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## MEMORANDUM

**TO:** Chair and Members of Bedford Watershed Advisory Board

**FROM:** Jacqueline Bélisle, Planner

**DATE:** January 30, 2012

**SUBJECT:** **Case # 17424:** Application by West Bedford Holdings Limited to amend the Bedford Land Use By-law to consider the following changes to the Bedford West Business Campus Zone: a) a reconfiguration of Areas A and B; b) allow for additional land uses in Area B, and; c) changes to requirements regarding: total lot size; parking; landscaping and setbacks.

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An application has been received by West Bedford Holdings Limited to consider changes to the Bedford Land Use By-law. The purpose of this memo is to seek input from BWAB regarding this proposal.

### **Synopsis of Proposal:**

The applicant has proposed a number of changes to the Bedford Land Use By-law. A letter of intent outlining the requested changes has been provided by the applicant and is attached as Attachment A. Staff are seeking input from the Board regarding these changes with specific attention given to the request to reduce the watercourse setback from 30.5 m to 20 m for multiple unit dwellings and commercial buildings and the inclusion of Gas Bars / Service Stations as a permitted use.

Attachment B contains the relevant sections of the Bedford Land Use By-law.

### **Site Features:**

- Located south of the Hammonds Plains Road and west of Highway 102
- Approximately 165 acres in size
- Lands contains vacant parcels as well as the BMO Centre, Northwood Care Centre, Research in Motion, and the proposed Bedford High School;
- Serviced with municipal water and sanitary; and
- Contains a lake measuring between 971 m<sup>2</sup> – 3,075 m<sup>2</sup> in size as shown on Attachment C.

**Planning Process:**

The Bedford West Business Campus is zoned BWBC (Bedford West Business Campus) under the Bedford Land Use By-law and designated BWSPS (Bedford West Secondary Planning Strategy) under the Bedford Municipal Planning Strategy.

Development within the BWBC zone must comply with the provisions of the Land Use By-law and is subject to the site plan approval process.

**Input sought from the Bedford Watershed Advisory Board:**

Pursuant to the Board's terms of reference, the Board's input is being sought with respect to the potential impact of the proposed amendments with specific attention to the request to reduce the watercourse setback and the inclusion of Gas Bars / Service Stations as permitted uses within Area B.

BWAB's recommendation and specific comments will be included in the staff report to North West Community Council.

**Attachments:**

Attachment A	Letter of Intent Submitted by Applicant
Attachment B	Excerpts from the Bedford Land Use By-law
Attachment C	Aerial Photograph of Lake

December 16, 2011

Jacqueline Belisle, MPlan  
Planner I  
Central Region  
Halifax Regional Municipality



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Dear Jacqueline:

**RE: Application to Amend the Bedford West Business Campus Zone (BWBC) of the Bedford Land use By-law**

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The proposed amendments to the BWBC zone of the Bedford Land Use By-law are as follows:

1. Clearly define areas 'A' and 'B' of the West Bedford Business Campus.
  - The current "Community Concept Plan" referred to as Schedule I, in the Land Use By-law illustrates out dated road alignments; therefore the parcels of land indicated as Areas 'A' and 'B' are not clearly defined. Map 1, accurately reflects the road patterns and aligns Areas 'A' and 'B' along developable parcels. Further, Map 1 identifies the location of the BMO Center and the new high school. This plan should replace Schedule I.
2. Reduce the minimum required lot size from 1 acre to 0.5 acres.
  - Under the 'Subdivision and Building Requirements', the minimum lot area is specified as 1 acre. We would like to be able to provide our clients with the flexibility of working with neighbouring properties, sharing parking, landscaping services and maintenance services; while still owning their own smaller lot.
  - This request would be reflected in the LUB as a text change to the "Minimum Lot Area", 21,780 sq.ft. (0.5 acre).
3. Reduce the front yard / flank yard setback to 20 feet from 50 feet.
  - Having the front yard / flank yard setback reduced to 20 feet will give our customers the flexibility of pulling the buildings closer to the street, having the parking located in the rear.
4. Allowing for multiple tenant ownership by subdividing linear buildings.
  - An example of this would be when a drugstore is attached to a retail plaza. It would be beneficial to allow the drugstore to be subdivided out creating an opportunity for separate ownership.

5. Exemption from two clauses in Part 5 of the Bedford LUB.
  - Clause 21 (g)(h) – These clauses compel commercial and multiple residential buildings to be setback 30.5 meters from a wetland or watercourse. We propose adherence to the HRM Regional Plan and implement a setback of 20m.
  - A new clause should be introduced as follows: “notwithstanding Part 5, 21, (g) (h), multiple unit dwellings and commercial buildings shall be setback 20m from any watercourse or wetland.”
  - Clause 35 (o) – This clause addresses the location of parking as well as the landscaping requirements. These items have been addressed in specific clauses of the BWBC. Therefore, we feel this clause is redundant.
  - A clause should be introduced exempting the BWBC from Clause 35 (o).
  
6. Remove the requirement of Clause 4 (b) from Area A and B.
  - This clause compels sites to have fifty percent of the area between the building and street line landscaped, therefore pushing the majority of the parking to the rear or sides. This is difficult for a retail environment. A retailer prefers to have customer parking in the front of the building, allowing the rear of the building to be used for staff parking and loading bays. Forcing public parking in the rear of the building is often viewed as a safety concern. A high degree of landscaping will be maintained via Clause 4 (a), requiring a minimum of 25% of the property to be landscaped. By most measures, this is an exceptionally high percentage of the property to be maintained as landscaped.
  - It is still our intention to designate a portion of the parking in the rear or side yard. With this in mind, we propose the following clauses regarding location of parking be included.
    - A minimum 20% of required parking shall be located in the rear or side yard.
  
7. We propose removing Clause 7 regarding the location of parking in side yards. As the location of parking and the associated landscaping requirements has been addressed in other clauses.
  
8. Under the allowable uses within Area ‘B’, we would like to include “gas bar / service station”. Bedford West does not have the ability to provide automotive service to the residents and a similar use is not located in the vicinity.

We believe the objectives of the Bedford West Secondary Planning Strategy would remain uncompromised. We look forward to moving this application along in the process.

Yours truly,

A handwritten signature in black ink, appearing to read "Kevin Neatt", written in a cursive style.

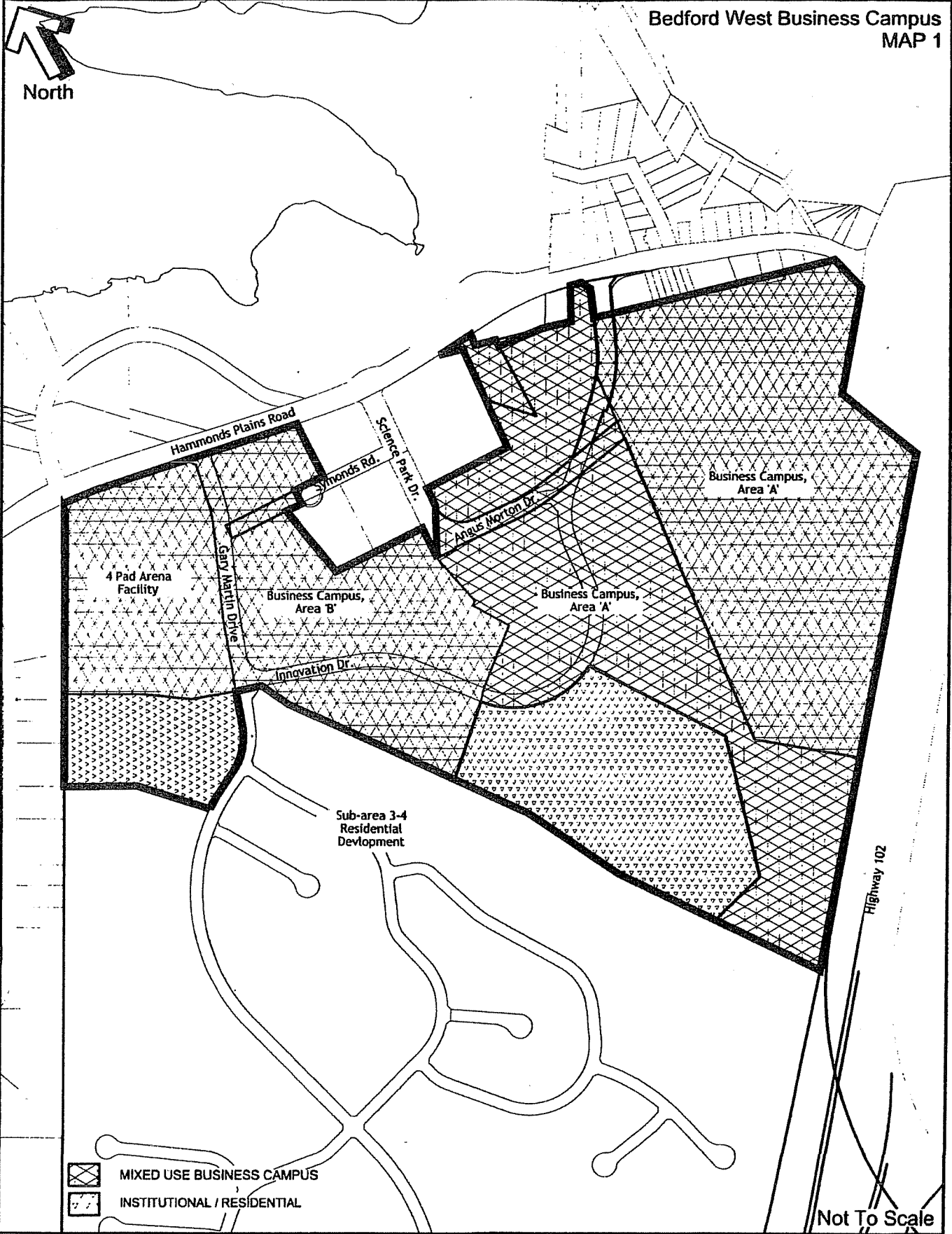
Kevin Neatt

West Bedford Holdings Ltd.

Bedford West Business Campus  
MAP 1

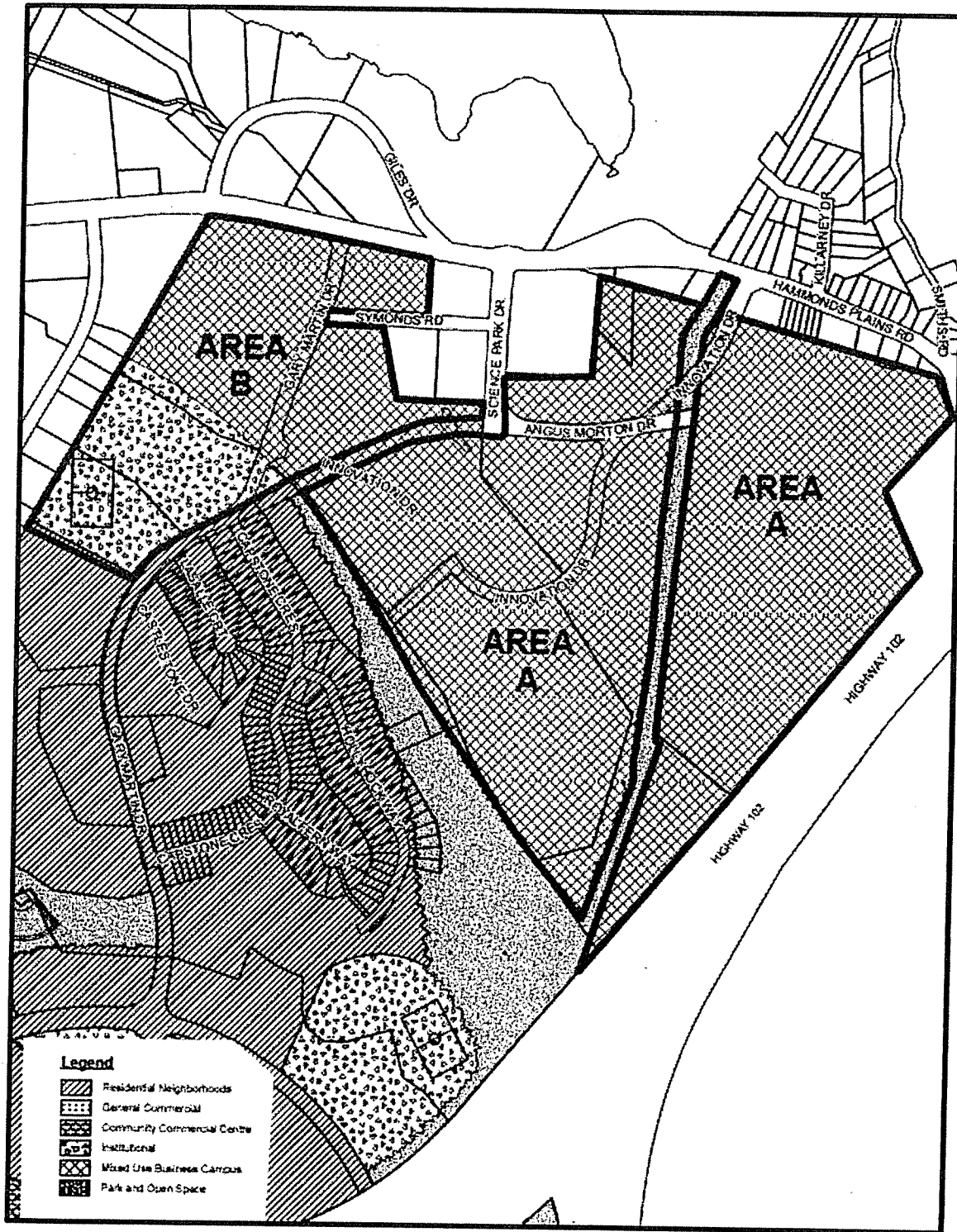


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Attachment B – Excerpts from the Bedford Land Use By-law

Schedule I



## **Section 21. Watercourse Setbacks and Buffers**

(g) Notwithstanding clause (a), multiple unit dwellings, and commercial buildings shall be setback a minimum of 30.5 m from any watercourse or water retention area shown on the Environmentally Sensitive Areas map or as determined by the Province of Nova Scotia under the Environment Act and no excavation or infilling shall be permitted within this buffer area except by development agreement.

(h) Notwithstanding clause (a), in all commercial zones and the ILI and IHI industrial zones, and the SI institutional zone (R-Mar 18/03;E-May 10/03), no building structure or use shall be permitted (NWCC-Apr 8/03;E-Apr 12/03) within 30.5 m of any watercourse or water retention area shown on the Zoning or Environmentally Sensitive Areas Map (RC-Mar 18/03;E-May 10/03) or as determined by the Province of Nova Scotia under the Environment Act (NWCC-Apr 8/03;E-Apr 12/03), and no excavation or infilling within this area shall be permitted, except possibly through the provisions of a development agreement through the provisions of Policy E-8. The 30.5 m area shall be maintained with existing vegetation or shall be landscaped. Single unit, two unit and townhouses within the CCDD Zone shall be regulated by (a) above.

## **Section 35. Standards For Parking Areas**

Where parking facilities for more than three (3) vehicles are required or permitted:

o) in all commercial zones except Mainstreet Commercial (CMC) Zones and the Shopping Centre (CSC) Zones parking shall be in the rear yard and side yards, however, not more than 25% of the parking shall occur in the side yard. All rear parking lots shall be illuminated with lighting directed away from abutting residential properties. All side yard parking lots shall be screened with a natural vegetative buffer along the front property line adjacent the road way. Commercial parking lots are subject to this landscaping requirement. These requirements are not exclusive of any other requirements containing this by-law, including the abutting zone requirements on Part 5, Section 24.



**PART 19A      BEDFORD WEST BUSINESS CAMPUS (BWBC) ZONE**

No development permit shall be issued on lands within the "A" Area of the Bedford West Business Campus (BWBC) Zone, as illustrated on Schedule I, except for one or more of the following uses:

- a) Educational, research and development, and design facilities, excluding public schools;
- b) Laboratories and accessory research and processing facilities;
- c) Offices
- d) Data processing and computer centres, including service and maintenance of electronic data processing equipment;
- e) Legal, medical, veterinarian, engineering, surveying, accounting, architectural, scientific and similar professional offices;
- f) Radio and television broadcasting stations as well as activities related to telecommunications research and development;
- g) Assembly, warehousing and distribution operations;
- h) Utility and public service facilities and uses needed to service the immediate vicinity;
- i) Recreational facilities;
- j) Hotels and motels;
- k) Day care facilities (RC-Mar 3/09;E-Mar 21/09);
- l) Special Care Facilities;
- m) Park and ride facilities;
- n) Restaurant Full-Service, Restaurant Take-Out, and retail uses in association with any other permitted uses;
- o) Accessory buildings and use, including assembly operations limited to the development of prototypes, which are customarily incidental or specifically related to a principal permitted use are permitted.

No development permit shall be issued on lands within the "B" Area of the Bedford West Business Campus (BWBC) Zone, as illustrated on Schedule I, except for one or more of the following uses:

- a) all uses permitted within the "A" Area;
- b) retail stores;
- c) food stores not exceeding 5,000 square feet of gross floor area per business;
- d) personal and household service shops
- e) medical, veterinary and health service clinics; (NWCC-Nov 25/10;E-Dec 11/10)
- f) banks and financial institutions;
- g) dry cleaning depots;
- h) automotive service and supplies centre/outlet;
- i) welding, plumbing and heating, electrical and other trade contracting or sales and Service shops
- j) outdoor display and sales, excluding automobile sales;
- k) funeral homes;
- l) amusement centres;
- m) garden markets;
- n) billiards and snooker clubs;
- o) full service, take out and drive through restaurants;
- p) commercial recreation uses such as fitness clubs and other similar recreation uses.

**SUBDIVISION AND BUILDING REQUIREMENTS**

In any Bedford West Business Campus (BWBC) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area .....	43,560 sq.ft.(1 acre)
Maximum Lot Area for Area "B" .....	.2 Hectares (5 Acres)
Minimum Front Yard or Flankage Yard .....	50 ft.
Minimum Rear Yard .....	20 ft.
Minimum Side Yard .....	20 ft.
Maximum Height of Building .....	52 ft.
Maximum Impervious Surface Coverage.....	75%

Where the "A" uses are permitted within the "B" area, the Maximum Lot Area requirements of this section shall not apply. (NWCC-Sep 28/06;E-Oct 14/06)

**SPECIAL REQUIREMENTS**

**1. Restaurants and Retail Uses**

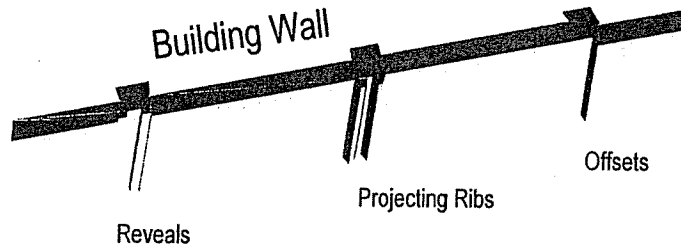
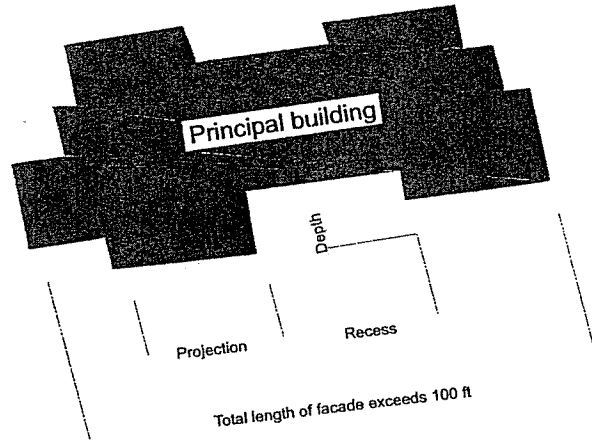
Within the "A" Area, no restaurant or retail use shall occupy more than ten percent (10%) of the gross floor area of a building except that a restaurant in association with a hotel or motel may occupy a maximum of twenty percent (20%) of the gross floor area of a building

**2. Height**

Notwithstanding the Maximum Height of Building Requirements in the Subdivision and Building Requirements section, within the "A" area the maximum height for a hotel, motel or office may be increased to 120 ft. where the separation distance of at least the height of the building is maintained from any residentially zoned property line. (NWCC-Sep 28/06;E-Oct 14/06)

**3. Architectural Requirements**

- a) A combination of arcades, display windows, entry areas, awnings or other such features shall be incorporated into all building facades along not less than 60% of their horizontal length facing a public street.



- b) No interrupted length of any facade facing a public street shall exceed 30.5 horizontal metres (100 feet). Wall plane projections or recesses shall be incorporated into all facades greater than 30.5 horizontal metres (100 feet) in length, measured horizontally, having a depth of at least 3 of the length of the facade and extending at least 20% of the length of the facade. This clause shall not apply to office buildings *that are over three storeys or 35' in height.* (NWCC-Sep28/06;E-Oct14/06)
- c) One clearly defined, visible entrance way shall be provided on the facade oriented to the public street shall be provided. The entrance way and front facade shall include no less than three of the following elements:
- i canopies or porticos
  - ii overhangs
  - iii recesses/projections
  - iv arcades
  - v raised corniced parapets over the door
  - vi peaked roof forms
  - vii display windows
  - viii architectural details such as tile work, and moldings which are integrated into the building
  - ix integral planters or wing walls that incorporate landscaped areas and sitting places; and

- x or any other similar architectural treatment deemed to be an acceptable equivalent;
- d) Rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans shall to be screened (visually). The screening shall include but not limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

#### 4. Landscaping

- a) A minimum of 25% of the property shall be landscaped. Landscaping shall include the retention of natural vegetation.
- b) At least 50% of the area between the street(s) and buildings shall be landscaped. Trimming and selective cutting of natural vegetation is permitted.
- c) A 15 foot landscape strip shall be installed along all street property lines, exclusive of driveways, walks and railroads rights-of-way. When the 15 foot landscape strip occurs between a parking area or vehicle manoeuvring area, loading area and the street, a landscape shrub screen of at least 50% opaqueness and a minimum of four feet in height within one year after installation is required. Mature trees at a maximum spacing of twenty feet may be substituted for or combined with a scrub screen. The landscaping may be calculated as part of the 25% landscaping requirement in (a) above.
- d) All other landscaped areas shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, annuals, may be utilized. Within the landscaped area, trees, walls made of natural materials, planters, and shrubs shall be utilized and shall be planted at a rate of one (1) tree (minium of 45mm caliber) and three (3) shrubs per 4.6 metres (15 feet) of lot frontage. Tree Species from Appendix A shall be utilized. Planting of one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet of lot frontage shall reflect a natural setting thereby grouping of trees and shrubs is encouraged.
- e) Existing trees and shrubs may be incorporated into the 6.1 metres (15 foot) landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement specified under clause d).

#### 5. Accessory Uses/Storage

- a) All permitted uses and accessory activities, including the storage of equipment or supplies used in any production or assembly shall be confined within an enclosed building. Accessory activities involving toxic or flammable products which cannot be located within an enclosed building shall be screened from view from all adjacent properties and public streets.
- b) External fuel storage tanks utilized as part of the heating equipment of an establishment or bulk storage of any materials used in any production or assembly shall be screened from view from all adjacent properties and public streets.
- c) All refuse shall be collected and stored in containers which shall be screened from view from all adjacent properties and public streets.

- d) Utility and public service facilities and uses need to service the immediate vicinity shall be screened from view from all adjacent properties and public streets.

6. Driveway Access

*No use located within the "B" Area shall be permitted to have driveway access to the Hammonds Plains Road as illustrated on Schedule I. (NWCC-Feb 28/08;E-Mar 15/08)*

7. Parking

No parking spaces may be located within required yards, except that an area equivalent to not more than 50% of the total area of all required parking spaces may be located within a required yard for use as parking space for visitors, selected personnel and minor deliveries.

8. Loading

Notwithstanding the general loading space regulations in Part 5, Section 37, (General Provisions), the following shall apply:

- a) All loading must be on site and no on-street loading is permitted.
- b) Truck loading facilities shall be at the rear or side of the building and shall be screened from view from any adjacent residential property.
- c) Loading space areas, including driveways leading to such area, shall be paved with a dust free all-weather surface, be well drained and be of a strength adequate for the truck traffic expected.

9. Signage

Notwithstanding the general signage regulations in Part 5, Section 38, (General Provisions), the following shall apply:

- a) No more than two signs per business shall be permitted.
- b) Signs shall be restricted to advertising only the person, firm, company, or corporation operating the use conducted on the site or products sold therein.
- c) Signs shall have an area not to exceed one (1) square feet of surface for each one (1) foot of lineal frontage of building. However, no sign shall exceed one hundred (100) square feet per face.
- d) No more than one free-standing or ground mounted sign may be permitted per lot.
- e) Ground signs shall not exceed eight (16) feet above grade in vertical height and shall be setback a minimal of 10 feet from any street line.
- f) Businesses located in multiple tenant buildings may have a maximum of two (2) signs with a maximum of one (1) sign for each facade. Each sign shall not exceed an area equal to ten (10) percent of the business face upon which it is located. However, no sign shall exceed thirty-five (35) square feet in area.
- g) Directory listing signs: Detailed signs for multi-tenant buildings may list building tenants. The portion of the sign area devoted to such a listing shall be limited to 60% of the total permitted sign area, and the tenant listing shall be

uniform in size, type, and lettering. It is understood, however, that tenant "logos" are permitted to be depicted on such signs, the size of the logo to be appropriate to the size of the sign lettering. Each sign shall not exceed twenty (20) feet in height.

- h) One temporary announcement/construction sign per lot is permitted during active construction of building. Announcement/construction signage shall not exceed 200 square feet in area per face.
- i) No signs shall be located on the roof of a building and billboards shall be prohibited.

#### **Business Park Identification and Directory Signs**

- j) **Identification Sign:** One identification sign with the park logo at each entrance or along each street abutting the boundaries of the tract shall be permitted. The maximum area of each sign face shall be one hundred and fifty (150) square feet.
- k) **Directory Signs:** Signs identifying companies in the research and development park shall be permitted within 300 feet from the maximum of two (2) major arterial streets. The sign(s) shall have a maximum height of twelve (12) feet and shall not exceed one hundred and fifty (150) square feet per face.
- l) A map locator directory sign identifying companies in a research and development park shall be permitted. A maximum of two (2) such signs shall be permitted within 300 feet from the maximum of two (2) major arterial streets. The sign (s) shall have a maximum height of twelve (12) feet and shall not exceed one hundred and fifty (150) square feet per face.
- m) Spaces on such directory signs allocated for company identification shall be of equal area, and letters and typeface must be of equal value and uniform throughout the sign.
- n) There shall be a maximum of two (2) directory signs.

#### **10. Site Plan Approval**

Site plan approval shall be required for any new development, excluding internal renovation or change in occupancy with no external renovations, within the Bedford West Business Campus (BWBC) Zone and no site plan approval shall be granted unless the following criterion are satisfied:

- a) no outdoor storage or outdoor display and sales shall be permitted within the "A" Area and any outdoor waste containers shall be screened in both Areas;
- 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 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; and**
- 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.**

**(RC-Jun 20/06;E-Jul 29/06)**

