

North West Community Council
August 12, 2013

TO: Chair and Members of North West Community Council

SUBMITTED BY: Original Signed
Brad Anguish, Director, Community & Recreation Services

DATE: July 24, 2013

SUBJECT: **Case 18380: LUB Amendments - Queensland and Lewis Lake**

ORIGIN

February 27, 2012 motion of the former Western Region Community Council:

"MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council request a staff report to initiate the planning process to amend the Land Use By-Law for Planning Districts 1 and 3 to appropriately zone all private land currently zoned for public park purposes. MOTION PUT AND PASSED"

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter); Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading of the proposed rezoning of six properties in Planning Districts 1 and 3 from the P-3 (Provincial Park) Zone and RPK (Regional Park) Zone to the MU-1 (Mixed Use) Zone, as provided in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of six properties in Planning Districts 1 and 3 from the P-3 (Provincial Park) Zone and RPK (Regional Park) Zone to the MU-1 (Mixed Use) Zone, as provided in Attachment A of this report.

BACKGROUND

On February 27, 2012, the former Western Region Community Council requested staff initiate a planning process to amend the Land Use By-law for Planning Districts 1 and 3 (LUB) to appropriately zone all private land currently zoned for public park purposes. Staff has reviewed the ownership of all properties zoned for public park purposes within Planning Districts 1 and 3, and have identified five properties, and a portion of another, that are held in private ownership but are zoned for public park purposes.

Location, Designation, and Zoning

The six properties are:

- located in the communities of Queensland (3 properties) and Lewis Lake (3 properties);
- designated Mixed Use A by the Municipal Planning Strategy for Planning Districts 1 and 3 (MPS) (Maps 1A, 1B, 1C);
- zoned P-3 (Provincial Park), except for a portion of one property which is zoned RPK (Regional Park) by the LUB (Maps 2A, 2B, 2C); and
- designated Rural Commuter by the Regional Municipal Planning Strategy (Regional Plan) (Maps 3A, 3B, 3C).

HRM Charter

Under Section 237(1) of the *Halifax Regional Municipality Charter*, Council may zone privately owned land for future public use (other than transportation reserves) if the Land Use By-law provides an alternative zone (Attachment B) on the land consistent with the MPS. However, Section 237(2) indicates where the privately owned land is zoned for future public use the municipality shall, within one year of the effective date of the zoning, acquire the land or the alternative zone comes into effect. In this case, the public park zoning has been applied incorrectly to the subject properties due to an oversight and no alternative zone has been provided.

Regional Plan Policy

Each of the six properties is designated Rural Commuter by the Regional Plan. The Regional Plan does contain policy that would allow Council to apply the RPK Zone within the Rural Commuter designation, but only to lands held in public ownership (Attachment C).

DISCUSSION

When the Regional Plan was adopted in 2006, a new zone was created to replace the various forms of public park zoning applied across the Municipality. With respect to Planning Districts 1 and 3, the P-3 Zone was replaced with the RPK Zone (see Attachment C). Due to an oversight, the P-3 Zone was not removed from several properties shown on the LUB's zoning map. Also, there are currently five privately owned properties zoned P-3 within the Plan Area (Maps 2A, 2B, and 2C). In the case of these five properties, each is designated Mixed Use A by the MPS (Maps 1A and 1B). The MPS establishes the MU-1 Zone as the primary zone to be applied within the Mixed Use A Designation (Attachment D). Therefore, staff recommends that the five subject properties be rezoned to MU-1 (Attachment E).

Also, there is currently a portion of a privately owned property zoned RPK within the Plan Area as shown on Map 2C. Like the other five properties, this property is also designated Mixed Use A by the MPS (Map 1C) and should also be rezoned to the MU-1 Zone.

Planning Advisory Committee

Three of the properties are located in the community of Queensland, which falls within the St. Margaret's Bay Coastal Planning Advisory Committee's designated area. As such, the Committee reviewed the proposed rezonings on May 29, 2013 and recommended that North West Community Council approve the proposed zoning amendments.

Conclusion

The current application of public park zoning to the subject properties identified in this report is inconsistent with the MPS and the Regional Plan. Further, the current zoning of these properties is inconsistent with the *Halifax Regional Municipality Charter*. As the MPS applies the Mixed Use A designation to all six properties, staff recommends that North West Community Council approve the proposed rezoning of these properties to MU-1 as outlined in Attachment A.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. Due to the nature of the proposed amendment and, in consultation with the local councillor, no public information meeting was held on this application.

A public hearing must be held by North West Community Council before they can consider approval of the rezoning. Should North West Community Council decide to proceed with a public hearing, in addition to the published newspaper advertisements, the six applicable property owners will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact the following stakeholders: the six applicable property owners.

ENVIRONMENTAL IMPLICATIONS

No environmental issues have been identified.

ALTERNATIVES

1. Council may choose to approve the rezoning of the subject properties from the P-3 (Provincial Park) Zone and RPK (Regional Park) Zone to the MU-1 (Mixed Use) Zone as provided in Attachment A of this report. This is the staff recommendation. A decision of

Council to approve this rezoning is appealable to the N.S. Utility and Review Board as per section 262 of the *HRM Charter*.

2. Council may choose to refuse the rezoning of the subject properties from the P-3 (Provincial Park) Zone and RPK (Regional Park) Zone to the MU-1 (Mixed Use) Zone and in doing so, must provide reasons why the rezoning does not reasonably carry out the intent of the MPS. A decision of Council to refuse this rezoning is appealable to the N.S. Utility and Review Board as per section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1A	MPS Generalized Future Land Use - PIDs 41032079, 40623670, & 40623688 Lewis Lake
Map 1B	MPS Generalized Future Land Use – PIDs 40286767 & 40207128 Queensland
Map 1C	MPS Generalized Future Land Use – PID 40023855 Queensland
Map 2A	Zoning – PIDs 41032079, 40623670, & 40623688 Lewis Lake
Map 2B	Zoning – PIDs 40286767 & 40207128 Queensland
Map 2C	Zoning – PID 40023855 Queensland
Map 3A	Regional Plan Generalized Future Land Use – 41032079, 40623670, & 40623688 Lewis Lake
Map 3B	Regional Plan Generalized Future Land Use – PIDs 40286767 & 40207128 Queensland
Map 3C	Regional Plan Generalized Future Land Use – 40023855 Queensland
Attachment A	Proposed Amendment to the Land Use By-law for Planning Districts 1&3
Attachment B	Excerpts from the Halifax Regional Municipality Charter
Attachment C	RPK Zone from the Land Use By-law for Planning Districts 1&3
Attachment D	Excerpts from the MPS for Planning Districts 1&3 and the Regional Plan
Attachment E	MU-1 Zone from the Land Use By-law for Planning Districts 1&3

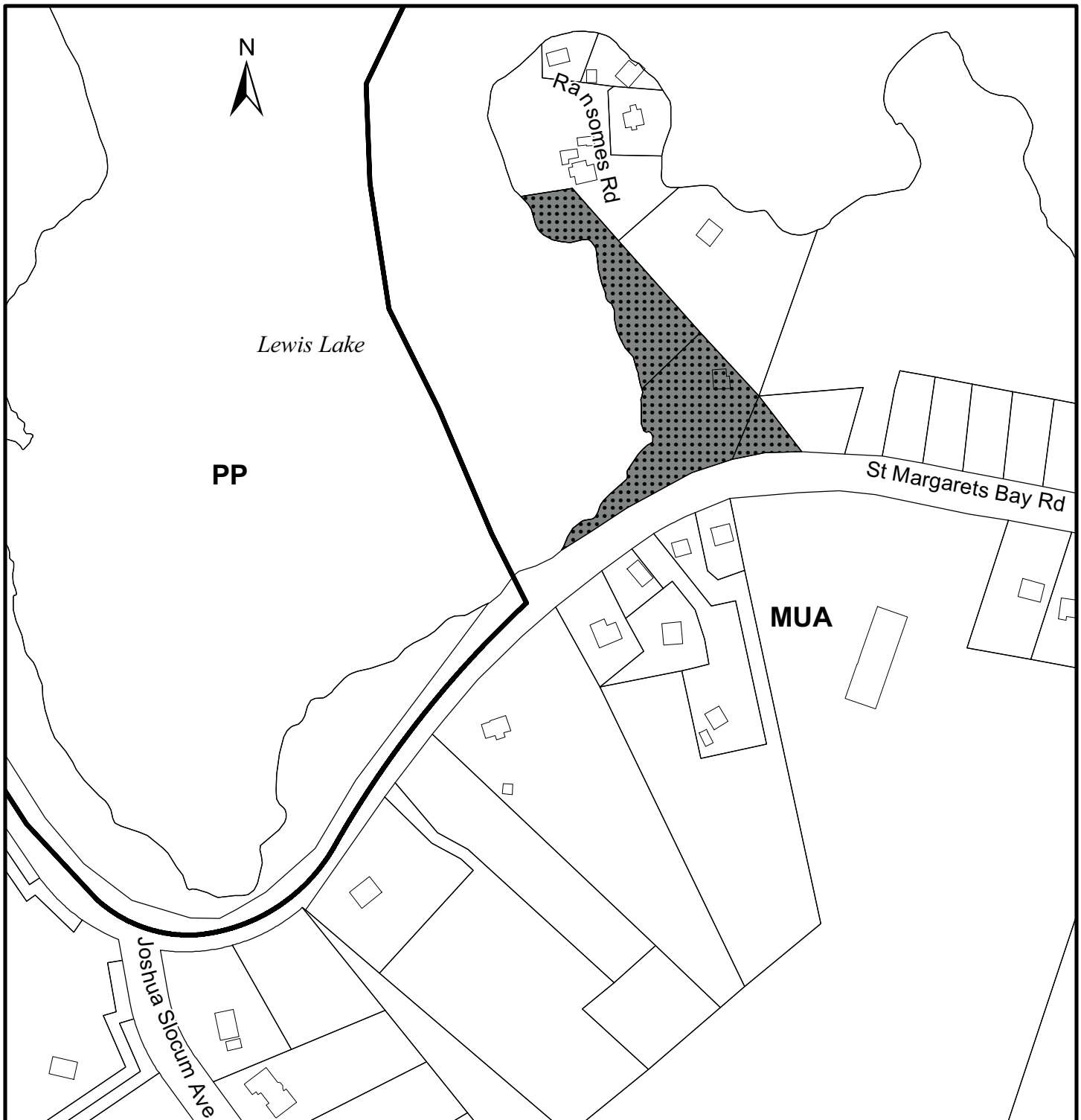
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Miles Agar, LPP, Planner, Development Approvals, 490-4495

Report Approved by:

Original Signed

Kelly Denty, Manager of Development Approvals, 490-4800



Map 1A - MPS Generalized Future Land Use

PIDs 41032079, 40623670, 40623688
Lewis Lake



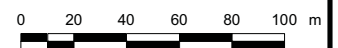
Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Designation

MUA Mixed Use A
PP Provincial Park

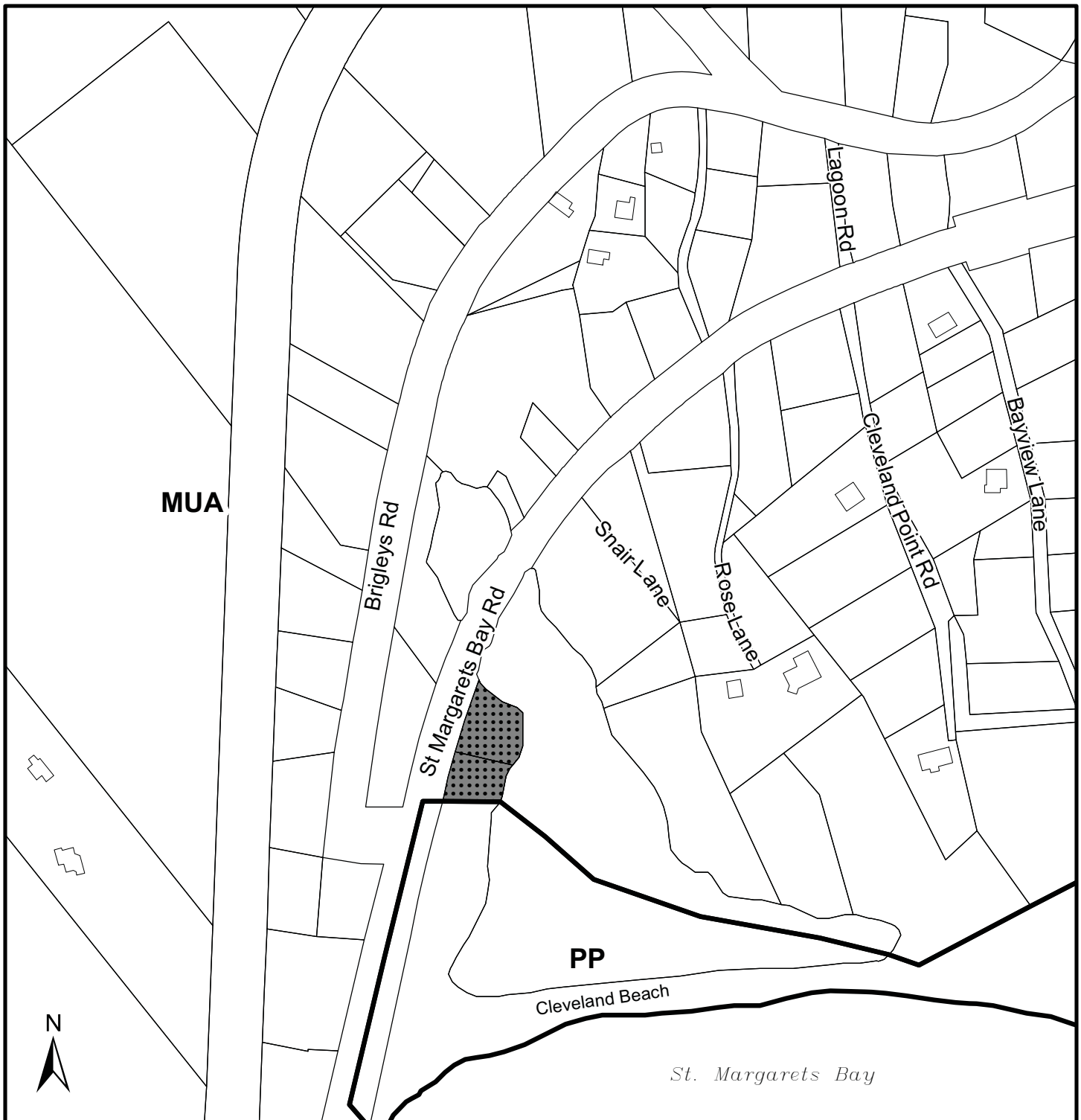
Planning District 1 & 3
(St Margarets Bay) Plan Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

HRM does not guarantee the accuracy
of any representation on this plan.



Map 1B - MPS Generalized Future Land Use

PIDs 40286767, 40207128
Queensland

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Designation

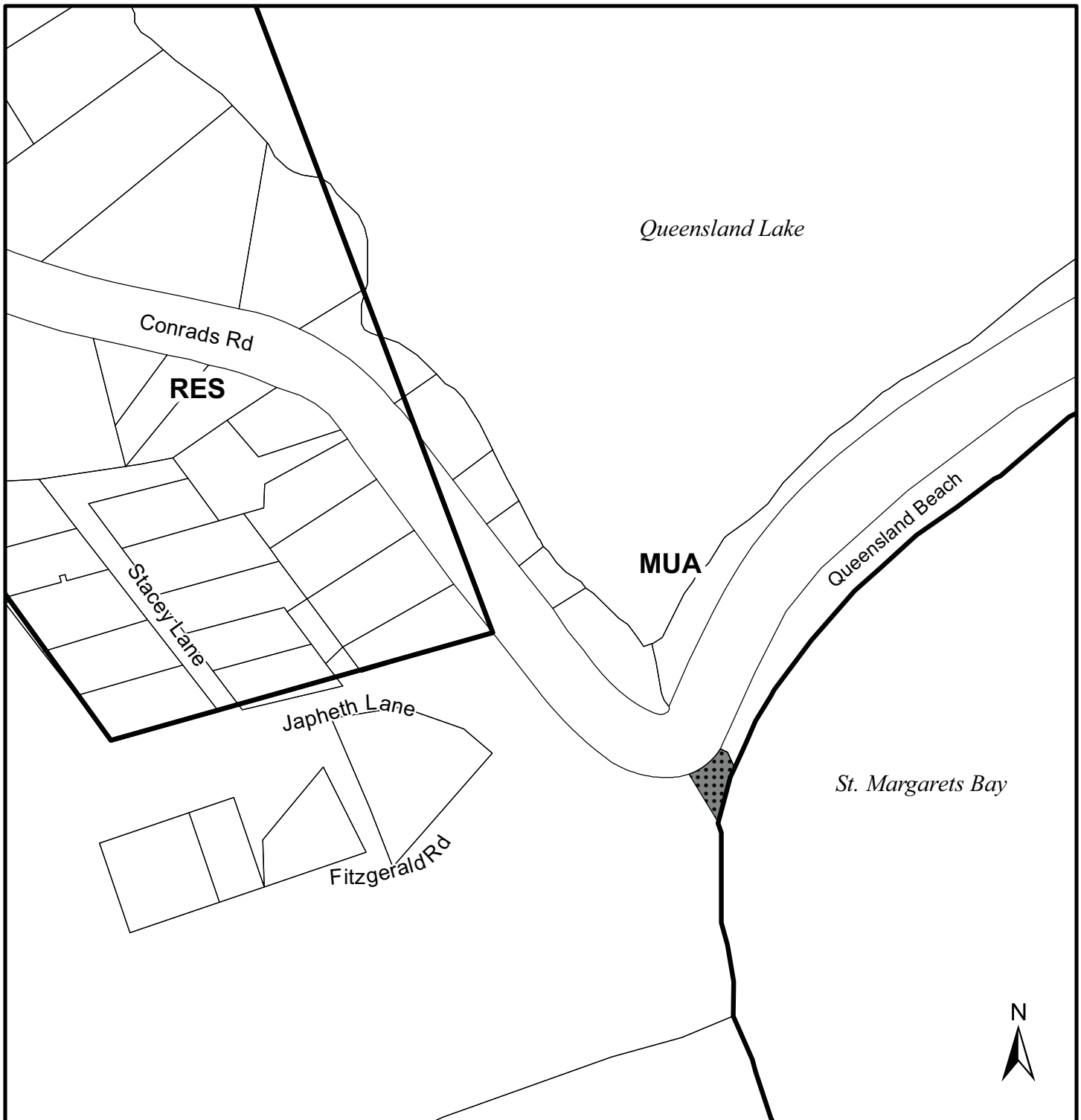
MUA	Mixed Use A
PP	Provincial Park

Planning District 1 & 3
(St Margarets Bay) Plan Area

0 20 40 60 80 100 m

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Map 1C - MPS Generalized Future Land Use

PID 40023855
Queensland

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Area proposed to be rezoned from
RPK (Regional Park) to MU-1 (Mixed Use)

Designation

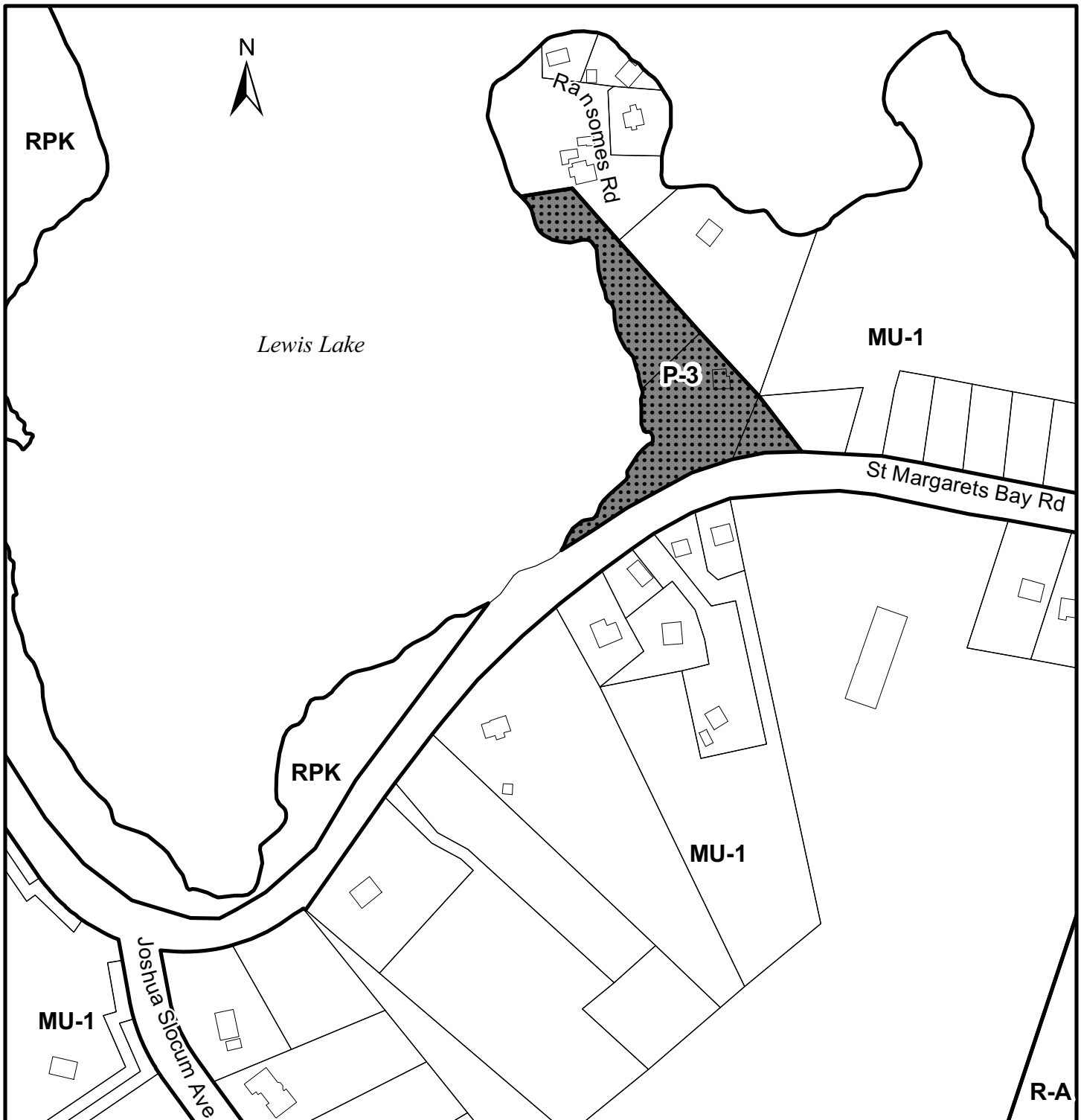
RES	Residential
MUA	Mixed Use A

0 20 40 60 m

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Planning District 1 & 3
(St Margarets Bay) Plan Area



Map 2A - Zoning

PIDs 41032079, 40623670, 40623688
Lewis Lake


 Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Zone

MU-1	Mixed Use
P-3	Provincial Park
RPK	Regional Park

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DEVELOPMENT APPROVALS

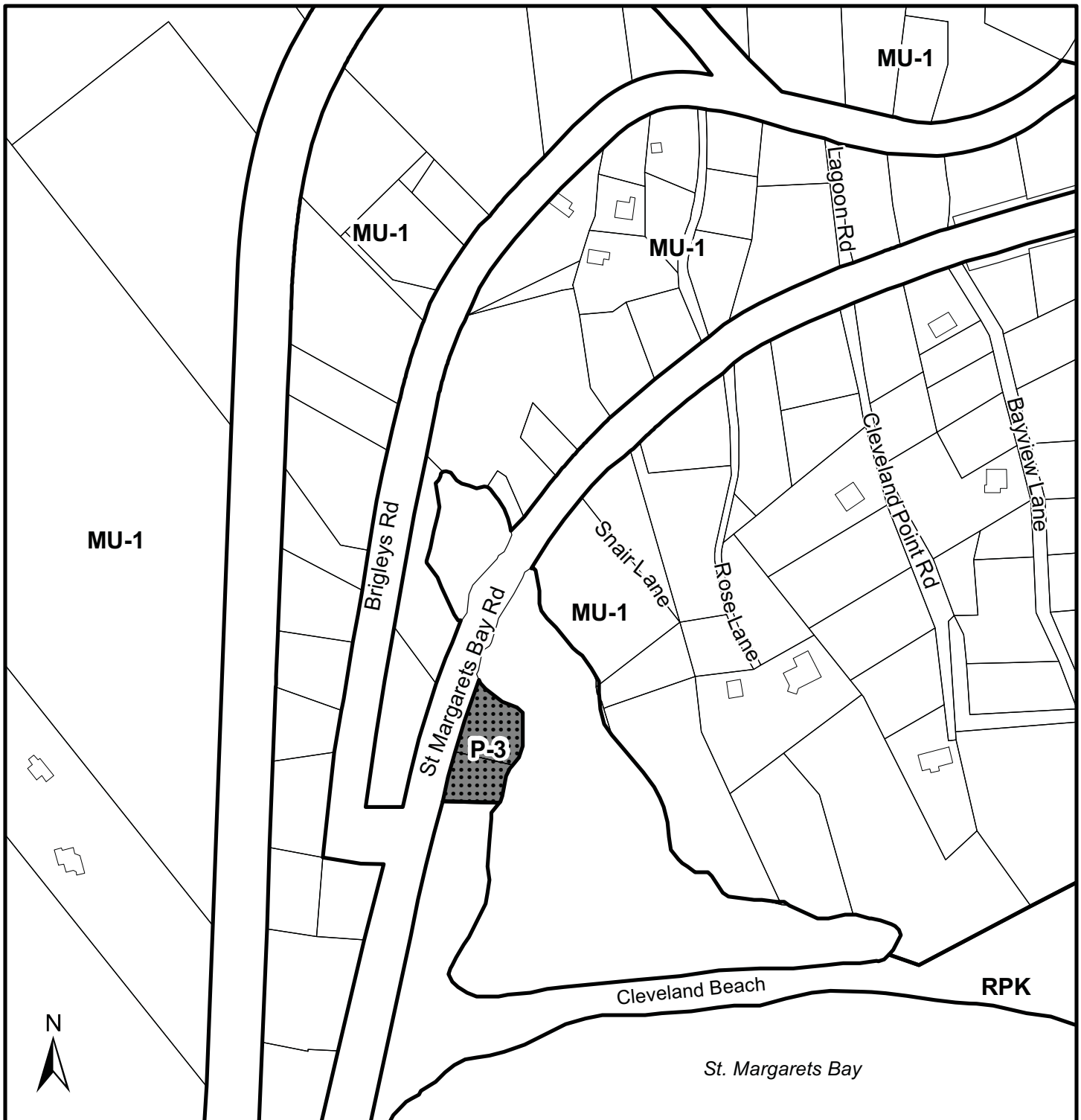
0 20 40 60 80 100 m



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Planning District 1 & 3
(St Margarets Bay) Plan Area

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Map 2B - Zoning

PIDs 40286767, 40207128
Queensland

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Zone

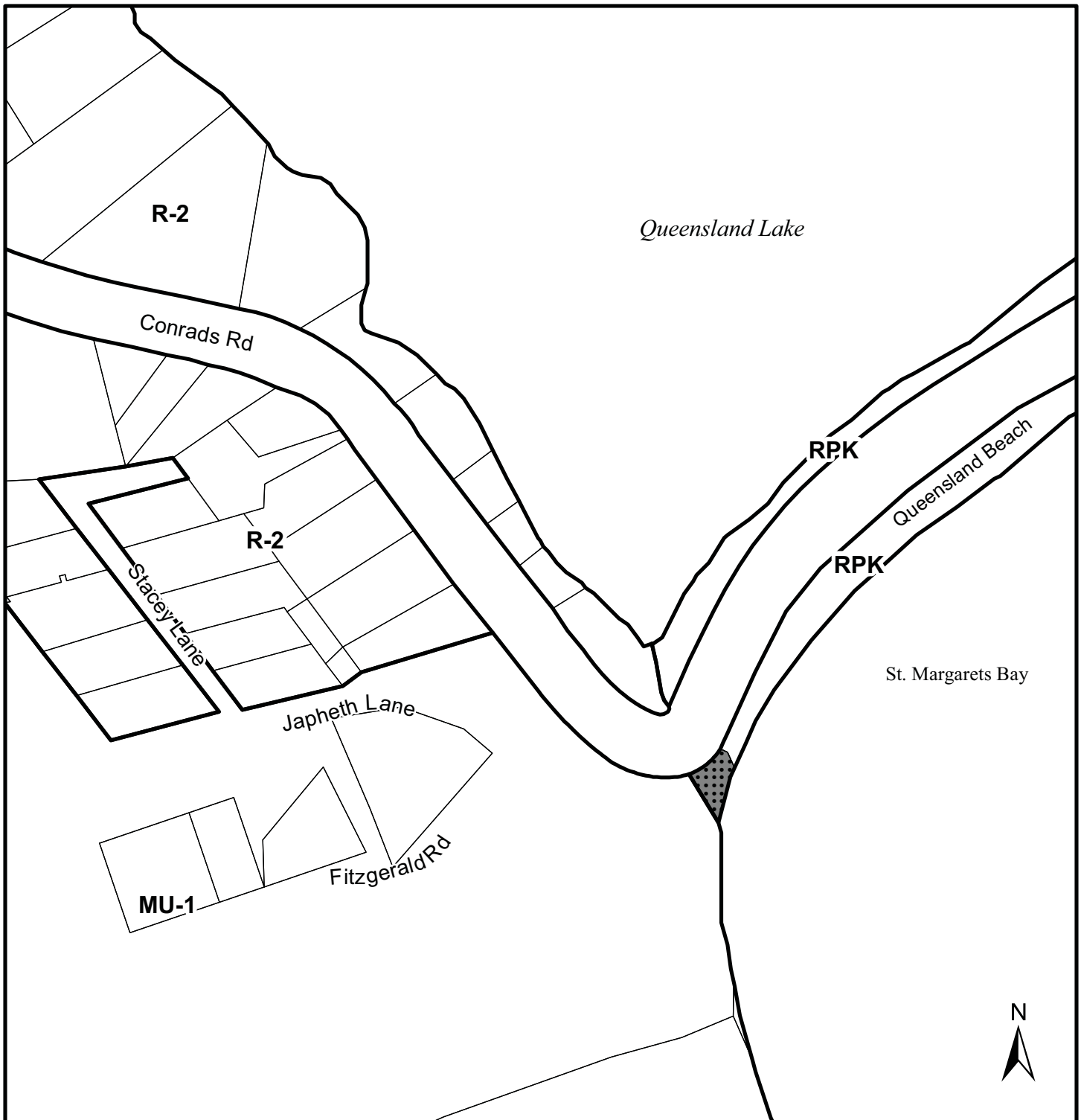
MU-1	Mixed Use
P-3	Provincial Park
RPK	Regional Park

0 20 40 60 80 100 m

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Planning District 1 & 3
(St Margaret's Bay) Plan Area

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Map 2C - Zoning

PID 40023855
Queensland

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Area proposed to be rezoned from
RPK (Regional Park) to MU-1 (Mixed Use)

Zone

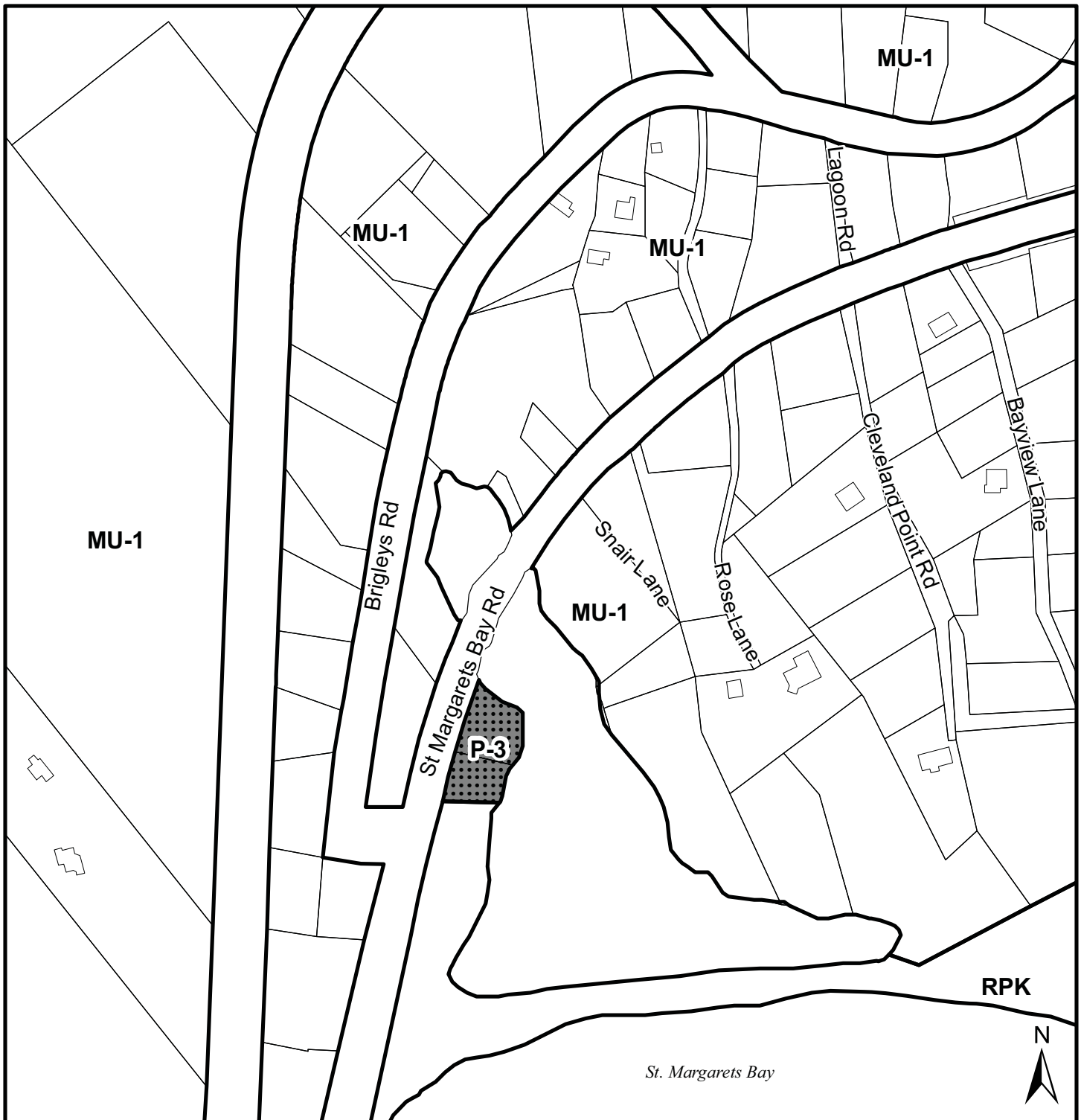
R-2	Two Unit Dwelling
MU-1	Mixed Use
RPK	Regional Park

0 20 40 60 m

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a portion of the Zoning Map for the plan
area indicated.

Planning District 1 & 3
(St Margarets Bay) Plan Area


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Map 3A - Zoning

PIDs 40286767 and 40207128
Queensland




 Area proposed to be rezoned
from P-3 (Provincial Park)
to MU-1 (Mixed Use)

Planning District 1 & 3
(St Margarets Bay) Plan Area

Zone

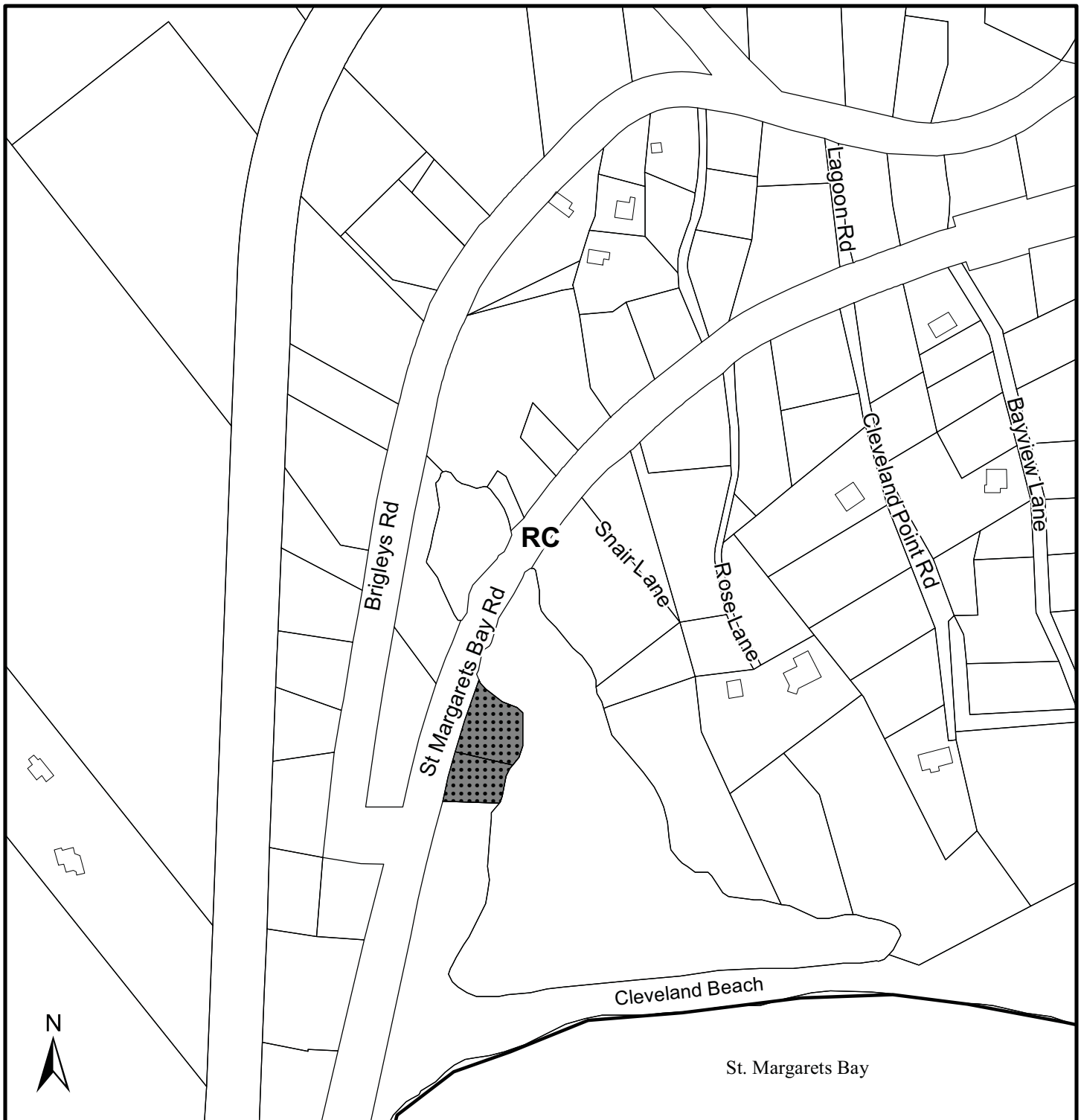
MU-1 Mixed Use
P-3 Provincial Park
RPK Regional Park

0 20 40 60 80 100 m



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Map 3B - Regional Plan Generalized Future Land Use

PIDs 40286767, 40207128
Queensland

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

 Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Designation

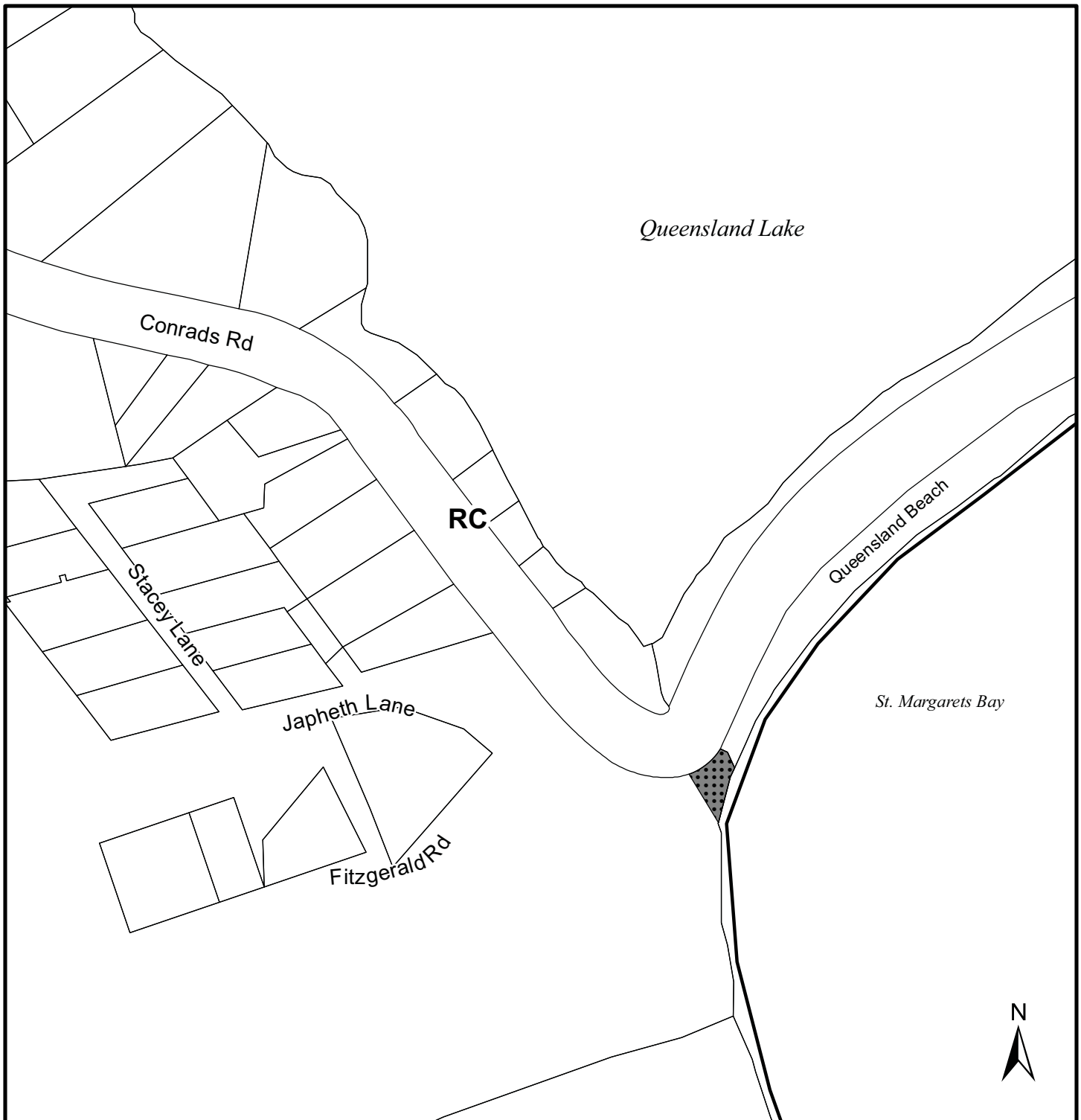
RC Rural Commuter

0 20 40 60 80 100 m

This map is an unofficial reproduction of
a portion of the Regional Generalized Future
Land Use Map for the plan area indicated.


Planning District 1 & 3
(St Margarets Bay) Plan Area

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Map 3C - Regional Plan Generalized Future Land Use

PID 40023855
Queensland

 Area proposed to be rezoned from
RPK (Regional Park) to MU-1 (Mixed Use)

Designation

RC Rural Commuter

Planning District 1 & 3
(St Margarets Bay) Plan Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



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Attachment A
Proposed Amendment to the Land Use By-law for Planning Districts 1 and 3

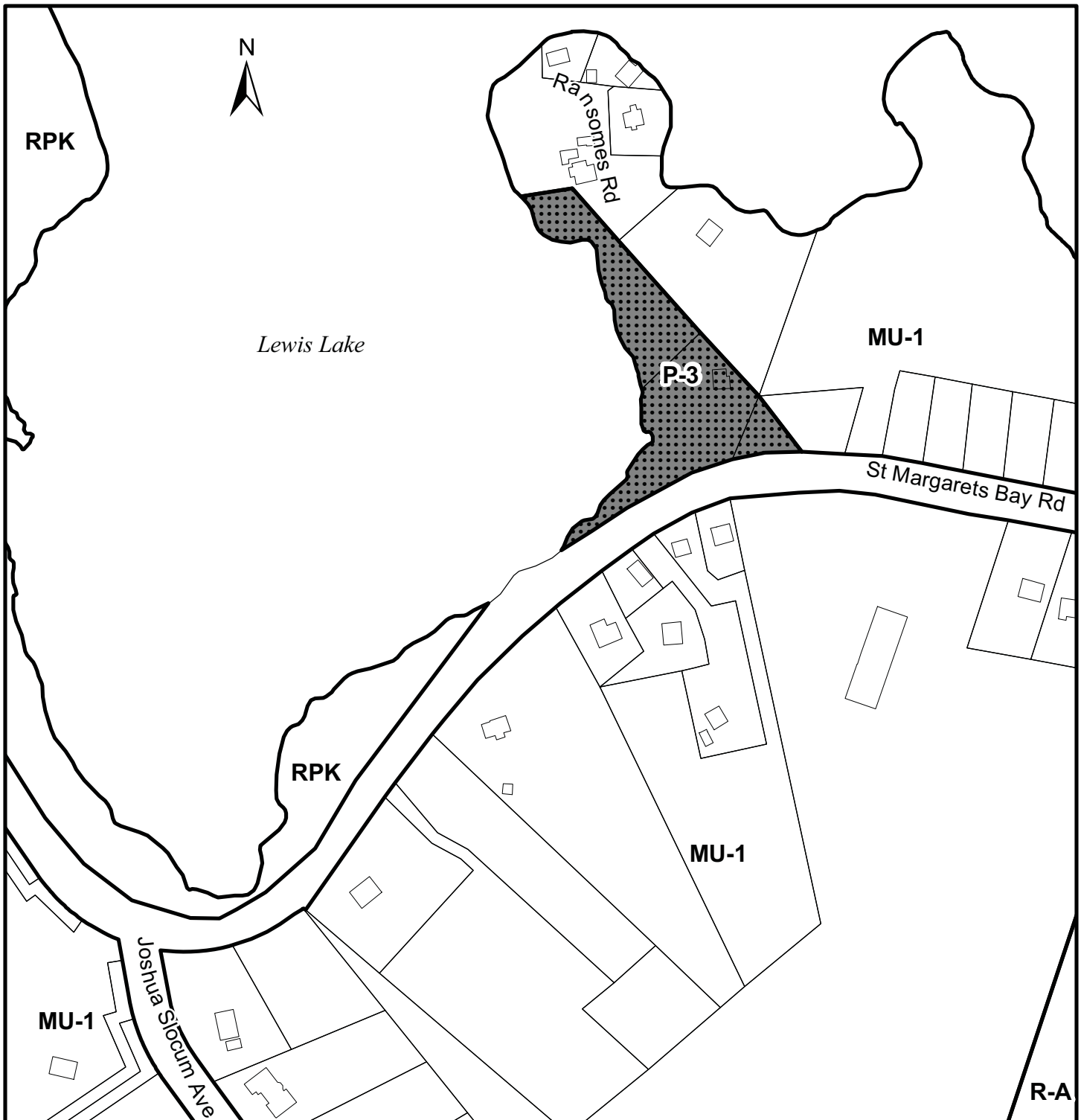
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Planning Districts 1 and 3 as enacted by the former Halifax County Municipality on the 3rd day of April, 1995, and approved by the Minister of Municipal Affairs on the 23rd day of May, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 12th day of November, 2011, is hereby further amended as follows:

1. Schedule A (Zoning Map) is further amended by rezoning five properties from P-3 (Provincial Park) to MU-1 (Mixed Use) and a portion of one property from RPK (Regional Park) to MU-1 (Mixed Use) as shown on Schedules A1, A2, and A3.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 1 and 3 as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2013.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2013.

Cathy Mellett
Municipal Clerk



Schedule A1

PIDs 41032079, 40623670, 40623688
Lewis Lake



Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Zone

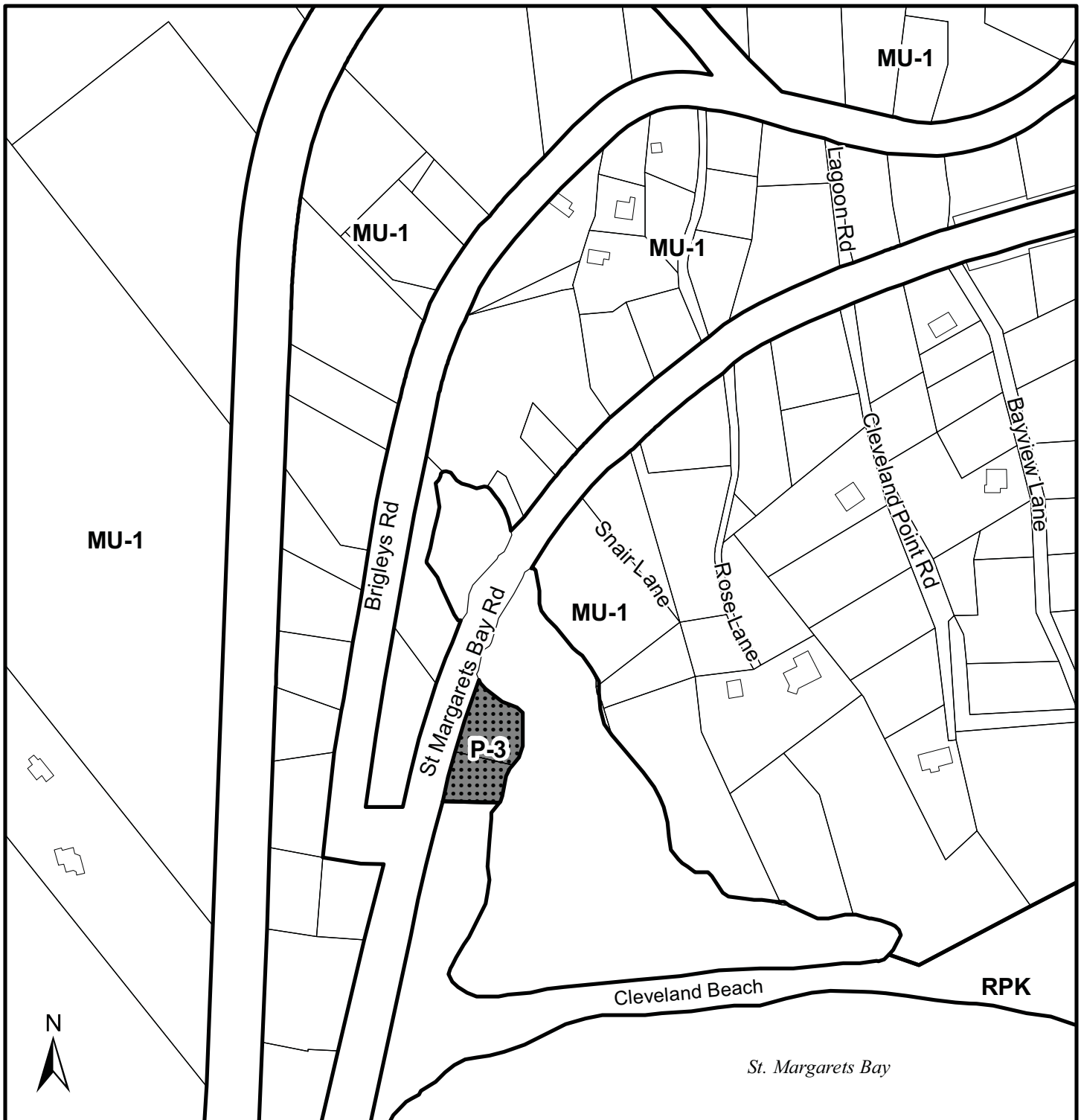
MU-1	Mixed Use
P-3	Provincial Park
RPK	Regional Park

0 20 40 60 80 100 m

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Planning District 1 & 3
(St Margarets Bay) Plan Area

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Schedule A2


PIDs 40286767, 40207128
Queensland

 Area proposed to be rezoned from
P-3 (Provincial Park) to MU-1 (Mixed Use)

Zone

MU-1	Mixed Use
P-3	Provincial Park
RPK	Regional Park

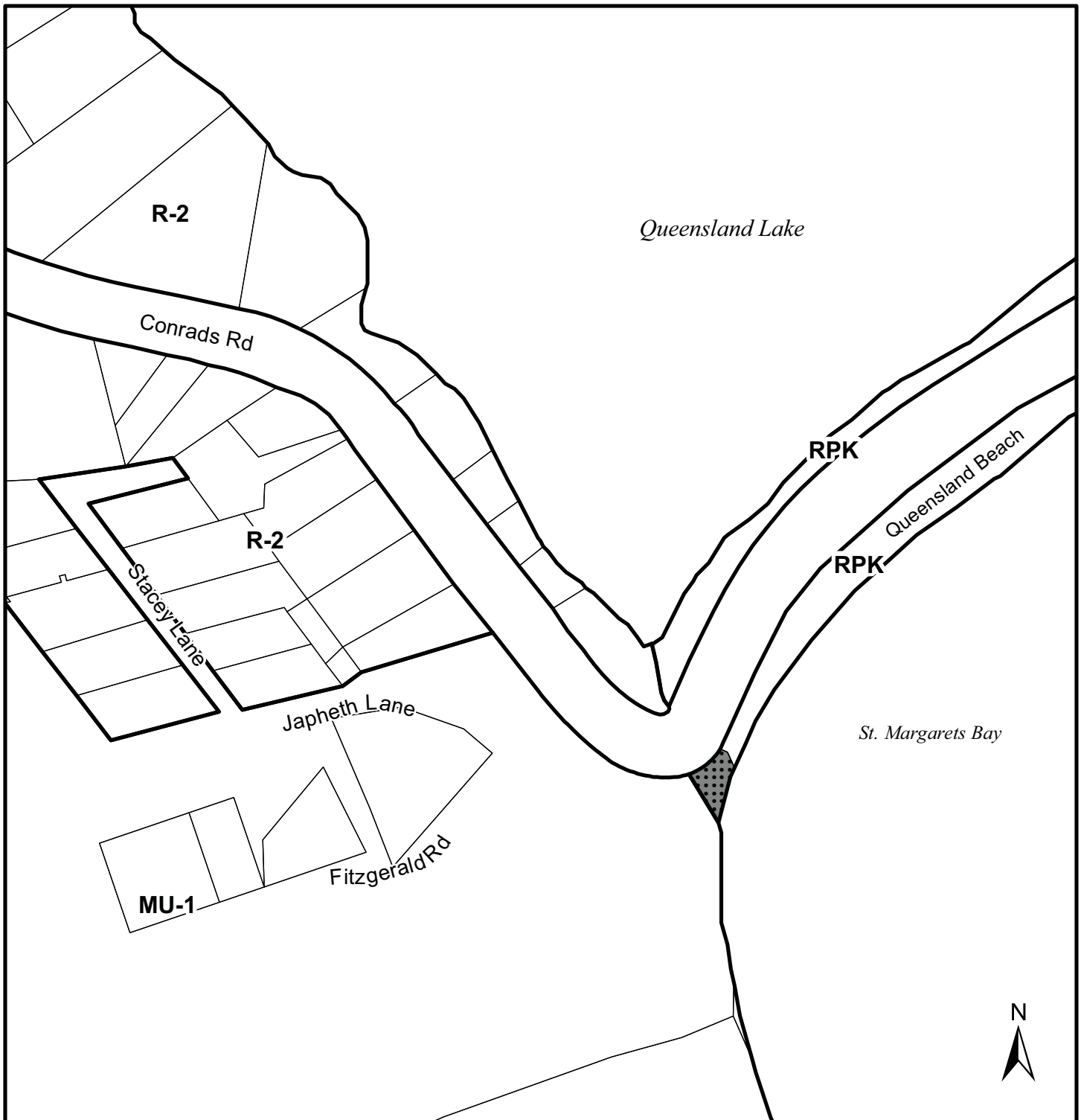
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Planning District 1 & 3
(St Margarets Bay) Plan Area

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Schedule A3

PID 40023855
Queensland



Area proposed to be rezoned from
RPK (Regional Park) to MU-1 (Mixed Use)

Zone

R-2	Two Unit Dwelling
MU-1	Mixed Use
RPK	Regional Park

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 60 m

This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
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Planning District 1 & 3
(St Margaret's Bay) Plan Area

Attachment B:
Policy Review – Excerpts from the HRM Charter

Future public use

237 (1) The Council may zone privately owned land for future public use other than transportation reserves if the by-law provides for an alternative zone on the land, consistent with the municipal planning strategy.

(2) Where privately owned land is zoned for future public use, the Municipality shall, within one year of the effective date of the zoning, acquire the land or the alternative zone comes into effect. 2008, c. 39, s. 237.

Attachment C:
RPK Zone from the LUB for Planning Districts 1 and 3

PART 22: RPK (REGIONAL PARK) ZONE (RC-Jun 27/06;E-Aug 26/06)

22.1 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
Public Parks
Commercial uses accessory to public park use

22.2 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

Attachment D:
Excerpts from the MPS for Planning Districts 1 and 3 and the Regional Plan

MPS

- MU-1 It shall be the intention of Council to establish a Mixed Use "A" and a Mixed Use "B" Designation as shown on the Generalized Future Land Use Map (Map 1). Within the designations it shall be the intention of Council to support the continuation of the existing diverse land use pattern characterized by a mixture of residential development, commercial activity, community facilities, traditional industries and resource uses. The Mixed Use "A" and "B" Designations will differ only in their treatment of fish processing plants.
- MU-2 Within the Mixed Use "A" and "B" Designation, it shall be the intention of Council to establish a Mixed Use 1 and Mixed Use 2 Zone respectively which permits all uses with the exception of mobile home parks, multi-dwellings, senior citizen housing containing over twenty (20) units, commercial entertainment uses, video arcades, campgrounds, marinas, intensive agricultural uses, extractive uses, sawmills and industrial mills related to forestry over three thousand (3,000) square feet, penal institutions, industrial uses excepting traditional uses, including telecommunication towers, hazardous waste disposal or storage sites, sanitary land fill sites, **C & D Material Operations (RC-Sep 10/02;E-Nov 9/02), commercial and industrial developments greater than 697 square metres (7,500 square feet) of GFA on any one lot, (RC-Feb 24/09;E-Apr 25/09)**, and salvage yards. The Mixed Use 1 Zone shall permit fish processing plants and the Mixed Use 2 Zone shall not. Standards shall be contained in the land use by-law for non-residential uses, including controls on outdoor storage and display, parking, buffering and setbacks.
- PP-1 It shall be the intention of Council to establish a provincial park Designation as shown on the Generalized Future Land Use Map (Map 1) in recognition and support of the existing parks at Cleveland Beach, Hubbards, Lewis Lake and Queensland. Within the designation, Council shall create a park zone which permits all provincial park uses including commercial uses accessory to a provincial park, and conservation related uses.

Regional Plan

- E-4 Within all designations, HRM shall establish a Regional Park Zone under the land use by-law. This Zone shall generally be applied to all Federal Parks, Provincial Parks, Provincial Park reserves, non-designated Provincial Parks and the new Regional Parks designated under this Plan. Within the Blue Mountain - Birch Cove Lakes Park, the zone shall only be applied to the publicly owned lands. This Zone shall permit recreation uses, park uses and other uses as provided by the existing secondary planning strategies for these areas.

Attachment E:
MU-1 Zone from the LUB for Planning Districts 1 and 3

PART 12: MU-1 (MIXED USE 1) ZONE

12.1 MU-1 USES PERMITTED

A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, except for the following:

Residential Uses Not Permitted

Mobile home parks
Multi-unit dwellings
Senior citizen housing over 20 units

Commercial Uses Not Permitted

Commercial entertainment uses
Campgrounds
Marinas

All commercial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC -Feb 24/09;E-Apr 25/09)

Resource Uses Not Permitted

Agricultural uses, Intensive
Extractive facilities
Sawmills and industrial mills related to forestry over 3,000 square feet

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries
Salvage yards

All industrial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

Construction and Demolition Materials Operations Not Permitted

C&D Materials Transfer Stations
C&D Materials Processing Facilities
C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02)

12.2 MU-1 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any MU-1 Zone except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: COMMERCIAL USES INCLUDING COMMERCIAL USES ASSOCIATED WITH A RESIDENTIAL USE.

Where uses are permitted as Commercial Uses in any MU-1 Zone, the following shall apply:

- (a) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (b) No portion of any parking space within the MU-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected.

12.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Notwithstanding the provisions of 12.2, where any portion of any lot in any MU-1 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor storage or outdoor display shall be permitted within any yard in an MU-1 Zone where such yard abuts any residential or institutional use, except where a fence or other visual and physical barrier is provided within the abutting yard.

12.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 12.2, where any service station is erected in any MU-1 Zone the following shall apply:

- (a) Minimum Lot Area 30,000 square feet (2,787 m²)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.

- (d) No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
- (e) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (f) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (g) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (h) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

12.6 OTHER REQUIREMENTS: AGRICULTURAL USES

In any MU-1 Zone where agricultural uses are permitted, and where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected, no such structure shall:

- (a) Be less than twenty five (25) feet (7.6 m) from any side lot line;
- (b) Be less than three hundred (300) feet (91.5 m) from potable water supply except a supply on the same lot or directly related to the agricultural use;
- (c) Be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
- (d) Be less than three hundred (300) feet (91.5 m) from any watercourse or water body.

12.7 OTHER REQUIREMENTS: FORESTRY USES

In any MU-1 Zone where forestry uses are permitted, the following shall apply:

- (a) No more than three thousand (3,000) square feet (278.7 m²) of gross floor area of all structures on any lot shall be used for a sawmill or other industrial mill related to forestry.
- (b) No sawmill or other industrial mill related to forestry shall be located less than twenty five (25) feet (7.6 m) from any lot line nor less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.

12.8 OTHER REQUIREMENTS: INSTITUTIONAL USES:

In any MU-1 Zone where uses are permitted as Institutional Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Frontage	100 feet (30.5 m)

Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	The greater of ½ height of the main building or 15 feet (4.6 m)
Maximum Lot Coverage	50 per cent

12.9 OTHER REQUIREMENTS: SERVICE INDUSTRIES, TRANSPORTATION FACILITIES AND MAINTENANCE AND CONSTRUCTION YARDS

Notwithstanding the provisions of Section 12.2 where uses are permitted as service industries, transportation facilities and maintenance and construction yards in any MU-1 Zone, the following shall apply:

Minimum Front Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m) except where any such use abuts another such use or a commercial use in which case the abutting side or rear yard requirement shall be fifteen (15) feet (4.6 m).
Minimum Separation Distance Between Accessory Buildings	15 feet (4.6 m)

12.10 OTHER REQUIREMENTS: OPEN SPACE USES

In any MU-1 Zone where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)

12.11 EXEMPTION OPEN SPACE USES

Notwithstanding the provision of Section 4.1(a) where uses are permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

12.12 MARINA

Notwithstanding Section 12.1, a marina shall be permitted within the MU-1 Zone on properties in Hacketts Cove identified by LIMS Property Numbers 513150, 513143, 513135, 513127, 513085, 513119, and 40034688.

12.13 REDUCED AREA AND FRONTAGE REQUIREMENT

The lot area and frontage requirements of this Section 12.2 shall not apply to those parcels of land located off the Station Road in Hubbards identified as LIMS Numbers 4023830, 40024671, 40024788, 40235756, 40024689, 40024838, 40024911, 40235749, 40235731, and 40024663, but for the purposes of this Section, the minimum lot dimensions shall be as determined by the Department of Health, and there shall be no frontage required.

12.14 OTHER REQUIREMENTS: RECYCLING DEPOTS

In any MU-1 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.