

**AMENDMENTS TO THE  
LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay 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 24C: PA (Protected Area) Zone ” after “Part 24B: FP (Flood Plain) Zone” within the “TABLE OF CONTENTS”.
3. Adding the words “PART 26E UR (Urban Reserve) Zone” immediately below the words “PART 26D: ICH (Infrastructure Holding) Zone” within the “TABLE OF CONTENTS”.
4. Adding the words “Part 26F: US (Urban Settlement) Zone” immediately below the words “PART 26E UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
5. Adding the words “PART 26G: TR (Transportation Reserve) Zone” immediately below the words “26E UR (Urban Reserve) Zone” within the “TABLE OF CONTENTS”.
6. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

|            |  |
|------------|--|
| Schedule A | Eastern Passage/Cow Bay Zoning Map         |
| Schedule B | Areas of Elevated Archaeological Potential |
| Schedule C | Wetlands Map                               |

7. 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”.
8. 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”.
9. Adding the words “4.31 Schedule C - Wetlands Map” within the “List of General Provisions” immediately below the words “4.30 Schedule C - Areas of Elevated Archaeological Potential”.
10. 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).
11. 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.”
12. Replacing Subsection 2.53 “Recreation Use” with the following:
- “2.53 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.
13. Replacing section 2.66B with the following:
- 2.66B Watercourse means a lake, river, stream, ocean or other natural body of water.
14. Add the words “RPK Regional Park Zone” below the words “P-3 Provincial Park Zone” in Section 3.1.
15. Add the words “Urban Reserve UR Urban Reserve Zone” after the subsection “Community Uses Zones” in Section 3.1.
16. Add the words “US Urban Settlement” after the words “CDD Comprehensive Development District” after the subsection “Residential Zones” in Section 3.1.
17. Add the words “TR Transportation Reserve Zone” below the words “D-1 DND Zone” in section 3.1.
18. Add the words "PA Protected Area Zone" below the words "RPK Regional Park Zone" in Section 3.1.

19. 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 61m of the ordinary highwater mark of the Atlantic Ocean, Cow Bay or Barrier Pond in the area as shown on Map 4 - Environmental Constraints of the Eastern Passage/Cow Bay Municipal Planning Strategy; 20m of the Cow Bay River north of Caldwell Road; 30m of the ordinary highwater mark of any other watercourse.
  - (b) Where the average positive slopes within the 20m buffer of the Cow Bay River, north of Caldwell Road, or the 30m buffer of any other watercourse, except Atlantic Ocean, Cow Bay or Barrier Pond, 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 buffers pursuant to clause (a), 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 board walks, walkways and trails not exceeding 3 metres in width, within the required buffer of the Cow Bay River or Smelt Brook.
  - (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 shall be reduced to 30m of the ordinary high water mark of the Atlantic Ocean, Cow Bay Lake or Barrier Pond; or 15m of the ordinary highwater mark of any other watercourse.

- (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.

20. 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:
  - (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with 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.

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

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#### 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.

22. 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 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.

4.31 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.

23. Replace the words “PART 22: P-3 (PROVINCIAL PARK) ZONE” and sections 22.1 and 22.2 with the following:

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

Residential Uses

Existing dwellings

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: | 20m   |
| Minimum Side or Rear Yard:      | 20m   |
| Maximum Lot Coverage:           | 50% for lots less than 4 ha in area, or<br>5% for lots 4 ha or more in area |
| Maximum Height of Main Building | 10.7 m  |

24. Add the following Part after Part 24B:

PART 24C: PA (PROTECTED AREA) ZONE

24C.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

24C.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               |

24C.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.

25. Add the following Part after Part 26D:

PART 26E: UR (URBAN RESERVE) ZONE

## 26E.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

## 26E.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  |

26. Adding the following Part after Part 26E:

## PART 26F: US (URBAN SETTLEMENT) ZONE

### 26F.1 US USES PERMITTED

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

Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot  
Public parks and playgrounds  
Uses accessory to the foregoing uses

## 26F.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:                | 2 ha |
| 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. Add the following Part after Part 26E:

## PART 26G: TR (TRANSPORTATION RESERVE) ZONE

### 26G.1 TR USES PERMITTED

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

None

### 26G.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.

28. Amending Zoning Schedule "A" as shown on Appendix A.

29. Adding Schedules “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C - Wetlands” as shown on Appendices B and C to the by-law.
30. 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