

**AMENDMENTS TO THE  
MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICT 5**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 5 is hereby amended as follows:1.

1. Deleting the words “Interim Growth Management” from the Table of Contents.
2. Deleting the words “Map 7 Interim Growth Management Area” from the List of Maps.
3. Deleting the section on “Interim Growth Management” including all preamble, policies IGM - 1 to IGM-18 and Map 7.
4. Deleting the “Comprehensive Development District Designation” including all preamble and policy CDD-1 and section (g) of policy IM-9.
5. Deleting the subsection pertaining to “Subdivision on Private Roads”, including the preamble to policy TR-5 and policies TR-5, TR-6 and TR-7.
6. Replacing the words “the requirements of Policy TR-5 are met” with the words “the number of lots do not exceed 10” in policy TR-19

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 PLANNING DISTRICT 5**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 is hereby amended as follows:

1. Adding the words “Part 21A: RPK (Regional Park) Zone” after “Part 21: P-3 (Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “Part 22A: PA (Protected Area) Zone” after “Part 22: P-4 (Conservation) Zone” within the “TABLE OF CONTENTS”.
3. Replacing the words “Part 25: CDD (Comprehensive Development District) Zone” with the words “Part 25: UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
4. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

Schedule A	Chebucto Peninsula (Planning District 5) Zoning Map
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands Map

5. Adding the words “4.31 Schedule B - Areas of Elevated Archaeological Potential” within the “List of General Provisions” immediately below the words “4.30 Tourist Accommodations”.
6. Adding the words “4.32 Schedule C - Wetlands Map” within the “List of General Provisions” immediately below the words “4.31 Schedule B - Areas of Elevated Archaeological Potential”.
7. Adding the following definition after Subsection 2.18A:  
  
“2.18AA 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.”
8. Replacing Subsection 2.73 “Recreation Use” with the following:  
  
“2.73 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.

9. Replacing section 2.71 “Watercourse” with the following:

\_\_\_\_\_2.71 Watercourse means a lake, river, stream, ocean or other natural body of water.

10. Add the words “RPK Regional Park Zone” below the line “P-3 Park Zone” in Section 3.1.

11. Add the words "PA Protected Area Zone" below the line "P-4 Conservation Zone" in Section 3.1.

12. Replace the words “CDD Comprehensive Development District” with the words “UR Urban Reserve Zone” in Section 3.1.

13. Adding the following after clause (k) 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:

- (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; and
- (iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy.

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 Harbour outside of the Urban Service Area:

- (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; and
- (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.

14. Deleting clause (h) under section 3.6.

15. Deleting section 4.1A.

16. Deleting Section 4.19 and replacing it with the following:

4.19 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 shall be 30.5m of the rim of any watercourse in any P-4 Zone or any zone within the Herring Cove. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.
  - (f) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
  - (g) 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.
- (7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

17. Adding section 4.19A after section 4.19:

4.19A Coastal Areas

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to:
  - (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted, permitted in accordance with the requirements of this by-law; and
  - (b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.
- (3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- (4) 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 elevations, contours and lot grading

information to determine that the proposed building or structure will meet the requirements of this section.

18. Adding the following sections after section 4.28:

4.28A Bicycle Parking Facilities

(1) Within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement, the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels/ Motels/Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300m <sup>2</sup> GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500m <sup>2</sup> GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces
Schools, Colleges, Universities	1 space for every 250m <sup>2</sup> GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m <sup>2</sup> GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m <sup>2</sup> GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 m <sup>2</sup> GFA 50% Class A/ 50% Class B

(2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car

washes, cemeteries and funeral homes.

- (3) Each Class B bicycle parking space shall:
  - (a) be a minimum of 0.6m wide and 1.8m long;
  - (b) have a minimum overhead clearance of 2.0m;
  - (c) be located a minimum of 0.6m from any wall or other obstruction.
- (4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.
- (5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

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#### 4.28B Location of Bicycle Parking

- (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

#### 4.28C Special Bicycle Parking Facility Requirements

- (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

19. Adding the following Sections after Section 4.30:

#### 4.31 Schedule B - Areas of Elevated Archaeological Potential

Where excavation is required for a development on any area identified on Schedule B 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.

#### 4.32 Schedule C - 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 C 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. Adding the following zone after PART 21: P-3 (PARK) ZONE:

#### PART 21A: RPK (REGIONAL PARK) ZONE

##### 21A.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

Museums, interpretive centres, and buildings associated with park maintenance

Marine related navigational aids

Uses accessory to the foregoing uses

##### 21A.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: 20m

Minimum Side or Rear Yard: 20m

Maximum Lot Coverage: 50% for lots less than 4 ha in area, or  
5% for lots 4 ha or more in area

Maximum Height of Main Building 10.7 m

21. Adding the following Part after PART 22:

## PART 22A: PA (PROTECTED AREA) ZONE

### 22A.1 PA USES PERMITTED

No development permit shall be issued in any PA (Protected Area) Zone except for the following:

Scientific study and education, involving no buildings  
Trails, boardwalks or walkways  
Conservation uses  
Uses accessory to the foregoing uses

### 22A.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area:	930m <sup>2</sup>
Minimum Frontage:	30.5m
Minimum Front or Flankage Yard:	20m
Minimum Side or Rear Yard:	20m

### 22A.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

Within any PA zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

22. Replace “Part 25: CDD (Comprehensive Development District) Zone with “Part 25: UR (Urban Reserve) Zone as follows:

## PART 25 UR (URBAN RESERVE) ZONE

### 25.1 UR USES PERMITTED

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

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot  
Passive recreation uses  
Uses accessory to the foregoing uses

### 25.2 UR ZONE REQUIREMENTS

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

- 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. Amending Zoning Schedule “A” as shown on Appendix A.
- 24. Adding Schedules “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C - Wetlands” as shown on Appendices B and C to the by-law.
- 25. 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