ATTENTION

THESE ARE DRAFT AMENDMENTS, ARE SUBJECT TO CHANGE, AND HAVE NO LEGAL STANDING

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LAND USE BY-LAW

EASTERN SHORE (WEST)

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THIS COPY IS
A REPRINT OF THE
EASTERN SHORE (WEST)
LAND USE BY-LAW
WITH AMENDMENTS TO
JUNE 13, 2024

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LAND USE BY-LAW
FOR
EASTERN SHORE (WEST)

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Eastern Shore (West) which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 4th day of March, 1996, and approved by the Minister of Municipal Affairs on the 29th day of March, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 13th day of June, 2024.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this ____ day of _____, 20___.

_____
Municipal Clerk

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LAND USE BY-LAW
FOR
EASTERN SHORE (WEST)

MARCH 1996

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A By-law to regulate the use of land and the erection and use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures within the Eastern Shore (West) Plan Area (Planning District 10) of the former Halifax County Municipality in the Province of Nova Scotia.

The Planning Act provides in Section 43(2) that "no development shall be undertaken where a land use By-Law passed under this Act is in effect unless a development permit issued by the development officer has been obtained" and,

according to Section 1(e) of this Act, "development includes any erection, construction, addition, alteration, replacement or relocation of or to any building or structure and any change or alteration on the use made of land, buildings or structures".

Please note that HRM Council at its meeting on May 9, 2000, approved a motion to insert the following notation in the Land Use By-Law as follows:

The provisions of the zones described in this bylaw do not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where a privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this By-Law.

This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on the 4th day of March, 1996 and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 29th day of March, 1996. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

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PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for the Eastern Shore (West)" within Halifax County Municipality.

PART 2: DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

2.1 ACCESSORY BUILDING OR STRUCTURE means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law.

2.1A **ACCESSORY HEN USE means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not commercial purposes. For the purposes of this by-law, an accessory hen use is not an agricultural use (RC- Oct 05/21; E-Jan 08/22).**

2.2 ACCESSORY USE means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations.

2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, water, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods, but shall not include any operation which involves more than fifty (50) domestic fowl and ten (10) of any other type of livestock.

2.4 AGRICULTURAL USE - INTENSIVE - means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughter house, a broiler plant, or land used as an animal feed lot managed to maximum production and output in a confined area.

2.5 ALTERATION means any change in the structural component or increase in the volume of a building or structure.

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2.6 ANTIQUE SHOP means a building or part of a building which is used for the retailing or wholesaling of antiques and may include the restoration and refinishing of antiques.

2.7 ART STUDIO means a building or part of a building which is used for the exhibition and sale of paintings, sculptures, photographs or other works of art.

2.8 ATTACHED BUILDING means a building complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

2.9 AUTOMOTIVE REPAIR OUTLET means a building or part of a building or a clearly defined space on a lot used for repair and service of motor vehicles and may include muffler, brake, radiator, engine, body, paint, tire and glass shops, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles but shall not include salvage yards or the retailing of gasoline or other fuels.

2.10 BED AND BREAKFAST (Deleted: RC-Feb 21/23;E-Sep 1/23)

2.11 BOAT SHED means a building used exclusively for the storing or repairing of fishing and/or recreational boats and equipment and which is not used for seasonal or permanent residential or commercial purposes or any other use.

2.12 BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

2.13 CAMPGROUND means the commercial, institutional or non-profit use of land on which accommodations for temporary occupancy are located or may be placed, including tents, **(Deletion: MDVCCC-Jan 23/02;E-Feb 10/02)** camper trailers, and recreational vehicles, and which is primarily seasonable in operation.

2.13A CANADIAN GEODETIC VERTICAL DATUM (CGVD28) means the vertical datum for Canada officially adopted by an Order in Council in 1935. CGVD28 is a tidal datum defined by the mean water level at five tide gauges: Yarmouth and Halifax on the Atlantic Ocean, Pointe-au-Père on the St-Lawrence River, and Vancouver and Prince-Rupert on the Pacific Ocean. In addition, the definition includes an elevation at a benchmark in Rouses Point, NY (next to Lake Champlain) accepted as fixed by the US and Canada in 1925. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system. (RC-Jun 25/14;E-Oct 18/14)

2.13B CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep 18/18;E-Nov 3/18)

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2.13C CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including
(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and
(b) excluding
(i) industrial hemp, and
(ii) premises used for personal production permitted by federal legislation.

(RC-Sep 18/18;E-Nov 3/18)

2.13D CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public. (RC-Sep 18/18;E-Nov 3/18)

2.14 CEMETERY means the use of land or structures for the interment of human remains but shall not include the use of structures for crematorium.

2.14A COMMERCIAL ACCOMMODATION USE means every building, part of a building, group of buildings or place of accommodation that provides one or more rental units used for the reception of the travelling or vacationing public and without limiting the generality of the foregoing, includes motels, hotels, resorts, inns, cabins and lodges. (MDVCCC-Jan 23/02;E-Feb 10/02) (Text deletion: RC-Feb 21/23;E-Sep 1/23)

2.15 COMMERCIAL ENTERTAINMENT USE means any building or part of a building used for a beverage room, lounge or other similar or a video arcade, but shall not include cabarets.

2.16 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial, recreation or sport purposes and without limiting the generality of the foregoing, may include animal or vehicle racing tracks, campgrounds, rifle ranges, golf courses, miniature golf courses, amusement parks and centres and drive-in theatres and may include a dwelling unit or dwelling units for maintenance or security personnel.

2.17 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight or over three (3) tons.

2.18 COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical

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handling of organic matter and where the annual production of compost material exceeds 60 cubic metres.

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. (RC-Jun 25/14;E-Oct 18/14)

2.19A CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. (RC-Sep 10/02;E-Nov 9/02)

2.19B CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia. (RC-Sep 10/02;E-Nov 9/02)

2.19C CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

2.19D CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02)

2.20 COUNCIL means the Council of the Halifax County Municipality.

2.21 CRAFT SHOP means a building or part of a building which is used for the retailing or wholesaling of arts and handicrafts and shall include the fabrication of arts and handicrafts.

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2.22 CREMATORIUM means a building or a part of the building fitted with the proper appliances for the purposes of the cremation of human or animal remains and includes everything incidental or ancillary thereto.

2.23 DAYLIGHTING TRIANGLE means the triangular shaped land which is that part of and within a corner lot, adjacent to the intersection of the front lot line and the flankage lot line, and which is measured, from such intersection and along each street line the distance required by this By-law and, along a straight line joining the point of the required distance along each street line. In the case of a through lot, a daylighting triangle shall also be adjacent to the intersection of the rear lot and the flankage lot line and shall be measured from such intersection the distance required by this By-law and along a straight line joining the points of such distance.

2.24 **DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (HECC-Mar 3/09;E-Mar 21/09)**

2.25 DERELICT VEHICLE means an inoperative motor vehicle which is not currently licensed.

2.26 DEVELOPMENT OFFICER means the officer of Halifax County Municipality, from time to time charged by the Municipality with the duty of administering the provisions of the By-law.

2.27 DWELLING

(a) Dwelling means a buildings or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.

(b) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit**, and includes a mobile dwelling (RC-Oct 11/22;E-Nov 16/22)**.

(d) Dwelling, Two Unit means a building containing two dwelling units.

(e) Repealed (RC-May 23/24;E-June 13/24)

(f) Dwelling, Multiple Unit means a building containing three (3) or more dwelling units.

(g) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and

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which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.2 m).

(h) Dwelling, Semi-detached means a building that is divided vertically into two (2) dwelling units by means of an above-grade common wall of at least eight (8) feet in height which constitutes at least fifty (50) percent of the horizontal axis between the two units.

2.28 ERECT means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.

2.29 ESTABLISHED GRADE means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment.

2.30 EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses but does not include structures or storage areas which are fundamental to the activities of mining or extraction.

2.31 EXISTING means legally in existence as of the effective date of this By-law.

2.32 FACADE means the exterior surface of a building.

2.33 FISH COMPOSTING OPERATION means any operation conducted in a building or part of a building or the use of land where fish offal, whole or parts of fish, fish by-products or any combination thereof is mixed with other organic material to produce a compost but does not include a fish reduction plant.

2.34 FISH REDUCTION PLANT means a building or part of a building where fish offal, whole or parts of fish or any combination thereof is rendered into fish meal, fertilizers, a slurry or other by-product but does not included a fish composting operation.

2.35 FISH SHED means a building used exclusively for storing or repairing fishing and/or aquaculture equipment and which is not used for seasonal or permanent residential purposes or any other use.

2.36 FISH PROCESSING PLANT means a building or part of a building which is used for the cleaning, filleting, icing, packing, canning, freezing, salting, cooking, pickling, drying or preparing of any fish including shellfish, crustaceans and marine plants and

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animals for market in any other manner but does not include a fish reduction plant, fish composting operation or a fishing support use.

2.37 FISHING SUPPORT USE means any use which is designed to support the fishery and aquaculture industry and includes boat and equipment storage, maintenance buildings and yards, retail and wholesale outlets for fish and fish products, a smokehouse, and/or an operation where a fisherman and/or his/her crew processes his/her own catch and/or the catch of other fishermen, and/or where an aquaculture operator and/or his/her assistants processes his/her own produce and/or the produce of other aquaculture operators.

2.38 FISHERY USE means any use associated with a fishery use including fishing support uses and fish processing plants.

2.39 FOOTPRINT means the outline of a building measured at all elevations.

2.40 FORESTRY USES means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including forest processing operations, vehicles and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

2.41 GARDEN CENTRE means land or a building or part thereof where horticultural products, supplies and equipment are offered for sale directly to the public.

2.42 GARDEN SUITE (Repealed: RC-May 23/24;E-Jun 13/24)

2.43 GROCERY STORE means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and recorded music, housewares, toiletries, stationery and tobacco products.

2.44 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

2.45 HEIGHT means the vertical distance of a building between the established grade and the highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, provided that no roof space is used for human habitation.

2.45A HEN means adult female chicken. For the purposes of this by-law hens associated with an accessory hen use are not livestock (RC- Oct 05/21; E-Jan 08/22).

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2.46 HOME BUSINESS means any occupation or business activity resulting in a product or service and which is conducted within all or part of the principle operator's dwelling unit, accessory building, and/or on the lot, and is subordinate to the residential use on the property, and may include the retail sale of products incidental to the home business.

2.47 **(Deleted-MDVCCC-Jan 23/02;E-Feb 10/02)**

2.48 HUNTING AND FISHING CAMP means a building used for accommodation during the hunting and fishing seasons and which may contain facilities for the preparation of food, but shall not include any vehicle or any part of any vehicle.

2.49 INSTITUTIONAL USE means any educational or denominational use, day care facility, **shared housing with special care (RC-Aug 9/22;E-Sep 15/22)**, fire station, police station, public works, hospital, public library, post office, museum and gallery, community centre and hall, recreation use or open space use.

2.50 KENNEL means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding and/or for commercial boarding with or without veterinary care.

2.51 LANDSCAPED AREA means a portion of the lot area which is not used for buildings, structures, parking spaces and driveways and which consists of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent lands.

2.52 LIMS means the Land Information Management Service whose property identification numbering system is used in this By-law to identify particular land parcels. The LIMS is a division of the provincial department of Municipal Affairs and is responsible for the production of comprehensive property and ownership mapping for the province.

2.53 LINTEL means the horizontal support member across the head of a door or window.

2.54 LIVESTOCK means horses, cows, pigs, sheep, goats and fowl, whether or not they are kept for commercial purposes.

2.55 LOT

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April 1987, or is described in a plan ~~and~~ **or** deed **approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County or a lot created pursuant to Section 102(2) of the Planning Act.

(b) Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.

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(c) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

2.56 LOT AREA means the total horizontal area within the lot lines of a lot.

2.57 LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

2.58 LOT FRONTAGE means the horizontal distance between the side lot lines are measured along the front lot line. In the case of a corner lot with a daylighting triangle, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. In the case of a lot or parcel located on a curved public street or highway or private road or right-of-way, lot frontage shall mean the distance between the side lot lines measured along a horizontal line joining points on each side lot line which are located at a distance of thirty (30) feet (9.1 m) from the public street or highway or private road or right-of-way.

2.59 LOT LINE

(a) Lot Line means a boundary or exterior line of a lot.
(b) Front Lot Line means the line dividing the lot from a street or a private road; and
  (i) in the case of a corner lot - the shorter boundary line abutting the street or private road shall be deemed to be the front lot line and the longer boundary line abutting the street or private road shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street or private road shall be deemed to be the front lot line; or
  (ii) in the case of a lot which has as one of its boundaries the shore line of a lake, the sea or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
(c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
(d) Side Lot Line means a lot line other than a front or rear lot line.
(e) Flankage Lot Line means a side lot line which abuts the street or private road on a corner lot.

2.60 MAIN BUILDING means the building in which is carried on the principal purpose or purposes for which the building lot is used.

2.61 MAIN WALL means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof.

2.62 MANUFACTURING AND ASSEMBLY USE means an establishment or facility engaged in the mechanical or chemical transformation of materials or substances into

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new products including the assembly of component parts, the manufacturing of products and the blending of materials, but shall not include any use which is obnoxious.

2.63 MARINA means a commercial facility for storing, servicing, fuelling, berthing and/or securing of water and/or air craft (seaplanes) and may include overnight accommodation, eating, drinking or retail facilities principally for owners, crews and guests.

2.64 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition that maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

2.65 MEDICAL CLINIC means a building or part of a building where two or more practitioners provide human health services without overnight accommodation for patients.

2.66 **(Deleted: MDVCCC-Jan 23/02;E-Feb 10/02)**

2.67 MUNICIPALITY means Halifax County Municipality.

2.68 OBNOXIOUS USE means a use which, but its nature or by method of operation creates a nuisance or is offensive by creating noise or vibration, or by reason or emitting gas, fumes, dust, oil, objectionable odour, or airborne pollutants or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials and shall include operations which produce effluent which cannot be disposed of by means of an on-site sewage disposal system or which involves the processing, production or warehousing of dangerous goods.

2.69 OFFICE means a room or rooms where a business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

2.70 OPEN SPACE USE means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, boat launching facilities, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include camping grounds, golf courses, marinas or tracks for the racing of animals or motorized vehicles.

2.71 OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are, or which are similar to other goods which are available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display include the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative garden items and prefabricated cottages, sheds and homes.

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2.72 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

2.73 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers, or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or private road by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

2.74 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (15 sq. m.), measuring eight (8) feet (2.4 m.) by twenty (20) feet (6.1 m.), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of motor vehicles to and from a street or private road by means of driveways, aisles or manoeuvring areas.

2.75 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives or a person to whom the context can apply according to law.

2.76 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

2.77 PRIVATE CLUB OR LODGE means a building and related facilities owned or operated by a corporation, association, or group of individuals established for the social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and may pay dues.

2.78 PRIVATE ROAD means any street or road which is not public which is shown as a private road on an approved plan of subdivision and the right-of-way, alignment and gradient is approved by the Municipality or the Department of Transportation and Communications or Halifax County Municipality.

2.79 PUBLIC PARK means a park owned or controlled by a public authority or by an board, commission or other authority established under any statute of the Province of Nova Scotia.

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

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and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

2.81 RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction and demolition materials or hazardous materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot. (RC-Sep 10/02;E-Nov 9/02)

2.82 RECYCLING FACILITY means a building(s) or part of a building(s) and/or a lot or part of a lot which is used as a recycling depot and may include processing, reclamation and composting activities on the same lot and within any building on the lot.

2.83 RESIDENTIAL CARE FACILITY (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.84 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and is characterised by the service of delivering to or waiting on tables or buffet style service. However, take-out food component may be permitted, provided that the take-out function does not exceed 10% of the gross floor area of the full service restaurant. A restaurant may also include the licensed sale of alcoholic beverages.

2.85 RESTAURANT - DRIVE-IN means a building or part of a building wherein food is prepared in advance for immediate distribution to the public for consumption within or outside the building and is characterised by the customer pick up of food at a counter or drive through car pick up, and does not provide the regular service of delivering to or waiting on tables nor licensed sale of alcoholic beverages.

2.86 RESTAURANT - TAKE-OUT means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption. However, a seating area may be provided for consumption within the building provided that such seating area does not exceed 25% of the gross floor area of the take-out restaurant. Services of waiting on tables or regular delivery of food to tables are not carried on, nor is the licensed sale of alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.

2.87 RETAIL STORE means any building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.

2.88 ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five (5) acres (2.0 ha) and which entrance has been approved by the Department of Transportation and Communications or Halifax County Municipality for the purposes of a public road or private road entrance reserve.

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2.89 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sep 10/02;E-Nov 9/02)

2.90 SENIOR CITIZENS HOUSING (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.91 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided and, without limiting the generality of the foregoing, may include a public garage which includes an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, a plumbing shop, a sheet metal shop, a truck or heavy equipment repair facility or depot, construction yard and similar uses.

2.92 SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include ratio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

2.93 SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automotive accessories and the servicing and general repairing of motorized vehicles and may including washing establishments.

2.93A SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

(i) that are rented for remuneration as separate rooms for residential accommodation; or
(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act.
(RC-Aug 9/22;E-Sep 15/22)

2.93B SHARED HOUSING WITH SPECIAL CARE means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants, and must meet the definition of Shared Housing Use. (RC-Aug 9/22;E-Sep 15/22)

2.93C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.

2.94 SHIP YARD means a yard and related buildings and facilities which are used for the docking, storing, servicing and repairing of marine craft and marine equipment, the storing and retailing of marine fuels and parts and accessories for marine, craft and where waste water pumping facilities for marine use may be provided.

2.94A Short-term Bedroom Rental means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sep 1/23)

2.94B SHORT-TERM RENTAL means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sep 1/23)

2.95 SIGN means any display of lettering, logos, colours, lights or illuminated neon tubes visible to the public from outside of a building, or from a travelled way, which conveys a message to the public or intends to advertise, direct, invite, announce or draw attention directly, or indirectly, to a use conducted, goods, products, services or facilities available, either on the lot or on any premises but does not includes signs regulated under HRM By-law S-800. Window displays and merchandise and are not considered signs.

(a) <u>Awning Sign</u>: A sign painted on or attached to the cover of a movable metallic frame, of the hinged, roll or folding type of awning.

(b) <u>Billboard</u>: A free-standing sign larger than 35 sq.ft. in gross area, or a wall sign that covers more than ten percent (10%) of the area to which it is affixed.

(c) <u>Construction Sign</u>: An on premise sign identifying the contractor, architect and/or engineer's name, address and other pertinent information.

(d) <u>Flashing Sign</u>: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, colour, direction or animation. Illuminated signs which indicate the date, time and/or temperature will not be considered flashing signs under these regulations.

(e) <u>Free-Standing Sign</u>: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include portable or trailer mounted signs.

(f) <u>Illuminated Sign</u>: Any sign lit by electrical bulb(s), fluorescent light(s) or neon tube(s). Neon tubes used as abstract, graphic, decorative or architectural elements shall be considered to constitute an illuminated sign.

(g) <u>Landmark Sign</u>: An older sign of Historic merit, uniqueness or extraordinary significance to the district. These signs shall be identified by the local Historic Society or in their absence the Council or its successors.

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(h) **<u>Marquee Sign</u>: A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building.**

(i) **<u>Multiple Signs</u>: A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building and/or complex.**

(j) **<u>Off-Premises Signs</u>: Any sign which is not on the premises of a business, and may include a billboard.**

(k) **<u>On-Premises Signs</u>: Any sign that advertises, calls attention to or identifies the occupant of the property on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part of it for sale or rent.**

(l) **<u>Political Signs</u>: Any sign designed to influence the action of voters for the election of a candidate for office in any level of government or to any governmental body, or for the passage or defeat of a measure.**

(m) **<u>Projecting Sign</u>: A sign which is affixed at an angle to a building, tree or other structure and which extends more than eighteen (18) inches beyond the surface to which it is affixed.**

(n) **<u>Public Service Signs</u>: A sign located for the purpose of providing direction toward or indication of a use not readily visible from the street or sidewalk (ie: rest rooms, telephone, etc.).**

(o) **<u>Roof Sign</u>: A sign which is located above, or projects above, the lowest point of the eves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.**

(p) **<u>Wall Sign</u>: Any sign message or mural which is painted on, incorporated into, or affixed parallel to the wall of a building and extends not more than eighteen inches from the surface of that building.**

(q) **<u>Window Sign</u>: Any sign painted or mounted onto a window pane, or which is hung directly inside the window with the purpose of identifying any premises, goods and/or services offered, and which is visible form a public roadway or sidewalk.**

(RC-Sep 26/06;E-Nov 18/06)

2.96 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or Halifax County Municipality**, and may include a private road or Schedule "A" road as defined in the *Regional Subdivision By-law*, or an access created under the *Regional Subdivision By-law* (RC-May 23/24;E-June 13/24)**.

2.97 STREET LINE means the boundary line of a street or a private road.

2.98 STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls, signs, and fences exceeding six (6) feet (1.8 m.) in height.

2.98A SUITE (RC-Sep 01/20;E-Nov 7/20)

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(a) **<u>Backyard Suite</u> means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**

(b) **<u>Secondary Suite</u> means a self-contained subordinate dwelling unit that is located within a residential main building.**

2.99 TRADITIONAL USE means the use of a building or part of a building or a lot or part of a lot on which traditional crafts and activities are or are capable of being carried out and shall include weaving, painting, stained glass making, sculpturing and moulding, furniture making and repair, woodworking, music making, pottery making and small boat building and repair.

2.100 TRANSPORTATION USE means the use of land and/or buildings for storing, servicing, repairing, renting or leasing buses, trucks or transport trailers and may include services incidental to transportation, such as forwarding and parking services, and the arranging of passenger or freight transportation.

2.100A USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)

2.101 VARIETY STORE means a retail establishment in which goods or materials such as soft drinks, confections, stationary supplies, reading materials, tobacco products and smoker supplies, patent medicines, first aid supplies, housewares and notions, souvenirs and similar goods are offered for sale to the general public, and may include groceries, dairy products and video rental outlets and a take-out restaurant as a secondary function.

2.102 VIDEO ARCADE means any commercial facility which contains more than three (3) amusement machines and, without limiting the generality of the foregoing, includes pinball machines and electronic and/or mechanical games machines operated by depositing coins or tokens.

2.103A WATER CONTROL STRUCTURE - means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

2.103 WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-Jun 25/14;E-Oct 18/14)

2.104 WATERFRONTAGE LOT WIDTH means the width of a lot measured in a straight line from where the side lot lines meet the water.

2.105 YACHT CLUB (see definition of Private Club).

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2.106 YARD means an open, uncovered space on a lot appurtenance to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

(a) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

(b) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and "required rear Yard" or "minimum rear yard" means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

(c) Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot" and "required side yard" or "minimum side yard" means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

(d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or "minimum flankage yard" means the minimum side yard required by this By-law where such yard abuts a street or private road.

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, the Eastern Shore (West) Plan Area is divided into the following zones, the boundaries of which are shown on the attached zoning schedules. Such zones may be referred to by the appropriate symbols:

	Symbol	Zone
Residential Zones	R-6	Rural Residential Zone
	FV	Fishing Village Zone
Mixed Use Zones	MU	Mixed Use Zone
	FI	Fishing Industry Zone
	I-1	Business Industry Zone
	CDD	**Comprehensive Development District Zone (RC-Jun 25/14;E-Oct 18/14)**
Construction & Demolition (C&D) Zones (RC-Sep 10/02;E-Nov 9/02)	**CD-1**	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone**
Infrastructure Charge Zone (RC-Jul 2/02;E-Aug 17/02)	**ICH**	**Infrastructure Charge Holding Zone**
Conservation Zones	P-3	Coastal Conservation Zone
	P-4	Provincial Park Zone
	RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct18/14)**
	PA	**Protected Area Zone (RC-Jun 25/14;E-Oct18/14)**

3.2 ZONING MAPS

(a) Schedule A attached hereto, may be cited as the "Eastern Shore (West) Zoning Map" and is hereby declared to form part of this By-law.

(b) The extent and boundaries of all zones are shown on Schedule A for all such zones the provisions of this By-law shall respectively apply.

(c) The symbols used on Schedule A refer to the appropriate zones established by Section 3.1.

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3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

(a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
(b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
(c) where a public street or highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
(d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;
(e) where land is created by the filling of a water lot or by otherwise infilling waters, the land so created shall be included in the zone of the lot and the zone boundary shall be the waterline; and
(f) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedules.

3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether any such zone has previously appeared on any zoning map. Such amendments shall be carried out in accordance with the requirements of the Planning Act and shall be in conformity with the policies of the Municipal Planning Strategy for the Eastern Shore (West) Plan Area.

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) Any use not listed as a use permitted within any zone shall be deemed to be prohibited in that zone;
(b) Any use listed as subject to any special conditions or requirements shall be permitted subject to the fulfilling of such conditions or requirements.
(c) Where a use permitted within any zone is defined in Part 2.0, the uses permitted within that zone shall be deemed to include any similar use which satisfied such definition except where any definition is specifically limited to exclude any use; and
(d) Except where limited by Section 4.1 or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot as, any other use permitted within that zone.

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3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5, certain uses which may not be uses permitted in any zone may be considered in accordance with Sections 55, 66 and 67 of the Planning Act. As provided for by the Municipal Planning Strategy for the Eastern Shore (West) Plan Area, such uses are as follows:

(a) Expansion of existing multiple unit dwellings or new multiple unit dwellings within the Mixed Use Designation.
(b) Mobile home parks within the Mixed Use Designation.
(c) Larger scale home businesses within the Mixed Use and Fishing Industry Designations.
(d) Commercial uses with a building footprint in excess of five thousand (5,000) square feet (464.5 m^2) within the Mixed Use Designation.
(e) **Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)** with more than five (5) rooms to let within the Mixed Use Designation on those properties zoned R-6 or FV along the East and West Petpeswick Roads and the Clamshell Road.
(f) Convenience stores, garden centers, medical clinics, offices and veterinary clinics within the Mixed Use Designation on those properties zoned R-6 or FV along the East and West Petpeswick Roads and the Clamshell Road.
(g) Commercial uses with a floor area larger than two thousand (2,000) square feet (excluding kennels) within the Mixed Use Designation on those properties zoned R-6 or FV along the East and West Petpeswick Roads and the Clamshell Road.
(h) Institutional uses within the Mixed Use Designation on those properties zoned R-6 or FV along the East and West Petpeswick Roads and the Clamshell Road.
(i) Recreational uses within the Mixed Use Designation on those properties zoned R-6 or FV along the East and West Petpeswick Roads and the Clamshell Road.
(j) Commercial recreation uses within the Mixed Use Designation.
(k) Larger scale marinas within the Mixed Use Designation.
(l) Recycling depots and recycling facilities within the Mixed Use Designation.
(m) Kennels within the Mixed Use Designation.
(n) Expansion of existing kennels within the Mixed Use Designation.
(o) Salvage yards within the Mixed Use Designation.
(p) Larger scale forestry uses, intensive agricultural uses,and larger scale extractive facilities within the Mixed Use Designation.
(q) Fishing industry uses with a building footprint in excess of five thousand (5,000) square feet (464.5 m^2) within the Fishing Industry Designation.
(r) Fishing support uses in excess of three thousand (3,000) square feet (279 m^2) within the Mixed Use Designation.
(s) Fish reduction plants and fish composting operations within the Fishing Industry Designation.
(t) Business industry zone uses beyond the boundaries of the Musquodoboit Harbour Industrial Park within the Mixed Use Designation.
(u) Pursuant to Policy IM-24, where there is enabling policy to consider the development, by development agreement, of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to

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consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

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: (RC-Jun 25/14;E-Oct 18/14)

(i) Conservation Design Developments in accordance with policies S-14A, S-14B, S-15A, S-15B, S-16A, S-17A (RC-Oct 11/22;E-Nov 16/22), S-17B, and S-17C of the Regional Municipal Planning Strategy, as applicable; and (RC-Jun 25/14;E-Oct 18/14)

(ii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy. (RC-Jun 25/14;E-Oct 18/14)

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-11 of the Regional Municipal Planning Strategy. (RC-Jun 25/14;E-Oct 18/14)

3.7 <u>LARGER CANNABIS PRODUCTION FACILITIES BY DEVELOPMENT AGREEMENT</u> (RC-Sep 18/18;E-Nov 3/18)

Cannabis production facilities that are permitted in a zone that exceed the maximum gross floor area requirements of the zone may be permitted by development agreement in accordance with Policy EC-22 of the Regional Municipal Planning Strategy.

3.8 <u>DEVELOPMENT AGREEMENTS FOR REGISTERED HERITAGE PROPERTIES</u> (RC-Oct 11/22;E-Nov 16/22)

Development that is not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property, in accordance with Policy CH-7A of the Halifax Regional Municipal Planning Strategy.

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PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

(a) No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.

(b) Any development permit shall be in force for a period of one (1) year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer provided that the request is received before the expiry of the current permit.

(c) Where any development permit is issued, such permit may include permission for any single development, or for more than one (1) development, or for any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

(d) Notwithstanding Section 4.1(a) above, no development permit shall be required for the following:

(i) any open space use which does not involve a building or structure;

(ii) any accessory building or structure which has less than three hundred (300) square feet (27.9 m^2) of gross floor area; and

(iii) any sign which is permitted under Section 5.3.

(iv) An accessory hen use (RC- Oct 05/21; E-Jan 08/22).

(v) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit. (RC-Feb 21/23;E-Sep 1/23)

(vi) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit. (RC-Feb 21/23;E-Sep 1/23)

4.1A (Deleted: RC-Jun 27/06;E-Aug 26/06)

4.1B 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. (RC-Jun 25/14;E-Oct 18/14)

4.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

(a) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Municipality, or to obtain any licence, permission, permit, authority or approval required by any other by-law of the Municipality or statute and regulation of the Province of Nova Scotia.

(b) Where the provisions in this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements

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shall prevail except where the reduced lot frontage provisions of the Subdivision By-law have been applied.

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

Where any lot is developed with a septic tank and disposal field after the adoption of this By-law, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit; for the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Nova Scotia Department of the Environment shall prevail.

4.4 REDUCED FRONTAGE OR AREA

(a) Any lot created in accordance with Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding the lot frontage and lot area requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of Part 14 of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

(c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

(d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied. (RC-Jan 10/17;E-Feb 25/17)**

(e) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses, excluding daycare facilities, are permitted on lots that do not meet lot frontage requirements provided the following conditions are satisfied: (RC-Jan 10/17;E-Feb 25/17)**

i. the lot existed on April 1, 2016 and is located within the area shown in Schedule D; (RC-Jan 10/17;E-Feb 25/17)

ii. at the time of permitting, the applicant shall provide evidence satisfactory to the Development Officer establishing a registered easement in favour of the property that allows vehicular access to a street or road; (RC-Jan 10/17;E-Feb 25/17)

iii. where the vehicular access required by subclause ii is a shared private driveway serving four or more dwellings, it has been constructed, as certified by a professional engineer, to the design standards contained in Schedule E; (RC-Jan 10/17;E-Feb 25/17)

iv. for properties accessed by the shared private driveway known as Moser Head Road, Subsection iii of this section shall come into force on January 1, 2022; and (RC-Jan 10/17;E-Feb 25/17)

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v. **all other requirements of this By-law are met. (RC-Jan 10/17;E-Feb 25/17)**

4.5 ROAD ENTRANCE RESERVES

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve on any public road shall meet the requirements of the Municipality or the provincial Department of Transportation and Communications or Halifax County Municipality.

4.6 ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot, except as otherwise provided for in this By-law.

4.7 SEPARATION BETWEEN MAIN BUILDINGS

The minimum separation distance between main buildings on the same lot shall be sixteen (16) feet (4.8 m).

4.8 EXISTING UNDERSIZED LOTS

(a) Notwithstanding anything else in this By-law, a lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied or a minor variance granted.

(b) Further to Section 4.8(a) above, the Development Officer may issue a development permit for a lot approved according to Part 14 of the Subdivision By-law, where an undersized lot has had its boundaries altered, but where the lot area has not been reduced.

4.9 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum front yard setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

(a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side or rear yard that does not conform to this By-law; and

(b) all other applicable provisions of this By-law are satisfied or a minor variance granted.

4.10 EXISTING USES

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All existing uses are permitted 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 requirements of the zone in which it is located, with the exception of uses identified in Section 3.6(a), which shall only be permitted by development agreement.

4.11 ACCESSORY USES AND BUILDINGS

Provisions made under this by-law to permit uses, buildings, and structures shall, unless otherwise stated by this by-law, also be deemed to include any accessory uses buildings or structures provided that:

(a) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;
(b) the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and
(c) all other applicable conditions and requirements of this by-law are satisfied.

4.11A ACCESSORY HEN USE (RC- Oct 05/21; E-Jan 08/22)

An accessory hen use is permitted in conjunction with a residential use in all zones subject to the following provisions:

(a) The maximum number of hens permitted on a lot shall be:
- **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
- **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
- **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
- **iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;**

(b) Hens shall be contained within an accessory building or a fenced area that:
- **i. is located in a rear yard;**
- **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
- **iii. subject to 4.11A(b)(iv), meets the requirements for accessory buildings under this by-law; and**
- **iv. is setback a minimum of 1 metre from any side or rear lot line.**

(c) The following are not permitted:
- **i. On-site slaughtering or euthanizing of hens; and**
- **ii. The sale of eggs, meat or hens.**

4.12 ACCESSORY BUILDINGS

(a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:

(i) be used for human habitation except where a dwelling is a permitted accessory use;

(ii) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than four (4) feet (1.2 m) to any other lot line except that:

1. common semi-detached garages may be centred on the mutual side lot line;
2. where an area of land is proposed to be subdivided and an existing accessory building is less than one hundred and four (104) feet (31.7 m) from any side or rear lot line forming a boundary of the proposed lot, the minimum side yard requirement for the accessory building may be reduced to two (2) feet (0.6 m).

(iii) exceed **twenty-five (25) feet (7.7 metres) (RC-May 23/24;E-June 13/24)** in height in any residential zone;

(iv) exceed **a footprint of** one thousand (1,000) square feet (92.9 m^2) ~~in area~~ in any residential zone;

(v) be built within eight (8) feet (2.4 m) of the main building; or

(vi) be used for the keeping of livestock, except where agriculture is a permitted use.

(b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from the requirements of Section 4.12(a) above.

(c) **~~Notwithstanding anything else in this by-law, an~~ An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ footprint requirements for accessory buildings or structures. (RC-May 23/24;E-June 13/24)**

4.12A SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20)

(a) SECONDARY SUITES

Secondary suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a semi-detached dwelling, or two unit dwelling subject to the following provisions:

(i) No more than one secondary suite shall be permitted on a lot; (RC-May 23/24;E-June 13/24)

(ii) The floor area of a secondary suite shall not exceed 80.0 square metres;

(iii) A two unit dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;

(iv) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and

(v) A secondary suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone. (RC-May 23/24;E-June 13/24)

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a semi-detached dwelling, ~~or~~ a two unit dwelling, or a multiple unit dwelling containing only 3 dwelling units (RC-May 23/24;E-June 13/24) subject to the following provisions:

(i) No more than one backyard suite shall be permitted on a lot; (RC-May 23/24;E-June 13/24)

(ii) A backyard suite is not considered a separate main building or main dwelling;

(iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;

(iv) The gross (RC-May 23/24;E-June 13/24) floor area of a backyard suite shall not exceed 1,000 square feet (93.0 square metres) (RC-May 23/24;E-June 13/24);

(v) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required;

(vi) A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone (RC-May 23/24;E-June 13/24);

(vii) A backyard suite must be located on the same lot as the main dwelling unit; ~~and~~

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a street

(B) is located on the same lot on which the backyard suite is located; and

(C) has a minimum width of 1.1 metres; and

(RC-May 23/24;E-June 13/24)

(ix) A non-conforming accessory building may be converted to a backyard suite if the floor area of the backyard suite does not exceed 1,000 square feet (93 square metres). (RC-May 23/24;E-June 13/24)

4.13 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan20/09; E-Feb 7/09)

(a) Nothing in this By-law shall prevent the use of land on or near a worksite for ~~or~~ the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.

(i) Where temporary buildings or structures are permitted near a worksite, the building or structure shall be located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot where the development permit has been issued. [illegible]

(b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.

(c) A development permit may only be issued for the temporary use of a rock crusher.

(d) **A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.**

(e) **A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.**

(f) **Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.**

(g) **A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.**

4.14 VEHICLE BODIES

No truck, bus, coach, motor home, camper trailer or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building except in a MU (Mixed Use), FI (Fishing Industry), or I-1 (Business Industry) Zone.

4.15 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Sections 83 to 87 of the Planning Act shall prevail.

4.16 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

4.17 HEIGHT REGULATIONS

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The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, space centres, ventilators, skylights, barns, chimneys, clock towers, ~~windmills~~ **(RC-Aug 16/11;E-Oct 29/11)** or solar collectors.

4.18 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14)

(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 m^2 or a combination of an accessory structure and attached deck not exceeding 20 m^2 , 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, and water control structures.

(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 August 26, 2006, 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

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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.

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

(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 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

(2) Subsection (1) does not apply to any residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), 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.

4.19 PERMITTED ENCROACHMENTS

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

(a) Uncovered patios, walkways or steps may be located in any yard.
(b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than two (2) feet (0.6 m) into any required yard.
(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (0.9 m) from the main wall into a required front, rear or flankage yard.
(d) Exterior balconies, porches, verandas, sundecks and solariums shall not be permitted to project into any required yard.
(e) The provisions of this Section shall not restrict the location of ornamental planting of landscaping in any yard unless otherwise indicated in this By-law.

(f) Access ramps for the mobility disabled may be located in any yard.

4.20 YARD EXCEPTION

(a) Where, in this By-law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the high water mark or a watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, then the required yard shall be measured from the main wall of the main building or structure of the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

(b) Where two unit dwellings are permitted, the side yard common to both units of a semi-detached dwelling shall not be required.

4.21 ILLUMINATION

No illuminated sign shall be erected or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent street or private road.

4.22 COMMERCIAL MOTOR VEHICLES

No commercial vehicles shall be kept less than (10) feet (3.1 m) from any front lot line within any MU, FV, FI, or I-1 Zone. No commercial vehicles shall be kept on a lot within any R-6, P-3 or P-4 Zone.

4.23 DERELICT VEHICLES

No derelict vehicles shall be kept, stored or located on any property where the derelict vehicle may be seen from any street or road or private road.

4.24 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this section or by other specific sections shall be the next largest whole number.

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit
Multiple dwellings	1.5 spaces per dwelling unit
Shared Housing Use	

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(RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Motels**,** hotels **and short-term bedroom rentals** **(RC-Feb 21/23;E-Sep 1/23)**	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
USE	PARKING REQUIREMENT
Restaurants - Drive-In	27 spaces per 1000 square feet (92.9 m^2) of gross floor area
Restaurants - Full Service	20 spaces per 1000 square feet (92.9 m^2) of gross floor area
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m^2) of gross floor area	16 spaces per 1000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 300 square feet (28 m^2) of gross floor area	5 spaces
Lounges, taverns and beverage rooms	20 spaces per 1000 square feet (92.9 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as **otherwise** specified **(RC-Aug 9/22;E-Sep 15/22)**	where there are fixed seats, the greater of 1 space per 4 seats and 1 space per 100 square feet (9.3 m^2) of gross floor area where there are no fixed seats the greater of 1 space per 100 square feet (9.3 m^2) of gross floor area or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Schools	3 spaces per classroom plus 1 space per 20 senior high school students
Hospitals	2 spaces per bed
Day care facilities	1.5 spaces per 400 square feet (37.2 m^2) of gross floor area
Medical clinics and offices of any health practitioner	**2 spaces per consulting room** **(RC-Aug 5/08;E-Aug 23/08)**
Funeral homes	15 spaces

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Charter boat services	1 space per 4 passengers which can be accommodated at any one time
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 100 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) Reserved Spaces for the Mobility Disabled

Notwithstanding Section 4.24(a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE	PARKING REQUIREMENT
Medical Clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking spaces required; 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
Multiple Dwellings	1 reserved parking space per 50 units to a maximum of 10
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10
All other uses excluding churches, fire stations, boarding houses and any industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(c) Standards for Mobility Disabled Parking Spaces

(i) each reserved parking space shall contain an area of not less than two hundred and forty (240) square feet (22.3 m^2) measuring twelve (12) feet (3.7 m) by twenty (20) feet (6.1 m);

(ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet (91.4 m) from the location which it is intended to serve;

(iii) each reserved parking space shall be located as close as possible to the location it is intended to serve; and

(iv) each reserved parking space shall be clearly identified by a ground sign.

4.25 STANDARDS FOR PARKING LOTS

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Where a parking lot for more than four (4) vehicles is required or permitted, the following shall apply:

(a) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement;
(b) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3.1 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m);
(c) the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Department of Engineering and Works, and any access road for such operations shall not occur through land zoned for residential use (R-6 and FV Zones).
(e) all parking areas shall provide manoeuvring areas or aisles to permit vehicles to leave the property in a forward motion.

4.26 COMPOSTING OPERATIONS

No development permit shall be issued for a composting operation except in compliance with the following provisions:

(a) the use shall not be obnoxious or create a nuisance;
(b) a composting operation shall meet the following separation distances:

(i)	from any property line	328 feet (100 m)
(ii)	from the nearest:	
	1. dwelling	1,650 feet (500 m)
	2. community facility use	1,650 feet (500 m)
	3. commercial building	984 feet (300 m)
(iii)	from a watercourse	328 feet (100 m)

(c) notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building;
(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Department of Engineering and Works, and any access road for such operations shall not occur through land zoned for residential use (R-6 and FV Zones).

4.27 USES PERMITTED ON EXISTING PRIVATE ROADS (RC-Jun 25/14;E-Oct 18/14)

Development on existing private roads shall be limited to those uses permitted in the MU Zone. (RC-Jun 25/14;E-Oct 18/14)

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4.28 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14)

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 Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

4.29 SCHEDULE C – WETLANDS (RC-Jun 25/14;E-Oct 18/14)

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.

4.30 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14)

The use of windmills or wind turbines to produce electricity or for any other purpose shall be regulated in accordance with the provisions of this Section.

I DEFINITIONS

For the purposes of this Section, certain terms are defined as follows:

a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, shared housing use (RC-Aug 9/22;E-Sep 15/22) or other building where a person lives or which contains overnight accommodations.

b) "Nacelle" means the frame and housing at the top of the tower that encloses the gearbox and generator.

c) "Nameplate Capacity" means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine;

d) "Total Rated Capacity" means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;

e) "Tower Height" means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building's foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;

f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.

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g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.

ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.

iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.

iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone
(RW-2) Rural Wind Zone
(R) Restricted Zone

a) URBAN WIND ZONE (UW-1)

i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).

ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.

iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,

iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.

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v) **Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.**

vi) **Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.**

b) **RURAL WIND ZONE (RW-2)**

i) **All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).**

ii) **All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.**

iii) **Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:**

1) **A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;**

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

iv) **Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:**

1) **A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;**

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

v) **Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:**

1) **A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;**

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

vi) **Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:**

1) **A minimum distance of ~~1000 metres (3281 feet)~~ the greater of the following from any habitable building on an adjacent property;**

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

(i) sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and

(ii) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

c) **RESTRICTED ZONE (R)**

i) **Wind Energy Facilities shall not be permitted in the Restricted Zone.**

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III PERMIT APPLICATION REQUIREMENTS

All Wind Energy Facilities require a development permit. The permit application shall contain the following:

a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;

b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;

c) identification and location of the properties on which the proposed Wind Energy Facility will be located;

d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;

e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act;* and,

f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:

i) not attached to a building and is not connected to the power grid;

ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.

b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium

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and Large wind energy facility is proposed:

i) Micro 140 metres (460 ft)

ii) Small 360 metres (1180 ft)

iii) Medium 500 metres (1640 ft)

iv) Large 2000 metres (6560 ft)

c) The notice pursuant to section b) shall include the following information:

i) a site plan that includes property boundaries and the location of the proposed wind energy facility;

ii) a description of the type of wind energy facility; and

iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

Notwithstanding Section II a) and II b) the setback requirements from any Wind Energy Facility to a property boundary may be waived where the adjoining property is part of and forms the same Wind Energy Facility. All other setback provisions shall apply.

a) Wind Energy Facilities shall not be permitted in the following zones of the Eastern Shore (West) Land Use By-law:

i) RPK (Regional Park) Zone;

ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.

b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.

c) All electrical wires shall, to the maximum extent possible, be placed underground.

d) The visual appearance of the Wind Energy Facility shall at a minimum:

i) be a non-obtrusive colour such as white, off-white or gray;

ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,

iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.

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b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.

c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

a) Schedule A-1 – Wind Energy Zoning

4.31 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14)

Public transit facilities shall be permitted in all zones and shall not be required to conform to any zone requirements.

4.32 CANNABIS-RELATED USES (RC-Sep 18/18;E-Nov 3/18)

Notwithstanding any other provisions of this By-law, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

4.33 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sep 1/23)

a) Short-term Rentals accessory to a residential use shall be permitted in all zones provided that the dwelling unit is the primary residence of the short-term rental operator.

b) Short-term Bedroom Rentals accessory to a residential use shall be permitted in all zones, subject to the following additional provisions:

i) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;

ii) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;

iii) The operator of the short-term bedroom rental resides on site while any bedrooms are rented;

iv) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and

v) One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.

c) Notwithstanding a) and b) above, one dwelling unit per lot may be used as a short-term rental, provided all other requirements of the Land Use By-law are met.

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4.34 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM

Pursuant to Policy G-15B of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.

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PART 5: SIGNS

5.1 GENERAL

(a) Where this part is consistent with the regulations made, or administered, by the Nova Scotia Department of Transportation in respect to signs the more stringent regulation shall be applicable.
(b) No sign shall be erected unless all the sign provisions of this part are satisfied.
(c) Any sign replacing a non-conforming sign shall conform with the provisions of this part in all respects, and the non-conforming sign shall no longer be displayed.
(d) For the purpose of this part, the area of a sign shall be considered to be the smallest rectangle, triangle or circle that can completely enclose the face of the sign. In the case of signs having more than one face, the area shall be the total area of all the signs.

5.1A TEMPORARY SIGNAGE

(a) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and
(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded (RC-Sep 26/06;E-Nov 18/06)

5.2 SAFETY STANDARDS

No person may erect a sign which:

(a) is structurally unsafe;
(b) constitutes a hazard to public health or safety by reason of inadequate maintenance, dilapidation or abandonment;
(c) obstructs free entrance or exit from a required door, window or fire escape.
(d) obstructs light or air, or interferes with proper functioning of the building;
(e) is capable of causing electric shock; or
(f) does not meet the:
    1. Building Code and Regulations
    2. Electrical Code and Regulations
    3. Fire Code and Regulations

5.3 PERMITTED SIGNS

The following signs shall be permitted in all zones and in addition to those signs permitted according to Section 5.4:

(a) Any sign which has an area of not more than (4) sq.ft. (0.4 sq.m.) which identified the name and/or address of a resident.

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(b) Any sign which has an area of not more than two (2) sq.ft. (0.2 sq.m) which regulates the use of the property such as "no trespassing" signs, unless otherwise directed by a public authority.

(c) Any real estate sign, including for sale, lease or rent, which has an area of not more than eight (8) sq.ft. (0.7 sq.m.) in a residential zone, and not more than thirty-two (32) sq.ft. (3.0 sq.m.) in a non-residential zone. Such signs shall advertise only the property on which the sign is located. A maximum of two (2) signs may be placed on a property sold, rented or leased, and they shall be removed by the agent or owner within seven (7) days of the completion of the sale, rent or lease.

(d) Any sign which has an area of not more than eight (8) sq.ft. (0.7 sq.m.) in a residential zone, or fifty (50) sq.ft. (4.6 sq.m.) in a non-residential zone, which regulates or denotes direction or function of a premises or building or various parts thereof.

(e) Any sign which has an area of not more than fifty (50) sq.ft. (4.6 sq.m.) and which is incidental to construction.

(f) Signs erected by Government Authority, or under the direction of such an authority, such as but not limited to; traffic signs, event signs, public election lists and directory signs which identify the names and locations of local businesses or organizations.

(g) Any flag, insignia, corporate logo, notice or advertising of any charitable, religious or fraternal organization which has an area of not more than eight (8) sq.ft. (0.7 sq.m.) in a residential zone, or thirty-two (32) sq.ft. (3.0 sq.m.) in a non-residential zone.

(h) Any memorial sign, plaque or tablet having an area of not more than eight (8) sq.ft. (0.7 sq.m.) in a residential zone, or thirty-two (32) sq.ft. (3.0 sq.m.) in a non-residential zone.

(i) Any sign which has an area of not more than thirty-two (32) sq.ft. (3.0 sq.m.) that identifies a subdivision.

(j) Movable signs are permitted in all zones. All such signs shall be removed within seven (7) days of the completion of the event for which they were intended.

(k) Signs indicating current date, time and/or temperature are permitted provided they meet all other provisions of this by-law.

5.4 NUMBER OF SIGNS

(a) For the purposes of these by-laws, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.

(b) To determine the number of signs permitted by this section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.

(c) Double and three faced signs shall be considered a single sign.

(d) Where material is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a separate sign.

(e) No more than two (2) signs per three hundred (300) feet (91.4 m) of frontage shall be erected on any premises at any one time, except on a corner lot where one (1) additional sign may be erected.

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(f) Signs enumerated in Section 5.3 shall not be counted.

5.5 PROHIBITED SIGNS

The following shall not be permitted in any zone. Any sign which:

(a) contravenes any part of Section 5.2 (Safety Standards).
(b) for any reason obstructs the vision of the driver or any vehicle leaving or entering any roadway or driveway.
(c) blocks, or detracts from, the view of any traffic or control sign or device on a public or private street or roadway.
(d) obstructs or blocks free entry or exit from a fire escape, door, window or any other required exit.
(e) is located at or near a sharp curve in a road or below the crest of a hill, except a sign erected by a government body.
(f) that makes use of words such as "STOP", "LOOK", "DANGER", "YIELD" or "ONE WAY" or any similar words, phrases, symbols, lights or characters used in a manner which may in any way mislead, confuse or otherwise interfere with traffic along a public or private road.
(g) incorporates any visible mechanical or moving parts whether achieved by natural or artificial means.
(h) uses a searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivities, or used as temporary holiday decorations.
(i) is attached to or painted on a tree, stone, cliff or other natural object.
(j) is attached to or painted on any utility pole, light standard, bridge or abutment, or on any other sign of support structure.
(k) which no longer advertises a bona fide business conducted or product sold. Such signs are deemed to be obsolete signs and shall be removed, by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of the discontinuance of the business or product. Exceptions may be granted to signs designated as "Landmark signs" by the Historic Society or a Government authority.
(l) is a billboard.
(m) is affixed to or painted on a roof in a residential zone.
(n) is on public property or on a public right of way, except those signs erected or authorized by a Government Authority.

5.6 PROJECTING SIGNS

(a) If flat, shall not exceed ten (10) square feet (3.1 sq.m.) per side.
(b) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in a geometric shape as mentioned in Section 3.3 of this by-law. The total area shall not exceed ten (10) square feet (0.9 sq.m.) per side. Each side shall be considered to be a complete sign.

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(c) Projecting signs shall be hung at right angles to the vertical side of the building to which they are attached and shall not project closer than two (2) feet (0.61 m) to the curb line.
(d) The supporting framework shall be in proportion to the size of the sign.
(e) Signs which overhang a public way (including sidewalks) shall be covered by public liability insurance.
(f) The top of the sign will be suspended in line with one of the following:
    (i) suspended between the bottom sills of the second story windows and the top of the doors and/or windows of the ground floor.
    (ii) the lowest part of the roof of a one story building.
(g) Projecting signs shall have a minimum clearance of eight (8) feet (2.4 m) above grade when located next to, or projecting over, a pedestrian walkway. If such signs are located next to, or project over, an alley or driveway the minimum clearance above grade shall be thirteen feet six inches (13 ft - 6 ins) (4.0 m).

5.7 ILLUMINATED SIGNS

(a) Externally illuminated signs shall be lit only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.
(b) Internal illumination is permitted in signs meeting the following conditions:
    (i) individual back-lit letters silhouetted against softly illuminated walls.
    (ii) individual letters with translucent faces, containing soft lighting elements inside each letter.
    (iii) metal faced box signs with cut out letters and soft glow fluorescent tubes.
    (iv) neon window signs where they are custom designed to be compatible with building's architectural and/or historic character.
(c) Mobile illuminated signs are prohibited in any residential zone.
(d) Gas filled, fluorescent or incandescent lights shall be allowed for indirect illumination when placed in such a manner that they are not exposed to direct view from any point along a public walkway or roadway.
(e) Illuminated signs shall not be permitted to shine onto residential properties.

5.8 MARQUEE SIGNS

(a) Such signs may be painted on or attached flat to the surface of the marquee, but may not extend beyond or be attached to the underside of the overhang.
(b) Marquees signs shall be subject to all conditions of Section 5.6 (Projecting Signs) except for size.

5.9 MOBILE SIGNS

Mobile signs are not permitted in any zone.

5.10 MULTIPLE SIGNS

(a) The display board shall be of integrated and uniform design.
(b) The maximum sign area permitted shall be:

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(i) Thirty-two (32) square feet (3.0 sq.m.) for the sign bearing the name of the building, mall or business park; and
(ii) Eight (8) square feet (0.7 sq.m.) for each occupant.

(c) Complexes with over three hundred (300) feet (91.4 m.) of frontage shall be allowed two (2) free standing signs on each three hundred (300) foot (91.4 m.) frontage section.

5.11 OFF PREMISE SIGN

(a) Informational and directional signs bearing no advertising are permitted to direct traffic flow, indicate parking areas, identify points of interest, locate businesses or provide other essential information to guide and/or assist vehicular or pedestrian traffic flow.
(b) Off premise directory boards, conforming to Section 15.11(a) shall be permitted only where there is a safe area for vehicles to pull out of the traffic flow to view them.

5.12 PAINTED WALL SIGNS

(a) Painted wall signs will conform to the dimensional requirements of a wall sign.
(b) Painted wall signs that qualify as "landmark" signs, even if they no longer pertain to the present use of the premises, shall be permitted.

5.13 POLITICAL SIGNS

(a) Such signs are permitted in all zones provided they are:
(i) stationary
(ii) unlighted; and
(iii) temporary
(b) Such signs shall be displayed no earlier than thirty (30 days prior to a voting day.
(c) Such signs shall be removed within seven (7) days after a voting day.
(d) A maximum of two signs per candidate per lot is permitted.
(e) All political signs shall conform in all respects to the Canada Elections Act and any other governmental regulations including all sections of this by-law, concerning their content, placement and/or removal.

5.14 PUBLIC SERVICE SIGNS

(a) Such signs necessary for public safety and/or convenience shall not exceed six (6) square feet (0.6 sq.m.).
(b) Such shall bear no commercial advertising.
(c) Such signs shall not be included in computing the total area of any other sign.

5.15 WALL SIGNS

(a) Such signs shall not project more than eighteen (18) inches (45.7 cm.) from the surface to which they are affixed.

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(b) Such signs shall not obstruct any architectural feature of the building, including but not limited to features such as arches, sills, mouldings, cornices or transoms.
(c) Such signs shall not extend above the lowest point of the roof on the wall to which it is attached, nor beyond the ends of that wall.
(d) Such signs shall have an aggregate area of not more than one and a half (1.5) square feet (0.14 sq.m.) for each linear foot of wall to which it is attached, or ten percent (10%) of the wall area which ever is greatest.
(e) Where two (2) or more signs are attached to the same wall the area of all the signs shall be calculated as the gross area allowed.
(f) The size of a sign attached to a building may be increased, over the allowable area, by twenty five percent (25%) for each one hundred (100) feet of set back. This provision shall apply only to buildings having a setback in excess of one hundred (100) feet (30.3 m.) from a public roadway or sidewalk.

5.16 WINDOW SIGNS

(a) Window signs shall not obstruct more than fifty percent (50%) of the window in which they are displayed.

5.17 AWNING SIGNS

(a) Awning signs must be painted on or attached flat against the surface of the awning. They may not extend beyond the valance or be attached to the underside.
(b) There must be a minimum of eight (8) feet (2.4 m.) of clearance between the lowest portion of an awning over a pedestrian walkway and the sidewalk.
(c) There must be a minimum of thirteen feet six inches (13.5) (4.0 m.) between the lowest portion of an awning over a vehicular driveway and the ground.

5.18 ADMINISTRATION

(a) No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action is issued. Applications shall be on forms prescribed by the municipality. At a minimum such applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colours, support systems and location on land or buildings, with all relevant measurements.
(b) Permits will be issued only if the municipality is satisfied that the sign complies with, or will comply with, all applicable provisions of this by-law and the provincial codes that apply, ie. building, electrical, fire, etc.
(c) Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises.
(d) A schedule of fees for permits and/or licenses shall be established and amended as required by the municipality.

5.19 MAINTENANCE

(a) All signs shall be kept in a state of good repair.
(b) Signs not kept in good repair in the judgement of the by-law enforcement officer shall be repaired or removed at the owner's expense.

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5.20 ENFORCEMENT

(a) By-law enforcement officers are authorized to order the repair or removal of any sign and/or it's supporting structure which she/he judges to be dangerous or in disrepair or which is erected or maintained contrary to this by-law.

(b) Any sign which is ordered removed by by-law enforcement officer, or is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign. If those responsible for the sign are unavailable the responsibility shall fall to the property owner to remove the offending sign or signs.

(c) Failure to comply with an order to remove a sign will result in the by-law enforcement officer having the sign removed and the cost of such removal being charged to the responsible party, or in the event of the responsible party being unidentifiable or unavailable, the property owner.

(d) Violation of any portion of this by-law or any lawful order of the by-law enforcement officer shall be subject to a fine as determined by the municipality. Each day that a violation continues shall constitute a separate violation.

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PART 6: MU (MIXED USE) ZONE

6.1 MU USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)
Existing multiple unit dwellings
Daycare facilities
Home business uses in conjunction with permitted dwellings
Boat sheds

Commercial Uses
Antique shops
Craft shops
Commercial entertainment uses
Convenience stores
Personal service shops
Service shops
Commercial schools
Theatres and cinemas
Trade contracting services and shops
(Deletion: MDVCCC-Jan 23/02;E-Feb 10/02)
Medical clinics
Restaurants including full-service, drive-in and take-out
Service stations and automobile repair outlets
Bakeries
Banks and financial institutions
Offices
Funeral parlours and undertaking establishments including crematoriums
Garden centers
Outdoor display court
Photographic studios
Retail stores
Grocery stores
Variety stores
Research facilities
Printing establishments
Taxi and bus stations
Veterinary clinics
Warehousing and wholesaling
Manufacturing and assembly uses

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Service industry uses
Utility and communication buildings or structures
Shipways, wharves and boathouses
Marinas and charter boat services
Wilderness and recreation outfitters
Composting operations
Existing kennels
Commercial Accommodation Uses (MDVCCC-Jan 23/02;E-Feb 10/02)
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

Resource and Traditional Uses
Agricultural uses
Forestry uses
Fishery support uses
Fish sheds and boat sheds
Existing fishery support uses larger than 3,000 ft^2 (278.7 m^2)
Existing fishery uses
Extractive facilities
Hunting and fishing camps
Traditional uses

Community Uses
Institutional uses
Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)
Open space uses
Recreation uses
Private clubs and lodges

Other Uses (RC-Sep 18/18;E-Nov 3/18)
Cannabis production facilities

6.2 MU ZONE REQUIREMENTS

Where uses are permitted as Residential, Commercial, Resource and Traditional, and Community Uses (except open space uses) in any MU Zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 square feet (3716 m^2)
Minimum frontage	150 feet (45.7 m) on collector roads, 100 feet (30.5 m) on local roads
Minimum waterfrontage lot width	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height of main building	35 feet (10.7 m)

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6.3 <u>OTHER REQUIREMENTS: GARDEN SUITES</u> (Repealed: RC-May 23/24;E-June 1324)

6.4 <u>OTHER REQUIREMENTS: HOME BUSINESS USES</u>

Where home business uses in conjunction with a dwelling are permitted in any MU Zone the following shall apply:

(a) Any lot that is used for such purposes shall be the principle residence of the operator of the business;
(b) No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be devoted to home business uses within the dwelling, and in no case shall the total gross floor area of structures devoted to home business uses exceed one thousand (1,000) square feet (92.9 m^2);
(c) One off-street parking space, other than that required for the dwelling, shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area devoted to any home business;
(d) No materials or equipment shall be used except that which is reasonable consistent with that business and shall not be obnoxious or create a nuisance by virtue of noise, vibration, odour or glare;
(e) No outdoor storage or outdoor display shall be permitted in any yard where such yard abuts any residential uses, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m) in height is provided;
(f) No outdoor storage shall be permitted in any front yard;
(g) No exterior alterations to any dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations; and
(h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

6.5 <u>OTHER REQUIREMENTS: DAY CARE USES</u>

Where day care facilities are permitted in any MU Zone, the following shall apply:

(a) One off-street parking space shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area devoted to any day care facility.

6.6 <u>OTHER REQUIREMENTS: COMMERCIAL USES</u>

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

(a) The footprint of all buildings devoted to a commercial use shall not exceed five thousand (5,000) square feet (464.5 m^2);
(b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened;
(c) No outdoor storage shall be permitted in any front yard;

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(d) Except where a commercial use abuts another commercial use, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected; and

(e) Within the front yard area, the first ten (10) feet (3.1 m) bordering the road right-of-way shall be landscaped. In the case of an existing building which is set back less than ten (10) feet (3.1 m) from the road right-of-way, this setback area shall be landscaped.

6.7 OTHER REQUIREMENTS: MEDICAL CLINICS

Notwithstanding the provisions of Sections 6.2 and 6.6, where medical clinics are permitted in any MU Zone, the following shall apply:

(a) No medical clinic shall be located less than thirty (30) feet (9.1 m) from any lot line nor less than fifty (50) feet (15.2 m) from any dwelling).

6.8 OTHER REQUIREMENTS: MARINAS

Notwithstanding the provisions of Sections 6.2 and 6.6, where marinas are permitted in any MU Zone, the following shall apply:

(a) The total floor area of all buildings devoted to a marina shall not exceed five thousand (5,000) square feet (464.5 m^2); and

(b) The total area devoted to outdoor storage of marine craft and equipment shall not exceed ten thousand (10,000) square feet (929 m^2).

6.9 OTHER REQUIREMENTS: AGRICULTURE USES

Notwithstanding the provisions of Section 6.2, where agricultural uses are permitted in any MU Zone, and where any barn, stable or other building intended for the keeping of domestic fowl or other animals is to be erected, no structure shall:

(a) Be less than fifty (50) feet (15.2 m) from any side lot line;

(b) Be less than three hundred (300) feet (91.4 m) from any residential dwelling or potable water supply except a dwelling or water supply on the same lot or directly related to the agricultural use; and

(c) Be less than three hundred (300) feet (91.4 m) from any water course or water body.

6.10 OTHER REQUIREMENTS: FISHERY SUPPORT USES

Notwithstanding the provisions of Section 6.2, where fishery support uses are permitted in any MU Zone, the following shall apply:

(a) The combined gross floor area of all buildings directly related to a fishery support use, excluding a boat shed, shall not exceed three thousand (3,000) square feet (278.7 m^2); and

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(b) All buildings shall be set back a minimum of eight (8) feet (2.4 m^2) from the rear and side lot lines, unless the lot line corresponds to the high water mark, in which case a setback shall not be required.

6.11 OTHER REQUIREMENTS: FORESTRY USES

Notwithstanding the provisions of Section 6.2, where forestry uses are permitted in any MU Zone, the following shall apply:

(a) The combined gross floor area of all buildings directly relating to a forestry use shall not exceed three thousand (3,000) square feet (278.7 m^2); and
(b) Any area devoted to open storage shall not be permitted within any required front yard or side yard and shall not exceed twenty-five (25) percent of the lot area.

6.12 OTHER REQUIREMENTS: EXTRACTIVE FACILITIES

Notwithstanding the provisions of Section 6.2, where extractive facilities are permitted in any MU Zone, the following shall apply:

(a) The combined gross floor area of all buildings and structures directly relating to an extractive facility shall not exceed three thousand (3,000) square feet (278.7 m^2); and
(b) No extractive facilities shall be located:
    (i) less than one hundred (100) feet (30.5 m) from any lot line;
    (ii) less than three hundred (300) feet (91.4 m) from any dwelling or potable water supply except a dwelling or supply on the same lot;
    (iii) less than three hundred (300) feet (91.4 m) from any R-6 Zone; and
    (iv) less than three hundred (300) feet (91.4 m) from any watercourse.

6.13 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any MU Zone, 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)

6.14 EXEMPTION: OPEN SPACE USES

Notwithstanding the provisions of Section 4.1(a) where open spaces uses are permitted, and where such uses involve no buildings or structures, no development permit shall be required.

6.15 OTHER REQUIREMENTS: TRADITIONAL USES

Where traditional uses are permitted in any MU Zone, the following shall apply:

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(a) Any materials associated with the traditional use shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.

6.16 OTHER REQUIREMENTS: EXISTING KENNELS

Where an existing kennel is temporarily closed, destroyed or damaged, its operation may recommence or the building(s) may be rebuilt within twelve (12) months of the date of closure/destruction, subject to the following:

(a) Any recommencement, reconstruction, repair or renovation of any building or structure used for the existing kennel shall not result in an increase of the existing floor area nor shall it result in any reduction of the existing setbacks from any property line; and
(b) Any reconstruction of an enclosed outdoor exercise area or outdoor run shall incorporate the use of berms, opaque fencing or vegetation (or combination thereof) to screen the structure from adjacent properties.

6.17 OTHER REQUIREMENTS: FISH SHEDS AND BOAT SHEDS

Notwithstanding the provisions of Section 6.2, where fish sheds and boat sheds are permitted in any MU Zone, the following shall apply:

Minimum front or side yard	4 feet (1.2 m)
Maximum lot coverage	50 percent

6.18 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep 18/18;E-Nov 3/18)

(a) A cannabis production facility shall comply with the requirements of Section 6.2 and 6.6.
(b) Where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

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PART 7: R-6 (RURAL RESIDENTIAL) ZONE

7.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses
Single unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Home business uses in conjunction with permitted dwellings
Boat sheds

Commercial Uses
Personal service shops
Craft shops
Antique shops
Art studios
Bakeries
Wilderness and recreation outfitters
Existing uses, including existing kennels
Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms (RC-Feb 21/23;E-Sep 1/23)

Resource and Traditional Uses
Agricultural uses
Forestry uses excluding permanent sawmills or industrial mills
Fishing support uses
Traditional uses

Community Uses
Daycare facilities
Open space uses
Private clubs

7.2 R-6 ZONE REQUIREMENTS

In any R-6 Zone, where uses are permitted as Residential, Commercial, Resource, Traditional and Community Uses (excluding open space uses), no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 square feet (3716.1 m^2)
Minimum frontage	100 feet (30.5 m) on local roads, 150 feet (45.7 m) on collector roads
Minimum waterfrontage lot width	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)

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Maximum lot coverage	35 percent
Maximum height	35 feet (10.7 m)

7.3 <u>OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS</u> (Repealed: RC-May 23/24;E-Jun 13/24)

7.4 <u>OTHER REQUIREMENTS: GARDEN SUITES</u> (Repealed: RC-May 23/24;E-Jun 13/24)

7.5 <u>OTHER REQUIREMENTS: HOME BUSINESS USES</u>

Where a home business uses in conjunction with a dwelling is permitted in any R-6 Zone, the following shall apply:

(a) Any lot that is used for such purposes shall be the principle residence of the operator of the business;
(b) No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be devoted to the home business use, and in no case shall the total gross floor area of structures devoted to the home business use exceed one thousand (1,000) square feet (92.9 m^2);
(c) One off-street parking space, other than that required for the dwelling, shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area devoted to the home business;
(d) No materials or equipment shall be used except that which is reasonably consistent with that business and shall not be obnoxious or create a nuisance by virtue of noise, vibration, odour or glare;
(e) No outdoor storage or outdoor display shall be permitted in any yard where such yard abuts any residential use, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m) in height is provided;
(f) No outdoor storage shall be permitted in any front yard;
(g) No exterior alterations to any dwelling related to the home business use shall be permitted except to meet fire safety, structural safety, or health regulations; and
(h) No retail operation shall be permitted except where retail is accessory to a home business use which involves the production of goods or crafts or the provision of a service.

7.6 <u>OTHER REQUIREMENTS: BOAT SHEDS</u>

Notwithstanding the provisions of Section 7.2, where a boat shed is permitted in any R-6 Zone, the following shall apply:

(a) The building shall be set back a minimum of eight (8) feet (2.4 m^2) from the rear and side lot lines, unless the lot line corresponds to the high water mark, in which case a setback shall not be required.

7.7 <u>OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS</u> (Deleted: RC-Feb 21/23;E-Sep 1/23)

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7.8 OTHER REQUIREMENTS: COMMERCIAL USES (EXCEPT BED AND BREAKFAST ESTABLISHMENTS

Where a commercial use is permitted in any R-6 Zone, the following shall apply:

(a) The gross floor area devoted to the business shall not exceed two thousand (2,000) square feet (185.8 m^2);
(b) One off-street parking space shall be provided for every three hundred (300) square feet (27.9 m^2) of gross floor area devoted to the business.

7.9 OTHER REQUIREMENTS: EXISTING KENNELS

Where an existing kennel is permitted in the R-6 Zone, the following shall apply:

(a) Any reconstruction, repair or renovation of any building or structure used for the existing kennel shall not result in an increase of the existing floor area nor shall it result in any reduction of the existing setbacks from any property line; and
(b) Any reconstruction of an enclosed outdoor exercise area or outdoor run shall incorporate the use of berms, opaque fencing or vegetation (or combination thereof) to screen the structure from adjacent properties.

7.10 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 7.2, **and excluding an accessory hen use (RC-Oct 05/21; E-Jan 08/22),** where an agricultural use is permitted in any R-6 Zone, and where any barn, stable or other building intended for the keeping of domestic fowl or other animals is to be erected, no structure shall:

(a) Be less than fifty (50) feet (15.2 m) from any side lot line;
(b) Be less than three hundred (300) feet (91.4 m) from any residential dwelling or potable water supply except a dwelling or water supply on the same lot or directly related to the agricultural use; and
(c) Be less than three hundred (300) feet (91.4 m) from any water course or waterbody.

7.11 OTHER REQUIREMENTS: FORESTRY USES

Notwithstanding the provisions of Section 7.2, where a forestry use is permitted in any R-6 Zone, the following shall apply:

(a) The combined gross floor area of all buildings directly relating to a forestry use shall not exceed fifteen hundred (1,500) square feet (139.4 m^2); and
(b) Any area devoted to open storage shall not be permitted within any required front yard or side yard and shall not exceed twenty-five (25) percent of the lot area.

7.12 OTHER REQUIREMENTS: FISHING SUPPORT USES

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Notwithstanding the provisions of Section 7.2, where a fishing support use is permitted in any R-6 Zone, the following shall apply:

(a) The combined gross floor area of all buildings directly related to a fishing support use shall not exceed fifteen hundred (1,500) square feet (139.4 m^2); and
(b) All buildings shall be set back a minimum of eight (8) feet (2.4 m^2) from the rear and side lot lines, unless the lot line corresponds to the high water mark, in which case a setback shall not be required.

7.13 OTHER REQUIREMENTS: TRADITIONAL USES

Where a traditional use is permitted in any R-6 Zone, the following shall apply:

(a) Any materials associated with the traditional use shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.

7.14 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where a day care facility is permitted in any R-6 Zone, the following shall apply:

(a) One off-street parking space shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area devoted to any day care facility.

7.15 OTHER REQUIREMENTS: OPEN SPACE USES

Where an open space use is permitted in any R-6 Zone, 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)

7.16 EXEMPTION: OPEN SPACE USES

Notwithstanding the provisions of Section 4.1(a), where an open space use is permitted, and where such use involves no buildings or structures, no development permit shall be required.

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PART 8: FI (FISHING INDUSTRY) ZONE

8.1 FI USES PERMITTED

No development permit shall be issued in any FI (Fishing Industry) Zone except for the following:

Fishing Industry Uses
Fish sheds and boat sheds
Boat and equipment manufacturing, sales and service directly related to the fishing or aquaculture industry
Wharf storage buildings
Fishery uses including fish and aquaculture processing operations which do not involve reduction
Fish and shellfish wholesale and retail stores
Wholesale and retail outlets, supply sales directly related to the fishing or aquaculture industry, for fish and fish products
Charter boat services

Commercial Uses
Commercial uses permitted in the MU (Mixed Use) Zone

Residential Uses
Residential uses permitted in the MU (Mixed Use) Zone

Resource and Traditional Uses
Agricultural uses
Forestry uses
Traditional uses

Community Uses
Community uses permitted in the MU (Mixed Use) Zone

Other Uses (RC-Sep 18/18;E-Nov 3/18)
Cannabis production facilities

8.2 FI ZONE REQUIREMENTS

In any FI Zone, where uses are permitted as fishing industry uses, commercial uses, residential uses, resource and traditional uses, and community uses, no development shall be issued except in conformity with the following:

Minimum Lot Area	40,000 square feet (3716 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front of Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)

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8.3 OTHER REQUIREMENTS: FISHING INDUSTRY USES

Where fishing industry uses are permitted in any FI Zone, the following shall apply:

(a) The footprint of all buildings devoted to a fishing industry use shall not exceed five thousand (5,000) square feet (464.5 m^2);
(b) Except where a fishing industry use abuts another fishing industry use, no outdoor storage shall be permitted within any side or rear yard except where a fence or other visual or physical barrier is erected; and
(c) No outdoor storage shall be permitted in any front yard.

8.4 OTHER REQUIREMENTS: MINIMUM LOT AREA FOR FISHING INDUSTRY USES

In any FI Zone, where uses are permitted as fishing industry uses and where no on-site services would be required, the minimum lot area shall be 20,000 square feet (1858 m^2).

8.5 OTHER REQUIREMENTS: COMMERCIAL, RESIDENTIAL, RESOURCE, TRADITIONAL AND COMMUNITY USES

Where commercial, residential, resource, traditional and community uses are permitted in any FI Zone, the provisions of Sections 6.3, 6.4, 6.5, 6.6, 6.7, 6.9, 6.11, 6.13, 6.14, 6.15, 6.16 and 6.17 shall apply.

8.6 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep 18/18;E-Nov 3/18)

(a) A cannabis production facility in the Fl Zone shall comply with the requirements of Section 6.6 and 8.2.
(b) Where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

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PART 9: FV (FISHING VILLAGE) ZONE

9.1 FV USES PERMITTED

No development permit shall be issued in any FV (Fishing Village) Zone except for the following:

Fishery Related Uses
Fishing support uses
Fish sheds and boat sheds
Charter boat services

Residential Uses
Single unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Home business uses in conjunction with permitted dwellings

Commercial Uses
Personal service shops
Craft shops
Antique shops
Art studios
Bakeries
Wilderness and recreation outfitters
Existing uses
Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms (RC-Feb 21/23;E-Sep 1/23)

Resource and Traditional Uses
Agricultural uses
Forestry uses excluding permanent sawmills or industrial mills
Traditional uses

Community Uses
Daycare facilities
Open space uses
Private clubs

9.2 FV ZONE REQUIREMENTS

In any FV Zone, where uses are permitted as Fishery Related 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	8 feet (2.4 m)

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Maximum lot coverage	35 percent
Maximum height	35 feet (10.7 m)

9.3 FV ZONE REQUIREMENTS

In any FV Zone, where uses are permitted as Residential, Commercial, Resource, Traditional and Community Uses (excluding open space uses), no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 square feet (3716.1 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height	35 feet (10.7 m)

9.4 OTHER REQUIREMENTS: FISHING SUPPORT USES AND CHARTER BOAT SERVICES

Notwithstanding the provisions of Section 9.2, where a fishing support use or charter boat service is permitted in any FV Zone, the following shall apply:

(a) The combined gross floor area of all buildings directly related to a fishing support use (excluding a building used for boat storage) shall not exceed three thousand (3,000) square feet (278.7 m^2); and

(b) All buildings shall be set back a minimum of eight (8) feet (2.4 m^2) from the rear and side lot lines, unless the lot line corresponds to the high water mark, in which case a setback shall not be required.

9.5 OTHER REQUIREMENTS: FISH SHEDS AND BOAT SHEDS

Notwithstanding the provisions of Section 9.2, where fish sheds and boat sheds are permitted in any FI Zone, the following shall apply:

Minimum front or side yard	4 feet (1.2 m)
Maximum lot coverage	50 percent

9.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS (Repealed: RC-May 23/24;E-Jun 13/24)

9.7 OTHER REQUIREMENTS: GARDEN SUITES (Repealed: RC-May 23/24;E-Jun 13/24)

9.8 OTHER REQUIREMENTS: HOME BUSINESS USES

Where a home business uses in conjunction with a dwelling is permitted in any FV Zone, the provisions of Section 7.5 shall apply.

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9.9 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS (Deleted: RC-Feb 21/23;E-Sep 1/23)

9.10 OTHER REQUIREMENTS: PERSONAL SERVICE SHOPS, CRAFT SHOPS, ANTIQUE SHOPS, ART STUDIOS, BAKERIES AND WILDERNESS AND RECREATION OUTFITTERS

Where a personal service shop, craft shop, antique shop, art studio, bakery or wilderness and recreation outfitter is permitted in any FV Zone, the provisions of Section 7.8 shall apply.

9.11 OTHER REQUIREMENTS: AGRICULTURAL USES

Where an agricultural use is permitted in any FV Zone, the provisions of Section 7.10 shall apply.

9.12 OTHER REQUIREMENTS: FORESTRY USES

Where a forestry use is permitted in any FV Zone, the provisions of Section 7.11 shall apply.

9.13 OTHER REQUIREMENTS: TRADITIONAL USES

Where a traditional use is permitted in any FV Zone, the provisions of Section 7.13 shall apply.

9.14 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where a day care facility is permitted in any FV Zone, the provisions of Section 7.14 shall apply.

9.15 OTHER REQUIREMENTS: OPEN SPACE USES

Where an open space use is permitted in any FV Zone, the provisions of Sections 7.16 and 7.17 shall apply.

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PART 10: I-1 (BUSINESS INDUSTRY) ZONE

10.1 I-1 USES PERMITTED

No development permit shall be issued in any I-1 (Business Industry) Zone except for the following:

Industrial Park Uses
Transportation uses
Building supply outlets
Service industries
Salvage operations
General contracting, storage yards and services
Recycling depots and facilities
Composting operations
All commercial uses permitted in the MU Zone
Office, retail and showroom facilities accessory to any permitted use
Open storage and outdoor display
Cannabis production facilities (RC-Sep18/18; E-Nov 3/18)

Community Uses
Institutional uses
Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)
Recreational uses

10.2 I-1 ZONE REQUIREMENTS

Minimum lot area	20,000 square feet (1858 m^2)
Minimum frontage	100 feet (30.1 m) on a local road, 150 feet (45.7 m) on a collector road
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	20 feet (6.1 m)
Maximum lot coverage	50 percent
Maximum height	35 feet

10.3 OTHER REQUIREMENTS: ENVIRONMENTAL

Notwithstanding Section 10.1, no material or equipment shall be used which creates a nuisance by virtue of noise, vibration, odour, glare or which is obnoxious.

10.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in an I-1 Zone is to be used for open storage or outdoor display, the following shall apply:

(a) No open storage shall be permitted within any required front yard; and
(b) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line.

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10.5 <u>OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES</u> (RC-Sep18/18; E-Nov 3/18)

(a) Where a lot containing a cannabis production facility abuts a lot
- **(i) zoned or used for residential purposes, or**
- **(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,**

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

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PART 11: P-3 (COASTAL CONSERVATION) ZONE

11.1 P-3 USES PERMITTED

No development permit shall be issued in any P-3 (Coastal Conservation) Zone except for the following:

Conservation related uses
Fishery support uses involving no buildings
Historic sites and monuments
Parks and open space uses

11.2 P-3 ZONE REQUIREMENTS

In any P-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	5,000 square feet (464.5 m^2)
Minimum Front or Flankage Yard	25 feet (7.6 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Rear Side Yard	25 feet (7.6 m)

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PART 12: P-4 (PROVINCIAL PARK) ZONE

12.1 P-4 (USES PERMITTED)

No development permit shall be issued in any P-4 (Provincial Park) Zone except for the following:

Recreational uses
Park and open space uses
Marinas
Conservation related uses
Any naturally or normally incidental or subordinate uses to the uses listed above that are exclusively devoted to the above uses.

12.2 P-4 ZONE REQUIREMENTS

In any P-4 (Provincial Park) Zone, 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)

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PART 12A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02, E-Nov 9/02)

12A.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

12A.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) - central services** **11,148 square metres (120,000 square feet) - on-site services**
Minimum Frontage	**15 metres (49.2 feet) - central services** **30 metres (98.4 feet) - on-site services**
Minimum Front Yard	**25 metres (82.0 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

12A.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

(a) any building or structure shall meet the following separation distances:

(i)	**from any property line**	**30 metres (98.4 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**60 metres (196.9 feet)**
(iii)	**from a watercourse**	**30 metres (98.4 feet)**

(b) notwithstanding Section 12A.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 12A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

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12A.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
- **(i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;**
- **(ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or**
- **(iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.**

(b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

(c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;

(d) notwithstanding Section 12A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

(e) no portion of the operation shall be located within any side, rear, or front yard setback;

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-6) or community use (P-3 and P-4); and

(g) no portion of the operation shall be located within a 1:100 year floodplain.

12A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

(a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;

(b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;

(c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon

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adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

(d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;

(e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;

(f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;

(g) all solid waste storage containers shall be screened from view from adjacent properties and streets;

(h) impact of the location, number and size of signs;

(i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and

(j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

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PART 12B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

12B.1 CD-2 USES PERMITTED

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Processing Facilities
All CD-1 Zone uses
Uses Accessory to permitted uses, excluding construction and demolition disposal
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

12B.2 CD-2 ZONE REQUIREMENTS

In any CD-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) central services** **11,148 square metres (120,000 square feet) on-site services**
Minimum Frontage	**15 metres (49.2 feet) central services** **30 metres (98.4 feet) on-site services**
Minimum Front Yard	**30 metres (98.4 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

12B.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone.

12B.4 OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

(i)	**from any property line**	**60 metres (196.8 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

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(b) notwithstanding Section 12B.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 12B.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

12B.5 <u>GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS</u>

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 12A.4.

(b) notwithstanding Sections 12B.2 to 12B.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

12B.6 <u>GENERAL REQUIREMENTS: SITE PLAN APPROVAL</u>

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 12A.5.

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PART 12C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

12C.1 CD-3 USES PERMITTED

No development permit shall be issued in any CD-3 (C&D Disposal) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Disposal Sites
All CD-2 zone uses
Uses Accessory to permitted uses
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

12C.2 CD-3 ZONE REQUIREMENTS

In any CD-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**11,148 square metres (120,000 square feet)**
Minimum Frontage	**15 metres (49.2 feet) central services**
	30 metres (98.4 feet) on-site services
Minimum Front Yard	**50 metres (164 feet)**
Minimum Side Yard	**50 metres (164 feet)**
Minimum Rear Yard	**50 metres (164 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.1 feet)**

12C.3 OTHER REQUIREMENTS: CD-1 AND CD-2 ZONE USES

In any CD-3 Zone, no development permit will be issued for any:

(a) C&D Materials Processing Facility except in conformity with the provision for such a use as contained within the CD-2 Zone; and
(b) C&D Materials Transfer Station except in conformity with the provision for such a use as contained within the CD-1 Zone.

12C.4 OTHER REQUIREMENTS: C&D MATERIALS DISPOSAL SITES

No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:
(i) from any property line 50 metres (164 feet)
(ii) from the nearest residential

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	dwelling or institutional use	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

12C.5 <u>GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS</u>

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 12A.4.

(b) Notwithstanding Sections 12C.2 to 12C.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

12C.6 <u>GENERAL REQUIREMENTS: SITE PLAN APPROVAL</u>

C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 12A.5.

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PART 12D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

12D.1 ICH USES PERMITTED

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (July 2, 2002) of this zone for the following:

Single Unit Dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Open Space Uses

12D.2 ICH ZONE REQUIREMENTS

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-6 Zone.

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PART 12E: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

12E.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
Home business uses in conjunction with permitted dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Uses accessory to permitted dwellings and recreational uses

12E.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**

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PART 12F: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

12F.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

12F.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area:	**930m²**
Minimum Frontage:	**30.5m**
Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**

12F.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.

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PART 12G: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Jun 25/14;E-Oct 18/14)

12G.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

12G.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 *Halifax Regional Municipality Charter*.

(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**

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PART 13: ADMINISTRATION

13.1 ENFORCEMENT

This By-law shall be administered by the Development Officer.

13.2 SCOPE OF APPLICATION

(a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:
   - (i) The true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
   - (ii) The proposed location, height and dimensions of the building, structure, or work in respect of which the application is being made;
   - (iii) The location of every building or structure already erected on or partly on the lot, and the location of every building upon contiguous lots;
   - (vi) The proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
   - (v) Other such information as may be necessary to determine whether or not every such building, or development, conforms with the requirements of this By-law.

(b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other bylaws and regulations in force which affect the proposed development, he may require that the plans submitted under this section be based upon an actual survey by a Nova Scotia Land Surveyor.

13.3 SIGNATURE FOR APPLICATION

The application shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.

13.4 PENALTY

Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Sections 108, 109 and 110 of the Planning Act.

13.5 DATE OF BY-LAW

This By-law shall take effect when approved by the Minister of Municipal Affairs.

13.6 SCHEDULE OF FEES

An application to amend this By-law or modify any of the provisions of this By-law must be accompanied by a fee at the time of making such application, which fees shall be:

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Amendment to Land Use By-law	$100.00
Development Agreement	$100.00
Rezoning	$100.00

13.7 <u>PUBLIC HEARING NOTIFICATION</u> (Repealed: RC-Jun 20/23;E-Oct 13/23)

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APPENDIX "A": NON-CONFORMING USES

NON-CONFORMING USE

90 (1) Subject to this Act, a non-conforming structure or a non-conforming use of land or a structure, existing at the date of the first publication of the notice of intention to adopt a land use by-law or amend or revise a land use by-law, may continue to exist.

EXISTING USE

(2) For the purposes of subsection (1), a non-conforming structure or a non-conforming use of land or a structure shall be deemed to be existing if

(a) the non-conforming structure, or structure containing the non-conforming use, was lawfully under construction; or

(b) the permit for its construction or use was in force and effect, except that this clause shall not apply unless the construction or use is commenced within twelve months after the date of the issuance of the permit and is completed in conformity with the permit within a reasonable time. 1983, c. 9, s. 83.

CANCELLATION OF PERMIT

91 (1) A council may cancel any permit issued by the municipality in the circumstances of clause (b) of subsection (2) of Section 90, where the construction or use has not been commenced, and shall pay to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans and promotion of the development as may be agreed upon by the parties.

ARBITRATION

(2) In the event the parties are unable to agree upon the amount to be paid, the person on whose behalf the permit was obtained may, by written notice, require that the municipality submit the claim to arbitration.

ARBITRATOR

(3) The arbitration shall be by one arbitrator appointed by the parties, or appointed by the Minister if they are unable to agree. 1983, c. 9, s. 84.

RESTRICTION ON NON-CONFORMING USE

92 (1) No increase in volume of or any addition to a structure shall, except as required by an enactment, be made while a non-conforming use therein is continued, but such use may be extended throughout the structure.

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NO EXTENSION OF NON-CONFORMING USE

(2) For greater certainty, no extension of a non-conforming use not contained within a structure shall be made beyond the limits that the use occupies.

CHANGE IN USE

(3) A non-conforming use shall not be changed to any other use unless the use is permitted for that property by the land use by-law.

CHANGE OF OCCUPANT

(4) A change of tenant, occupant or owner of any land or structure shall not of itself be deemed to affect the use or structure for the purposes of this Section.

REPAIR OR MAINTENANCE

(5) Subject to Section 93, this Act does not preclude the repair or maintenance of a structure. 1983, c. 9, s. 85; 1987, c. 51, s. 81.

DESTRUCTION OR DAMAGE

93 (1) If a non-conforming structure or a structure containing a non-conforming use is destroyed or damaged by fire or otherwise

(a) to an extent of less then seventy-five per cent of the market value of the structure, it may be rebuilt, repaired or reoccupied if the structure is substantially the same as it was before the destruction or damage and it is used for the same non-conforming use; or

(b) to an extent of seventy-five per cent or more of the market value of the structure, it shall not be rebuilt, repaired or reoccupied except in conformity with the requirements of the land use by-law applicable to the property.

DISCONTINUANCE

(2) A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of six months, and in such event the land or structure shall not thereafter be used except in conformity with the requirements of the land use by-law applicable to the property. 1983, c. 9, s. 86.

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VARIATION IN SECTION 92 OR 93 RESTRICTIONS

94 (1) A municipal planning strategy may provide for the variation of the provisions of Section 92 or 93, but no variation shall increase the restrictions in Sections 92 and 93.

POLICIES

(2) The policies adopted pursuant to subsection (1) may provide for:
- (a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;
- (b) the extension of a non-conforming use of land;
- (c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;
- (d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.
- (e) the change in use on a non-conforming structure to another use in the non-conforming structure, or of a non-conforming use of land or a structure to another non-conforming use.

IMPLEMENTATION

(3) The policies adopted pursuant to this Section may be carried out through the land use by-law, or by development agreement, and where the council has provided for the latter, Sections 73 to 80 apply mutatis mutandis to any agreement entered into pursuant to this Section. 1983, s. 9, s. 87; 1987, c. 51, s. 19.

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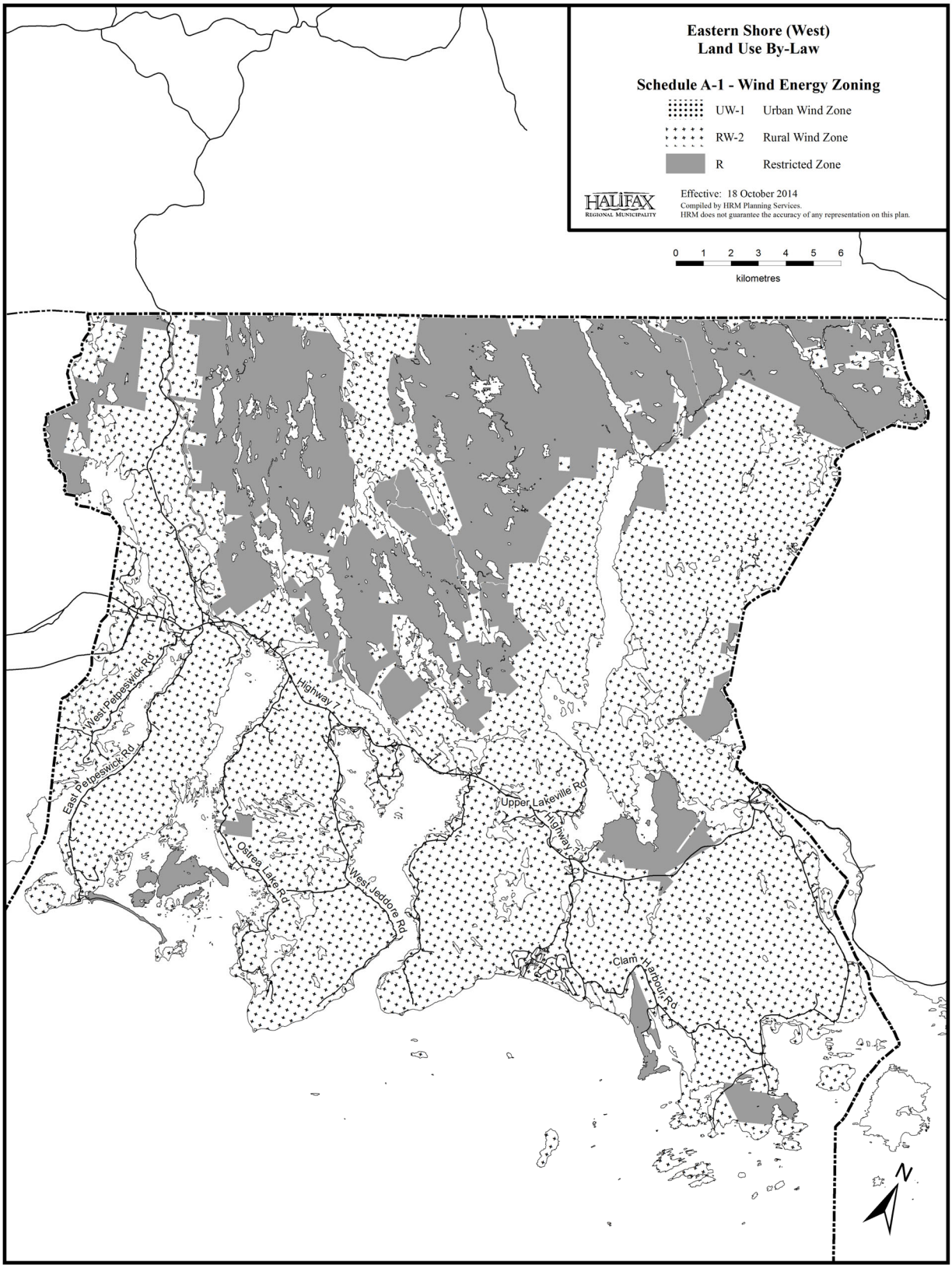
Schedule A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



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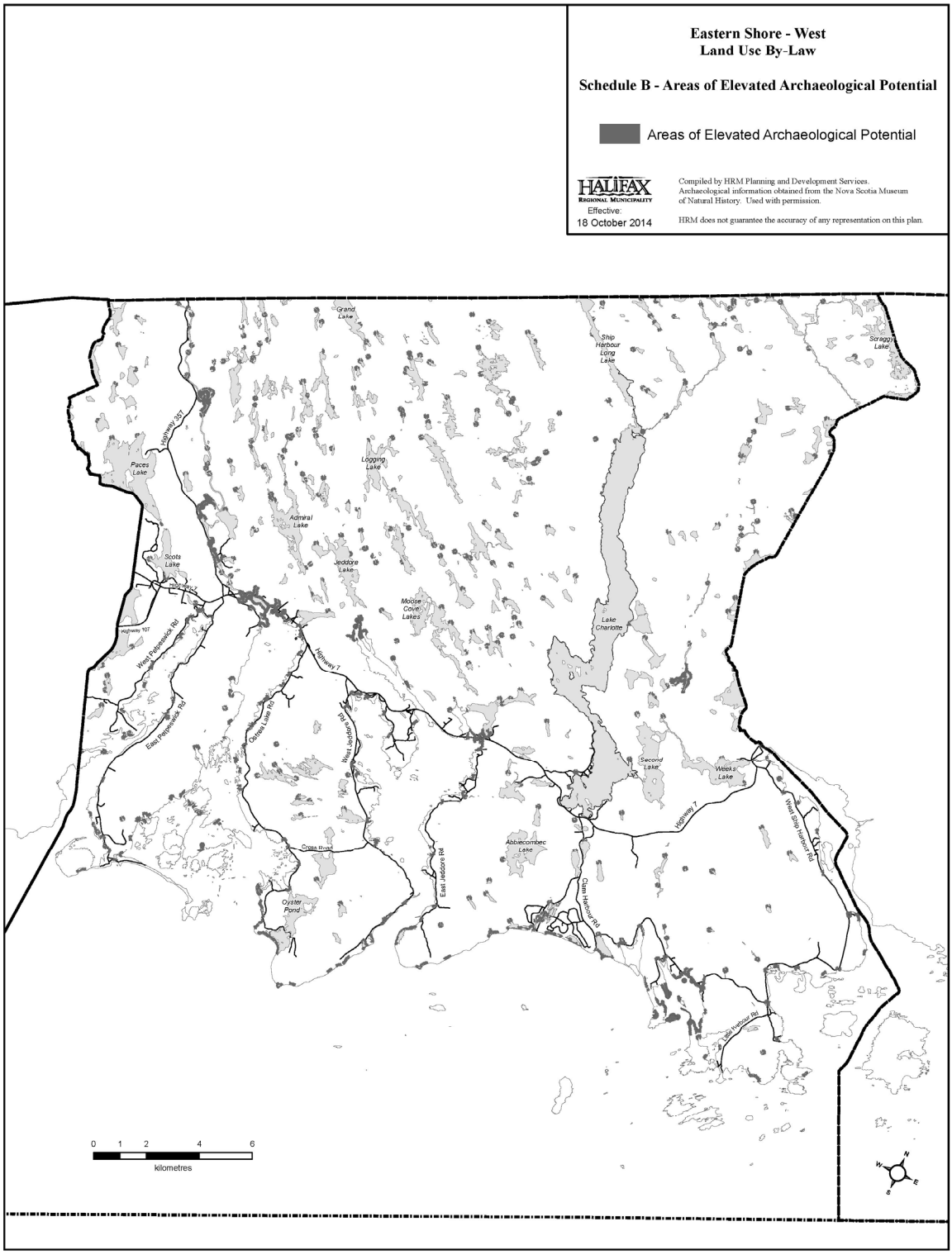
Schedule B: Areas of Elevated Archaeological Potential (RC-



Jun 25/14;E-Oct 18/14)

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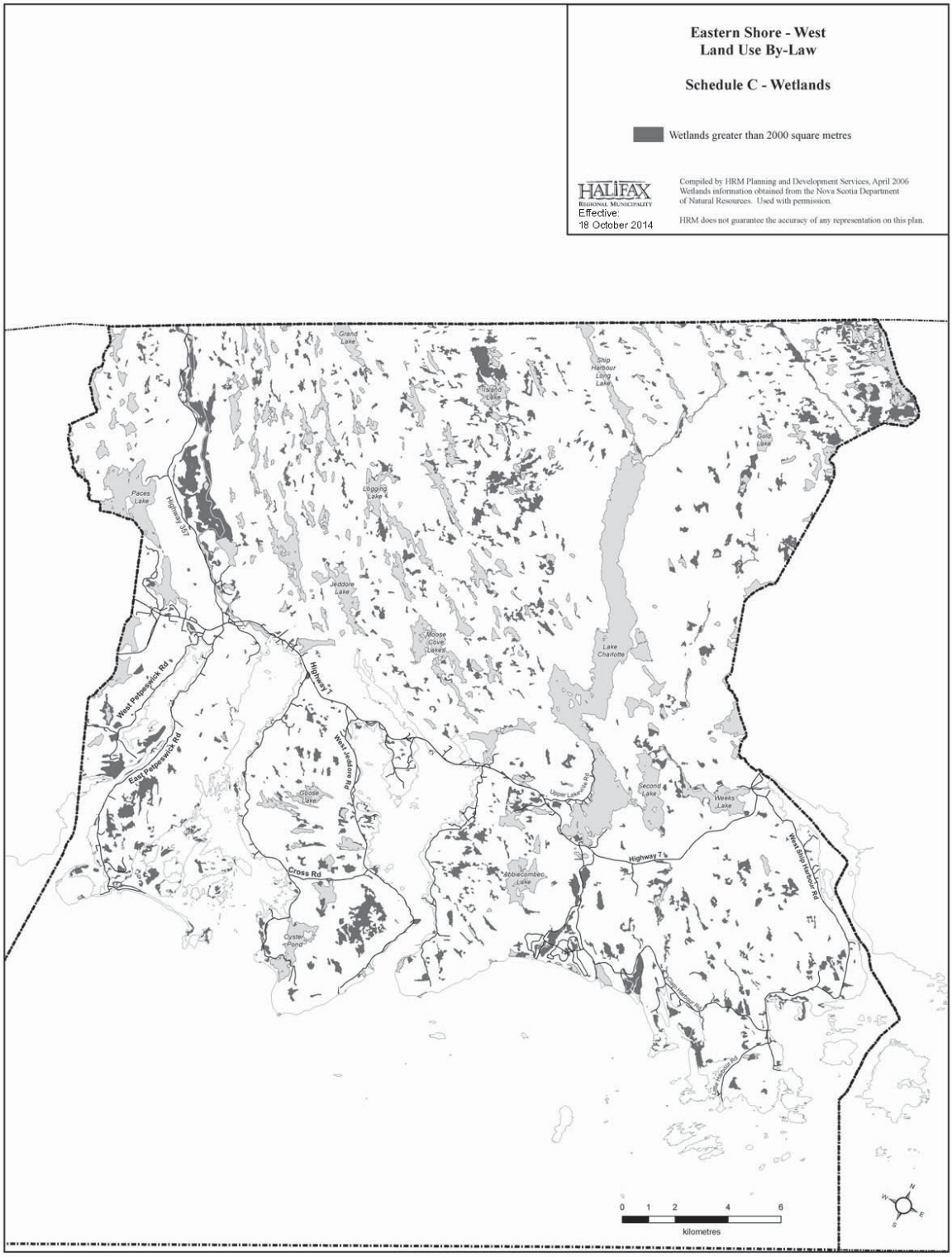
Schedule C: Wetlands (RC-Jun 25/14;E-Oct 18/14)



Schedule D: Areas Subject to Reduced Road Frontage Requirements (RC-Jan 10/17;E-Feb 25/17) (RC-Apr 24/18;E-

Jun 2/18)

Schedule E: Shared Private Driveway Design Standards (RC-Jan 10/17;E-Feb 15/17)

Where specifically required by LUB provisions, shared private driveways that provide vehicular access to four or more dwellings shall meet the following design standards.

1. All shared private driveways shall have a minimum clear width of 6 meters (19.7 feet) as follows:

   (a) Travel lanes shall be a minimum of 3 meters (9.8 feet) for each direction of travel and shall not include parking areas. Travel lanes shall be designed and constructed, complete with gravel or a paved asphalt surface, to adequately support the loads produced by all emergency vehicles.

2. All shared private driveways shall be constructed so as to prevent the accumulation of water and ice on any section of the driveway. Where the driveway grades are less than 0.5 percent, the shared private driveway shall be crowned in the center to prevent pooling of water in a travelled way. Swales shall be installed if required to prevent erosion of the shoulders.

3. Provisions for drainage systems, snow banks, utilities, and the like shall be provided and shall not be located within the required 6 meter (19.7 foot) driveway.

4. At least 4.26 meters (14 feet) nominal vertical clearance shall be provided and maintained over the full width of the shared private driveway.

5. Shared private driveways shall not have grades greater than 10 % with no change in grade over 8% in 15 meters (49.21 feet) of travel distance.

6. All cul-de-sacs shall be constructed with a minimum radius of 13 meters (42.65 feet) to the edge of asphalt and 15 meters (49.21 feet) to outside of shoulder.

7. All travel lane curves and turns at intersection, are to have a minimum 12 meter (39.37 feet) centreline travel radius. Curves and turns shall not reduce the clear width of the driveway.

8. The angle of approach and the angle of departure shall not exceed 8 degrees at any point on the driveway or its intersection with another driveway.

9. Sight distance shall be incorporated into the design of intersections.

10. If speed bumps are going to be constructed; acceptable warning signs shall be required.

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LAND USE BY-LAW - EASTERN SHORE (WEST)
AMENDMENTS

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	2.13, 2.47, 2.66 (deletions) 2.14A, 6.1	Allow tourist cottages to be built as-of-right within the MU (Mixed Use) Zone (Case No. 00348)	January 23, 2002	February 10, 2002
1.	3.1, 12D	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
3	Definitions, 3.1, 4.18(c), 12A, 12B, 12C	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
4	Section 4.1A	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
5	Replacing Sec 2.19, 2.80, 2.103, Sec 4.18 Adding Schedules B & C, Sections 12E, 12F, 12G, 4.18A, 4.28 & 4.29, General Provision 4.1B, adding a clause following clause (t) in sec 3.6	Regional Plan Amendments	June 27, 2006	August 26, 2006
6	Add new clause after Sec 5.1/w 5.1A, Del Sec 2.95 Replace/w new Sec 2.95	Case 00327 Temp Sign	September 26, 2006	November 18, 2006
7	Amend Section 4.24 (Parking Requirements)	Case 01119	RC - August 5, 2008	E - August 23, 2008
8	Amend Section 4.13 (Temporary Construction Uses Permitted)	Case 01058	HECC - January 20, 2009	E - February 7, 2009
9	Replace Section 2.24; Day Care Facility	Case No. 01017	HECC - March 3, 2009	E - March 21, 2009
10	Deleted the word "windmills" in Section 4.17; Added **Section 4.30 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Zoning Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
11	Amend Part 4, Section 30 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011

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12	**Repeal/Readopt** Section 2.19, 2.80, 2.103; Parts of Section 3.1, 3.6; Section 4.1B, 4.18, 4.18A, 4.27, 4.28, 4.29, 4.30; Part 12E, 12F, 12G; Schedule A, A-1, B, C; **Add** Section 2.13A, 2.103A, 4.31; **Amend** Section 3.64, 4.18, 4.18A, Schedule A, A-1, B, C.	RP+5	RC-June 25, 2014	E-October 18, 2014
13	**Add** Section 4.4 (d), (e)i.-v.; **Add** Schedule D – Areas Subject to Reduced Road Frontage Requirements and Schedule E – Shared Private Driveway Design Standards	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
14	**Amend** Schedule D – Reduced Road Frontage Requirements – Petpeswick Hills, Musquodoboit Harbour	Case 21281	RC – April 24, 2018	E – June 2, 2018
15	**Amend** several sections to add Cannabis related uses	Case 21331	RC - September 18, 2018	E- November 3, 2018
16	**Add** Part 2, Section 2.98A – Backyard and Secondary Suites; Part 4, Section 4.12A – Secondary Suites and Backyard Suites; **Amend** Part 4, Section 4.18A – Coastal Areas.	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
17	**Amend:** Part 2, Part 4 and Part 7 to include definitions and stipulations for Accessory Hen Use	Case 22227 – Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022
18	**Amended** Part 2, Definitions – Section 2.49; Part 4, General Provisions for all Zones – Section 4.4(e), 4.24, 4.30I(a); Part 6, MU Zone – Section 6.1; Part 7, R-6 Zone – Section 7.1; Part 9, FV Zone – Section 9.1; Part 10, I-1 Zone – Section 10.1; Part 12D, ICH Zone – Section 12D.1; Part 12E, RPK Zone – Section 12E.1 **Deleted** Part 2, Definitions – Section 2.83, 2.90 **Added** Part 2, Definitions – Section 2.93A, 2.93B; Part 3, Zones and Zoning Maps – Section 3.6(u)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
19	**Amended** Clause 2.27(c), 2.48; Part 3, CDD (i); Section 4.31; Section 6.1; Section 7.1; Section 9.1 **Deleted** Clause 6.3(c); Clause 7.4(c); **Added** Part 3, Section 3.7	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16/2022

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20	**Amended** Part 2, Definitions, Section 2.14A; Part 3, Section 3.6(e); Part 4, Section 4.24; Part 6, Section 6.1; Part 7, Section 7.1, 7.8; Part 9, Section 9.1 **Added** Part 2, Definitions, Section 2.94A, 2.94B; Part 4, Section 4.1(v), 4.1(vi), 4.33 **Deleted** Part 2, Definitions, Section 2.10; Part 7, Section 7.7; Part 9, Section 9.9	Case 24526 (Short Term Rentals)	RC – February 21, 2023	E – September 1, 2023
21	**Repealed** Part 13, Section 13.7	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023
22	**Amended** Part 2, section 2.96; Part 4, section 4.12(a)(iii), 4.12A(a)(i)(v), 4.12A(b)(i)(iv)(vi)(viii); Part 6, section 6.1; Part 7, section 7.1; Part 9, section 9.1 **Added** Part 4, section 4.12(c), 4.12A(b)(ix) **Repealed** Part 2, clause 2.27(e), 2.42; Part 6, section 6.3; Part 7, sections 7.3 & 7.4; Part 9, sections 9.6 & 9.7	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024

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