

**AMENDMENTS TO THE  
MUNICIPAL PLANNING STRATEGY FOR BEAVER BANK, HAMMONDS PLAINS  
AND UPPER SACKVILLE**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville is hereby amended as follows:

1. Deleting Policy P-1 and paragraph 9 immediately before Policy P-1.
2. Deleting paragraphs one to six before Policy P-2, Policy P-2, Policy P-5 and Policy P-6 and its preamble.
3. Replacing the words “It shall further be the intention of Council to establish a Comprehensive Development District (CDD) Zone in the Land Use By-law which permits the development of a mix of low density residential uses, associated community facility uses, local commercial uses, home-based offices and small-scale bed & breakfasts. This Zone shall be applied to those areas of land with 10 or more lots which are at the conceptual stage of subdivision review or approval, except for lands affected by the Glen Arbour Development Agreement and the lands of Piercey’s Investors Limited under conceptual plan of subdivision 19980566-22-C, on or before October 17, 1998, which was when the first notice of the intention to adopt this policy appeared in the newspaper. When considering an amendment to the schedules of the land use by-law to establish a CDD on any additional lands, Council shall have regard for the following:” in Policy P-3 with the following:

“It shall be the intention of Council to establish a Comprehensive Development District (CDD) Zone in the Land Use By-law which permits the development of a mix of low density residential uses, associated community facility uses, local commercial uses, home-based offices and small-scale bed and breakfasts. This zone may be applied to those lands for which an application for rezoning was submitted prior to the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality. It will also be retained on those lands that were previously zoned CDD where an application for a development agreement was submitted prior to the first notice. When considering applications for rezoning submitted prior to first notice, Council shall have regard for the following:”

4. Replacing the words “Development within any CDD Zone shall only be considered by Council through a development agreement, which shall specify:” in Policy P-4 with the following

“An application for development within any CDD Zone that was established before the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality or was rezoned pursuant to Policy P-3, shall only be considered by Council through a development agreement, which shall specify:”

5. Deleting Policy P-136.
6. Deleting the subsection on “Private Road Development”, including the subsection heading, preamble and policies P-106 and P-107.

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 Council of Halifax Regional Municipality held on the 27th day of June, A.D. 2006.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this \_\_\_\_\_ day of July, A.D. 2006.

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Jan Gibson  
Municipal Clerk

**AMENDMENTS TO THE  
LAND USE BY-LAW FOR BEAVER BANK, HAMMONDS PLAINS AND UPPER  
SACKVILLE**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby amended as follows:

1. Replacing the words “Part 23: P-3 ( Park) Zone” with the words “Part 23: RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Replacing the words “Part 24: P-4 (Watershed) Zone ” with the words “Part 24: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “Part 26E: US (Urban Settlement) Zone” after the words “PART 26D: ICH (Infrastructure Charge Holding) Zone”within the “TABLE OF CONTENTS”.
4. Adding the words “Part 26F: TR (Transportation Reserve) Zone” after the words “Part 26E: US (Urban Settlement) Zone”within the “TABLE OF CONTENTS”.
5. Insert the following words after APPENDIX C in the “TABLE OF CONTENTS”:

SCHEDULES

Schedule	1-A, 1-B, 1-C, 1-D, 1-E and 2 Zoning Maps
Schedule F	Areas of Elevated Archaeological Potential
Schedule G	Wetlands Map

6. Adding the words “4.32 Schedule F - Areas of Elevated Archaeological Potential” immediately below the words “4.31 Composting Operations” within the “List of General Provisions”.
7. Adding the words “4.33 Schedule G - Wetlands Map” immediately below the words “4.32 Schedule F - Areas of Elevated Archaeological Potential” within the “List of General Provisions”.
8. Adding the following definition after section 2.14:  
  
2.13A Conservation Use means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.
9. Renumbering the existing section “2.14A Construction and Demolition Materials” to section “2.14B”; section “2.14B Construction and Demolition Materials Disposal Site” to “2.14C”; section “2.14C Construction and Demolition Materials Processing Facility” to “2.14D”; and section “2.14D Construction and Demolition Materials Transfer Station” to

“2.14E”.

10. Replacing section 2.60 “Recreation Use” with the following:  
2.60 Recreation use means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
11. Replacing section 2.77 “Watercourse” with the following:  
       2.77 Watercourse means a lake, river, stream, ocean or other natural body of water.
12. Replace the words “P-3 Provincial Park Zone” with the words “RPK Regional Park Zone” in Section 3.1.
13. Replace the words “P-4 Conservation Zone” with the words “PWS Public Water Supply Zone” in Section 3.1.
14. Add the words “US Urban Settlement Zone” after the category “Community Uses Zones” in section 3.1.
15. Add the words “TR Transportation Reserve Zone” after the category “Community Uses Zones” in section 3.1.
16. Deleting clause (b) of Section 3.6.
17. Adding the following after clause (c) in section 3.6:

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter, except in the Beaver Bank/Hammonds Plains Growth Control Areas:

- (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
  - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy.
18. Deleting Section 4.18 and replacing it with the following:  
4.18 Watercourse Setbacks and Buffers

- (1)
  - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
  - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
  - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
  - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding 20 m<sup>2</sup>, fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
  - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
  - (f) Within the buffer required pursuant to clause (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

19. Adding the following Sections after Section 4.29:

4.30 Schedule F - Areas of Elevated Archaeological Potential

Where excavation is required for a development on any area identified on Schedule F attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

4.31 Schedule G - Wetlands Map

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule G attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

20. Replacing PART 23: P-3 (PROVINCIAL PARK) ZONE with the following:

PART 23: RPK (REGIONAL PARK) ZONE

23.1 RPK USES PERMITTED

No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Park Uses

Recreation uses  
Conservation uses  
Uses accessory to the foregoing

23.2 RPK ZONE REQUIREMENTS

In any RPK Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard:	9.14m
Minimum Side or Rear Yard:	6.1m
Maximum Lot Coverage:	35%

Maximum Height of Main Building 10.7 m

Maximum Building Size 305m<sup>2</sup>

21. Replacing “Part 24: P-4 (Watershed) Zone” with “Part 24: PWS (Protected Water Supply) Zone”:

PART 24: PWS (PROTECTED WATER SUPPLY) ZONE

24.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities

Conservation uses

Public Parks

Uses accessory to the foregoing uses

24.2 PWS ZONE REQUIREMENTS

In any PWS Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard: 9.1m

Minimum Rear or Side Yard: 4.6m

22. Adding the following after “PART 26DF”:

PART 26E: US (URBAN SETTLEMENT) ZONE

26E.1 US USES PERMITTED

No development permit shall be issued in any US (Urban Settlement) Zone except for the following:

Single unit dwellings on existing lots

Public parks and playgrounds

Uses accessory to the foregoing uses

## 26E.2 US ZONE REQUIREMENTS

In any US Zone, no development permit shall be issued except in conformity with the following:

Minimum Frontage:	110m
Minimum Lot Area:	2ha
Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m

23. Adding “PART 26F: TR(Transportation Reserve) Zone” after “PART 26F:

PART 26F: TR (TRANSPORTATION RESERVE) ZONE

### 26F.1 TR USES PERMITTED

No development permit shall be issued in any TR (Transportation Reserve) Zone except for the following:

None

### 26F.2 OTHER REQUIREMENTS

No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

24. Amending Zoning Schedule “A” as shown on Appendix A,

25. Adding Schedules “Schedule F - Areas of Elevated Archaeological Potential” and “Schedule G - Wetlands” as shown on Appendices B and C to the by-law.
26. Adding the following section in the General Provisions Part:

Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning.

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 Council of Halifax Regional Municipality held on the 27th day of June, A.D. 2006.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this \_\_\_\_\_ day of July, A.D. 2006.

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Jan Gibson  
Municipal Clerk