

**AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR MUSQUODOBOIT VALLEY - DUTCH
SETTLEMENT**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Musquodoboit Valley - Dutch Settlement is hereby amended as follows:

1. Deleting the portion of the “Private Road Development” section, including the preamble to and policies for policy T-2, T-3, and T-5.
2. Amending Policy T-5 by replacing the words “on such a” with the words “an existing” before the word private in sentence 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 MUSQUODOBOIT VALLEY - DUTCH SETTLEMENT**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley - Dutch Settlement is hereby amended as follows:

1. Adding the words “Part 10A RPK (Regional Park) Zone” after “Part 10: P-4 (Park) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 17: PA (Protected Area) Zone” within the “TABLE OF CONTENTS”.
3. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

Schedules A, B, C, D, E	Musquodoboit Valley - Dutch Settlement Zoning Map
Schedule F	Areas of Elevated Archaeological Potential
Schedule G	Wetlands Map

4. Adding the word “existing” between the words “on” and “Private” in section 4.27 within the “List of General Provisions”.
5. Adding the words “4.29 Schedule F - Areas of Elevated Archaeological Potential” within the “List of General Provisions” immediately below the words “4.28 Composting Operation”.
6. Adding the words “4.30 Schedule G - Wetlands Map” within the “List of General Provisions” immediately below the words “4.29 Schedule F - 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 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 2.89 “Watercourse” with the following:

_____2.89 Watercourse means a lake, river, stream, ocean or other natural body of water.

10. Add the words “RPK Regional Park Zone” below the words “P-4 Provincial Park Zone” in Section 3.11.
11. Add the words “PA Protected Area Zone” in section 3.11.
12. Adding the following after clause (e) in section 3.16:

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 Agricultural:

- (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 4000 square metres, as per policy S-16.
13. 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 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 (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 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. Deleting section 3.3A.
15. Adding the word “existing” between the word “on” and “private” in line one of section 4.27.
16. Adding the following Sections after Section 4.28:

4.29 Schedule F - Areas of Elevated Archaeological Potential

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

4.30 Schedule G - 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 G 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.

17. Replacing Section 8.1 with the following:

8.1 MU USES PERMITTED

No development permit shall be issued in any MU (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings
Mobile dwellings
Two unit dwellings
Multi-unit dwellings
Boarding and rooming houses
Bed and breakfast establishments

Institutional Uses

Day care facilities
Community centres and halls
Open space uses
Public parks, trails, picnic areas and campsites
Commercial uses accessory to a public park use
Museums, interpretive centres, and buildings associated with park development and maintenance
Historic sites and monuments

Commercial Uses

Convenience stores
Service and personal service shops
Craft shops
Entertainment uses
Commercial schools and gyms
Funeral establishments
Office uses
Kennels

Veterinary clinics
Recycling depots
Restaurants
Outdoor display courts for up to 10 units
Commercial accommodation uses

Industrial Uses

Automotive repair outlets
Autobody shops
Service industries
Food processing and packaging uses
Trucking, excavation, landscaping and paving services
Welding, plumbing and heating, electrical, carpentry and other trade contracting services and shops
Light manufacturing and processing operations
Warehouses
General contracting, storage yards and services

Resource Uses

Agricultural uses
Intensive livestock operations
Greenhouses and nurseries
Forestry uses
Extractive facilities
Existing extractive facilities
Composting operations
Uses accessory to the foregoing uses

18. Adding the following after the PART 10 : P-4 (Provincial Park) Zone:

PART 10A: RPK (REGIONAL PARK) ZONE

10A.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

10A.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

11F.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

11F.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 Zoning Schedules A, B, C, D and E as shown on Appendix A.
21. Adding Schedules “Schedule F - Areas of Elevated Archaeological Potential” and “Schedule G - Wetlands” as shown on Appendices 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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