

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

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Eastern Shore West 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 and policies IGM - 1 to IGM-18.
3. Deleting the “Private Road Development” section, including the preamble and policy T-2.

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 PLANNING EASTERN SHORE WEST**

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

1. Adding the words “Part 12A: RPK (Regional Park) Zone” after “Part 12: P-4 (Provincial Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 12E: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART12F: CDD (Comprehensive Development District) Zone ” after the words “PART 12E: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
4. Adding the word “existing” between the words “on” and “Private” in section 4.27 within the “List of General Provisions”.
5. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

Schedule A	Eastern Shore (West) Zoning Map
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands Map

6. Deleting section 4.27.
7. Adding the words “4.28 Schedule B - Areas of Elevated Archaeological Potential” within the “List of General Provisions” immediately below the words “4.30 Tourist Accommodations”.
8. Adding the words “4.29 Schedule C - Wetlands Map” within the “List of General Provisions” immediately below the words “4.28 Schedule B - Areas of Elevated Archaeological Potential”.
9. Replacing section 2.19 “Conservation Related Use” with the following:
 - 2.19 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.
10. Replacing section 2.80 “Recreation Use” with the following:

2.80 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 2.10 “Watercourse” with the following:

 2.10 Watercourse means a lake, river, stream, ocean or other natural body of water.

12. Add the words “RPK Regional Park Zone” below the line “P-4 Provincial Park Zone” in Section 3.1.

13. Add the words “PA Protected Area Zone” in section 3.1.

14. Add the words “CDD Comprehensive Development District Zone” after the words “ I-1 Business Industry Zone” in section 3.1.

15. Adding the following after clause (t) 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 and 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 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 Rural Commuter:

- (i) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy.

16. Deleting section 4.1A.

17. 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 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 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.

18. 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 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.

19. Adding the following Sections after Section 4.26:

4.27 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.

4.28 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 12: P-4 (PROVINCIAL PARK) ZONE:

PART 12A: RPK (REGIONAL PARK) ZONE

12A.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

12A.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 “PART 12E: PA (Protected Area) Zone” after “PART 12D:”

PART 12E: PA (PROTECTED AREA) ZONE

12E.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

12E.2 PA ZONE REQUIREMENTS

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

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

12E.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. Adding “PART 12F: CDD (Comprehensive Development) Zone” after “PART 12E:

PART 12F: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

12F.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:

Residential uses
Commercial uses
Institutional uses
Recreation uses

Parking facilities and transit stations or transit stops
Existing uses
Uses accessory to the foregoing uses

12F.2 CDD REQUIREMENTS

- (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Municipal Government Act*.
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:

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.

Jan Gibson
Municipal Clerk