ATTENTION

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

HALIFAX

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LAND USE BY-LAW

NORTH PRESTON / LAKE MAJOR / LAKE LOON / CHERRY BROOK / EAST PRESTON

THIS COPY IS A
REPRINT OF THE
LAND USE BY-LAW FOR
NORTH PRESTON, LAKE MAJOR,
LAKE LOON, CHERRY BROOK
AND EAST PRESTON
WITH AMENDMENTS TO
JUNE 13, 2024

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LAND USE BY-LAW

FOR

NORTH PRESTON, LAKE MAJOR, LAKE LOON,

CHERRY BROOK AND EAST PRESTON

THIS IS TO CERTIFY that this is a true copy of the Land Use By-Law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 14th day of December, 1992, and adopted by the Minister of Municipal Affairs on the 22nd day of March, 1993, 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

NORTH PRESTON, LAKE MAJOR, LAKE LOON,

CHERRY BROOK AND EAST PRESTON

MARCH 1993

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 North Preston, Lake Loon, Cherry Brook and East Preston Area of 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 in 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 provision of the zones described in this By-Law 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 amendment made by the Council of former Halifax County Municipality on the 14th day of December, 1992, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 22nd day of March, 1993. 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 Communities of Lake Major, North Preston, Lake Loon/Cherry Brook and East Preston".

PART 2: DEFINITIONS

In this By-law, the word "shall" is mandatory and is 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. (MC-Jun 26/95;CHWEPCBCC-Jul 20/95;E-Aug 10/95)**

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. (MC-Jun 26/95;CHWEPCBBCC-Jul 20/95;E-Aug 10/95)**

2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals, but shall not include intensive agricultural uses or kennels.

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, and commercial growing of mushrooms, a slaughter house, a broiler plant, or land used as an animal feed lot managed to maximize 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.

2.6 ATTACHED BUILDING means a building otherwise 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.

2.7 AUTOMOBILE REPAIR OUTLET means a building or part of a building or a clearly defined space on a lot used for the minor or major mechanical or electrical repair of motor vehicles and may include autobody repair, replacement and refinishing.

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

2.9 BOARDROOM OR ROOMING HOUSE (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.10 BUILDING means any structure, whether temporary or permanent, used or build for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vehicle, vessel **or shipping container (Deletion: HECC-Jun 6/02;E-Jun 30/02)** used for any of the foregoing purposes.

2.10A 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)

2.10B 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)

2.10C 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)

2.10D 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)

2.11 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and includes such establishments as dance halls, animal or vehicle racing tracks, rifle ranges, marinas, bowling centres, golf courses, miniature golf courses, amusement parks, campgrounds, legions, fraternal centres, private clubs, racquet sports and health clubs, and may include a single or two uni dwelling for maintenance or security personnel.

2.12 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 of over three (3) tons (2.7 tonnes).

2.12A 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 handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-Feb 26/96;Council-Mar 28/96)

2.12AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

2.12B 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 fibers, lumber, wood, asphalt shingles and metals. (RC-Sep 10/02, E-Nov 9/02)

2.12C 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)

2.12D 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

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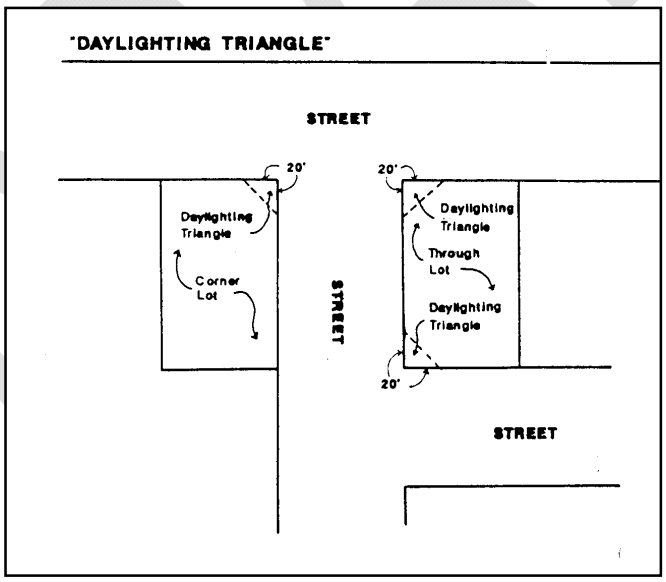
with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

2.12E 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)

2.13 COUNCIL means the Council of Halifax County Municipality.

2.14 **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)**

2.15 DAY LIGHTING TRIANGLE means a triangular area on a corner lot which is formed by a front lot line and a flankage lot line and a straight line which intersects them twenty (20) feet (6.1 m) from the corner where they meet.



2.16 DEVELOPMENT OFFICER means an officer of Halifax County Municipality, from time to time charged by the Municipality with the duty of administering the provisions of this By-law, and includes any other person appointed to act in the Development Officer's stead

2.17 DWELLING

(a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one (1) or more persons, and containing one (1) or more dwelling units, but shall not include a hotel, a motel, apartment hotel or hostel.

(b) Dwelling Unit means one or more rooms in a building designed, occupied or capable of being occupied by one (1) or more persons in a housekeeping establishment in which sleeping and sanitary facilities are provided for the 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 (2) dwelling units.

(e) 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 (2.4 m) in height which constitutes at least fifty (50) per cent of the horizontal axis between the two units.

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

(g) Dwelling, Row/Townhouse means a building that is divided vertically into three (3) or more dwelling units, each of which is located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.

(h) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor or 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 (6.1 m).

2.18 ERECT means to build, construct, reconstruct, alter or relocate, and includes 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.

2.19 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 structure, exclusive in both cases of any artificial embankment or entrenchment. When used with reference to a street, road or highway, established grade means the elevation of the street, road or highway established by the Municipality or other designated authority.

2.20 EXISTING means existing as of the effective date of this By-law.

2.21 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.

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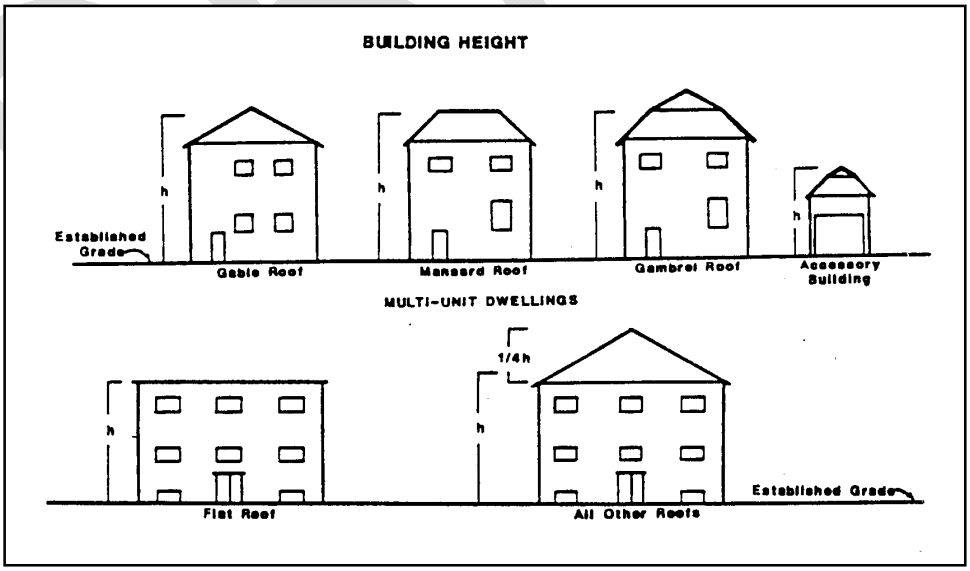
2.22 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

2.23 GOLF COURSE means a public or private area operated for the purpose of playing golf and related activities including a club house, maintenance buildings and administration building. The foregoing specifically excludes permanent residential accommodation of any type except a dwelling unit that may be provided for maintenance or security personnel.

2.24 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 excludes car parking areas within the building; and for the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls. For the purpose of calculating required parking spaces for commercial buildings, gross floor area shall exclude washrooms, utility rooms and common areas between stores.

2.25 HEIGHT, BUILDING 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, building height shall mean the vertical distance 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, and provided that no roof space is used for human habitation. In the case of accessory buildings, building height shall mean the vertical distance between the finished grade of the lot and the highest point of the roof.



2.25 (aa) 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).

2.25(a) HOME BUSINESS means any home business which is accessory and incidental to the primary use of a dwelling as a residence, and shall specifically not include any automotive repair outlet, autobody repair shop, machine shop, welding shop, restaurant, local convenience store, retail operation except where retail is accessory to a permitted home business. (MDVCCC/HECC-Nov 19/01;E-Dec 16/01)

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

2.27 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 or showing or for commercial showing with or without veterinary care.

2.28 LAKE MAJOR WATERSHED ADVISORY BOARD means an advisory board constituted to advise the City of Dartmouth, the Municipality of the County of Halifax, the Province of Nova Scotia and the communities in the Lake Major area on certain matters pertaining to water quality and quantity within the Lake Major Watershed, a Protected Water Area designated under Section 17 of the Water Act, C.335, S.N.S., 1967.

2.29 LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which as adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

2.30 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 April 16, 1987, or described in a plan ~~and~~ **or** deed **approved** pursuant to the Land Titles Clarification Act, or approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

(a) Corner Lot means a lot situated at the intersection of, and abutting on, two (2) or more streets.

(b) 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, such lot shall be deemed to be a Corner Lot for the purpose of this By-law. In the case of an interior through lot, both street lines shall be deemed front lot lines.

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

2.32 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.

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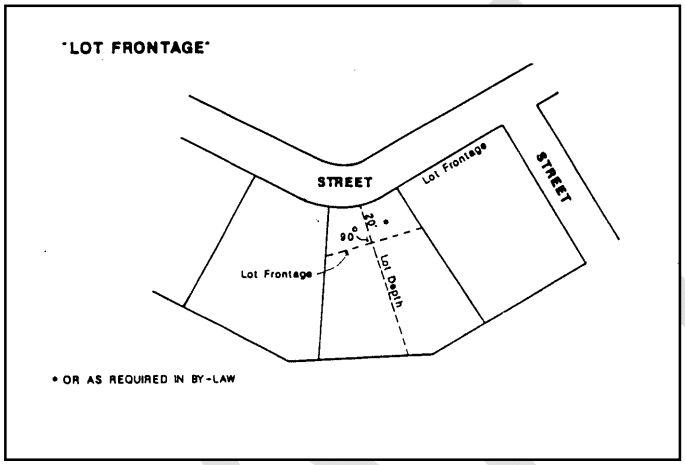
2.33 LOT FRONTAGE means the horizontal distance between the side lot lines, as measured along the front lot line. In the case of a corner lot with a Day lighting triangle, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating frontage. Where the front lot line of any lot is a curved line, a minimum lot width which is equivalent to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of calculating frontage on a curve, minimum lot width means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point between the front and rear lot lines, measured from the front lot line, as is the minimum applicable front yard required by this By-law.



2.34 LOT LINE

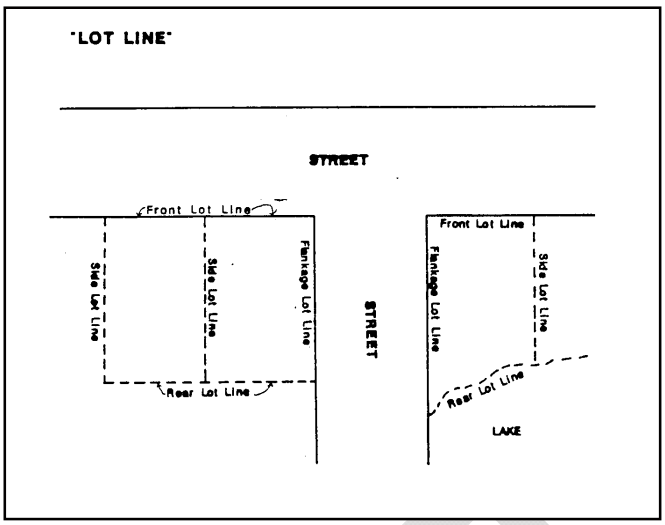
(a) Lot Line means a boundary or exterior line of a lot.

(b) Front Lot Line means the line dividing the lot from the street; and

(i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed 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;

(ii) in the case of a through lot - either of the two boundaries dividing the lot from a street shall be deemed to be the front lot line; and

(iii) in the case of a lot which has as one of its boundaries the shore line of a lake 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 on a corner lot.

2.35 LRIS means the Land Registration and Information Service whose property identification numbering system is used in this By-law to identify particular areas of land. The LRIS is an agency of the Council of Maritime Premiers established on the authority of Order in Council of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island under the Council of Maritime Premiers Act in order to produce comprehensive property and ownership mapping for the provinces.

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

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

2.38 MAXIMUM LOT COVERAGE means that percentage of a 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, maximum lot coverage in each zone shall be deemed to apply only to that portion of lot which is located within said zone.

2.39 MEDICAL CLINIC means a building or part of a building where two (2) or more practitioners provide human health services without overnight accommodation for patients.

2.40 MAIN HIGH WATER PARK means the water line where a watercourse is in its normal state, without reference to extreme flows due to heavy rains, winter or spring thaws, or extreme droughts of summer or autumn.

2.41 MUNICIPALITY means Halifax County Municipality.

2.42 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance

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or is offensive by the creation of noise or vibration, or by reason of toxicity, the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other materials and shall include, in unserviced areas, operations which produce wastes which cannot be treated by an on-site sewage disposal system approved pursuant to the Regulations Respecting On-Site Sewage Disposal Systems, or which involve, as the primary function, the processing, production, or warehousing of dangerous goods or hazardous wastes.

2.43 OFFICE means a room or rooms where 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.

2.44 OPEN 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.

2.45 OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot or on another lot, and may include the display of cars, trucks, vans, motor and mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages.

2.46 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.

2.47 PARKING SPACE means an area for the temporary parking or storage of motor vehicles, and which has adjacent access to permit ingress and egress of a motor vehicle to and from a street or private road by means of driveways, aisles or manoeuvring areas.

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

2.49 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services or otherwise directly administering to the individual and personal needs of persons, and includes such establishments as barber shops, beauty salons, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and dry-cleaning collection depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

2.50 PRIVATE ROAD means any street or road which is not public and which is shown as a private road on an approved plan of subdivision and which has a right-of-way, alignment and gradient approved by the Department of Transportation and Communications and shall not include a Schedule A Road.

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

2.52 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

2.53 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)

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

2.55 (a) 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 and may include a take-out food function which does not exceed 10% of the gross floor area of the full service restaurant and may also include the licensed sale of alcoholic beverages.

(b) 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 characterized 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 the licensed sale of alcoholic beverages.

(c) 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 and may include a home delivery service, a seating area for consumption within the building of up to 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.

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

2.57 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 ha), and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

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2.58 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)

2.59 SCHEDULE "A ROAD means a right-of-way which is not owned and maintained by the Department of Transportation and Communications, and which has been indexed for the purposes of subdivision in Schedule "A" of the Subdivision By-law for the Municipality and shall not include a private road as defined herein.

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

2.61 SERVICE INDUSTRY means a building or part thereof 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 may include a public garage, an engine and body repair shop, a printing establishment, a laundry or dry-cleaning establishment, a wholesale bakery, a paint shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

2.62 SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops, but shall not include industrial, manufacturing or automotive repair outlets.

2.63 SERVICE STATION means a building or part thereof or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines, and may include, as accessory uses, the sale of automobile accessories, the servicing and general repairing of motorized vehicles, and washing establishments.

2.63A 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)

2.63B 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)

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2.63C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck. (HECC-Jun 6/02;E-Jun 30/02)

2.63D 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)

2.63E 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)

2.64 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door.

(a) <u>Ground Sign</u> means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall include a mobile sign.
(b) <u>Projecting Wall Sign</u> means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building.
(c) <u>Facial Wall Sign</u> means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom nor extend above the roof line. (RC-Sep 26/06;E-Nov 18/06)

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

2.66 STREET LINE means the boundary line of a street.

2.67 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 includes fences exceeding six (6) feet (1.8 m) in height.

2.67.5 SUITE (RC-Sep 1/20;E-Nov 7/20)

(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.

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2.67.6 URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law.

2.67A 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)

2.67B 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)

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

2.69 YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard requirements, 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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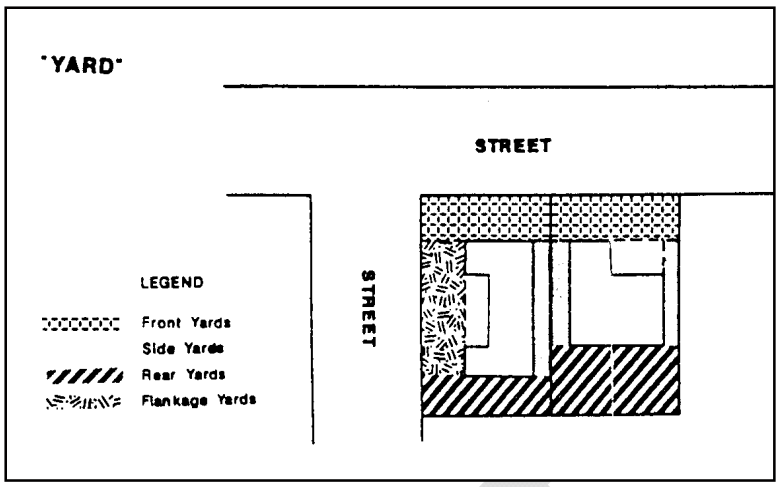
"YARD"
STREET
STREET
LEGEND
Front Yards
Side Yards
Rear Yards
Flankage Yards

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PART 3: ADMINISTRATION

3.1 DIVISIONS OF BY-LAW

This By-law is divided into 15 Parts. A number-lettering system has been used throughout the By-law. This number-lettering system is as follows:

1. PART
1.1 SECTION
1.1 (a) Subsection
1.1 (a) (i) Clause
1.1 (a) (i) 1. Sub-Clause

3.2 ENFORCEMENT

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

3.3 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, 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 of any single development, or of more than one development, or of any or all elements related to any development, including signs permitted according to Part 6, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

(d) No person shall move a building, residential or otherwise, within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

(e) Notwithstanding Subsection 3.3(a), no development permit shall be required for the following:

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

(ii) any sign which is permitted under Section 5.5 of this By-law.

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

(iv) 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)

(v) 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)

3.3A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application, not

pursuant to a completed concept plan application received between January 22, 2004 and the effective date of this section. (RC-Apr 13/04;E-Apr 22/04)

3.3B 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)

3.4 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 shall prevail.

3.5 APPLICATION REQUIREMENTS

(a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale 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 by-laws and regulations in force which affect the proposed development, the Development Officer may require that the plans submitted under this section be based upon an actual survey by a Nova Scotia Land Surveyor.

(c) 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.

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3.6 APPLICATIONS WITHIN THE LAKE MAJOR WATERSHED

Every application for a development permit for lands situated within the Lake Major Watershed as shown in Schedule A shall be referred to the Lake Major Watershed Advisory Board, and the Development Officer shall consider any reply from the Board to the extent permitted by the Planning Act, or any other provincial statute.

3.7 METRIC EQUIVALENTS

All dimensional requirements in this By-law are expressed in imperial measurements, followed by their metric equivalents. ALL metric equivalents are provided for comparison only, and do not constitute a legal part of this By-law.

3.8 PENALTY

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

3.9 DATE OF BY-LAW

This By-law shall take effect when approved by the Minister of Municipal Affairs and replaces any previous zoning applicable to the area covered by this By-law at the time of its approval by the Minister.

3.10 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 to cover the cost of advertising at the time of making such application, which fees shall be:

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

3.11 PUBLIC HEARING NOTIFICATION (Repealed: RC-Jun 20/23;E-Oct 13/23)

3.12 ZONES ESTABLISHED

For the purpose of this By-law, the communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston are divided into the following zones, the boundaries of which are shown on the attached zoning schedule. Such zones may be referred to by the appropriate symbols:

	SYMBOL	ZONE TITLE
Settlement Zones	RS	Rural Settlement Zone
	RA	Residential Zone
Commercial Zones	C-1	Local Commercial Zone
	C-2	General Commercial Zone

	C-4	Highway Commercial Zone
Community Use Zones	P-1	Recreation Open Space Zone
	P-2	Community Facility Zone
	PA	**Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)**
Conservation and	**PWS**	**Protected Water Supply Zone (RC-Jun 25/14;E-Oct 18/14)**
Resource Zones	MR	Mixed Resource Zone
Construction & Demolition (C&D) Zones Stations (RC-Sep 10/02;E-Nov 9/02)	**CD-1**	**C&D Materials Transfer 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**

3.13 ZONING SCHEDULE

(a) Schedule "A" attached hereto, may be cited as the "Zoning Map for the communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston", and is hereby declared to form part of this By-law.

(b) The extent and boundaries of all zones are shown on Schedule "A", and for all 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 3.12.

3.14 INTERPRETATION OF ZONE 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 street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on Schedule "A", 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 map 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; or

(e) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from attached Schedule A.

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3.15 ZONES NOT ON MAPS

The zoning map of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on the zoning map. Said amendments shall be carried out in accordance with the provisions of the Planning Act and with the policies of the Municipal Planning Strategy for the Communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston.

3.16 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) Subject to Subsection (c), if a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.

(b) If any use is listed subject to any special conditions or requirements, it 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, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition, except where any definition is specifically limited to exclude any use.

(d) Except where limited by Section 3.3, 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.

(e) Where any list of uses permitted is divided by subheadings into broad functional or characteristic groupings, such subheadings shall be deemed to be provided for the purpose of reference and identification and shall not, in themselves, be deemed to be uses permitted nor to define any uses permitted, whether specifically and in accordance with the purposes of Part 2 or in any other manner.

3.17 USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.16, certain uses which may not be listed as permitted uses in a zone may be considered in accordance with the development agreement provisions of the Planning Act. Such uses are provided for by policies of the municipal planning strategy as follows:

(a) Within the Mixed Use Designation:

- (i) multiple unit dwellings containing more than four (4) dwelling units according to Policy MU-4;
- (ii) general commercial activities in excess of five thousand (5,000) square feet (464.5 m^2), according to Policy MU-6;
- (iii) general commercial uses in excess of two thousand (2,000) square feet (185.8 m^2) of floor area according to MU-7;
- (iv) new or expanded facilities related to service stations, car washes, and auto repair outlets within the Lake Major Watershed, according to Policy MU-8;
- (v) commercial recreation uses, according to Policy MU-9;
- (vi) new or expanded facilities related to intensive resource uses, according to Policy MU-10;

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(vii) light manufacturing, service and resource industries according to Policy MU-12;

(viii) expansion of an existing salvage yard in North Preston, according to Policy MU-15;

(ix) expansion of an existing salvage yard in East Preston, according to Policy MU-16.

(b) Within the Residential Designation:

(i) multiple unit dwellings containing more than four (4) units according to Policy RES-3;

(ii) expansion of certain commercial, agricultural and service industrial uses as identified in the land use by-law, according to Policy RES-7;

(iii) commercial recreation uses, commercial forestry and resource-based uses, according to Policy RES-8.

(c) Within the Resource Designation:

(i) new or expanded facilities associated with intensive livestock operations within the Lake Major Watershed according to Policy RE-3;

(ii) commercial recreation uses, according to Policy RE-7;

(iii) new or expanded facilities associated with scrap or salvage yards according to Policy RE-10;

(iv) new or expansions to facilities related to the extraction or bulk storage of aggregates and minerals according to Policy RE-11;

(v) low density residential, local industrial, local commercial, recreational, community facility and resource uses, according to Policy RE-13.

(d) Within all Designations, pursuant to Policy IM-21, 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 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: (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. (RC-Jun 25/14;E-Oct 18/14)

3.18 <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.

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3.19 <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 ACCESSORY USES AND BUILDINGS (MC-Jun 26/95;CHWEPCBCC-Jul 20/95;E-Aug 10/95)

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.

4.1A 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.**

4.2 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 eight (8) feet (2.4 m) to any other lot line except that:

1. in any RA or RS Zone, buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than four

(4) feet (1.2 m);

2. common semi-detached garages may be centred on the mutual side lot line; and
3. boat houses and boat docks may be built to the lot line where the line corresponds to the water's edge.

(iii) be built within eight (8) feet (2.4 m) of the main building in any RA Zone, and ten (10) feet in any other zone;

(iv) exceed **twenty-five (25) feet (7.7 metres) (RC-May 23/24;E-June 13/24)** in height in any RA Zone;

(v) exceed **a footprint of one thousand (1,000) square feet (93 square metres) (RC-May 23/24;E-June 13/24)**, nor be used for the keeping of livestock in any RA Zone;

(vi) be built within eight (8) feet (2.4 m) of any other accessory building.

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

(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)

4.2A ~~SHIPPING CONTAINERS AS ACCESSORY BUILDINGS (HECC-Jun 6/02;E-Jun 30/02)~~

~~**(a) Shipping containers may not be used as accessory buildings in the RA zone except in conjunction with a recreational use or a backyard suite use (RC-Oct 11/22;E-Nov 16/22). Where shipping containers are permitted in other zones or in conjunction with a recreation use, applicable requirements for accessory buildings and applicable zone standards including those relating to setbacks, screening and landscaping shall apply.**~~

~~**(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.**~~

~~**(c) Where a shipping container is permitted to be placed on a property for non-recreational or non-residential use (RC-Oct 11/22;E-Nov 16/22), the shipping container shall be fully screened from view through the use of landscaping, opaque fencing or a combination of fencing and landscaping.**~~

~~**(d) Repealed (RC-Oct 11/22;E-Nov 16/22)**~~

4.2AB SHIPPING CONTAINERS

(1) Where shipping containers are used as an accessory recreational use in the RA zone and where shipping containers are permitted in non-residential zones, the following requirements shall be met:

(a) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street; and

(b) Shipping containers must meet all applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping.

(2) Shipping containers intended for non-recreational or non-residential use shall be fully screened from view through the use of landscaping, opaque fencing or a combination of fencing and landscaping.

(3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.

(4) Notwithstanding subsection (1), Shipping containers may be used as a backyard suite, subject to the applicable requirements for backyard suites.

(5) Notwithstanding subsection (1), Shipping containers may be used as a main use for indoor agriculture, subject to the applicable zone standards for main buildings.

4.2B 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, a two unit dwelling or a row/townhouse dwelling subject to the following provisions:

- **(i) No more than one total 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 4.22, 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, a two unit dwelling or a row/townhouse 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 4.1 and 4.2;**
- **(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 4.22, 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)**

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

(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;

(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 93 square metres. (RC-May 23/24;E-June 13/24

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

(a) Where municipal central sewer and water services are available, no development permit shall be issued unless the lot upon which the development is proposed is provided with such services.

(b) Where any lot is developed with a septic tank and disposal field, 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 Department of Health shall prevail.

(c) Prior to the installation of central sewer and water services, and where a temporary sewerage disposal and water supply system is to be used, the minimum lot area requirement for central services shall apply.

4.4 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, steps, and access ramps for the mobility disabled may be located in any yard.

(b) There may be erected or maintained in any yard, the usual projections of sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such 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) Unenclosed sundecks may be permitted to project up to one half (½) of the distance of a required side or rear yard or up to one quarter (1/4) of the distance of a required front yard.

(e) Exterior staircases, balconies, porches, and verandas shall not be permitted to project into any required yard.

(f) Ornamental plantings and landscaping may be located in any yard unless otherwise indicated in this By-law.

(g) Unenclosed canopies over gas pump islands for service stations may project into any front, side or flankage yard, provided that such projections will not impede ingress or egress or visibility along an abutting roadway or a daylighting triangle.

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4.5 EXISTING USES

Unless otherwise identified in Appendix C of this By-law, uses which are permitted as existing uses within a zone, or which are identified in Appendix B, shall be considered as fully conforming uses and, as such, are permitted to expand, resume operation if discontinued, or be replaced or rebuilt on the lot which they occupied on the effective date of this By-law, subject to the requirements of the zone in which they are situated.

4.5(a) EXISTING HOME BUSINESSES (MDVCCC/HECC-Nov 19/01;E-Dec 16/01)

Within the RA Zone, where a business use was operating in conjunction with a dwelling on the property prior to June 30, 2001, the business use shall be considered a fully conforming use and, as such, is permitted to expand, resume operation if discontinued, or be replaced or rebuilt on the lot which it occupied on the effective date of this By-law, subject to the provisions for "Home Business Uses" contained within the RA Zone.

4.6 ONE MAIN BUILDING ON A LOT

(a) No person shall erect more than one (1) main building on a lot except for:
- (i) buildings located in the C-4 (Highway Commercial) or C-2 (General Commercial) Zones;
- (ii) one (1) main residential building and one (1) main commercial building in the C-1 (Local Commercial) or RS (Rural Settlement) Zones;
- (iii) single unit dwellings used as principal residences in conjunction with agricultural uses located in the RS (Rural Settlement) or MR (Mixed Resource) Zones.

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

4.7 EXISTING BUILDINGS

(a) 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 or area, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:
- (i) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard that does not conform to this By-law; and
- (ii) all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding Section 4.6, and subject to the requirements of this Section, existing residential buildings and structures may be enlarged, reconstructed, repaired or replaced on the properties identified in Appendix "B" by their LRIS Index Numbers.

(c) Any enlargement, reconstruction, repair or replacement of any existing building located on a lot referred to in Subsection (b), above, shall conform to all other applicable provisions of this By-law, and a minimum distance of sixteen (16) feet (4.9 m) shall be provided between any main buildings located on the same lot.

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4.8 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 90 to 94 of the Planning Act shall prevail.

4.9 NON-CONFORMING USES

Non-conforming uses shall be subject to the non-conforming use provisions of the Planning Act of Nova Scotia, which are attached in this By-law as Appendix "A". Additions or structural alterations to non-conforming uses shall be permitted if they do not result in any increase in the volume of space devoted to the non-conforming use itself.

4.10 DAYLIGHTING TRIANGLE RESTRICTION

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height of more than two (2) feet (0.6 m) above grade of a street which abuts a daylighting triangle.

4.11 REDUCED FRONTAGE OR AREA

(a) Any lot created pursuant to Section 107 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 and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots which are created pursuant to Part 14 of the Subdivision By-law, for residential and resource uses in any zone, provided that all other applicable provisions of this By-law are met.

(c) Notwithstanding the area requirements of this By-law, the minimum lot area requirement for an existing serviced area of land with less than an area of 12,000 square feet shall be (5,000) square feet (464.5 m^2).

(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)**

4.12 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 and 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 all other applicable provisions in this By-law are satisfied.

(b) Further to Subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to Part 14 of the Subdivision By-law where an

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undersized lot has had its boundaries altered.

4.12A LAND TITLES CLARIFICATION AREAS

(a) Notwithstanding the lot area and frontage requirements in this By-law, any area of land or parcel located within a Land Titles Clarification Area as defined by the Land Titles Clarification Act, having less than the minimum frontage 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 the By-law are satisfied.

(b) Further to subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to Section 68A of the Regional Subdivision By-law.

4.13 ROAD ENTRANCE RESERVES

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

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan 20/09; E-Feb 20/09)

(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.

(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

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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.

4.15 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 unlicensed vehicle body shall be used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

4.16 COMMERCIAL MOTOR VEHICLES

Not more than one (1) commercial vehicle shall be kept on any lot in an RA (Residential) Zone.

4.17 LOTS ABUTTING ARTERIAL ROADS

(a) **(Deleted - Ministerial amendment - Mar 22/93)**

(b) A minimum setback of forty-five (45) feet (13.7 m), measured from the street line, shall be required for buildings erected on lots abutting an arterial road, except where an additional setback is required elsewhere in this By-law, in which case the more stringent requirement shall prevail.

4.18 SETBACKS FROM SCHEDULE "A" ROADS

Notwithstanding the minimum yard requirements contained elsewhere in this By-law, any main building erected on a lot which abuts a Schedule "A" road shall be setback a minimum of forty-five (45) feet (13.7 m) from the centerline of such a road.

4.19 HEIGHT REGULATIONS

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

4.20 YARD EXCEPTION

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 rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) per cent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on 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.

4.21 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 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.

(e) Notwithstanding clause (a), the required buffer shall be 76.2 m of the mean high water mark of Lake Major and Long Lake.

(f) Notwithstanding clause (a), the required buffer shall be 30.5 m of the mean high watermark of any watercourse located in the Lake Major Watershed.

(g) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.

(h) Within the buffer required pursuant to clauses (e), (f) or (g), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting

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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 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.

4.22 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 unit dwellings	1.5 spaces per dwelling unit
Shared Housing Use	**0 spaces**

USE	PARKING REQUIREMENT
(RC-Aug 9/22;E-Sep 15/22) 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 general 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
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	the greater of 1 space per 3 seats or 1 space per 100 square feet (9.3 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)**	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m^2) of gross floor area; where there are no fixed seats, 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 space per 20 high school students
Hospitals	2 spaces per bed
Homes for the aged and nursing homes	2 spaces per 5 beds
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
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 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

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(b) Reserved Spaces for the Mobility Disabled

Notwithstanding subsection (a), 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

USE	PARKING REQUIREMENT
	required spaces or part thereof to a maximum of 10
Multiple Dwellings	1 reserved parking space per 30 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 fire Stations and any	1 reserved parking space for the mobility disabled per 15-100 parking spaces required;
industrial use which does not have retail function	1 additional space for each additional 100 a required spaces or part thereof, to a maximum of 10 spaces

(ba) Notwithstanding subsections (a) and (b), there shall be no required parking for residential uses within the Urban Service Area.

(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 by twenty (20) feet;

(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.

4.23 STANDARDS FOR PARKING AREAS

(a) Except as required in clause 4.22(c)(i), each parking space shall have an area of not less than one hundred and sixty (160) square feet (14.8 m^2), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m).

(b) Where parking facilities for more than four (4) vehicles are required or permitted,

and unless otherwise required by the Provincial Department of Transportation and Communications:

(i) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

(ii) the lights used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;

(iii) a structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (5.0 m^2)in area may be erected in the parking area for the use of attendants;

(iv) the parking area shall be within three hundred (300) feet (91.4 m) of the location which it is intended to serve, and shall be situated in the same zone;

(v) no gasoline pumps or other service station equipment shall be located or maintained on the parking area;

(vi) approaches or driveways to the parking area shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than fifty (50) feet (15.2 m) from the limits of the right-of-way at a street intersection;

(vii) entrance and exit ramps to parking areas 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;

(viii) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten (10) feet (3 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).

4.24 LOADING SPACE REQUIREMENTS

(a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such use, one (1) off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet (1,858 m^2) or fraction thereof of across floor area used for such purposes up to a maximum of six (6) required loading spaces.

(b) The provision of a loading space for any building with less than fifteen hundred (1,500) square feet (140 m^2) shall be optional.

(c) Each loading space shall be at least twelve (12) feet (3.7 m) by twenty-five (25) feet (7.6 m) with a minimum height clearance of fourteen (14) feet (4.3 m).

(d) Loading space areas, including driveways leading thereunto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

4.25 USES PERMITTED ON PRIVATE ROADS

Notwithstanding anything else in this By-law, development on private roads shall be

restricted to residential, recreational/open space, and resource use.

4.26 COMPOSTING OPERATIONS (MC-Feb 26/96;C-Mar 28/96)

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. residential dwelling .....1,640 feet (500 m)**
  - **2. community facility use .....1,640 feet (500 m)**
  - **3. commercial or industrial 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 Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (RA Zone).

4.27 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.

4.28 SCHEDULE C - WETLANDS OVER 2000 SQ METRES (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.

4.29 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.**

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

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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.**
- **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**

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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.

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:

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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 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 North Preston, Cherry Brook and East Preston Land Use By-law:
   i) 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

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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.

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

4.30 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.

4.31 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).

4.32 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.

4.33 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 that are located outside of the Urban Service Area 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: SIGN REQUIREMENTS

5.1 GENERAL

(a) Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Communications, the more restrictive regulations shall apply.

(b) No person shall erect a sign according to the provisions of Section 5.3 without first obtaining a development permit from the Development Officer and no such permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

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 AND MAINTENANCE

Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Building By-law and any fire prevention and electrical codes.

5.3 LIMIT ON NUMBER OF SIGNS

(a) For the purpose of determining the number of signs permitted by this Section:
- (i) signs listed in Section 5.5 shall not be counted;
- (ii) where a multiple tenancy building is occupied by more than one (1) business, each business shall be considered to be a separate premise;
- (iii) a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit;
- (iv) double and multi-faced signs shall be counted as single signs;
- (v) where matter 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 single sign.

(b) Not more than one (1) ground sign shall be permitted on any lot except for corner lots, in which case one (1) additional ground sign may be permitted. For the purposes of this Subsection, gas pumps and service island canopies used in conjunction with service stations shall not be counted as ground signs.

(c) Not more than one (1) facial wall sign shall be permitted for each business premise.

(d) Not more than one (1) projecting wall sign shall be permitted for each business premise.

(e) No business premises shall have both a projecting wall sign and a facial wall sign.

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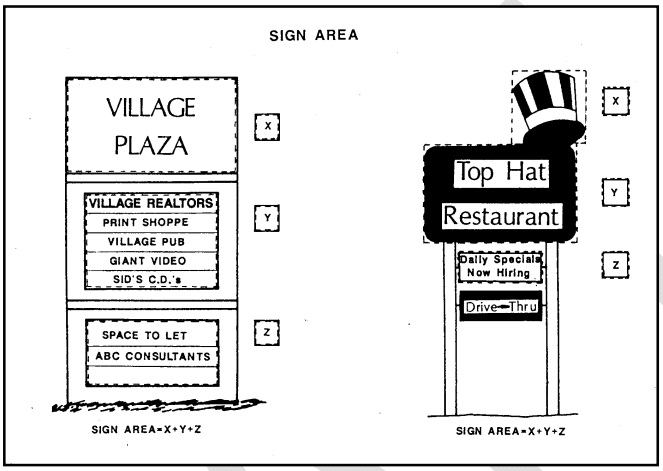
5.4 SIGN AREA

(a) The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or multi-faced sign in the plane of its largest dimension, including any frame, or other material, or colour forming an integral part of the display.

(b) Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.



5.5 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones, in addition to any signs permitted according to Section 5.3:

(a) Signs identifying the name and address of a resident, not exceeding two (2) square feet (0.2 m^2) in sign area.

(b) Signs regulating the use of a property, as do no trespassing signs, not exceeding two (2) square feet (0.2 m^2) in sign area.

(c) Real estate signs not exceeding eight (8) square feet (0.7 m^2) in sign area in RA (Residential) and RS (Rural Settlement) Zones and twenty-four (24) square feet (2.2 m^2) in other zones.

(d) Signs regulating or denoting the direction or function of various parts of a building or premises, including parking and traffic areas, not exceeding five (5) square feet (0.5 m^2) in area.

(e) Signs erected by, or under the direction of a government body, as are signs identifying public buildings, displaying public information, or regulating traffic or safety.

(f) Memorial signs, plaques or tablets.

(g) Any flag, insignia or notice of advertisement of any religious, charitable or fraternal organization.

(h) Any sign which has an area of not more than fifty (50) square feet (4.6 m^2), which is incidental to construction or the development of a subdivision.

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5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement achieved by natural or artificial means.
(b) Roof signs.
(c) Any sign or sign structure which constitutes a hazard to public safety or health.
(d) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
(e) Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exit.
(f) Any sign which is not erected by or under the authority of a government body, and which makes use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights, or characters used in a manner which may mislead, confuse, or otherwise interfere with traffic along a public street.
(g) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a 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 located within sixty (60) days of the date of the discontinuance of the project, business or product.
(h) Signs on public property or public rights-of-way, unless erected by a government body, or unless required to be so located by order of a governmental body or unless specifically permitted by the Municipality.
(i) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
(j) Any sign painted on a tree, stone, cliff or other natural object.
(k) Any searchlight, string-light, spinner or streamer display except for occasions such as grand openings, county fairs, public festivals, or used as temporary holiday decorations.

5.7 FACIAL WALL SIGNS

No facial wall sign shall:

(a) cover more than one (1) square foot (.1 m^2) per lineal foot of the wall on which the sign is buildings. In no case, however, shall the total area of a facial wall sign for each business premise exceed one hundred (100) square feet (9.3 m^2);
(b) extend above the top of the wall upon which it is attached;
(c) extend beyond the extremities of the wall upon which it is attached.

5.8 PROJECTING SIGNS

No projecting sign shall:

(a) exceed twenty (20) square feet (1.8 m^2) in sign area;

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(b) project more than six (6) feet (1.8 m) from the wall to which it is attached;
(c) project over a public right-of-way or daylighting triangle;
(d) project above the eaves, parapet or roof line of a building;
(e) be permitted to swing freely on its supports;
(f) be erected below a height of ten (10) feet (3.0 m) or above a height of thirty-five (35) feet (10.7 m).

5.9 GROUND SIGNS

Except as provided elsewhere in this By-law, no ground sign shall:

(a) exceed thirty-two (32) square feet (3.0 m^2) in sign area on a single face sign or sixty-four (64) square feet (6.0 m^2) of sign area for both faces combined, except within the C-4 (Highway Commercial) Zone, in which case no ground sign shall exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face, or two hundred (200) square feet (18.6 m^2) of combined area for double or multi-faced ground signs;
(b) exceed a height of twenty-five (25) feet (7.6 m) except in a C-4 (Highway Commercial) Zone;
(c) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space;
(d) be set back less than five (5) feet (1.5 m) from any street line, or common lot boundary.

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PART 6: RS (RURAL SETTLEMENT) ZONE

6.1 RS USES PERMITTED

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

(a) Residential Uses
Business uses in conjunction with permitted dwellings
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Multi-unit dwellings containing up to four (4) dwelling units
Single unit dwellings
Two unit dwellings
Shared Housing Uses (RC-Aug 9/22;E-Sep 15/22)
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

(b) Community Uses
Day care facilities
Government offices and public works
Hospitals and medical clinics
Institutional uses

(c) Commercial Uses
Automotive repair outlets, except within the Lake Major Watershed
Bakeries
Banks and financial institutions
Commercial schools and gyms
Funeral establishments
Offices
Parking lots
Printing establishments
Recycling depots
Restaurants, except drive-in and take-out restaurants
Retail and food stores, including video rental outlets
Service and personal service shops
Service stations, except within the Lake Major Watershed
Veterinary clinics
Welding, plumbing and heating, electrical and other special trade contracting services and shops

(d) Resource Uses
Agricultural uses
Agricultural uses - intensive, except within the Lake Major Watershed or within areas serviced by central water and sewer systems
Agricultural related buildings, including single unit or mobile dwellings used in conjunction with an agricultural use
Nurseries and greenhouses
Retail uses in conjunction with permitted agricultural uses

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6.2 RS ZONE REQUIREMENTS: RESIDENTIAL USES

In any RS Zone, where residential uses are permitted, no development permit shall be issued except in conformity with the following requirements:

(a)	Minimum Lot Area:	
	Single unit **dwellings,** mobile dwellings**, and shared housing use (RC-Aug 9/22;E-Sep 15/22)**	6,000 square feet (557.4 m^2) where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
	Two unit dwellings	7,000 square feet (650.3 m^2) or 3,500 square feet (325.2 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
	Multi-unit dwellings, group care, boarding and rooming houses	7,500 square feet (696.8 m^2) where central services are available 30,000 square feet (2787.1 m^2) where central services are not available
	Row/Townhouse dwellings	2,000 square feet (185.8 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available
(b)	Minimum Frontage:	
	Two unit dwellings	25 feet (7.6 m) or 25 feet (7.6 m) per dwelling unit where each dwelling unit is located on a separate lot
	Row/Townhouse dwellings	20 feet (6.1 m) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available
	All other residential uses	25 feet (7.6 m)
(c)	Minimum Front or Flankage Yard	20 feet (6.1 m)
(d)	Minimum Rear or Side Yard:	
	Multi-unit dwellings	15 feet (4.6 m)
	Row/Townhouse dwellings	8 feet (2.4 m), or 0.0 from the side being common with another dwelling unit
	All other residential uses	8 feet (2.4 m), or 0.0 from the side being common with another dwelling unit
(e)	Maximum Lot Coverage:	
	All residential uses	35 per cent
(f)	Maximum Height of Main Building:	
	All residential uses	35 feet (10.7 m)

6.3 RS ZONE REQUIREMENTS: COMMUNITY USES

In any RS Zone, where community uses are permitted, no development permit shall be

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issued except in conformity with the requirements of Part 12 as are applicable.

6 4 RS ZONE REQUIREMENTS: COMMERCIAL USES

(a) In any RS Zone, where commercial uses are permitted, no development permit shall be issued except in conformity with the requirements of Part 9 as are applicable.
(b) The gross floor area devoted to all commercial uses located on any lot shall not exceed two thousand (2,000) square feet (185.8 m^2).

6.5 RS ZONE REQUIREMENTS: RESOURCE USES

(a) In any RS Zone, where resource uses are permitted, no development permit shall be issued except in conformity with the requirements of Part 14 as are applicable.
(b) No more than two thousand (2,000) square feet (185.8 m^2) of floor area of all structures on any lot shall be used for a retail use accessory to an agricultural use.

6.6 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in conjunction with a dwelling within an RS Zone, the following requirements shall apply:

(a) No more than one thousand (1,000) square feet (92.9 m^2) of the combined gross floor area of any dwelling or accessory building shall be devoted to any business use, and in any case, the gross floor area of any business use within a permitted dwelling shall not exceed seven hundred and fifty (750) square feet (69.7 m^2).
(b) No open storage or outdoor display shall be permitted, except where a fence or other visual and physical barrier is erected.
(c) No material or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust shall be used on the lot.
(d) Not more than one (1) business sign shall be permitted and no such sign shall exceed ten (10) square feet (.93 m^2) in area or exceed five (5) feet (1.5 m) in any one dimension, and in the case of a ground sign, five (5) feet (1.5 m) in height.
(e) One off-street parking space, in addition to that required for the dwelling, shall be provided.

6.7 OTHER REQUIREMENTS: SERVICE STATIONS AND VEHICLE HOLDING AREAS

In any RS Zone, where vehicle holding areas and service stations are permitted, no development permit shall be issued except in conformity with Sections 9.6 and 9.7 as are applicable.

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PART 7: RA (RESIDENTIAL) ZONE

7.1 RA USES PERMITTED

No development permit shall be issued in any RA (Residential) Zone except for the following:

(a) Residential Uses
Home Businesses (MDVCCC/HECC-Nov 19/01;E-Dec 16/01)
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Multi-unit dwellings containing up to four (4) dwelling units
Row/townhouse dwellings containing up to four (4) dwelling units
Single unit dwellings
Two unit dwellings
Shared Housing Uses (RC-Aug 9/22;E-Sep 15/22)

(b) Community Uses
Day care facilities Institutional uses
Government offices and public works
Recreation and open space uses

7.2 RA ZONE REQUIREMENTS: RESIDENTIAL USES

In any RA Zone, where residential uses are permitted, no development permit shall be issued except in conformity with the following requirements:

(a) Minimum Lot Area

Single unit dwellings **and shared housing use (RC-Aug 9/22;E-Sep 15/22)**	6,000 square feet (557.4 m^2) where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
Two unit dwellings	6,500 square feet (603.9 m^2) or 3,500 square feet (325.2 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
Multi-unit dwellings	7,500 square feet (696.8 m^2) where central services are available; houses 30,000 square feet (2787.1 m^2) where central services are not available
Row/Townhouse dwellings	2,000 square feet (185.8 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available

(b) Minimum Frontage

Two unit dwellings	65 feet (19.8 m) or 35 feet (10.7 m) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available; 100 feet (33.7 m) where central services are not

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		available
	Multi-unit dwellings	65 feet (19.8 m) where central services are available; 100 feet (33.7 m) where central services are not available
	Row/Townhouse dwellings	20 feet (6.1 m) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available
	All other residential uses	60 feet (18.3 m) where central services are available; 100 feet (33.7 m) where central services are not available
(c)	Minimum Front or Flankage Yard	20 feet (6.1 m)
(d)	Minimum Rear or Side Yard	
	Multi-unit	15 feet (4.6 m)
	Row/Townhouse dwellings	10 feet (3 m), or 0.0 from the side being common with another dwelling unit
	All other residential uses	8 feet (2.4 m), or 0.0 from the side being common with another dwelling unit
(e)	Maximum Lot Coverage:	
	All residential uses	35 percent
(f)	Maximum Height of Main Building	
	All residential uses	35 feet (10.7 m)

7.3 RA ZONE REQUIREMENTS: COMMUNITY USES

In any RA Zone, where community uses are permitted, no development permit shall be issued except in conformity with the requirements of Part 13 as are applicable.

7.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-A Zone, the following shall apply:

(a) Any home business shall be wholly contained within the dwelling and/or accessory building, and the subject dwelling shall be the principal residence of the business operator.

(b) No more than thirty-five (35) percent of the gross combined floor area shall be devoted to any home business use, and in no case shall the home business occupy more than seven hundred (750) square feet (69.7 m^2) of the combined gross floor area of the dwelling and accessory buildings.

(c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.

(d) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the home business use shall be permitted.

(e) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any home business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.

(f) One additional off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet

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(13.9 m^2) of floor area devoted to any home business.

(g) No exterior alterations to the dwelling related to the home business use shall be permitted except to meet fire safety, structural safety, or health regulations.

(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." (MDVCCC/HECC-Nov 19/01;E-Dec 16/01)

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PART 8: C-1 (LOCAL COMMERCIAL) ZONE

8.1 C-1 USES PERMITTED

No development permit shall be issued in any C-1 (Local Commercial) Zone except for the following:

(a) Commercial Uses
Antique shops
Arts and crafts shops
Business and professional offices
Food and variety stores, including video rental outlets
Medical, dental and veterinary clinics
Service and personal service shops
Recycling depots

(b) Residential Uses
Any residential use permitted in the RA Zone

(c) Community Uses
Any community use permitted in the RA Zone

8.2 C-1 ZONE REQUIREMENTS: COMMERCIAL USES

In any C-l Zone, where commercial uses are permitted, no development permit shall be issued except in conformity with the following requirements:

(a)	Minimum Lot Area	6,000 square feet (557.4 m^2) where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
(b)	Minimum Frontage	60 feet (18.3 m) where central services are available; 100 feet (33.7 m) where central services are not available
(c)	Minimum Front or Flankage Yard	20 feet (6.1 m)
(d)	Minimum Rear or Side Yard	8 feet (2.4 m)
(e)	Maximum Lot Coverage	35 percent
(f)	Maximum Height of Main Building	35 feet (10.7 m)

8.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as commercial uses in any C-l Zone, the following requirements shall apply in addition to the provisions of Section 8.2.

(a) Not more than two thousand (2,000) square feet (185.8 m^2) of the combined gross floor area of any structure on the lot shall be devoted to any commercial uses.
(b) No open storage or outdoor display shall be permitted.
(c) Not more than one (1) business sign shall be permitted and no such sign shall exceed twenty-five (25) square feet (2.3 m^2) in area or exceed thirty-five (35) feet (10.7 m) in height.

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(d) No parking area shall be located within any required rear or side yard which abuts any residential or community use, except where a fence or other visual and physical barrier is erected in which case no parking shall be permitted within five (5) feet (1.5 m) of the abutting rear or side lot line.

8.4 C-1 ZONE REQUIREMENTS: RESIDENTIAL USES

Where uses are permitted as residential uses in any C-1 Zone:

(a) No development permit shall be issued except in conformity with the requirements of Section 7.2 as are applicable.
(b) Not more than one (1) dwelling unit shall be permitted in conjunction with any permitted commercial use.

8.5 C-1 ZONE REQUIREMENTS: BUSINESS USES

Where business uses are permitted in conjunction with any residential use in any C-1 Zone, no development permit shall be issued except in conformity with the requirements of Section 7.4 as are applicable.

8.6 C-1 ZONE REQUIREMENTS: COMMUNITY USES

Where community uses are permitted in any C-1 Zone, no development t permit shall be issued except in conformity with the requirements of Part 12 as are applicable.

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PART 9: C-2 (GENERAL COMMERCIAL) ZONE

9.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 Zone except for the following:

(a) Commercial Uses
Any commercial use permitted in the C-1 Zone
Commercial greenhouses
Existing automotive repair outlets, except within the Lake Major Watershed (MC-Sep 25/95;CHWC-Oct 5/95;E-Oct 25/95)
Garden and nursery sales and supplies
Landscaping, backhoe and other special trades contracting services and shops
Outdoor display courts Rental establishments
Restaurants, except drive-in restaurants
Service stations, except within the Lake Major Watershed (MC-Sep 25/95;CHWC-Oct 5/95;E-Oct 25/95)
Shopping Plazas and incubator malls

(b) 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)

9.2 C-2 ZONE REQUIREMENTS: COMMERCIAL USES

In any C-2 Zone, where commercial uses are Permitted, no development Permit shall be issued except in conformity with the following requirements:

(a)	Minimum Lot Area central	6,000 square feet (557.4 m^2) where services are available; 20,000 square feet (1858.1 m^2) where central services are not available
(b)	Minimum Frontage services are	60 feet (18.3 m) where central available; 100 feet (33.7 m) where central services are not available
(c)	Minimum Front or Flankage Yard	30 feet (9.1 m)
(d)	Minimum Rear or Side Yard	15 feet (4.6 m)
(e)	Maximum Lot Coverage	50 percent
(f)	Maximum Height of Main Building	35 feet (10.7 m)

9.3 OTHER REQUIREMENTS: ABUTTING YARDS

Where any use permitted in a C-2 Zone abuts another C-2 Zone permitted commercial use, the abutting rear or side yard may be reduced to eight (8) feet (2.4 m).

9.4 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area devoted to all commercial uses located on a lot in a C-2 Zone shall not

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exceed five thousand (5,000) square feet (464.5 m^2), excluding any floor area devoted to permitted dwelling units.

9.5 OPEN STORAGE, OUTDOOR DISPLAY AND PARKING

(a) In any C-2 Zone, no open storage or outdoor display shall be permitted in any yard which abuts an RA (Residential) or P-2 (Community Facility) Zone.
(b) No open storage shall be permitted within any front yard.
(c) No outdoor display shall be located within ten (10) feet (3.0 m) of any front lot line.
(d) No parking area shall be permitted in any required rear or side yard which abuts any residential or community use, except where a fence or other visual and physical barrier is erected, in which case no parking shall be permitted within five (5) feet (1.5 m) of the abutting rear or side lot line.
(e) No open storage shall be permitted within any side or rear yard which abuts a residential or community use, except where a fence or other visual and physical barrier is provided and in no case shall open storage be located within a required rear or side yard.

9.6 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the requirements of Section 9.2, where any service station is permitted in a C-2 Zone, the following requirements shall apply:

(a) Minimum Lot Area 30,000 square feet (2787.1 m^2)
(b) Minimum Lot Frontage 150 feet (45.7 m)
(c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
(d) The minimum distance between ramps or driveways shall be thirty (30) feet (9.1 m).
(e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m).
(f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
(g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

9.7 OTHER REQUIREMENTS: VEHICLE HOLDING AREAS

Where any permitted use within a C-2 Zone involves a holding area for the storage of vehicles awaiting repair, removal or insurance settlements, the following requirements shall apply:

(a) No vehicle holding area shall exceed three thousand (3,000) square feet (278.7 m^2) and shall be screened from public view.
(b) No vehicle holding area shall be permitted within any required yard.

9.8 C-2 ZONE REQUIREMENTS: RESIDENTIAL USES

Where uses are permitted as residential uses in any C-2 Zone, no development permit shall

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be issued except in conformity with the requirements of Section 9.2 as are applicable.

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PART 10: C-4 (HIGHWAY COMMERCIAL) ZONE

10.1 C-4 USES PERMITTED

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

(a) Commercial Uses
Automobile, boat and trailer sales and service
Automotive repair outlets
Banks and financial institutions
Building supply outlets
Commercial recreation uses
Commercial schools
Food and variety stores
Funeral establishments
Garden and nursery sales and supplies
Hotels, motels and motor inns
Outdoor display courts
Printing establishments
Re-cycling depots
Restaurants and drive-in restaurants
Retail stores
Service stations
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)
Veterinary clinics and animal hospitals

(b) Community Uses
Any institutional use permitted in the P-2 Zone

10.2 C-4 ZONE REQUIREMENTS: COMMERCIAL USES

In any C-4 Zone, where uses are permitted as commercial uses, no development permit shall be issued except in conformity with the following requirements:

(a)	Minimum Lot Area	30,000 square feet (2787.1 m^2)
(b)	Minimum Frontage	150 feet (45.7 m)
(c)	Minimum Front or Flankage Yard	30 feet (9.1 m)
(d)	Minimum Rear or Side Yard	15 feet (4.6 m)
(e)	Maximum Lot Coverage	50 percent
(f)	Maximum Height of Main Building	35 feet (10.7 m)

10.3 OTHER REQUIREMENTS: ABUTTING YARDS AND COMMERCIAL ACCESS

(a) Where any use permitted in a C-4 Zone abuts another permitted commercial use, the abutting rear or side yard may be reduced to eight (8) feet (2.4 m).

(b) unless otherwise required by the Provincial Department of Transportation, all uses which are Permitted uses in any C-4 Zone with the exception of service stations, shall be permitted not more than one (1) access onto Provincial Highway No. 107

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for each lot.

10.4 OPEN STORAGE AND OUTDOOR DISPLAY

(a) No open storage shall be located within any front yard.
(b) No outdoor display shall be located within ten (10) feet (3.0 m) of any front lot line.
(c) The area devoted to any open storage shall not exceed fifty (50) percent of the total lot area.
(d) No open storage or outdoor display shall be Permitted in any yard which abuts an RA (Residential) or P-2 (Community Facility) Zone, except where a fence or other visual and Physical barrier is erected.

10.5 OTHER REQUIREMENTS: VEHICLE HOLDING AREAS AND SERVICE STATIONS

In any C-4 Zone, where vehicle holding areas and service stations are Permitted as commercial uses, no development Permit shall be issued except in conformity with the requirements of Sections 9.6 and 9.7, as are applicable.

10.6 OTHER REQUIREMENTS: COMMUNITY USES

In any C-4 Zone, where community uses are Permitted, no development permit shall be issued except in conformity with the requirements of Part 12, as are applicable.

10.7 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area devoted to all commercial uses located on a lot in a C-4 Zone shall not exceed ten thousand (10,000) square feet (929 m^2). (MC-Nov 30/92;M-Mar 22/93)

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PART 11: P-1 (RECREATIONAL-OPEN SPACE) ZONE

11.1 P-1 USES PERMITTED

No development permit shall be issued in any P-l (Recreation-Open Space) Zone except for the following:

Commercial recreation uses
Private and public parks and open space uses

11.2 P-1 ZONE REQUIREMENTS

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

(a)	Minimum Lot Area	5 acres (2.0 ha)
(b)	Minimum Lot Frontage	300 feet (91.4 m)
(c)	Minimum Front Yard	50 feet (15.2 m)
(d)	Minimum Side Yard	60 feet (18.3 m)
(e)	Maximum Height of Main Building	35 feet (10.7 m)

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PART 12: P-2 (COMMUNITY FACILITY) ZONE

12.1 P-2 USES PERMITTED

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following:

(a) Institutional Uses
Community centres and halls
Day care facilities, including single unit dwellings in conjunction with day cares
Denominational institutions and uses
Educational institutions and uses
Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)
Fire and police stations
Government offices and public works
Hospitals and medical clinics
Public libraries, museums and galleries
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)

(b) Open Space Uses
Cemeteries
Historic sites and monuments
Public and private parks and playgrounds

12.2 P-2 ZONE REQUIREMENTS

In any P-2 Zone, where uses are permitted as institutional uses, no development permit shall be issued except in conformity with the following requirements:

(a)	Minimum Lot Area central	10,000 square feet (929.0 m^2) where services are available;
	central	20,000 square feet (1858.1 m^2) where services are not available
(b)	Minimum Frontage	100 feet (30.5 m)
(c)	Minimum Front or Flankage Yard	30 feet (9.1 m)
(d)	Minimum Rear or Side Yard main	15 feet (4.6 m) or ½ the height of the building, whichever is greater
(e)	Maximum Lot Coverage	50 percent
(f)	Maximum Height of Main Building	45 feet (13.7 m)

12.3 SPECIAL EXCEPTION: INSTITUTIONAL USES

(a) Notwithstanding Subsection 12.2(f), the height of a main institutional building may be increased to a maximum of one hundred (100) feet (30.5 m) where sprinkler systems are installed subject to approval from the Provincial Fire Marshall.

(b) Where the height of a main building is permitted to exceed forty-five (45) feet (13.7 m), the maximum building height shall not exceed one half (½) the distance of the building from an abutting lot.

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12.4 OTHER REQUIREMENTS: OPEN SPACE USES

Subject to Clause 3.3 (e)(i), in any P-2 Zone, where uses are permitted as open space uses, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)

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PART 13: PWS (PROTECTED WATER SUPPLY) ZONE (RC-Jun 25/14;E-Oct 18/14)

13.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

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

13.2 PWS ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	**9.1m**
Minimum Rear or Side Yard:	**4.6m**

13.3 SPECIAL PROVISIONS: EXISTING RESIDENTIAL USES

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

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PART 14: MR (MIXED RESOURCE) ZONE

14.1 MR USES PERMITTED

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

Resource Uses
Agricultural uses
Agricultural uses - intensive, except within the Lake Major Watershed
Forestry uses, sawmills and wooden furniture manufacturing
Kennels
Retail uses in conjunction with permitted resource uses
Fish and game farms
Hunting and fishing lodges
Greenhouses and nurseries
Single unit dwellings in conjunction with permitted resource uses
Composting operations (refer to Section 4.26) (MC-Feb 26/96;Council-Mar 28/96)

Community Uses
Community centres and halls
Public and private parks and playgrounds

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)

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

14.2 MR ZONE REQUIREMENTS

In any MR Zone, where uses are permitted as residential or resource uses, no development permit shall be issued except in conformity with the following requirements:

(a) Minimum Lot Area .....80,000 square feet (7432.2 m^2)
(b) Minimum Lot Frontage .....200 feet (61 m)
(c) Minimum Front or Flankage Yard .....30 feet (9.1 m)
(d) Minimum Rear or Side Yard .....25 feet (7.6 m)
(e) Maximum Height of Main Building .....35 feet (10.7 m)

14.3 OTHER REQUIREMENTS: RESOURCE USES

(a) Notwithstanding the requirements of Section 14.2, where any sawmill, barn, stable, or other building or structure intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MR Zone, no such structure shall:
   (i) be less than fifty (50) feet (15.2 m) from any side lot line;

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(ii) be less than one hundred (100) feet (30.5 m) from any dwelling or po table water supply except a dwelling or supply on the same lot or directly related to the use; and

(iii) be less than three hundred (300) feet (91.4 m) from any watercourse or water-body.

(b) No more than two thousand (2,000) square feet (185.8 m^2) of gross floor area of all structures on any lot shall be used for a sawmill, other mill related to forestry, wooden furniture manufacturing or retail use accessory to such uses.

14.4 OTHER REQUIREMENTS: COMMUNITY USES

In any MR Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the requirements of Part 12, as are applicable.

14.5 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 14.2.

(b) A cannabis production facility shall not exceed 5,000 square feet (464.5 square metres) in gross floor area.

(c) 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 15: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)

15.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) within the Resource Designation except for residential uses, or local industrial, commercial, community facilities and/or parks and resource uses in association with residential uses, which comprise a comprehensive development of three (3) or more acres (1.2 or more hectares).

15.2 CDD REQUIREMENTS

In any CDD (Comprehensive Development District) no development permit shall be issued except in conformity with the development agreement provisions of the Planning Act.

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PART 16: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

16.1 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

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

16.3 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 meters (98.4 feet)**
- **(ii) from the nearest residential dwelling or institutional use .....60 metres (196.9 feet)**
- **(iii) from a watercourse .....30 meters (98.4 feet)**

(b) notwithstanding Section 16.3(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 16.3(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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16.4 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 meters (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 meters (6.6 feet) of frontage;

(d) notwithstanding Section 16.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 meters 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 (RA) or community use (P-1, P-2 and P-4); and

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

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

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

17.1 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

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

17.3 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.

17.4 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 meters (295.3 feet)**
(iii)	**from a watercourse**	**60 meters (196.8 feet)**

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(b) notwithstanding Section 17.4(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 17.4(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).

17.5 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) the operation complies with the general zone requirements as outlined in Section 16.4.

(b) notwithstanding Sections 16.2 to 16.4, 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.

17.6 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

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 16.5.

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PART 18: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

18.1 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

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

18.3 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.

18.4 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 dwelling or

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

18.5 <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 16.4.

(b) Notwithstanding Sections 18.2 to 18.4, 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.

18.6 <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 16.5.

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PART 19: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

19.1 ICH USES PERMITTED

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (Jul 2/02) 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

19.2 ICH ZONE REQUIREMENTS

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

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PART 20: PA (PROTECTED AREA) ZONE (RC - Jun 25/14;E-Oct 18/14)

20.1 PA USES PERMITTED

No development permit shall be issued in any PA (Protected Area) Zone except for the following:

Scientific study and education, involving no buildings
Trails, boardwalks or walkways
Conservation uses
Uses accessory to the foregoing uses

20.2 PA ZONE REQUIREMENTS

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

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

20.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

Within any PA zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

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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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APPENDIX "B": EXISTING BUILDINGS AS PROVIDED FOR IN SECTION 4.7

Notwithstanding anything else in the by-law, and subject to the requirements of Section 4.7, existing residential buildings and structures may be enlarged, reconstructed, repaired or replaced on the following properties as identified by their LRIS Index Numbers.

North Preston

Street	LRIS Index Number
Simmonds Street	498600
Downey Road	498907
	495390
	495416
	639526
	639302
	639385
	498683
Upper Governor Street	498709

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APPENDIX "C": EXISTING COMMERCIAL AND SERVICE INDUSTRIAL USES

Notwithstanding anything else in this By-law, the following uses are deemed to be permitted uses to the extent to which they are in existence on the effective date of this By-law. Any expansion or alteration may only be considered in accordance with the Municipal Planning Strategy and the development agreement provisions of the Planning Act.

NAME (ZONE)	USE	LRIS INDEX NUMBER
Ernst Farms (RA)	Commercial agriculture	653089
Harnish Nurseries (RA)	Commercial agriculture	653766 653774 653782
Lake Major Gardens (RA)	Commercial agriculture	653444
Guardian Maintenance Company Limited (RA)	Commercial truck repair	653113
M. Riley Trucking and Excavation (RS)	Commercial truck repair	656728
J.T. Downey Salvage (RS)	Salvage yard	649384
Jodrey Fur Farm (RA) (Now Sunset Enterprises)	Commercial agriculture	653600
K.B. Clarke Restoration (C-2)	**Commercial Service**	**40336364**

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APPENDIX "D": PROPERTIES EXEMPT FROM THE PROVISIONS OF SECTIONS 4.21(a) and 13.1

In accordance with Policy EH-14 of the Municipal Planning Strategy, the following properties, as identified by their LRIS numbers, shall be exempt from the requirements of the P-4 (Conservation) Zone and the requirements of Section 4.21 of this By-law, and may be used for residential purposes subject to all other appropriate provisions of the zone in which they are located.

LAKE MAJOR, CHERRY BROOK AND LAKE LOON			
Area	Lots With Dwellings		Vacant Lots
Old German Road	653360 653055 653451 653253 653147 653105 653154 653329 653675 653394 653535	653295 653469 653386 653204 653667 653287 653436 653543 653527 653642	653519 653568 653212 653196 653592
Lake Major Road	653493 653097 653337 40168247 40169039 40168205 653261 653626 653238 40168320	653410 653113 652966 40169013 653428 653683 652990 40169021	40166480
North Preston	642355 642314 498899 642454 40398119 642363 642306 639690 642447 642389	642322 40188914 442405 642397 642330 40187924 642371	642348 642421 642439 642413

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APPENDIX "E": SPECIAL PROVISIONS FOR EXISTING INTENSIVE LIVESTOCK OPERATIONS

In accordance with Policies EH-13 and EH-15 of the Municipal Planning Strategy, and the provisions of Sections 3.16, 6.1 and 6.5 of this by-law, the following intensive livestock apparitions, as identified by their LRIS numbers, shall be permitted to the extent to which they are in existence as of the date of adoption of this By-law, and any expansion to these operations or the development of any new operations shall conform to the appropriate requirements of this By-law.

North Preston

491191
491225
491233
495382
495416
497131
498451
498600
498634
498808
639005
639187
639377
639401
639542
639591
639617
640996
642389
642439
642454
649293
649368
649442
40187924

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APPENDIX "F": Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar_/23;E-Apr 19/23)

Definitions

1. For the purpose of Appendix F and Schedule D the following definitions shall apply:

(a) ACCESSORY STRUCTURE means a structure that is:
- **(i) subordinate, incidental, and devoted to a main use or structure, and**
- **(ii) not attached to any main building;**

(b) AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

(c) APPLICANT means any person, including an owner, applying for a development permit, or development agreement;

(d) APPRAISER means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.

(e) BUILDING means every continuous enclosed area with exterior walls on a lot that:
- **(i) is built, erected, and framed of a combination of materials,**
- **(ii) is either portable or fixed,**
- **(iii) has a roof,**
- **(iv) forms a structure for the shelter of persons, animals, or property, and**
- **(v) is located, in whole or in part, above or below grade;**

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and *the Nova Scotia Building Code Act;* (NWCC-Feb 20/24;E-Mar 6/24)

(f) FLOOR AREA means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
- **(i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,**
- **(ii) any floor area below a ground floor of a building or parking structure,**
- **(iii) elevator shafts,**
- **(iv) accessory structures,**
- **(v) rooftop greenhouses,**
- **(vi) any space open to a floor below, and**
- **(vii) pedways;**

(g) GREENHOUSE means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

(h) INCENTIVE OR BONUS ZONING means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

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(i) INCENTIVE OR BONUS ZONING AGREEMENT means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;

(j) NOT-FOR-PROFIT ORGANIZATION MEANS:

- **(i) a society incorporated pursuant to the Societies Act,R.S.N.S.1989 c.435, as amended,**
- **(ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,**
- **(iii) a non-profit association to which the Co-operative Associations Act applies,**
- **(iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or**
- **(v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;**

(k) PARKING STRUCTURE means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;

(l) PEDWAY means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;

(m) PREMISES means a structure or portions of a structure occupied by a use;

(n) PROFESSIONAL ARTIST means an artist who:

- **(i) has proven, specialized training in an artistic field,**
- **(ii) is recognized as a professional by their peers who are working in the same artistic tradition, and**
- **(iii) has a history of public presentation or publication;**

(o) PUBLIC ART means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;

(p) REGISTERED CANADIAN CHARITABLE ORGANIZATION means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

(q) REGISTERED HERITAGE BUILDING means a building on a registered heritage property that:

- **(i) has been registered pursuant to the *Heritage Property Act*, and**
- **(ii) contributes to the character-defining elements on the registered heritage property; and**

(r) REGISTERED HERITAGE PROPERTY means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

<u>Requirement to Provide a Public Benefit for Bonus Zoning</u>

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule D: Lands Subject to Interim Bonus Zoning Requirements.

3. Incentive or bonus zoning shall not be required for developments identified on Schedule D if the Development Officer is satisfied that:

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(a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;

(b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;

(c) a minimum of 60% of the development is for housing; and

(d) the property that is the subject of the application is solely owned by one or a combination of the following:

(i) the applicant,

(ii) the Municipality,

(iii) the Provincial Government,

(iv) the Federal Government, or

(v) an agent of the Provincial or Federal Government.

4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.

5. Subject to section 3, no development permit shall be issued where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office.

(b) Deleted (NWCC-Feb 20/24;E-Mar 6/24)

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement. (NWCC-Feb 20/24;E-Mar 6/24)

<u>Public Benefit Value</u>

6. (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.

(2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.

7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:

(a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;

(b) Factor #2 is 0.20; and

(c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.

8. (1) For lands that are greater than 10 hectares that are developed by development

agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.

(2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.

(3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.

(4) The cost of any appraisal shall be paid for by the applicant.

(5) The terms of reference for the appraisal shall be determined solely by the Municipality.

(6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:

(a) where there is one appraisal, the monetary value of the land from that appraisal; or
(b) where there are two appraisals, the average monetary values of the land from the two appraisals.

<u>Deadline to Complete Public Benefit</u>

10. Any required public benefit shall be completed by the applicant prior to certificate of occupancy being issued or as specified in the applicable development agreement. (NWCC-Feb 20/24;E-Mar 6/24)

(a) Repealed (NWCC-Feb 20/24;E-Mar 6/24)
(b) Repealed (NWCC-Feb 20/24;E-Mar 6/24)

<u>Bonus Zoning Rate</u>

11. The bonus zoning rate for the area identified on Schedule D is $66/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

<u>Bonus Zoning Rate Adjustments</u>

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.

(2) The bonus zoning rate shall be adjusted using the method specified as follows:

<u>Step 1:</u> The percentage change in the Halifax All-Items Consumer Price Index

(CPI) shall be determined by

(a) using the formula:
(A/B x 100) minus 100 = percentage change in CPI

(b) where:

(i) "A" is the previous year's Halifax All-Items Consumer Price Index, and

(ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

<u>Step 2:</u> The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

<u>Step 3:</u> The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.

14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.

(2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

<u>Public Benefit: Money-in-Lieu for Affordable Housing</u>

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.

(2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:

(a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;

(b) the acquisition of buildings, housing units, or properties for affordable housing;

(c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;

(d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or

(e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:

(a) additional money-in-lieu for affordable housing;
(b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
(c) money-in-lieu for the conservation of a registered heritage building; or
(d) the conservation of a building located within a heritage conservation district;
(e) money-in-lieu for the acquisition or improvement of municipal parks;
(f) money-in-lieu for affordable community or cultural indoor space;
(g) money-in-lieu for public art; or
(h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:

(a) a registered heritage building that is on the site of the development; or
(b) a building within a heritage conservation district that is on the site of the development.

(2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.

18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act.*

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:

(a) be located on the site of the development, and allow direct public access or viewing of the public art;
(b) be designed by a professional artist; and
(c) have a minimum cost of $100,000.

20. The following items shall not qualify as public art under Clause 16(h):

(a) interpretive, wayfinding, or other functional signage;
(b) branding or promotional projects;
(c) plaques and supporting infrastructure;
(d) stock and mass-produced items;

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(e) memorials, where:

(i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,

(ii) the memorial has not been designed and created by a professional artist, or

(iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or

(f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

<u>Incentive or Bonus Zoning Agreement</u>

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:

(a) the identification of the development site;

(b) design drawings, provided by the applicant, for any required or provided public benefit;

(c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;

(d) the identification of any conditions required by the Municipality before the public benefit is accepted;

(e) where required, provisions for the auditing and reporting of public benefits; and

(f) any other terms or conditions the Development Officer requires.

22. An incentive or bonus zoning agreement shall be signed by the owner.

23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

(a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;

(b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and

(c) sign the discharge, including a discharge agreement, on behalf of the Municipality.

24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.

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25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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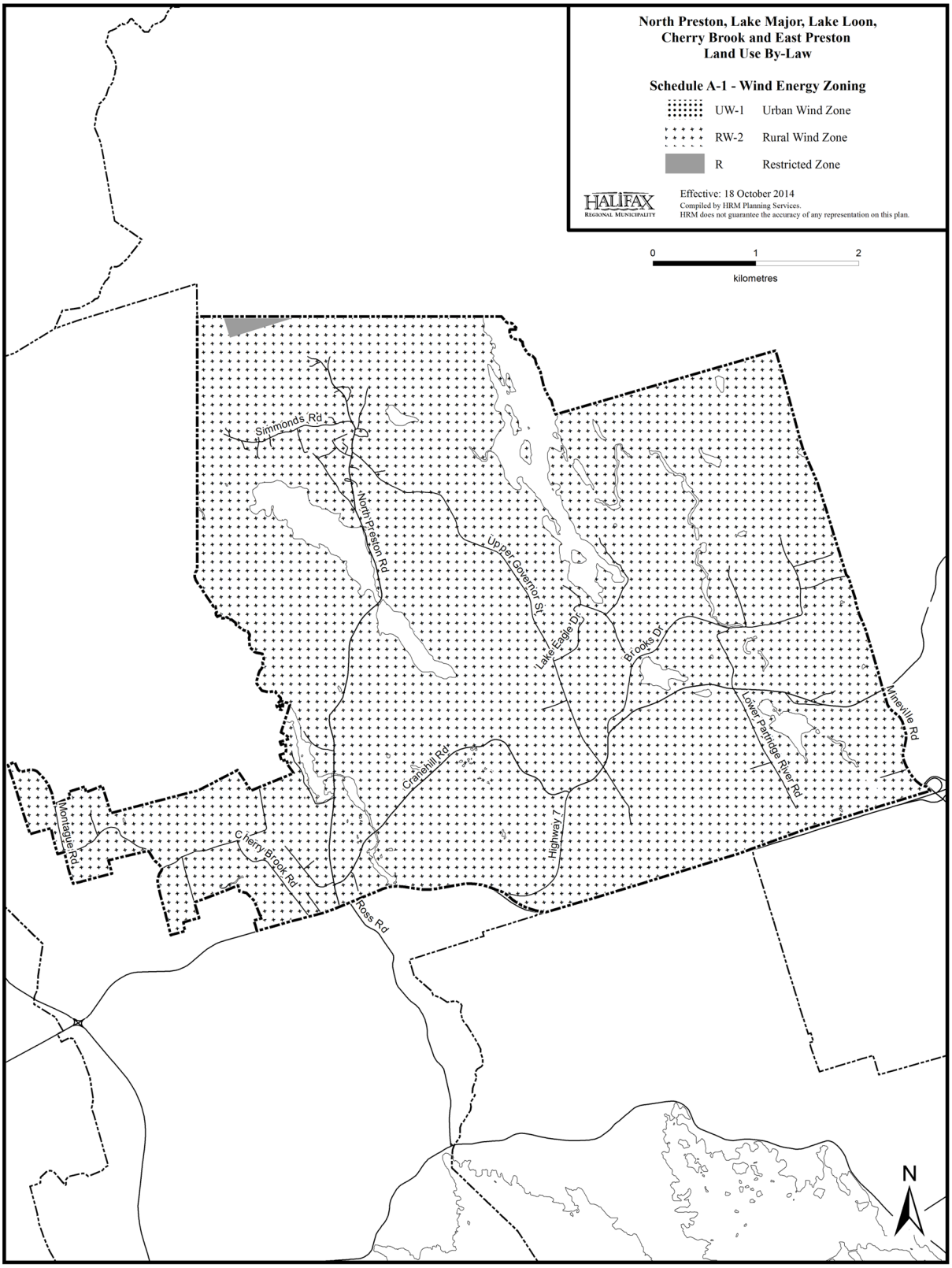
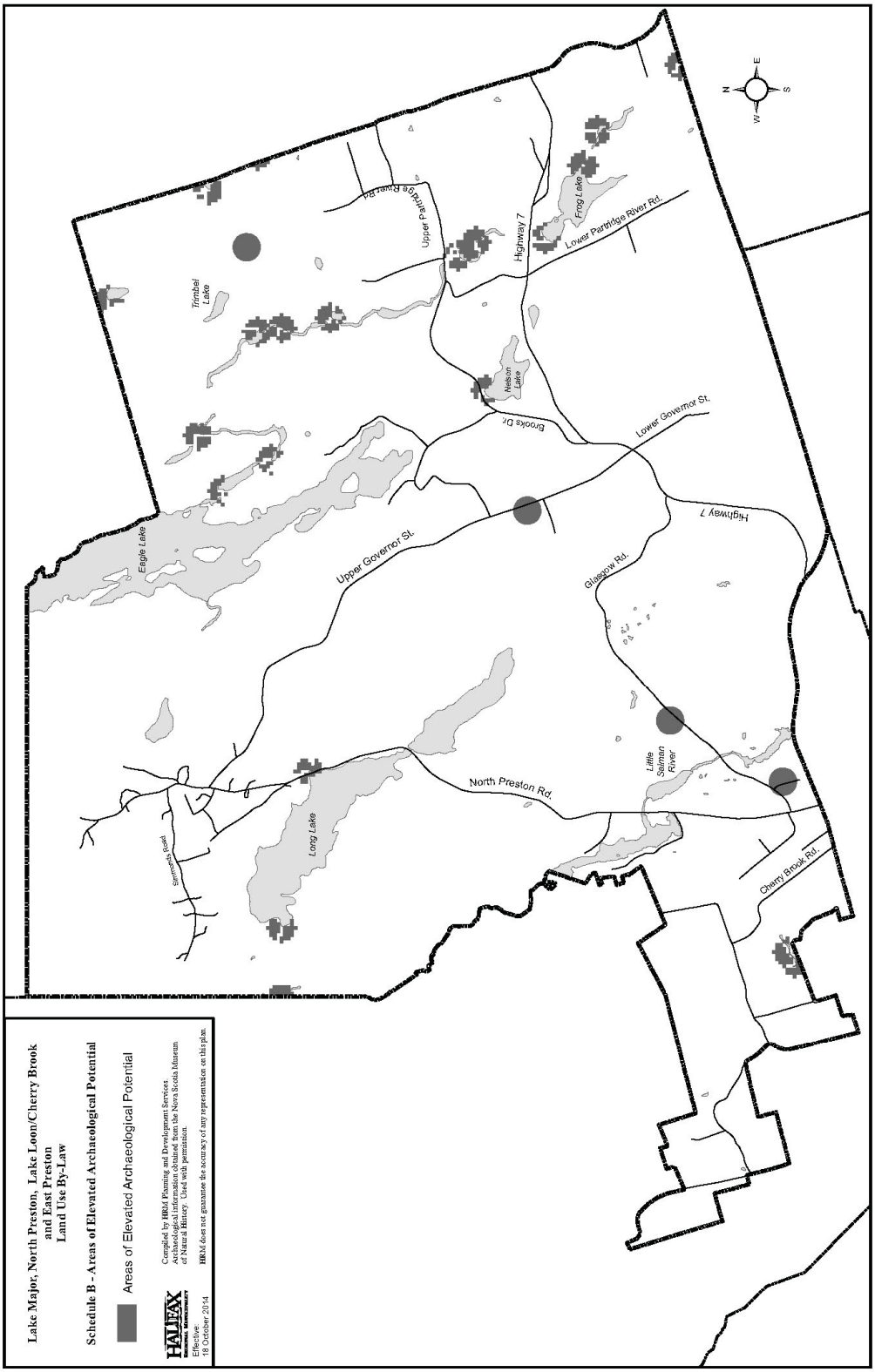
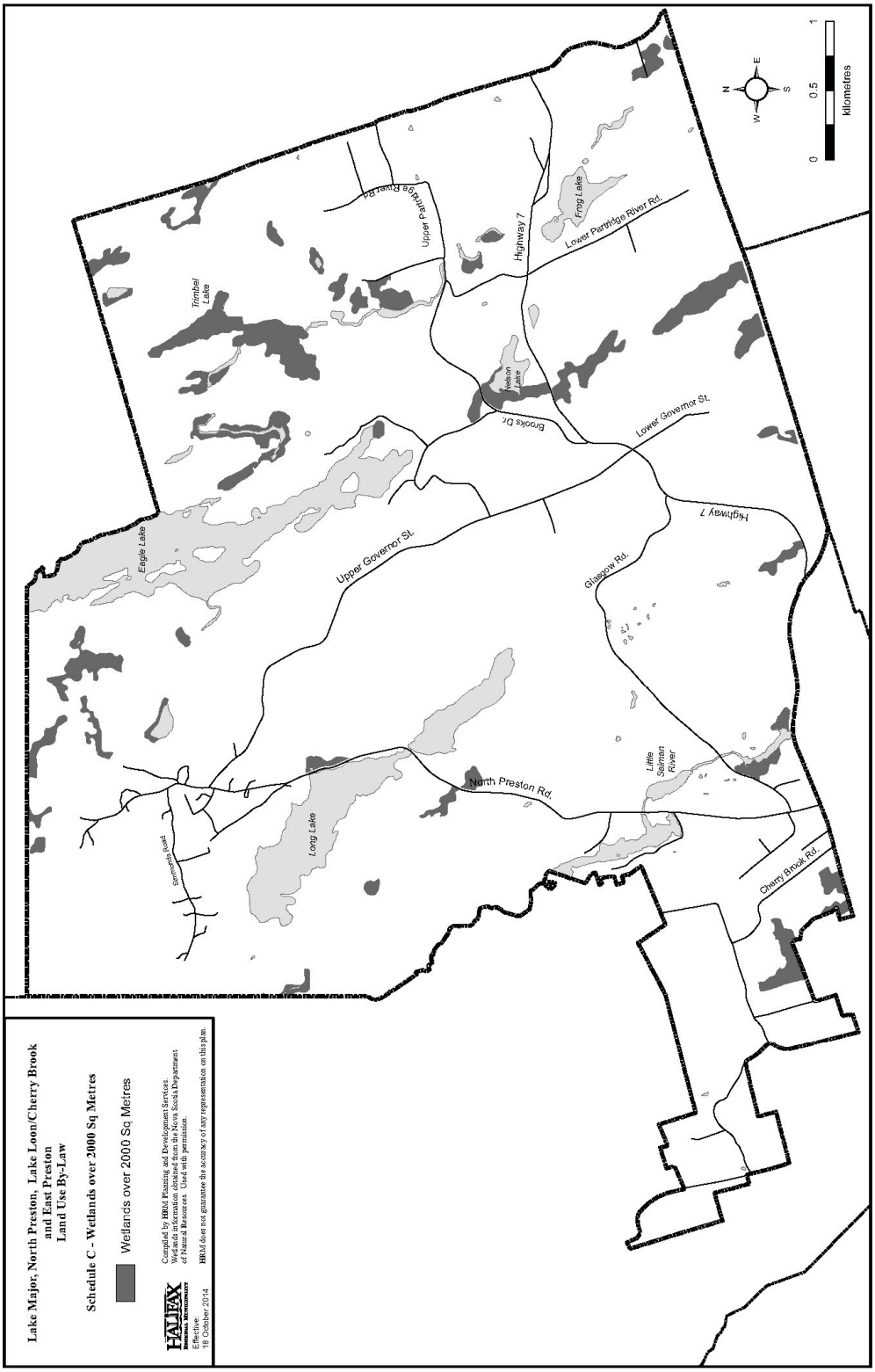
Schedule A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



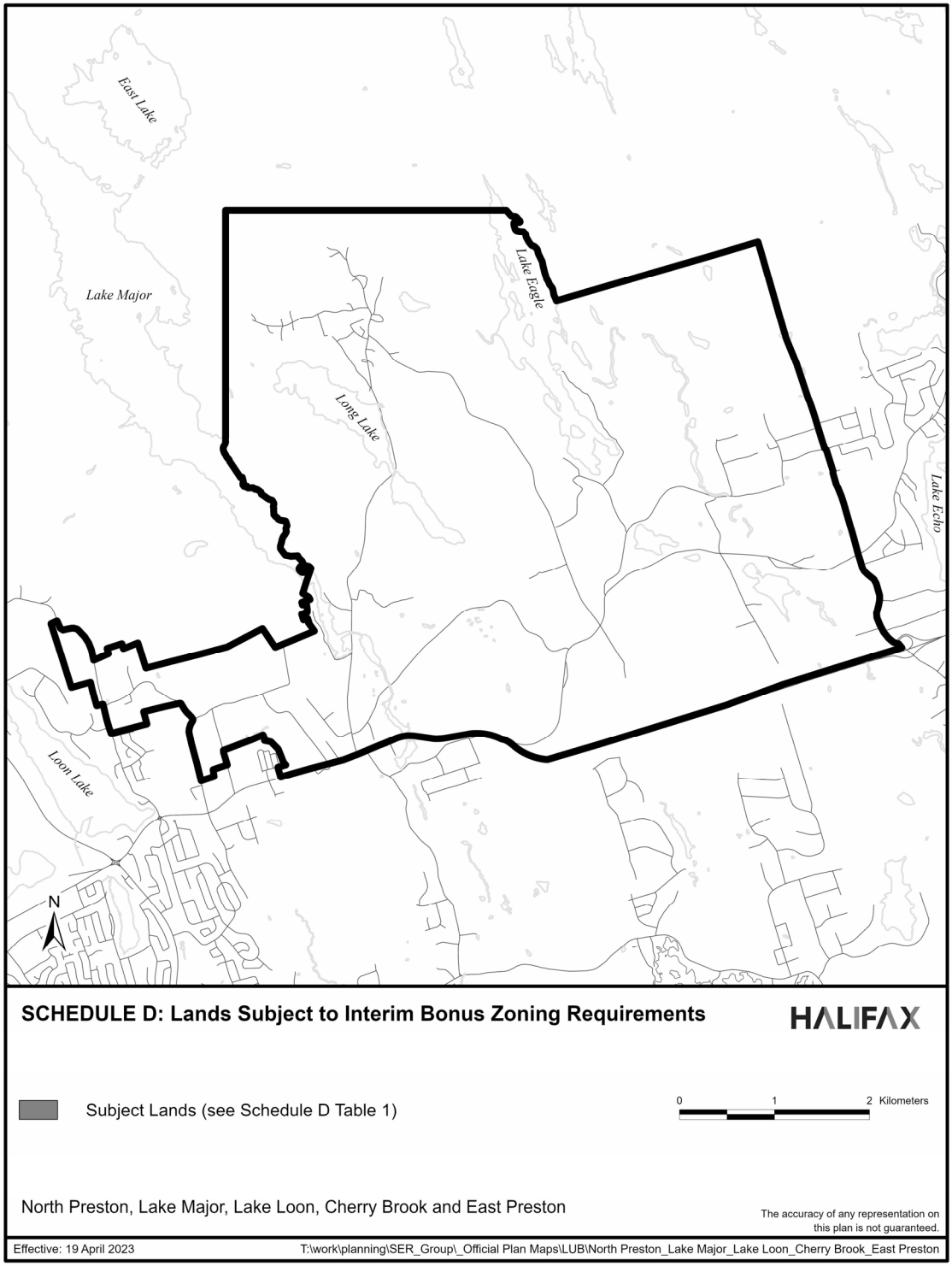
Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



Schedule C: Wetlands Over 2000 Sq Metres (RC-Jun 25/14;E-Oct 18/14)



Schedule D: Lands Subject to Interim Bonus Zoning Requirements (RC-Mar 21/23;E-Apr 19/23)



Schedule D, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs

LAND USE BY-LAW - NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON AMENDMENTS

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	4.17(a) deletion 10.7	Ministerial amendments	November 30, 1992	March 22, 1993
2	2.1, 2.2, 4.1	Add definition of accessory buildings and provisions (ZA-ALL-21-94)	July 20, 1995	August 10, 1995
3	9.1(a)	Permit service stations in existence at the time of adoption, delete provisions to permit new service stations within the Lake Major Watershed (ZA-LM-19-93)	MC - September 25, 1995 CHWCC - October 5, 1995	October 25, 1995
4	2.12A, 4.26, 14.1	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
5	Zoning Map	Loon Lake Developments (Case No. 00137)	February 22, 2000	March 14, 2000
6	2.25(a), 4.5(a), 7.1(a), 7.4	Add definition for home businesses and add provisions in RA zone (Case No. 00338)	November 19, 2001	December 16, 2001
7	2.10, 2.63A, 4.2A	Shipping containers as accessory buildings (Case No. 00434)	June 6, 2002	June 30, 2002
8	3.12, 19	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
9	Definitions, 4.21(d), 16, 17, 18	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
10	4.14	Shipping containers as accessory buildings (Case No. 00434)	February 6, 2003	March 2, 2003
11	3.3A	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
12	Adding Definitions 2.12AA, 2.52, 2.68, Section 4.26, Part 20, General Provisions 3.3B & Schedules A, B & C Amending Clause 3.17, Replacing Section 4.21 & Part 13 P4 with (PWS)	Regional Plan Amendments	June 27, 2006	August 26, 2006

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13	Adding Section 5.1A; Replace Section 2.64(a), (b), and (c).	Case No. 00327	RC - September 26, 2006	E - November 18, 2006
14	Amend Section 4.25 (Parking Requirements)	Case No. 01119	RC - August 5, 2008	E - August 23, 2008
15	Replace Section 4.14 Temporary Construction Uses Permitted	Case No. 01058	HECC - January 20, 2009	E - February 07, 2009
16	Replace Section 2.14 Day Care Facility	Case No. 01074	HECC - March 3, 2009	E - March 21, 2009
17	Deleted the word "windmills" in Section 4.19; Added **Section 4.29 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
18	Amend Part 4, Section 29 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E- October 29, 2011
19	**Repeal/Readopt** Section 2.12AA, 2.52, 2.68, 3.3B; parts of 3.12, 3.17; Section 4.21, 4.27, 4.28, 4.29, Part 13, 20, Schedule A, A-1, B, C; **Add** Section 2.10A, 2.67B, 4.30; **Amend** parts of 3.17, 4.21, Schedule A-1, B, C.	RP+5	RC-June 25, 2014	E-October 18, 2014
20	**Add** 4.11(d) – Reduced Frontage or Area	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
21	**Amend** several sections to add Cannabis related uses Nov 3/18	Case 21331	RC - September 18, 2018	E - November 3, 2018
22	**Add** Part 2, Section 2.67.5 – Backyard Suite & Secondary Suite; Part 4, Section 4.2B – Secondary Suites and Backyard Suites.	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
23	**Amended:** Part 2, Part 3 and Part 4 to include definitions and stipulations for Accessory Hen Use.	Case 22227 – Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022

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24	**Amended** Part 2, Definitions – Section 2.26, renumbered 2.63A to 2.63C; Part 4, General Provisions for all Zones – Section 4.22, 4.29I(a); Part 6, RS Zone – Section 6.1, 6.2; Part 7, RA Zone – Section 7.1, 7.2; Part 9, C-2 Zone – Section 9.1; Part 12, P-2 Zone – Section 12.1; Part 14, MR Zone – Section 14.1; Part 19, ICH Zone – Section 19.1 **Deleted** Part 2, Definitions – Section 2.9, 2.54, 2.60 **Added** Part 2, Definitions – Section 2.63A, 2.63B; Part 3, Administration – Section 3.17(d)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
25	**Amended** Clause 2.17(c); Subclause 3.17(i); Section 4.2A(a)(c); Section 4.30; Subsection 6.1(a); Subsection 7.1(a); Subsection 9.1(b); Section 14.1 **Added** Section 3.19 **Repealed** Section 4.2A(d)	Case 22257 (Regional Plan – Phase 3)	RC- October 11, 2022	E – November 16, 2022
26	**Added** Appendix F – Interim Bonus Zoning Requirements for Applicable Plan Amendments; Schedule D – Lands Subject to Interim Bonus Zoning Requirements	Case 24063	RC - March 21, 2023	E – April 19, 2023
27	**Added** Part 2, Section 2.63D, 2.63E; Part 3, Section 3.3(e)(iv), 3.3(e)(v); Part 4, Section 4.32 **Amended** Part 4, Section 4.22; Part 6, Section 6.1; Part 10, Section 10.1 **Deleted** Part 2, Section 2.8	Case 24526 (Short Term Rentals)	RC – February 21, 2023	E – September 1, 2023
28	**Amended** Part 7, Section 7.2	Case 24528 (Shared Housing Housekeeping Amendments)	RC – August 22, 2023	E – September 28, 2023
29	**Repealed** Part 3, Section 3.11	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023
30	**Added** Section 1(ea); Section 3 5A; **Repealed/Deleted** Section 3(b);Subsection 10(a)(b)	Case 2023-01049	NWCC- February 20, 2024	E – March 6, 2024

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31	**Amended** Part 2, section 2.65; Part 4, section 4.2(a)(iv)(v), 4.2B(a)(i)(v), 4.2B(b), 4.2B(b)(i)(iv)(vi)(viii) **Added** Part 4, section 4.2(c), 4.2B(b)(ix)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024

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