

**AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR COLE HARBOUR/WESTPHAL**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Cole Harbour/Westphal is hereby amended as follows:

1. Deleting the words “Interim Growth Management” from the Table of Contents.
2. Deleting the section on “Interim Growth Management” including all preamble, policies IGM - 1 to IGM-18 and Map 4.

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.

Jan Gibson
Municipal Clerk

**AMENDMENTS TO THE
LAND USE BY-LAW FOR COLE HARBOUR/WESTPHAL**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/Westphal is hereby amended as follows:

1. Adding the words “PART 22A: RPK (Regional Park) Zone ” after “Part 22: P-3 (Provincial Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 24E UR (Urban Reserve) Zone” immediately below the words “PART 24D: ICH (Infrastructure Holding) Zone” within the “TABLE OF CONTENTS”.
3. Replacing the words “Part 23: P-4 (Conservation) Zone” with the words “PART 23: PWS (Public Water Supply) Zone ” within the “TABLE OF CONTENTS”.
4. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

Schedule A	Cole Harbour/Westphal Zoning Map
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands Map

5. Adding the words “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C - Wetlands Map” immediately below the words “4.29 Composting Operations” within the “List of General Provisions”.
6. Adding the words “4.27A Bicycle Parking Facilities”, “4.27B Location of Bicycle Parking” and “4.27C Special Bicycle Parking Facility Requirements” after the words “4.27 Loading Space Requirements” within the “List of General Provisions”.
7. Adding the words “4.30 Schedule B - Areas of Elevated Archaeological Potential” within the “List of General Provisions” immediately below the words “4.29 Composting Operations”.
8. Adding the words “4.31 Schedule C - Wetlands Map” within the “List of General Provisions” immediately below the words “4.30 Schedule B - Areas of Elevated Archaeological Potential”.
9. Adding three new definitions immediately following the definition of Automotive Repair Outlet as follows:
 - 2.7A Bicycle Parking, Class A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

- 2.7B Bicycle Parking, Class B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
- 2.7C Bicycle Parking, Enhanced means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
10. Adding the following definition after Subsection 2.11A:
- “2.11AA 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.”
11. Replacing Subsection 2.52 “Recreation Use” with the following:
- “2.52 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.
12. Adding the following definition after section 2.70A:
- _____ 2.70AA WATERCOURSE means a lake, river, stream, ocean or other natural body of water.
13. Add the words “RPK Regional Park Zone” below the words “P-3 Provincial Park Zone” in Section 3.1.
14. Add the words “Urban Reserve UR Urban Reserve Zone” after the subsection “Community Uses Zones” in Section 3.1.
15. Replace the words “P-4 Conservation Zone” with the words “PWS Public Water Supply Zone” in Section 3.1.
16. Adding the following after clause (x) 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.

17. Deleting section 4.1A.

18. Deleting Section 4.17 and replacing it with the following:

4.17 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 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 m² or a combination of an accessory structure and attached deck not exceeding 20 m², 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 not be less than 15.2m of the Little Salmon River, 76.2m from Lake Major, or 30.5m from any tributary within the Lake Major Watershed as designated by the Minister of the Environment on April 8, 1996.
- (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 by clauses (e) and (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

- (h) Activity within the required buffer pursuant to clause (e), shall be limited to the placement of board walks, walkways and trails, conservation uses, parks on public lands, historic sites and monuments, public roads and wastewater, storm and water infrastructure.
- (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 section 4.17A after section 4.17:

4.17A 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 any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.
- (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.

20. Adding the following sections after section 4.27:

4.27A Bicycle Parking Facilities

- (1) Within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement, for 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 ² 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 ² 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 ² GFA 20% Class A/ 80% Class B
Recreation Facilities, Community Centres, Libraries.	1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces
General Industrial Uses	1 space per 1000 m ² 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 ² 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) Notwithstanding subsection (1), the bicycle parking requirements may be reduced by 50% where each unit of a Multiple Unit Dwelling contains a storage room with a minimum dimension of 1.5m by 2m.
- (4) 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.
- (5) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.5m in width, to be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.
- (6) 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.

4.27B 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.

4.27C 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.

21. Adding the following Sections after Section 4.29:

4.30 Schedule B - Areas of Elevated Archaeological Potential

Where excavation is required for a development on any lot 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.

4.31 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.

22. Add the following zone after “PART 22: P-3 (PROVINCIAL PARK)ZONE”:

PART 22A: RPK (REGIONAL PARK) ZONE

22A.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 uses

Other Uses

Existing dwellings and recreational uses identified in Appendix "E"
Home business uses in conjunction with permitted dwellings
Uses accessory to permitted dwellings and recreational uses

22A.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:	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
Maximum Building Size:	305m ²

22A.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any RPK Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principle residence of the operator of the business;
- (b) No more that twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business occupy more than three hundred (300) square feet (27.9 m²).
- (c) No open storage or outdoor display shall be permitted.
- (d) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (e) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.

- (f) One (1) off-street parking space other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any business.

22A.4 CONDITION: DEVELOPMENT PERMIT

Notwithstanding anything else in this By-law, no development permit shall be issued in any RPK Zone except where a Regional Development Permit has been issued.

- 23. Replace the symbols "P-3" with the symbol "RPK" in line one of section 22.3.
- 24. Replace the symbols "P-3" with the symbol "RPK" in line one of section 22.4.
- 25. Replacing "Part 23: P-4 (Conservation) Zone" with "Part 23: PWS (Protected Water Supply) Zone":

PART 23: PWS (PROTECTED WATER SUPPLY) ZONE

23.1 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
- Public parks involving no buildings
- Conservation uses
- Uses accessory to the foregoing uses

Single unit dwellings

23.2 PWS ZONE REQUIREMENTS

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

Minimum Lot Area:	7432.2 m ²
Minimum Frontage:	61 m
Minimum Front or Flankage Yard:	6.1 m
Minimum Rear or Side Yard:	2.4 m
Maximum Lot Coverage:	35%
Minimum Height of Main Building:	10.7

Minimum Width of Main Building: 6.1 m

26. Add the following Part after Part 24D:

PART 24E UR (URBAN RESERVE) ZONE

21E.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

21E.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

27. Amending Zoning Schedule “A” as shown on Appendix A.
28. Adding Schedules “Schedule “B” Areas of Elevated Archaeological Potential” and “Schedule “C” Wetlands” as shown on Appendices B and C to the by-law.
29. 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.

Jan Gibson
Municipal Clerk