

North West Community Council  
June 14, 2005

TO: North West Community Council

SUBMITTED BY:

*Gail Harnish / for*  
Ann Merritt, Chair  
North West Planning Advisory Committee

RE: Case 00802 - Land Use By-law Amendment - Bedford

DATE: June 3, 2005

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**ORIGIN**

North West Planning Advisory Committee meeting - June 1, 2005

**RECOMMENDATION**

The North West Planning Advisory Committee recommend that North West Community Council:

- Give First Reading to the proposed amendments to the Bedford Land Use By-law provided in Attachment A of the staff report dated May 24, 2005, and schedule a public hearing;
- Approve the amendments to the Bedford Land Use By-law provided in Attachment A of the staff report dated May 24, 2005.

**ATTACHMENTS**

Staff report dated May 24, 2005

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

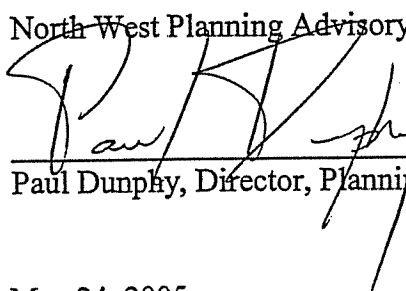


PO Box 1749  
Halifax, Nova Scotia  
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North West Planning Advisory Committee  
June 1, 2005

**TO:** North West Planning Advisory Committee

**SUBMITTED BY:**

  
Paul Dunphy, Director, Planning & Development Services

**DATE:** May 24, 2005

**SUBJECT:** Case 00802 - Land Use By-law Amendment - Bedford

### ORIGIN

Request by North West Community Council to amend the Bedford Land Use By-law to permit ice cream stands.

### RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to the proposed amendments to the Bedford Land Use By-law provided in Attachment A of this report and schedule a public hearing.
2. Approve the amendments to the Bedford Land Use By-law provided in Attachment A of this report.

## **BACKGROUND**

On April 26, 2005, North West Community Council approved the following motion:

*“Staff requested to provide a report on including Ice Cream Parlours to the Mainstreet Commercial (CMC) Zone in Bedford. Approved waiving a public meeting on this matter.”*

The motion refers to the term “parlour”, which suggests a permanent establishment with table seating. Subsequent consultation with the area Councillor suggests that there is interest in permitting ice cream stands as a temporary use during summer months. As many zone requirements are onerous for temporary land uses, Council may also wish to consider amending certain provisions as they relate to ice cream stands. The land use by-law amendments provided in Attachment A of this report would achieve this.

### **Public Comment**

The area Councillor has determined that an information meeting on this topic was not required. Public information meetings are not a legislative requirement of the planning process although they are typically held for most applications.

## **DISCUSSION**

### **Permitting Ice Cream Stands in CMC Zone**

The provisions of the Mainstreet Commercial (CMC) Zone in the Bedford Land Use By-law are intended to encourage pedestrian-oriented commercial uses. The CMC Zone applies to commercial uses along the Bedford Highway that are generally accessible to pedestrian traffic (see attached Maps 1&2). Ice cream stands are not a permitted use in the CMC Zone as they are categorized as take-out or drive-thru restaurants which accommodate motorists.

Staff have reviewed the permitted uses within the CMC zone and from a land use perspective, there is no reason ice cream stands should not be a permitted use. Take-out establishments are currently permitted in the CMC Zone if they are accessory to a principal use. For example, the sale of ice cream products is permitted as part of a convenience store and a full service restaurant may provide take out service. Seasonal ice cream stands tend to have less traffic impact than permanent take-out restaurants and provided a distinction is made from drive-thru or take-out establishments, this use may be appropriate in pedestrian-focussed commercial zones.

Ice cream stands can be clearly defined in the Bedford Land Use By-law while specifically excluding the sale of ice cream via drive thru's. Subsequently, the use can be listed as a permitted land use in the Mainstreet Commercial (CMC) Zone. Additionally, appropriate parking standards can be established in order to minimize traffic impacts. All other applicable requirements of the zone would remain in effect and would be applicable to this use.

**Ice Cream Stands in Other Zones:** If amending the land use by-law to permit seasonal ice cream stands in areas having a pedestrian focus such as the CMC Zone is appropriate, then it would seem appropriate to consider permitting this use in other commercial zones having a similar pedestrian focus. Conversely, this use should not be permitted in commercial zones intended to accommodate more automotive oriented uses. Therefore, it may be appropriate to consider permitting this use in the General Business District (CGB) Zone as this commercial zone is also applicable to several areas of Bedford accessible to pedestrians. The land use by-law amendments attached to this report would achieve this.

Conversely, permitting ice cream stands as a seasonal use may not be appropriate in the Highway Oriented Commercial (CHWY) Zone, as this zone applies to commercial uses along the Bedford Highway between Union Street and the Highway 102 interchange and is intended to accommodate the motoring public. (Ice cream stands are currently permitted in the form of permanent drive-in or take-out establishments in the CHWY Zone).

**Zone Requirements for Ice Cream Stands:** It is suggested that temporary ice cream stands be subject to all applicable requirements for any zone in which they are permitted with the exception of landscaping, fencing and roof design and siding requirements. Additionally, the proposed by-law amendments include provisions to enable this use to be established for a period of 6 months in any one year, after which, the structure containing the use must be removed.

**Conclusion:** Given the scale and impact of the proposed land use is similar in scale and impact on the community as existing permitted uses and the proposal is in compliance with the Municipal Planning Strategy, staff therefore recommends the amendments as shown in Attachment A be approved by Community Council to allow for ice cream stands in the Bedford Land Use By-law.

### **BUDGET IMPLICATIONS**

There are no budget implications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

1. Approve the proposed amendments to the Bedford Land Use By-law. This is the recommendation of staff.
2. Approve the proposed amendments to the Bedford Land Use By-law with changes. This course of action is not recommended since the proposal meets the requirements of the Municipal Planning Strategy.

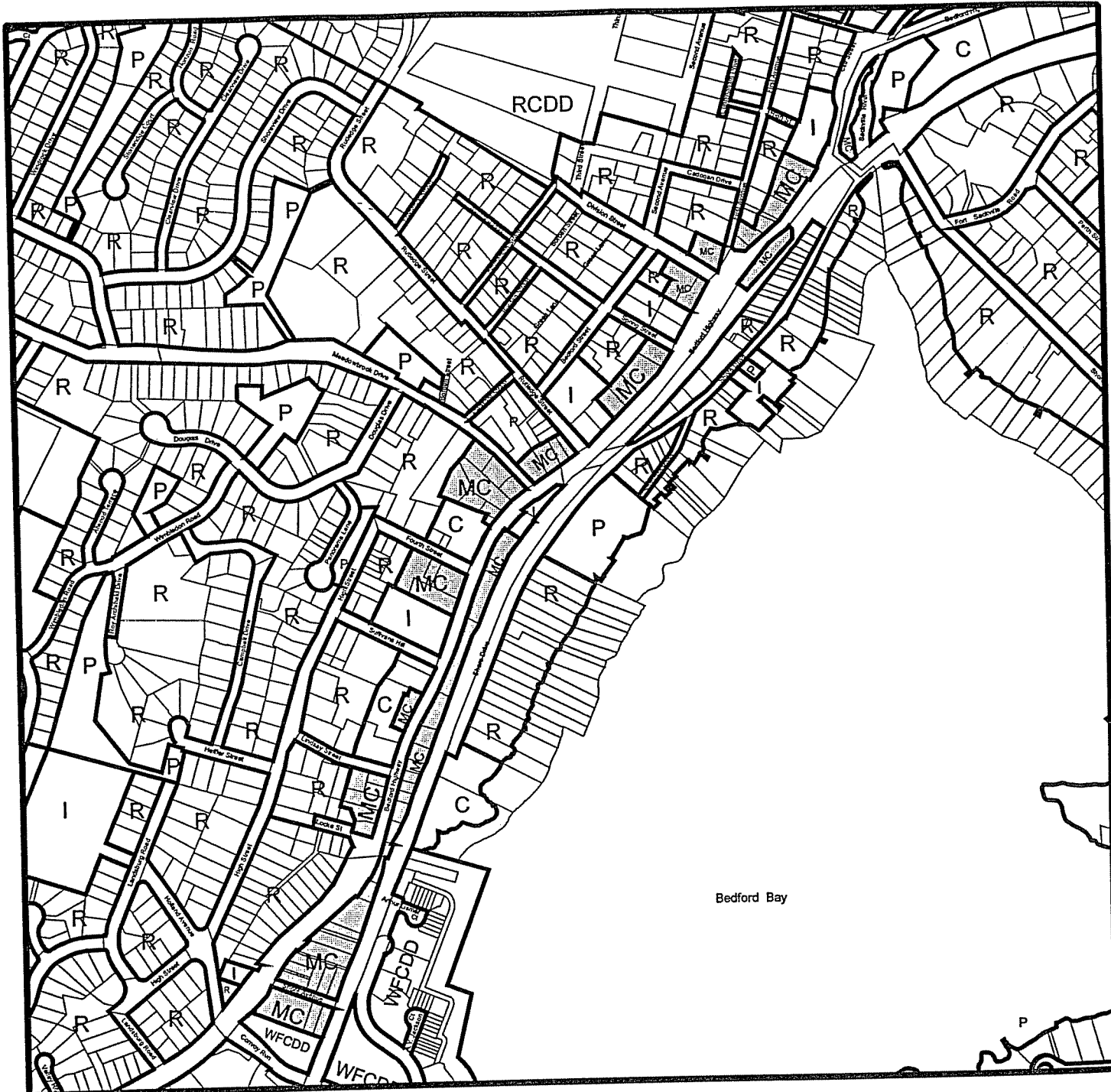
3. Refuse to amend the Bedford Land Use By-law to permit temporary ice cream stands. This course of action is not recommended since the proposal meets the requirements of the Municipal Planning Strategy.

**ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Proposed Land Use By-law Amendments
Attachment B	Existing MPS Policies

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Planner, 869-4226



Map 1:  
Generalized Future Land Use



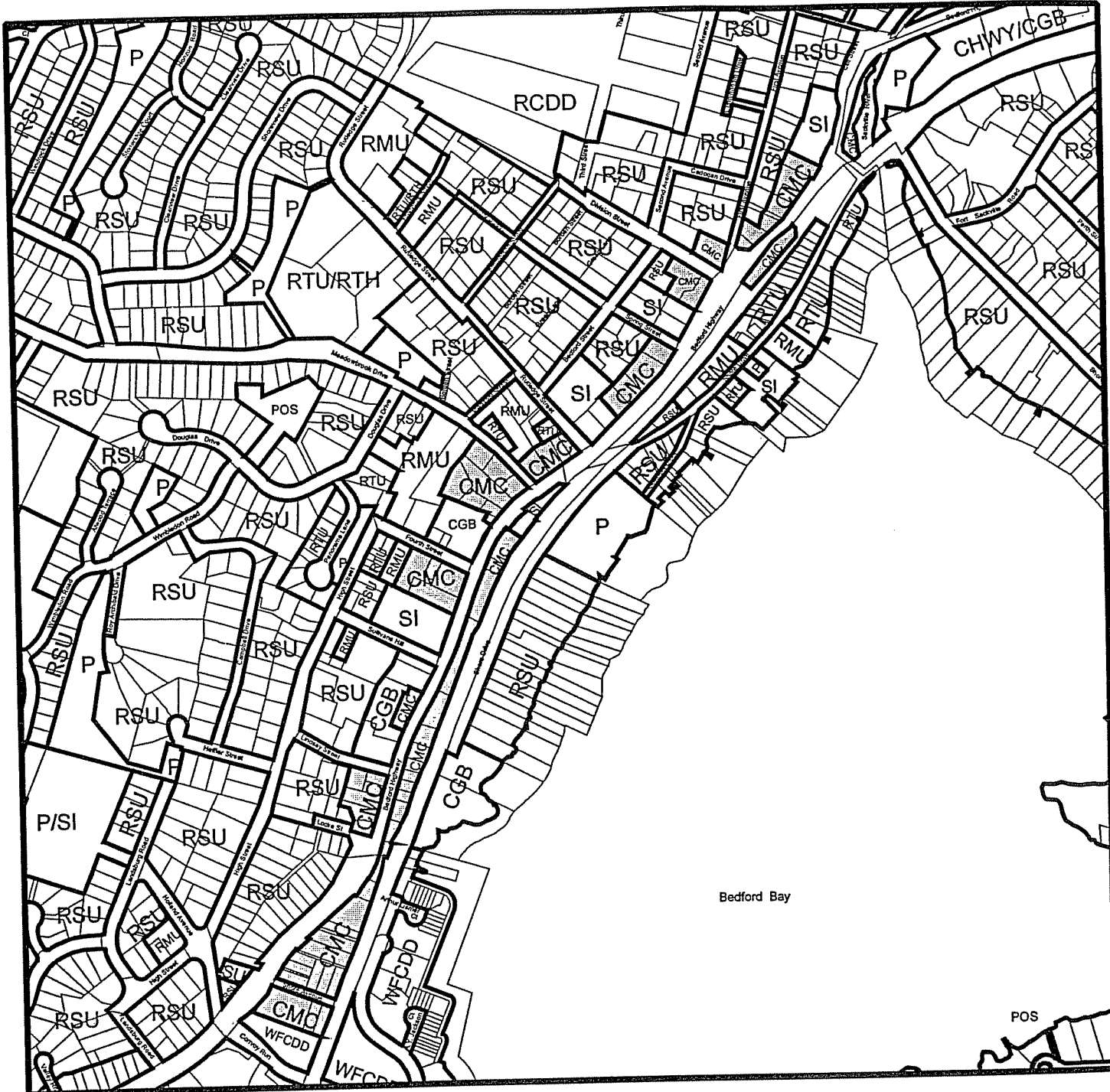
CMC Zoned Properties

**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

R Residential Designation  
I Institutional Designation  
C Commercial Designation  
MC Mainstreet Commercial Designation

P Park Designation  
RCDD Residential Comprehensive Development District  
WFCDD Waterfront Comprehensive Development District





**Map 2  
Zoning**

- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- RTH Townhouse Zone
- RMU Multiple Dwelling Unit Zone
- P Park Zone
- SU Utilities Zone



**CMC Zoned Properties**

- SI Institutional Zone
- RCDD Residential Comprehensive Development District
- CMC Mainstreet Commercial Zone
- CGB General Business District Zone
- CHWY Highway Oriented Commercial Zone
- WFCDD Waterfront Comprehensive Development District

**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services



**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 as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows:

1. Part 2 shall be amended by adding the following definition after the definition of "Human Scale":

**"Ice Cream Stand:** means a retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state and shall not include the serving of hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, similar entree items or drive-in service except where drive-in restaurants are permitted within the applicable zone "

2. Part 5, Clause 7 shall be amended by adding the following before the last sentence:

"Temporary ice cream stands are permitted within the Mainstreet Commercial (CMC) Zone and CGB(General Business) Zones and shall be exempt from landscaping general and zone specific landscaping, fencing and roof design and siding requirements. Temporary ice creamstands shall also be exempt from zone yard requirements and shall have a minimum 20 foot front yard and 8 foot rear and side yards. Temporary ice cream stands shall be permitted for a maximum period of six (6) months per year. Temporary uses are not required to connect to municipal services provided they have adequate measures in place for sanitation as approved by the Municipality and any other regulatory agency with jurisdiction."

3. Part 5, Clause 34 shall be amended adding the following words before the words "General Retail":

"Ice Cream Stand	Five (5) spaces or five (5) spaces per thousand (1000) square feet of floor area devoted to public use, which ever is greater."
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4. Part 12 shall be amended by deleting the words "q) Uses accessory to the foregoing uses." and replacing with the following:

" q) Ice cream stands  
r) Uses accessory to the foregoing uses"



5. Part 14 shall be amended by adding the following after “w) described in Appendix B”:

“ x) Ice cream stands “

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2005

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk

## Attachment B - Existing MPS Policies

### Location of Commercial Uses

#### Policy C-1:

It shall be the intention of Town Council to consider proposals for commercial development in areas designated Commercial, Mainstreet Commercial, and Commercial Comprehensive Development District on the Generalized Future Land Use Map provided that all applicable policies of this strategy are met.

### 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.

### **Tourist Related Commercial Uses**

#### **Policy C-17:**

It shall be the intention of Town Council to give future consideration to the development of tourist related commercial uses and facilities that support the tourism industry such as: tourist accommodations, restaurants, tourist information centres, camp grounds, picnic areas, golf courses, museums, heritage walks, the Major Path and Walkway System, and a mainstreet commercial core.

### **Mainstreet Commercial Core**

#### **Policy C-19:**

It shall be the intention of Town Council to work towards the development of a viable and pleasant pedestrian-oriented small town commercial core (see Appendix D) along the south side of the Bedford Highway between the Sackville River and the Waterfront Development project and along the north side of the Bedford Highway between the Sackville River and 1140 Bedford Highway as shown on Map 2. A Mainstreet Commercial designation shall be applied to this area and shall be shown on the Generalized Future Land Use Map. No rezonings or development agreements for uses other than those in the Mainstreet Commercial Zone shall be considered within the Mainstreet Commercial designation.

#### **Policy C-20:**

Town Council shall establish a Mainstreet Commercial Zone within the Land Use By-Law and apply it to the portion of the mainstreet commercial core area extending from the Sackville River south to Locke Street on the north side of the street and between the Sackville River and Shore Avenue on the south side of the street as shown on Map 2. Permitted uses within the Mainstreet Commercial Zone shall be 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, recycling depots, dwelling units within a commercial building not to exceed 50 percent of the gross floor area and not located on the street front of the first floor, and existing residential uses. In addition, senior residential complexes will be permitted by development agreement pursuant to Policy R-19A. All commercial developments shall be subject to specific signage, landscaping, parking, and architectural design controls as specified in the Land Use By-Law. Town Council shall prohibit front yard parking and deep front and side yard setbacks for new development. Town Council shall consider modification of the requirements for such items as front and side yard setbacks as well as front yard parking through a development agreement in situations involving the redevelopment of existing buildings. Those properties designated Mainstreet Commercial, but not zoned Mainstreet Commercial, shall continue to have an RSU Zone consistent with current land uses.

#### **Policy C-23:**

It shall be the intention of Town Council to require landscaping of front yards of commercial properties within the Mainstreet Commercial Zone to create a pleasant and attractive environment conducive to pedestrian activity.

**Policy C-24:**

It shall be the intention of Town Council to require buildings within the Mainstreet Commercial Zone to support the human scale of the street, create a sense of streetscape, and promote a pedestrian-oriented environment through architectural regulations within the Land Use By-law (see Appendix D).

**Aesthetics of Commercial Activities**

**Policy C-33:**

It shall be the intention of Town Council, in areas designated Commercial, to improve the aesthetics of such commercial areas by encouraging rear yard parking, discouraging large front yard setbacks and parking in front and side yards, regulating commercial signage, requiring landscaping, and regulating the architectural design of new and redeveloped commercial buildings through requirements in the Land Use By-law.

**Policy C-34:**

It shall be the intention of Town Council to include in the Land Use By-law provision for the general regulation of signage in all zones, except the Mainstreet Commercial Zone, including prohibition on certain types of signs, as well as type, size, number and location. Within the Mainstreet Commercial Zone it shall be the intention of Town Council to include specific sign regulations to ensure that signage in this zone is compatible with the small scale, pedestrian orientation of the area. These provisions shall relate to the nature, size, location, number, and type of signs (including signboards, projecting signs, sandwich boards, canopies, mobile signs, and window signs) as well as their illumination. A time limit will also be established for temporary mobile signs.

**Implementation**

**Policy Z-24:**

It shall be the intention of Town Council to set limits, to be established in the Land Use By-law, to control the length of time the temporary use of land and structures will be permitted and the nature, kind, size and description of any public display of advertising.