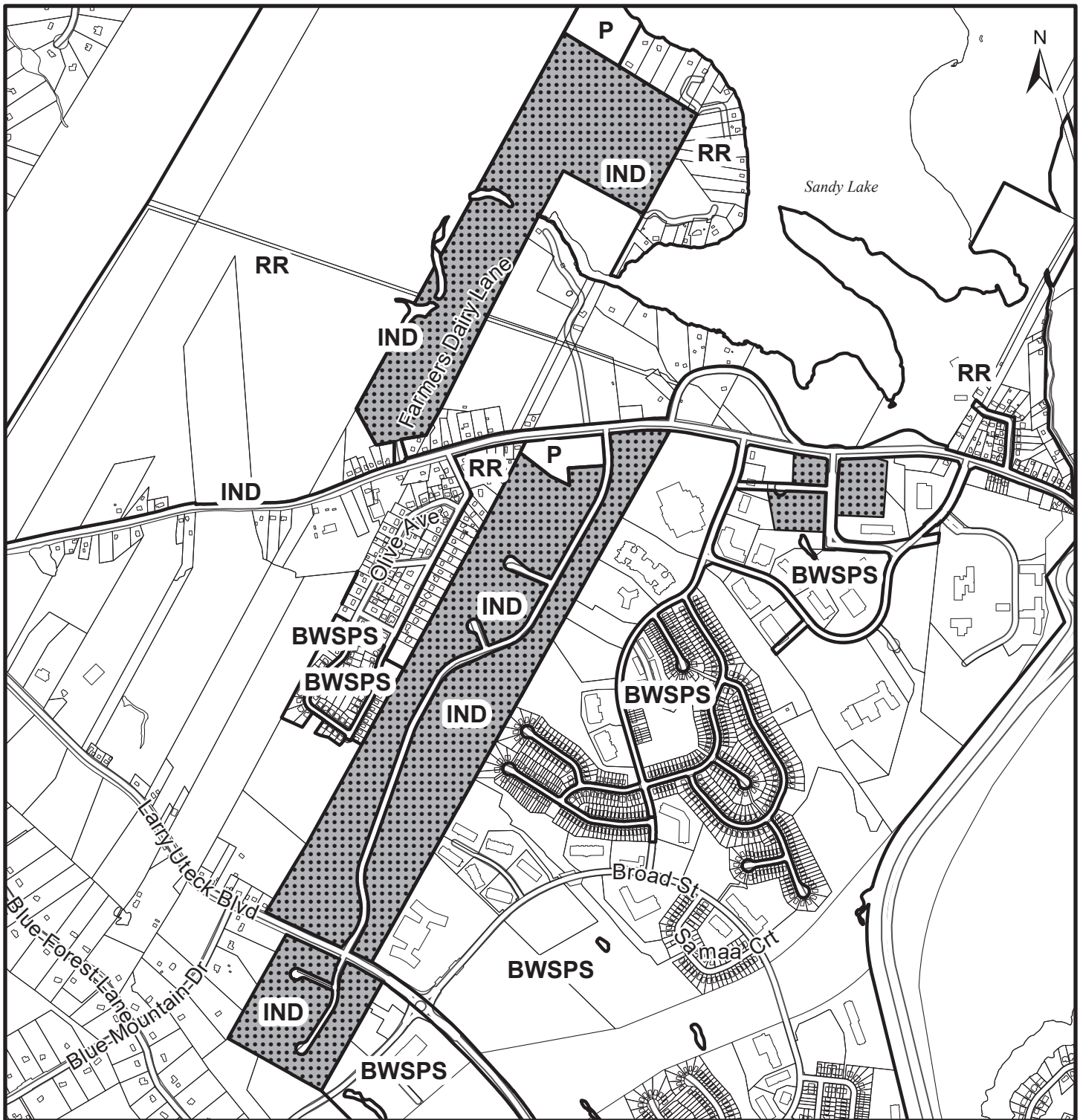
Zone	
SI	Institutional
ILI	Light Industrial
IHI	Heavy Industrial
UR	Urban Reserve
CGB	General Business District
RTU	Two Dwelling Unit
SHA	Suburban Housing Accelerator



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.

Bedford Land Use By-Law Area
Suburban Housing Accelerator Land Use By-law



Map 3A: Generalized Future Land Use (West)

726 Rocky Lake Drive, Bedford

HALIFAX

 Properties zoned ILI within the Bedford Plan Area

BED

Designation

R Residential
C Commercial
P Park and Recreation
RR Residential Reserve
IND Industrial

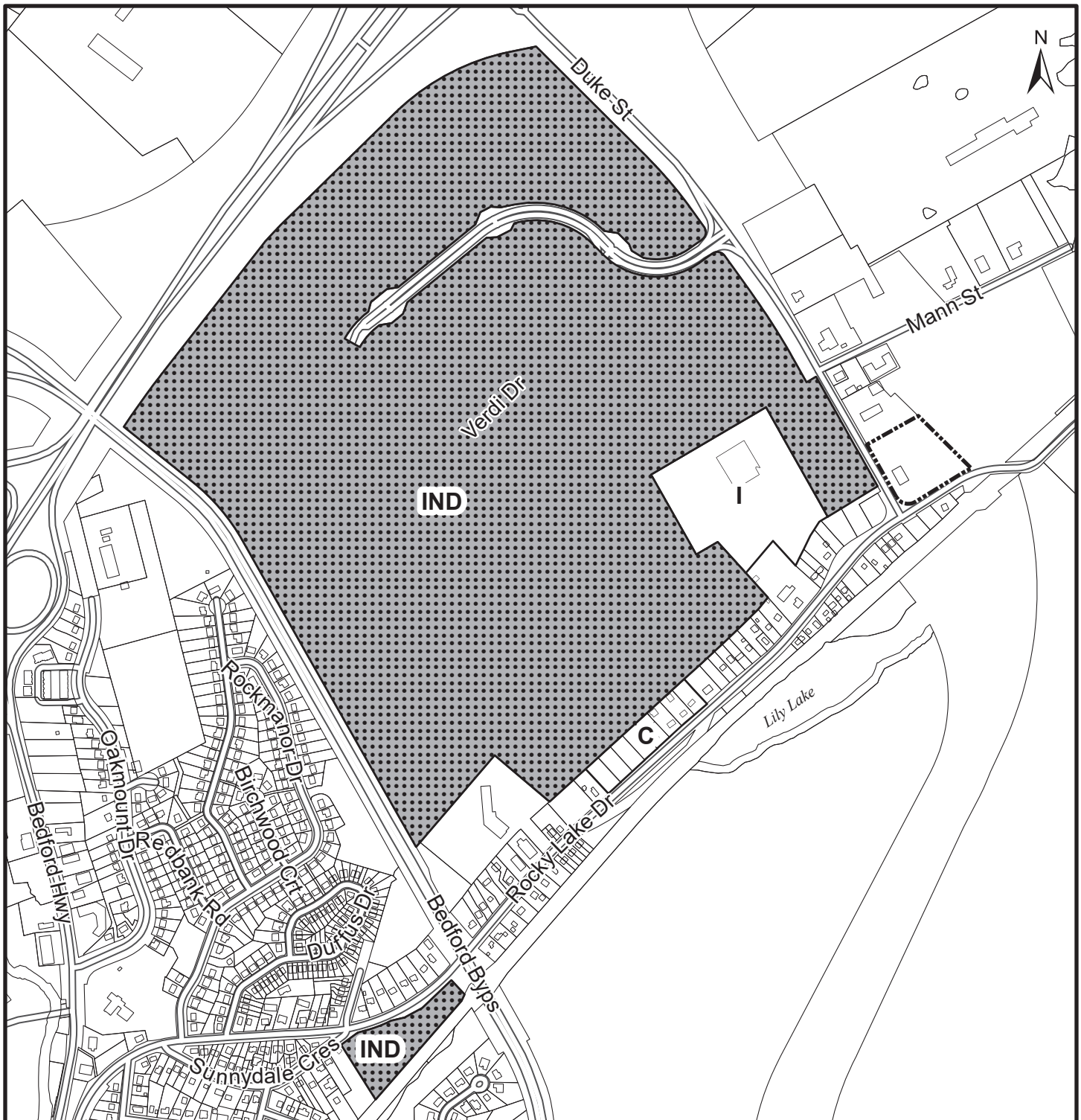
BWSPS Bedford West Secondary Planning Strategy

0 100 200 300 400 500 m

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

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Bedford Land Use By-Law Area



Map 3B: Generalized Future Land Use (East)

726 Rocky Lake Drive, Bedford

HALIFAX

-  Properties zoned ILI within the Bedford Plan Area
-  Subject Property

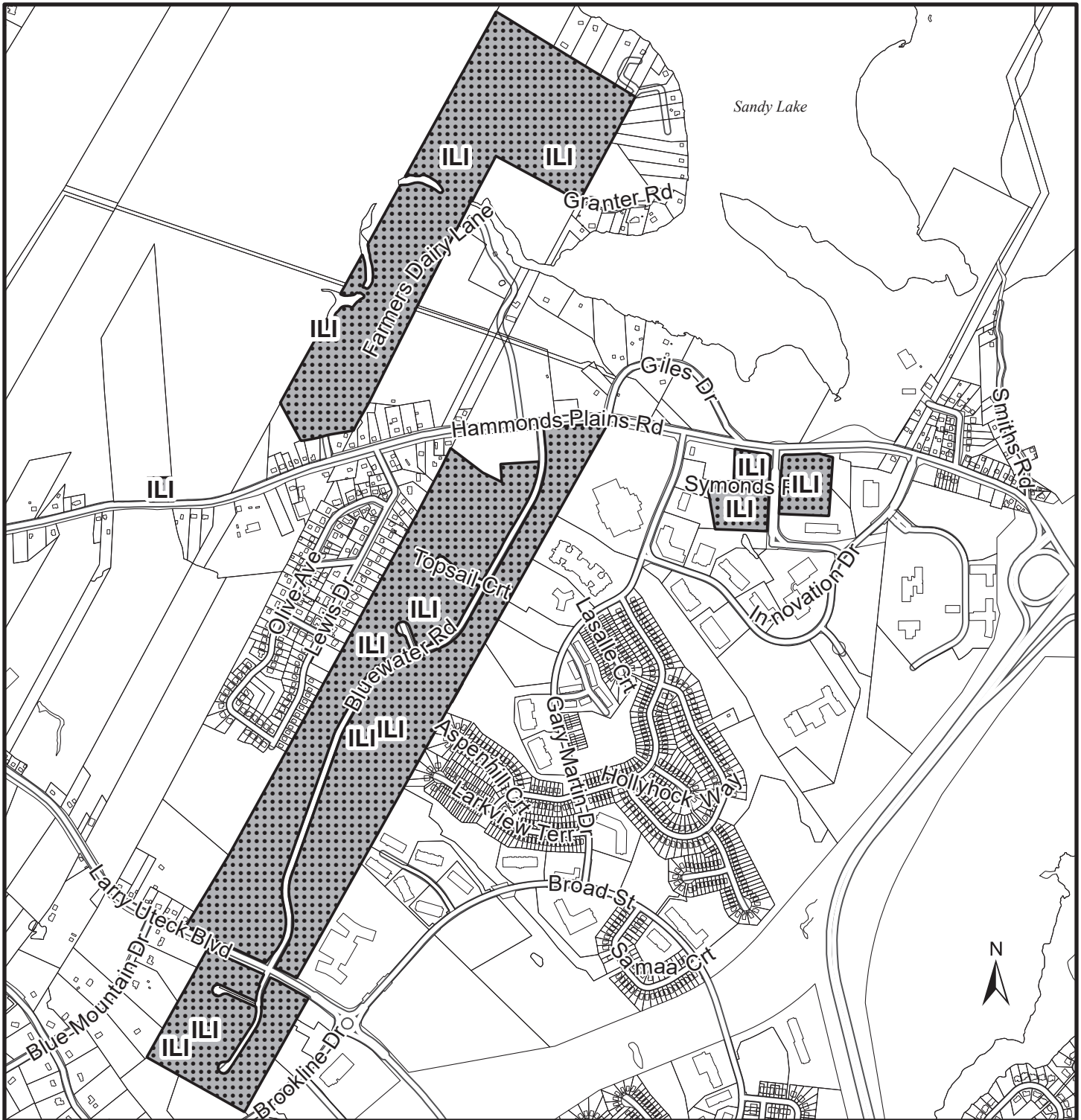
Designation	
C	Commercial
I	Institutional
IND	Industrial
BED	



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Bedford Land Use By-Law Area



Map 4A - Zoning (West)

726 Rocky Lake Drive, Bedford

HALIFAX

Zone

 Properties zoned ILI within the Bedford Plan Area

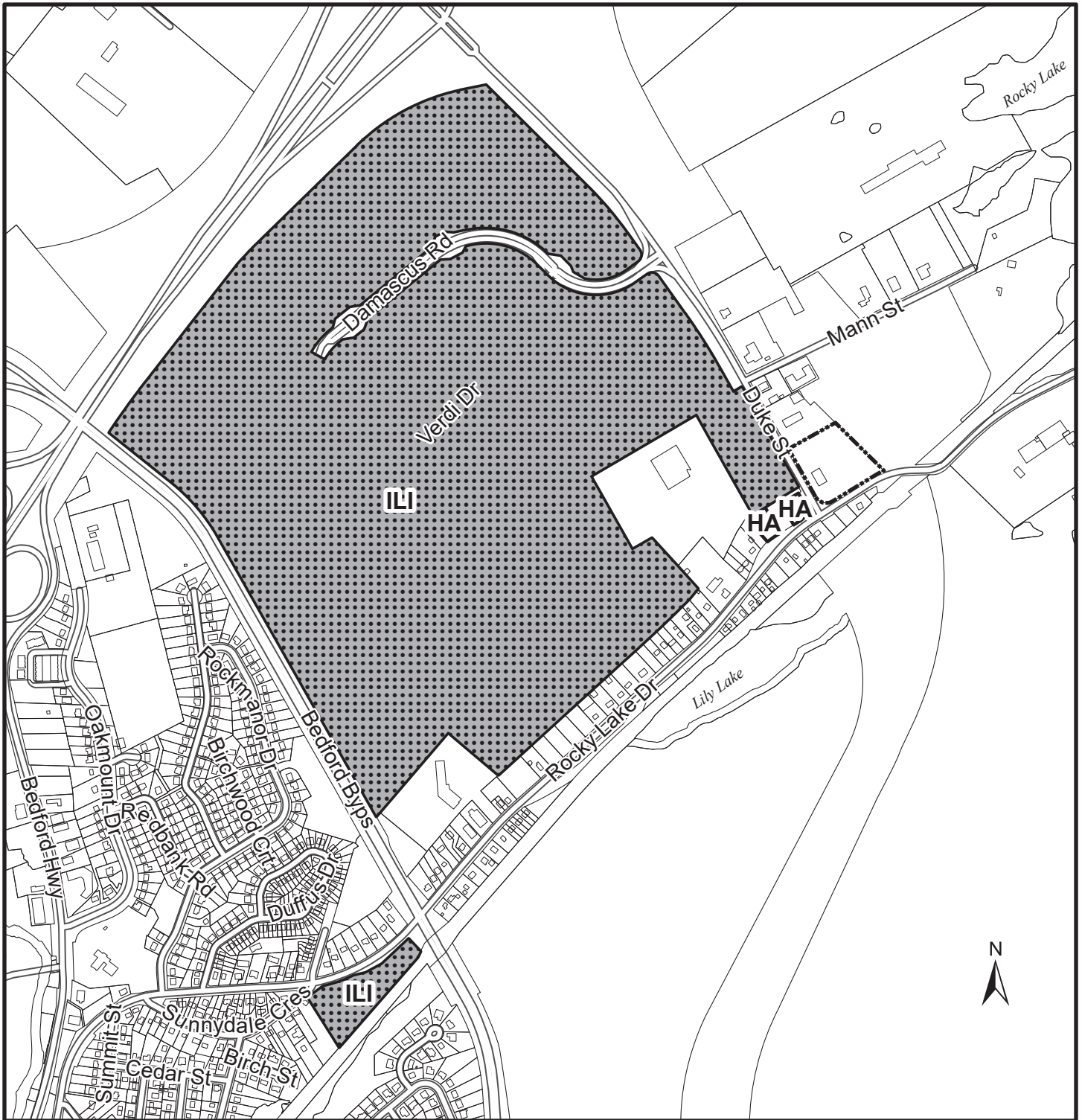
BED ILI Light Industrial

0 100 200 300 400 500 m

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

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Bedford Plan
Land Use By-Law Area



Map 4B - Zoning (East)

726 Rocky Lake Drive, Bedford

HALIFAX



Properties zoned ILI within the Bedford Plan Area



Suburban Housing Accelerator



Subject Property

Zone

BED	ILI	Light Industrial
SHA	HA	Suburban Housing Accelerator



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

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Bedford Plan
Land Use By-Law Area

24 September 2024

PLANAPP 2024-01716

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ATTACHMENT A

Proposed Amendment to the Land Use By-law for Bedford

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

1. Amending PART 17: LIGHT INDUSTRIAL (ILI) ZONE, as shown below in **bold**, by adding the text “qe) automotive vehicles, parts, & accessories sales and services” after the words “qd) pet daycare uses” and before the words “r) any uses accessory to the foregoing uses”:

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
- qa) Auto body repair shops on properties identified on Schedules C-1 and C-2 (NWCC-Mar 21/16; E-Apr 2/16)
- qb) Service stations and gas bars on properties identified on Schedule C-3 (RC-Sep5/17;E-Oct21/17)
- qc) cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)
- qd) pet daycare uses (NWCC-Sep 09/24;E-Sep 24/24)
- qe) automotive vehicles, parts, & accessories sales and services**
- r) any uses accessory to the foregoing uses.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 2024.

Iain MacLean
Municipal Clerk

Attachment B – Review of Relevant MPS Policies

Bedford Municipal Planning Strategy	
COMMERICAL	
Policy	Staff Comments
<p>Commercial Objective <i>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.</i></p>	
<p>(d) Commercial Highway Oriented Uses <i>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, these types of uses are 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 permit highway oriented commercial development in this area. Policy C-6 provides for the regulation of highway commercial land uses.</i></p>	<p>The proposed use “automotive vehicles, parts, & accessories sales and services” is considered a Commercial Highway Oriented use and is proposed to be located in the Industrial Designation.</p>
<p>Policy C-3: <i>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:</i></p> <ul style="list-style-type: none"> <i>Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service</i> 	<p>The proposed use “automotive vehicles, parts, & accessories sales and services” is considered a Commercial Highway Oriented use.</p>

<p><i>stations and gas bars, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;</i></p>	
<p>Policy C-6: <i>In regulating highway oriented commercial uses, Town Council shall zone existing highway commercial uses CHWY. Town Council shall enable highway oriented development on lands designated Commercial between Cushing Hill (RC-Dec 10/19;E-Feb 15/20) and the Sackville River.</i></p>	<p>No change are proposed to the existing highway commercial uses under this application.</p>
<p style="text-align: center;">INDUSTRIAL</p>	
<p>Policy I-2: <i>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:</i></p> <ul style="list-style-type: none"> <i>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.</i> <i>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).</i> <i>c) Heavy Industrial (IHI) Zone which permits heavy industrial uses including, but not limited to, manufacturing, railway uses, concrete brick and asphalt plants, recycling</i> 	<p>The example of commercial uses listed are similar in nature to the proposed use "automotive vehicles, parts, & accessories sales and services." Previous sections of the MPS state Commercial Highway Oriented uses are acceptable within the Industrial designation. Furthermore, the subject lands and lands zoned ILI are found in the Bedford West Secondary Planning Strategy, the Atlantic Acres Industrial Park, the Bedford Industrial Park, or adjacent industrial areas, supporting the overall intent of this policy.</p>

<p><i>facilities, utilities, bulk storage facilities, construction industries, dry cleaning establishments and industrial uses permitted within the ILI Zone.</i></p>	
<p style="text-align: center;">IMPLEMENTATION</p>	
<p>Policy Z-3: It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area and Bedford West Sub-Area 1 and 12 shown on schedule BW-9] (Municipal Affairs-Housing-Nov 21/23: E-Dec19/23) 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. <i>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;</i> 2. <i>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;</i> 3. <i>That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;</i> 4. <i>That provisions are made for safe access to the project with minimal impact on the adjacent street network;</i> 5. <i>That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:</i> <ol style="list-style-type: none"> i) <i>the financial capability of the Town to absorb any capital or operating costs relating to the development;</i> ii) <i>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;</i> iii) <i>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;</i> 	<p>The proposed land use conforms with the intent of this Plan. It is compatible with adjacent land uses and the existing development form in terms of scale, bulk, and use, maintaining harmony with the neighborhood as it will follow the established controls and regulations of the ILI Zone.</p> <p>Halifax Water did not raise any concerns with the sewer and water services in the area and advised detailed plans and examination will be required at permitting.</p> <p>The existing street network is adequate to support the proposed development. HRM Engineering has advised that a traffic impact statement is not required as the proposed use is similar in intensity than the already permitted uses in the zone.</p> <p>No watercourses or parks are located on the property. The development will be required to provide at permitting a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met.</p>

<ul style="list-style-type: none"> iv) <i>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;</i> v) <i>the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;</i> vi) <i>the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;</i> vii) <i>the adequacy of recreational land and/ or facilities;</i> viii) <i>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;</i> ix) <i>impact on public access to rivers, lakes, and Bedford Bay shorelines;</i> x) <i>the presence of significant natural features or historical buildings and sites;</i> xi) <i>creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;</i> xii) <i>impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,</i> xiii) <i>suitability of the proposed development's siting plan with regard to the physical characteristics of the site.</i> <p>6. <i>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></p> <ul style="list-style-type: none"> i) <i>type of use, density, and phasing;</i> ii) <i>traffic generation, access to and egress from the site, and parking;</i> iii) <i>open storage and landscaping;</i> 	
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<ul style="list-style-type: none"> iv) <i>provisions for pedestrian movement and safety;</i> v) <i>provision and development of open space, parks, and walkways;</i> vi) <i>drainage, both natural and subsurface;</i> vii) <i>the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,</i> viii) <i>the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.</i> <p>7. <i>Any other matter enabled by Sections 73 and 74 of the Planning Act.</i></p> <p>8. <i>In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</i></p> <ul style="list-style-type: none"> i) <i>provide Council with a clear indication of the nature of the proposed development; and</i> ii) <i>permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.</i> 	
Halifax Regional Municipal Planning Strategy (Regional Plan)	
9.6 PRIORITIES PLANS	
<p><i>Since the adoption of this Plan in 2014, Regional Council has approved several priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by Regional Council in 2023. The review will revise the policies of this Plan to ensure they are consistent with the priorities plans as approved. In the interim, this Plan supports the priorities plans which are actively used by staff to guide ongoing work.</i></p>	
<p>G-14A <i>In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:</i></p> <ul style="list-style-type: none"> <i>(a) The Integrated Mobility Plan;</i> <i>(b) Halifax Green Network Plan;</i> <i>(c) HalifACT;</i> 	<p>No specific policies were identified that conflict with this proposal.</p>

<p><i>(d) Halifax's Inclusive Economic Strategy 2022-2027; and</i></p> <p><i>(e) any other priority plan approved by Regional Council while this policy is in Effect</i></p>	
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