

Just what is by-right development?

When a Municipal Planning Strategy (MPS) is proposed for a community, a public participation process and public hearing are required prior to Council approval. Public input for as of right projects takes place while the Plan is written and at the time that the Plan is adopted by Council.

Once adopted, the Land Use By-law implements the MPS. It specifies zones on each and every property within the area to which the MPS applies.

The zone outlines what uses may be allowed as of right (permitted uses within the zone) and specifies, among other things, minimum lot frontages, lot areas, lot coverage, setbacks and building height.

If a zone permits a use as of right, a person who develops their property in accordance with the zone is entitled to a development permit. This is *not* a discretionary decision. However all other municipal and provincial requirements must be met in order for a subdivision to be approved or permits to be issued in as of right projects.

As of right development does not require any notification to neighbours in order to proceed.

What are the zoning requirements for my area?

Any inquiry you may have about zoning or possible development of a property may be made at the Regional Offices listed on the back of this brochure. HRM staff will assist you in determining the zoning regulations that apply to your area.

Presently there are 19 Plan Areas within HRM. Individual Land Use By-laws contain zones that are specific to those Plan Areas. An R-1 zone in Halifax is not necessarily the same as an R-1 zone in Sackville. In order to determine which particular Land Use By-law applies to your area, please contact the local HRM development office.

Note: Plan Area boundaries are not the same as electoral district boundaries. Zoning information is available on line by visiting www.halifax.ca ExploreHRM.

What type of development can occur in my community?

Your local HRM office can provide information concerning the types of development that may be considered as of right.

The zone on the land determines what uses are permitted as of right. If a use is not listed as a permitted use within a zone, other options for land development may be available within the policies of the MPS which could allow for rezoning or development agreement (contract development). Rezoning and development agreements **require public input.**

When can Blasting take place?

It is common during construction of a building foundation to have to remove bedrock. Blasting requires a permit from HRM and the blaster must be a professional, Provincially licensed, blaster. There are stringent standards set out in the HRM Blasting Bylaw to provide notice to the affected neighbours and to ensure the safety of persons and property during blasting. Insurance is required to protect public property. Any damages on private property must be addressed with the blaster and their insurance company. If you have any questions respecting blasting, please contact Development Engineering at 490-5650.

When can construction begin?

As of right construction for a new structure on an individual lot can occur when the proposed structure complies with the land use bylaw, the National

A Guide to As of Right Development

Building Code, and the applicant has demonstrated that the property is capable of being serviced, either with municipal sewer and water services or with an on-site system in unserviced areas. The proposed access, if not already in place, must also receive approval from HRM.

Construction Debris Disposal:

The Building Bylaw and Solid Waste Bylaw require that all construction, demolition and renovation debris be removed from the site and disposed of at an approved construction and demolition debris facility. No construction debris may be buried on site.

What about construction noise?

Hours of work during construction are regulated through the HRM Noise Bylaw. Noise is prohibited before 7:00a.m and after 9:30p.m. Monday to Friday, before 7:00a.m. and after 8:00p.m. on Saturday, and before 9:00a.m. and after 7:00p.m. on Sunday and holidays including Remembrance Day. To lodge a noise complaint call 490-4000 and your complaint will be directed to the appropriate authority.

Where is the property

boundary?

If you intend to construct on your property, it is important to know the location of proposed buildings in relation to the property lines. Not knowing your property boundaries could result in delays in application approval or construction. Only a registered Land Surveyor can set or relocate a survey marker. If you have any questions about survey markers or surveying, please contact the Association of Nova Scotia Land Surveyors at 902-469-7962.

What are Watercourse Buffers?

Retaining undisturbed areas around watercourses and along the coastline is important for the protection of water quality and wildlife. HRM Land Use By-laws contain watercourse buffer requirements for lots being developed that are on or adjacent to natural bodies of water. These buffers provide natural protection from flooding, and may also reduce impacts of sedimentation and erosion on watercourses. Buffers can help to regulate the temperature of adjacent watercourses and can protect wildlife habitats.

When new lots are created, the buffer must be identified in order to ensure that there is adequate room on the property for development. Some exceptions to the

rules apply for older lots.

NOTE: The buffer applies to watercourses on and off your property. Check with Development Services to determine if the buffer has an impact on your property.

What about damage?

All property owners are responsible for what takes place on their property. If a developer encroaches on or damages an adjacent property, that developer is expected to take responsibility for any damage with individual property owners that might be affected. HRM encourages friendly and open communication between land owners.

Who can I call?

You may apply for subdivision or construction approval at any one of the three Development Services offices listed below.

West End Mall Branch Office
6960 Mumford Road, Halifax
Information 490-5650
Fax 490-4645

Sackville Branch Office - Acadia School
636 Sackville Drive, Lower Sackville
Information 869-4375
Fax 869-4254

Dartmouth Branch Office - Alderney Gate
2nd Floor, Alderney Gate, Alderney Drive
Information 490-4490
Fax 490-4661

Office Hours
8:30 a.m. to 4:30 p.m. Monday through Friday (except statutory holidays)

Other contacts:

HRM Development Engineering
Halifax 490-5660
Sackville 869-4375
Dartmouth 490-4490
Halifax Reg. Water Commission 490-4827
NS Dept. of Transportation . . 424-5328
NS Dept. of the Environment
Bedford 424-7773
Sheet Harbour. 885-2462

This brochure has been prepared to provide basic information about "by right" approval process. Any difference between the contents of this brochure and applicable by-laws, regulations, codes and procedures shall be resolved by reference to the official documents.