

**AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY FOR NORTH PRESTON, CHERRY BROOK,
LAKE MAJOR, LAKE LOON AND EAST PRESTON**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for North Preston, Cherry Brook, Lake Major, Lake Loon and East Preston 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.
3. Deleting the “Private Road Development: New Private Roads” section, including the preamble and policy TR-16.

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 NORTH PRESTON, CHERRY BROOK, LAKE MAJOR,
LAKE LOON AND EAST PRESTON**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for North Preston, Cherry Brook, Lake Major, Lake Loon and East Preston is hereby amended as follows:

1. Replacing the words “Part 13: P-4 (Conservation) Zone ” with the words “Part 13: PWS (Protected Water Supply) Zone” within the “TABLE OF CONTENTS”.
2. Adding the words “PART 20: PA (Protected Area) Zone” after the words “PART 19: ICH (Infrastructure Charge Holding) Zone” within the “TABLE OF CONTENTS”.
3. Insert the following words after the Amendment Index in the “TABLE OF CONTENTS”:

SCHEDULES

Schedule A	North Preston, Cherry Brook, Lake Major, Lake Loon and East Preston Zoning Map
Schedule B	Areas of Elevated Archaeological Potential
Schedule C	Wetlands Map

4. Adding the words “Schedule B - Areas of Elevated Archaeological Potential” immediately below the words “4.30 Tourist Accommodations” within the “List of General Provisions”.
5. Adding the words “4.28 Schedule C - Wetlands Map” within the “List of General Provisions” immediately below the words “4.27 Schedule B - Areas of Elevated Archaeological Potential”.
6. Adding the following definition after section 2.12A:

“2.12AA 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.”
7. Replacing section 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.
8. Replacing section 2.68 “Watercourse” with the following:

_____ “2.68 Watercourse means a lake, river, stream, ocean or other natural body of water.”

9. Replace the words “P-4 Conservation Zone” with the words “PWS Public Water Supply Zone” in Section 3.12.
10. Add the words “PA Protected Area Zone” after the category “Community Uses Zones” in section 3.12.
11. Adding the following after clause (c) in section 3.17:

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;
12. Deleting section 3.3A.
13. Deleting Section 4.21 and replacing it with the following:

4.21 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 shall be 76.2 m of the mean high water mark of Lake Major and Long Lake.
 - (f) Notwithstanding clause (a), the required buffer shall be 30.5 m of the mean high water mark of any watercourse located in the Lake Major Watershed.
 - (g) 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 clauses (e), (f) or (g), 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. 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.

15. Replacing “Part 13: P-4 (Conservation) Zone” with “Part 13: PWS (Protected Water Supply) Zone”:

PART 13: PWS (PROTECTED WATER SUPPLY) ZONE

13.1 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
Conservation uses
Public and private parks involving no buildings
Crop farming, grazing and pasturage if in existence at the time of the coming into effect of this by-law
Uses accessory to the foregoing uses

13.2 PWS ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard: 9.1m

Minimum Rear or Side Yard: 4.6m

13.3 SPECIAL PROVISIONS: EXISTING RESIDENTIAL USES

Notwithstanding Section 13.1, existing residential uses in a PWS Zone shall be permitted to be expanded, altered, repaired and rebuilt and, in addition, certain properties within a PWS Zone shall be permitted to be used for residential use, such existing uses and certain properties identified by Appendix “D”.

16. Adding “PART 20: PA (Protected Area) Zone” after “PART 19: IHI (Infrastructure Charge Holding) Zone”:

PART 20: PA (PROTECTED AREA) ZONE

20.1 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

20.2 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

20.3 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.

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

18. Adding Schedules “Schedule B - Areas of Elevated Archaeological Potential” and “Schedule C - Wetlands” as shown on Appendices B and C to the by-law.
19. 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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Jan Gibson
Municipal Clerk