

**AMENDMENTS TO THE  
MUNICIPAL PLANNING STRATEGY FOR EASTERN SHORE EAST**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Eastern Shore East is hereby amended as follows:

1. Deleting the “Private Road Development” section including the preamble and policies T-3 and T-4;
2. Deleting the “Private Road Residential Subdivisions” section, including the preamble and policy T-4(a).

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 EASTERN SHORE EAST**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore East is hereby amended as follows:

1. Replacing the words “Part 11 P-4 (Provincial Park) Zone” with the words “Part 11 RPK (Regional Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 11F: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
3. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

Schedule B	Eastern Shore (East) Zoning Map
Schedule C	Areas of Elevated Archaeological Potential
Schedule D	Wetlands Map

4. Adding the word “existing” between the words “on” and “Private” in section 4.30 within the “List of General Provisions”.
5. Adding the words “4.31 Schedule C - Areas of Elevated Archaeological Potential” within the “List of General Provisions” immediately below the words “4.30 Uses Permitted on Existing Private Roads”.
6. Adding the words “4.32 Schedule D - Wetlands Map” within the “List of General Provisions” immediately below the words “4.30 Schedule C - Areas of Elevated Archaeological Potential”.
7. Replacing section 2.17 “Conservation Related Use” with the following:

“2.17 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 section 2.73 “Recreation Use” with the following:

“2.73 Recreation space 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 2.95 “Watercourse” with the following:

\_\_\_\_\_2.95 Watercourse means a lake, river, stream, ocean or other natural body of water.

10. Replace the words “P-4 Provincial Park Zone” with the words “RPK Regional Park Zone” in Section 3.1.
11. Add the words “PA Protected Area Zone” in section 3.1.
12. Adding the following after clause (e) 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 Resource:

- (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 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.
13. 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 (e), 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 may 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.

14. Adding section 4.18A after section 4.18:

4.18A 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 lands within the I-1 (Business Industry Zone, abutting the port of Sheet Harbour or 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.

15. Deleting section 4.30.

16. Deleting subsection 3.6 (e).

17. Adding the following Sections after Section 4.29:

4.30 Schedule C - Areas of Elevated Archaeological Potential

Where excavation is required for a development on any area identified on Schedule C 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 D - 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 D 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.

18. Replacing PART 11: P-4 (PROVINCIAL PARK)ZONE with the following:

## PART 11: RPK (REGIONAL PARK) ZONE

### 11.1 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  
Marinas  
Uses accessory to the foregoing uses

### 11.2 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

19. Adding “PART 11F: PA (Protected Area) Zone” after “PART 11E:

## PART 11F: PA (PROTECTED AREA) ZONE

### 11F.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

## 11E.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

## 11E.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.

20. Amending the Zoning Schedule B as shown on Appendix A .

21. Adding Schedules “Schedule C - Areas of Elevated Archaeological Potential” and “Schedule D - Wetlands” as shown on Appendix B and C to the by-law.
22. 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.

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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  
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