ATTENTION

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

HALIFAX

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LAND USE BY-LAW

PLANNING DISTRICT 5
(CHEBUCTO PENINSULA)

THIS COPY IS A

REPRINT OF THE

LAND USE BY-LAW

WITH AMENDMENTS TO

MARCH 5, 2025

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LAND USE BY-LAW
FOR
PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Planning District 5 (Chebucto Peninsula) which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 5th day of December, 1994, and approved with amendments by the Minister of Municipal Affairs on the 9th day of February, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 5th day of March, 2025.

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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HALIFAX REGIONAL MUNICIPALITY

LAND USE BY-LAW FOR

PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)

FEBRUARY 1995

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 Planning District 5 (Chebucto Peninsula) Plan Area of 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 bylaw 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 provisions 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 bylaw.

This document has been prepared for convenience only and incorporates amendments made by the Council of Halifax County Municipality on the 5th day of December, 1994 and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 9th day of February, 1995. 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 Planning District 5" within Halifax County Municipality.

PART 2: DEFINITIONS

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

2.1 **ACCESSORY BUILDING OR STRUCTURE means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law. (WRCC-Jun 26/95;E-Jul 22/95)**

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. (WRCC-Jun 26/95;E-Jul 22/95)**

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 any animal feedlot managed to maximum production and output in a confined area, slaughterhouse, piggery, broiler or poultry plant, or facility used for the growing of mushrooms.

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

2.5 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.

2.6 AUTOMOTIVE REPAIR OUTLET means a building or part of a building or a clearly

defined space on a lot used for repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire and glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

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

2.8 BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes. **(WRCC-Jun 24/02).**

2.8A 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)

2.8B 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)

2.8C 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)

2.8D 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)

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2.9 CEMETERY means the use of land or structures for the internment of human remains but shall not include the use of structures for cremation.

2.10 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation or sport purposes and without limiting the generality of the foregoing, includes such establishments as rifle ranges, marinas, golf courses, miniature golf courses, amusement parks, diving centres, campgrounds, legions, fraternal centres, private clubs, racquet sports and health clubs, and may include a single or two unit dwelling for maintenance or security personnel, but does not include a track for the racing of any motorized vehicles or animals.

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

2.11A 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;E-Mar 28/96)

2.11AA 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)

2.11B CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

2.11C 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.

2.11D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry

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operations licensed by the Province of Nova Scotia or forestry manufacturing processes.

2.11E 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).

2.12 CONVENIENCE STORE means an establishment where food stuffs, tobacco, patent medicines, periodicals and other items of household convenience are kept for retail sale, and may include a takeout restaurant and/or video rental as an accessory function.

2.13 COUNCIL means the Council of the Halifax County Municipality.

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

2.15 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. (RC-Mar 3/09;E-Mar 21/09)

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

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

2.18 DWELLING

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

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

the exclusive use of such persons.

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

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

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

(f) Dwelling, Rowhouse means a building that is divided vertically into three 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.

(g) Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling which comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.

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

(ha) Dwelling, Mobile means a prefabricated detached dwelling, designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling, complete and ready for occupancy (except for minor and incidental unpacking or assembly operations). A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are removed. This definition excludes the modular type of a prefabricated dwelling where separate units are joined together on site to form the complete dwelling unit. For further clarity, a mobile home use does not include a recreational vehicle. (RC-Oct 11/22;E-Nov 16/22)

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

2.19 ERECT means to build, construct, reconstruct, alter, locate or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

2.20 ESTABLISHED GRADE means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designed authority.

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.

2.22 EXISTING means legally in existence on the effective date of this By-law.

2.23 FISHERY USE means any use associated with a fishery use including fishery support uses, retail and wholesale outlets for fish and fish processing plants.

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2.24 FISHERY SUPPORT USE means any use which is designed to support the individual fishery operations and includes boat and equipment storage and maintains his own gear, and shall include aquaculture support uses and the sale of an individual fisherman's catch, but does not include a retail or wholesale outlet for fish and fish products, or a fish processing plant except a smokehouse, lobster pound, or an operation where a fisherman himself, or his or her crew, processing their own catch.

2.25 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.

2.26 GOLF COURSE means a public or private area operated for the purpose of playing golf and related activities, including a club house and administration building. The foregoing is specifically limited by excluding permanent residential accommodations of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.

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

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

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

2.29A 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).

2.30 HOME OCCUPATION means any business, profession or trade carried on by the occupant of a dwelling unit as a secondary use of the property but shall not include auto body or repair shops, restaurants, or any retail or wholesale activities except for arts and handicrafts which are produced on the property.

2.31 HUNTING AND FISHING CAMPS includes structures used to temporarily accommodate persons engaged in hunting, trapping, fishing or other resource and recreational activities but shall not include a permanent dwelling.

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2.31A INSTITUTIONAL USE means any use permitted in the P-2 (Community Facility) Zone. (RC-Sep 10/02;E-Nov 9/02).

2.32 KENNEL means a building or structure used for the enclosure of more than two (2) dogs or cats which are kept for the purpose of commercial breeding with or without veterinary care.

2.33 LIMS means the Land Information and Management Service whose property identification numbering system is used in this By-law to identify particular land parcels. The LIMS 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.

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

2.35 LOT means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan ~~and~~ **or** deed **approved** pursuant to the Land Titles Clarification Act, or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

(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, as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purposes of this By-law.

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

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

2.38 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 daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2.39 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 or from the private road; and
(i) in the case of a corner lot - the shorter boundary line abutting the street or private road shall be deemed to be the front lot line and the longer boundary line abutting

the street or private road shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street or private road shall be deemed to be the front lot line; or

(ii) in the case of a lot which has as one of its boundaries the shore line of a lake, the sea or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

(c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.

(d) Side Lot Line means a lot line other than a front or rear lot line.

(e) Flankage Lot Line means a side lot line which abuts the street or private road on a corner lot.

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

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

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

2.42A MEZZANINE means an intermediate floor assembly between the floor and ceiling of a room or storey, and includes an interior balcony. For the purpose of height calculation, a storey with a mezzanine counts as two full storeys.

2.43 MUNICIPALITY means Halifax County Municipality.

2.44 OBNOXIOUS USE means a use which, by its nature or operation creates a nuisance 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 operations which produce effluent which cannot be disposed of by means of an on-site sewage disposal system or operations which involve, as the primary function, the processing, production or warehousing of dangerous goods or hazardous wastes.

2.45 OPEN SPACE USE means the use listed as an Open Space Use in the P-2 (Community Facility) Zone and shall exclude all buildings except those that are accessory to the use of land as a park, playground or cemetery.

2.46 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.

2.47 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

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another lot. Without limiting the generality of the foregoing, an outdoor display court may include the display of cars, trucks, van, motor and mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages.

2.48 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.

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

2.50 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.

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

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

2.53 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 or Government of Canada.

2.54 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)

2.55 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).

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

2.57 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 may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

2.58 RESTAURANT - DRIVE-IN means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.

2.59 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 seating area which does not exceed 25% of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.

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

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

2.62 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).

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

2.64 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided and, without limiting the generality of the foregoing, may include a public garage which includes an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint

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shop, plumbing shop, sheet metal shop, a truck depot, any use which involves the manufacturing, processing and wholesaling of food items, and similar uses.

2.65 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 or manufacturing or motor vehicle repair shops.

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

2.66A 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)

2.66B SHARED HOUSING WITH SPECIAL CARE means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants, and must meet the definition of Shared Housing Use. (RC-Aug 9/22;E-Sep 15/22)

2.66C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck. (WRCC-Jun 24;02).

2.66D 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)

2.66E 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)

2.67 **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 include 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**

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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.

(b) <u>Projecting Sign</u> means a sign which projects from and is supported by, or which extends beyond a wall or the roof of a building." (RC-Sep 26/06;E-Nov 18/06)

2.67A STOREY means the portion of a building that is situated between the top of a floor and the top of the floor next above it, including a mezzanine, and if there is no floor above it, the portion between the top of the floor and the ceiling above it, and

(a) for the purpose of calculating the streetwall height, a portion of a building that is partly below the streetline grade is not deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade; and

(b) for a purpose other than calculating the streetwall height, a portion of a building that is partly below the average finished grade is not deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the average finished grade.

2.68 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or Halifax County Municipality.

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

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

2.70.5 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.

2.70.5A URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law.

2.70A 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).

2.70B 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)

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

2.72 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 measurements, the minimum horizontal distance from the respective lot lines shall be used.

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

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

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

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

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, the Planning District 5 Plan Area is divided into the following zones by zoning maps, the boundaries of which are shown on the attached zoning schedules. Such zones may be referred to by the appropriate symbols:

Symbol	Zone	
Residential Zones	R-1	Single Unit Dwelling Zone
	R-2	Two Unit Dwelling Zone
	R-2a	Residential Home Occupation Zone
	R-2b	**Residential Equine Zone (RC-Mar 2/10;E-Apr 17/10)**
	R-6	Rural Residential Zone
	R-6a	Rural Mixed Residential Zone
Village Centre Zones	HCR	Herring Cove Residential Zone
	V-1	Harrietsfield Village Centre Zone
	V-3	Ketch Harbour Village Centre Zone
	V-4	Sambro General Building Zone
Commercial, Resource and Industrial Zones	C-1	Local Business Zone
	C-2	General Business Zone
	C-5	Industrial - Commercial Mix Zone
	F-1	Fishing **Village** Zone **(RC-Jun 25/14;E-Oct 18/14)**
Construction & Demolition (C&D) Zones		
	CD-1	**(C&D Materials Transfer Stations) Zone**
	CD-2	**(C&D Materials Processing Facilities) Zone**
	CD-3	**(C&D Materials Disposal Sites) Zone**
Infrastructure Charge Zone	**ICH**	**Infrastructure Charge Holding Zone**
Community Use, Open Space and Special Zones	P-2	Community Facility Zone
	P-3	Park Zone
	RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
	P-4	Conservation Zone
	PA	**Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)**
	P-5	Special Facility Zone
	D-1	DND Zone

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UR	**Urban Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**

3.2 ZONING MAPS

(a) Schedule "A" - Chebucto Peninsula Zoning Map, attached hereto, may be cited as the "Planning District 5 Zoning Map" and is hereby declared to form part of this By-law.
(b) The extent and boundaries of all zones are shown on Schedule "A", and for all such zones the provisions of this By-law shall apply to all such zones.
(c) The symbols used on Schedules "A", refer to the appropriate zones established by Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

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

3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Planning District 5.

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.
(b) Notwithstanding 3.5 (a) above, within the V-4 (Sambro General Building) Zone, unless a use is specifically prohibited, it shall be deemed to be a permitted use in that zone.
(c) If any use is listed subject to any special conditions or requirements, it shall be permitted

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subject to the fulfilling of such conditions or requirements.

(d) Where a use permitted within any zone is defined in Section 2, the uses permitted within that zone shall be deemed to include any similar use which satisfied such definition except where any definition is specifically limited to exclude any use.

(e) Except where limited by Section 4.1, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot, as any other use permitted within that zone.

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5, above, certain uses which may not be shown as permitted uses in any zone may be considered in accordance with the development agreement provisions the Municipal Planning Strategy for Planning District 5, (Chebucto Peninsula) such uses are:

(a) the expansion of the Birchlee Mobile Home Park;

(b) the establishment or expansion of golf courses, racquet sports and fitness clubs in the Residential Designation;

(c) new commercial uses and the expansion of existing commercial uses permitted in the V-1 Zone in excess of 2,000 square feet in the Harrietsfield Village Centre Designation;

(d) the establishment or expansion of industrial or commercial parks and expansion of the Fancy Industrial Park in the Industrial-Commercial Designation;

(e) the establishment or expansion of commercial uses in federal or provincial parks in the Park Designation;

(f) the establishment or expansion of commercial recreation uses in the Rural A and Rural B Designation;

(g) the establishment or expansion of restaurants in the Herring Cove Village Centre Designation and the Ketch Harbour Village Centre Designation;

(h) **Deleted (RC-Jun 27/06;E-Aug 26/06)**

(i) local commercial centres in excess of 2,000 square feet.

(j) the establishment or expansion of any commercial or industrial use permitted in the C-5 Zone, located within 250 feet of the Long Lake Provincial Park, or of the Old Sambro Road north of Fish Brook;

(k) **the subdivision and development of lots on new public streets within the *HCR (RC-Jun 25/14;E-Oct 18/14)* (Herring Cove Residential) Zone and the F-1 (Fishing Village) Zone. (RC-Feb 13/01;E-May 5/01)**

(l) Pursuant to Policy IM-24, where there is enabling policy to consider, by development agreement, the development 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; and (RC-Jun 25/14;E-Oct 18/14)

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

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Harbour outside of the Urban Service Area: (RC-Jun 25/14;E-Oct 18/14)

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

3.7 LARGER CANNABIS PRODUCTION FACILITY BY DEVELOPMENT AGREEMENT (RC-Sep 18/18;E-Nov 3/18)

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

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

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

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PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

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

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

(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 Section 5 provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

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

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14).

4.1C An accessory hen use is exempt from the requirement to obtain a development permit (RC- Oct 05/21; E-Jan 08/22).

4.1D 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)

4.1E Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit. (RC-Feb 21/23;E-Sep 1/23)

4.2 LICENCES PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

(a) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law ln 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.

4.3 ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot**, except where backyard suites are**

permitted. **(RC-Sep 1/20;E-Nov 7/20)**

4.4 SEPARATION BETWEEN MAIN BUILDINGS

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

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4.5 EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this By-law, a vacant 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 providing that all other applicable provisions in this By-law are satisfied. Furthermore, where the Development Officer approves an increase in the area of any undersized lot held in separate ownership from adjoining parcels on the effective date of this By-law, it 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, notwithstanding that it may still have less than the minimum frontage depth or area required by this By-law, and provided that all other applicable provisions of this By-law are satisfied.

4.6 SUBDIVISION OF EXISTING LOTS

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

4.7 REDUCED FRONTAGE

(a) Notwithstanding the lot frontage requirements found elsewhere in this By-law, lots may be created pursuant to the provisions of **Sections 40, 41, 42 and 45 (RC-Jun 25/14;E-Oct 18/14)** of the Subdivision By-law and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

(b) 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 Department of Transportation **or the Municipal Service System Guidelines, as applicable (RC-Jun 25/14;E-Oct 18/14).**

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

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

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

- **i. the lot existed on April 1, 2016 and is located within the area shown in Schedule E; (RC-Jan 10/17;E-Feb 25/17)**
- **ii. at the time of permitting, the applicant shall provide evidence satisfactory to the Development Officer establishing a registered easement in favour of the property that allows vehicular access to a street or road; (RC-Jan 10/17;E-Feb 25/17)**
- **iii. where the vehicular access required by subclause ii is a shared private driveway serving four or more dwellings, it has been constructed, as certified**

by a professional engineer, to the design standards contained in Schedule F; and (RC-Jan 10/17;E-Feb 25/17)

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

4.7A SUBDIVISION OF SEMI-DETACHED DWELLINGS (WRCC-Apr 28/08;E-May 19/08)

(a) Provided that all other applicable provisions in this By-law are satisfied, where a lot containing a semi-detached dwelling is subdivided so that each dwelling unit is on its own lot, there shall be no setback required from the common lot boundary.

(b) Where a semi-detached dwelling exists on one lot, or is to be constructed on a lot pursuant to Section 4.5 of this By-law, and such lot does not meet the lot area or frontage requirements for subdivision under this By-law, a subdivision may be approved to place each dwelling unit on its own lot, provided that each lot has a minimum frontage of 20 feet.

4.8 EXISTING BUILDINGS

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

(a) 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

(b) all other applicable provisions of this By-law are satisfied.

4.9 LIVESTOCK

Livestock may be kept on a property only where agriculture is a permitted use.

4.10 EXISTING USES

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

4.11 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 90 to 93 of the Planning Act of Nova Scotia, which is included 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.

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4.12 ACCESSORY USES AND BUILDINGS (WRCC-Jun 26/95;E-Jul 22/95)

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.

4.12A 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 4.12A(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**

4.13 ACCESSORY BUILDINGS

(a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
(i) be used for human habitation except where a dwelling is a permitted accessory use;
(ii) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than four (4) feet (1.2 m) to any other lot line except that:
1. common semi-detached garages may be centred on the mutual side lot line;
2. boat houses, boat docks, and fishery support uses may be built to the lot line when the line corresponds to the high water mark; and
3. **accessory buildings exceeding one thousand (1000) square feet of floor area may be built within eight (8) feet (2.4 m) or one half the height of the accessory**

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building whichever is greater in any Residential (R-1 (Single Unit Dwelling), R-2 (Two Unit Dwelling Zone), R-2a (Residential Home Occupation Zone) Zone. (WRCC-Sep 27/04;E-Oct 17/04).

(iii) be built closer than 4 feet (1.2 m) of any other accessory building;

(iv) exceed **twenty-five (25) feet (7.7 metres) (RC-May 23/24;E-Jun 13/24)** in height in any Residential (R-1, R-2, R-2a) Zone;

(v) **exceed a footprint of one thousand (1000) square feet (93 square metres) (RC-May 23/24;E-Jun 13/24) ~~at grade~~ on lots less than 40,000 square feet in any R-1 (Single Unit Dwelling), R-2 (Two Unit Dwelling Zone), R-2a (Residential Home Occupation Zone) Zone. (WRCC-Sep 27/04;E-Oct 17/04).**

(vi) be built within eight (8) feet (2.4 m.) of a dwelling unit or twelve (12) feet (3.7 m.) of any other main building.

(vii) be used for the keeping of livestock only where agriculture is a permitted use on the property.

(viii) **notwithstanding Subsection 4.13 (a) (v) and the undersized lot provisions of Section 4.5, exceed a total floor area equivalent to 10% of the lot area on lots greater than 40,000 square feet. (WRCC-Sep 27/04;E-Oct 17/04).**

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

(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-Jun 13/24)

4.13A ~~SHIPPING CONTAINERS (WRCC-Jun 24/02;E-Jul 14/02)~~

~~**(a) Shipping containers may not be used as accessory buildings to a residential use with the exception of backyard suites (RC-Oct 11/22;E-Nov 16/22). Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or non-residential (RC-Oct 11/22;E-Nov 16/22) use shall not be permitted on any property which abuts a residential, park or institutional zone.**~~

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

4.13AB SHIPPING CONTAINERS

(1) Shipping containers may be used as accessory buildings only in an industrial zone or commercial zone or in conjunction with a recreation use, provided they meet the following requirements:

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

(b) Shipping containers must meet all applicable requirements for accessory

buildings and zone standards including those relating to setbacks, screening and landscaping; and

(c) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.

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

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

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

4.13B 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 townhouse dwelling or rowhouse dwelling subject to the following provisions: (RC-May 23/24;E-Jun 13/24)

- **(i) No more than one secondary suite or auxiliary dwelling shall be permitted on a lot; (RC-May 23/24;E-Jun 13/24)**
- **(ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**
- **(iii) Notwithstanding Section 4.14, a secondary suite is permitted within a two unit dwelling;**
- **(iv) A two unit dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- **(v) Repealed (RC-May 23/24;E-Jun 13/24)**
- **(vi) 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-Jun 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, a multiple unit dwelling containing only 3 units, (RC-May 23/24;E-Jun 13/24) or a townhouse dwelling or rowhouse dwelling subject (HWCC-Apr 14/21;E-May 1/21) to the following provisions:

- **(i) No more than one backyard suite shall be permitted on a lot; (RC-May 23/24;E-Jun 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 4.12 and 4.13;**
- **(iv) The gross (RC-May 23/24;E-Jun 13/24)floor area of a backyard suite shall not exceed 1,000 square feet (93.0 square metres); (RC-May 23/24;E-Jun 13/24)**
- **(v) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required;**
- **(vi) A backyard suite shall be permitted accessory to a non-conforming structure**

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for residential use, except where no residential uses are permitted in the zone; (RC-May 23/24;E-Jun 13/24)

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

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a street, private road, or shared private driveway;

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

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

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

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

4.15 TEMPORARY CONSTRUCTION USES PERMITTED (RC-Jan 20/09;E-Feb 7/09)

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

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

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

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

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

(e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire

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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.

4.16 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.**

4.17 RESTORATION TO A SAFE CONDITION

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

4.18 BUILDING TO BE MOVED

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.

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 antennae, ventilators, skylights, barns, chimneys, clock towers, ~~**windmills**~~ **(RC-Aug 16/11;E-Oct 29/11)** or solar collectors.

4.20 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 for construction and demolition operations shall be as specified under the applicable CD Zone.

(f) Within the buffer required pursuant to clause (f), 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 the provisions of subsection (1), any existing building within the buffer distance may be permitted to be enlarged, renovated or repaired subject to the provisions of section 4.8 of this By-law. (WRCC-Oct 22/07;E-Oct 27/07)

(3) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

(4) 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.

(5) Notwithstanding clause 1(a), the required minimum buffer shall be 30.48 metres within the Herring Cove Community. (WRCC-Oct 22/07;E-Oct 27/07)

(6) Within the Herring Cove Community and notwithstanding subsection (1), (4), and (5), a reduction of the required buffer to 15.24 metres for lots in existence on May 5, 2001 may be permitted by the Development Officer if the full requirement is prohibitive due to resulting insufficient site area for development. (WRCC-Oct 22/07;E-Oct 27/07)

(7) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

(8) 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.

(9) 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,

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to determine that the proposed building or structure will meet the requirements of this section.

4.20A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

(2) Subsection (1) does not apply to any residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted, permitted in accordance with the requirements of this by-law. (HW, HEMD and NWCC–Dec 11/18;E-Dec 29/18)

(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

(4) Every application for a development permit for a building or structure to be erected pursuant to this section shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

4.21 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, twenty (20) feet from the front lot line.

4.22 DAYLIGHTING TRIANGLE

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 more than two (2) feet (.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

4.23 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, uncovered staircases or steps may be located in any yard.
(b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than two (2) feet (.6 m) into any required yard.

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(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (.9 m) from the main wall into a required front, rear or flankage yard.
(d) Exterior staircases, balconies, porches, verandas and sundecks shall not be permitted to project into any required yard.
(e) Ornamental planting and landscaping may be located in any yard unless otherwise indicated in this By-law.
(f) Access ramps for the mobility disabled may be located in any yard.

4.24 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, 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, if such area is closer than the lot lines.

4.25 ILLUMINATION

No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

4.26 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle shall be kept on any lot in any Residential (R-1, R-2, R-2a) Zone, nor be kept less than ten (10) feet (3 m) from any front lot line.

4.27 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, or any change of use, 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	**0 spaces (RC-May 23/24;E-Jun 13/24)** per dwelling unit
Multiple unit dwellings	**0.33 (RC-May 23/24;E-Jun 13/24)** spaces per dwelling unit
Shared housing use (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
Retail stores, service and personal service shops:	

(a) exceeding 5,000 square feet	5.5 spaces per 1,000 square (464 m^2) of gross floor area feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet	3.3 spaces per 1,000 square (464.5 m^2) of gross floor area feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (93 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 (93 m^2) of net floor area excluding food preparation, washroom and storage areas
Restaurants - Full Service	20 spaces per 1000 square feet (93 m^2) of net floor area excluding food preparation, washroom and storage areas
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m^2) area excluding washrooms and storage areas	16 spaces per 1000 square feet (92.9 m^2) of net floor area excluding washrooms and storage areas
(b) not exceeding 300 square feet (28 m^2) of net floor area excluding washrooms and storage areas	5 spaces
Lounges, taverns and beverage rooms	the greater of 1 space per 3 seats or 1 space per 100 square feet (10 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as **otherwise** (RC-Aug 9/22;E-Sep 15/22) specified	where there are fixed seats, the greater of 1 space per 4 seats and 1 space per 100 square feet (10 m^2) of gross floor area where there are no fixed seats, the greater of 1 space

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	per 100 square feet (10 m^2) of gross floor area of 1 space per 4 persons which can be accommodated at any one time
Community Centres	**1 space per 500 square feet (46.5 m2) of gross floor area (HWCC-Feb28/23;E-Mar15/23)**
Recreation Facilities	**1 space per 500 square feet (46.5 m2) of gross floor area (HWCC-Feb28/23;E-Mar15/23)**
Government offices	4.5 spaces per 1,000 square feet (93 m^2) of gross floor area
Fire stations (HWCC-Mar 21/18;E-Apr 7/18)	**3 spaces per 1,000 square feet (93 m^2) of gross floor area**
Schools	3 spaces per classroom plus 1 space per 20 high school students
Hospitals	2 spaces per bed
Day care facilities	1.5 spaces per 400 square feet (38 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
USE	PARKING REQUIREMENT
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 square feet (93 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 (93 m^2) of gross floor area

(b) Reserved Spaces for the Mobility Disabled

Notwithstanding Section 4.27 (a), reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

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USE	PARKING REQUIREMENT
Medical Clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking spaces required; 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
Multiple Dwellings	1 reserved parking space per 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 industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(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

(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.

4.27A RESIDENTIAL DRIVEWAY ACCESS - HERRING COVE COMMUNITY (RC-Feb 13/01;E-May 5/01)

New driveway accesses to Herring Cove Road between Florence Street and Esso Road shall be approved only where:

i) access to local streets cannot be granted, and
ii) it is not possible to utilize existing driveways or for more than one lot to share a driveway.

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4.28 STANDARDS FOR PARKING LOTS

Where a parking lot for more than four (4) vehicles is required or permitted;

(a) the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
(b) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
(c) a structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (5 m^2) in area may be erected in the lot for the use of attendants;
(d) the lot shall be within three hundred (300) feet (91.4) of the location which it is intended to serve and shall be situated in the same zone;
(e) no petroleum product pumps or other service station equipment shall be located or maintained on the lot;
(f) approaches or driveway to the lot shall be defined by a curb or concrete or rolled asphalt and the limits of the lot 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;
(g) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; and
(h) The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3 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).

4.28A BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14)

(1) Within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement, the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	**0.5 spaces per dwelling unit 80% Class A, 20% Class B**
Hotels/ Motels/Inns	**1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces**

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General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	**1 space per 300m² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces**
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	**1 space per 500m² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces**
Auditoriums, Theatres, Stadiums, Halls	**1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces**
Schools, Colleges, Universities	**1 space for every 250m² GFA 20% Class A/ 80% Class B**
Recreation Facilities, Community Centres, Libraries.	**1 space per 200m² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces**
General Industrial Uses	**1 space per 1000 m² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces**
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	**5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces**
Any Uses Not Specified Above	**1 space per 500 m² GFA 50% Class A/ 50% Class B**

(2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.

(3) Each Class B bicycle parking space shall:

(a) be a minimum of 0.6m wide and 1.8m long;
(b) have a minimum overhead clearance of 2.0m;
(c) be located a minimum of 0.6m from any wall or other obstruction.

(4) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.2m in width, to be provided and maintained beside or between each row of bicycle parking.

(5) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so

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that individual bicycles are supported.

4.28B LOCATION OF BICYCLE PARKING (RC-Jun 25/14;E-Oct 18/14)

(1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.

(2) Class A bicycle parking may be located up to 200m from an entrance.

(3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.

(4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

4.28C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS (RC-Jun 25/14;E-Oct 18/14)

(1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.

(2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.

(3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

4.29 COMPOSTING OPERATIONS (MC-Feb 26/96;E-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; and

(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 (R-1, R-2, and R-2a Zones).

4.30 TOURIST ACCOMMODATIONS (WRCC-Jun 7/04;E-Jun 27/04)

One dwelling unit per lot may be used as an accommodation for the travelling public, on a daily, weekly, or monthly basis, for gain or profit, pending all other requirements of the Land Use By-law are met.

4.31 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.

4.32 SCHEDULE C - WETLANDS MAP (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.

4.33 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

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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 Schedule D - 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 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

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

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

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

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

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

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

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

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

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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 Planning District 5 Land Use By-law:
- **i) RPK (Regional Park) Zone;**
- **ii) PA (Protected Area) Zone.**

VII INSTALLATION AND DESIGN

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

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

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

d) The visual appearance of the Wind Energy Facility shall at a minimum:
- **i) be a non-obtrusive colour such as white, off-white or gray;**
- **ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,**
- **iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.**

VIII MISCELLANEOUS

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

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 D – Wind Energy Zoning

4.34 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.

4.35 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

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Corporation (NSLC).

4.36 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.**

4.37 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM

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

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PART 5: SIGNS

5.1 GENERAL

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

(b) No person shall erect a sign according to the provisions of Section 5.4 except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

5.1A TEMPORARY SIGNAGE (RC-Sep 26/06;E-Nov 18/06)

(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.

5.2 SAFETY

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

5.3 SIGN AREA

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 three-faced sign in the plane of its largest dimension. Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

5.4 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones:

(a) Any sign which identifies the name and address of a resident.
(b) Any sign which regulates the use of property, as do "no trespassing" signs.
(c) Any real estate sign.
(d) Any sign which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
(e) Any sign which is incidental to construction.
(f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
(g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
(h) Any memorial sign, plaque or tablet.
(i) Any sign which is incidental to fishery support uses.

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5.5 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign or sign structure which constitutes a hazard to public safety or health.
(b) 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.
(c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
(d) 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.
(e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "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 road.
(f) 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 which they are erected, within sixty (60) days of the date of discontinuance of the business or product.

5.6 PROJECTING SIGNS

No projecting sign shall:

(a) project over a public right-of-way or daylighting triangle;
(b) exceed twenty (20) square feet in area for that portion of the sign which projects beyond any wall or roof;
(c) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
(d) be erect below a height of ten (10) feet (3 m); or
(e) be permitted to swing freely on its supports.

5.7 GROUND SIGNS

No ground sign shall:

(a) extend beyond a property line or project over a public right-of-way, daylighting triangle, or lot line;
(b) be less than ten (10) feet (3 m) from any street line or abutting lot line;
(c) exceed fifty (50) square feet of sign area on a single sign face or one hundred (100) square feet of sign area for both faces combined, except for service stations, which shall not exceed one hundred (100) square feet of sign area on a single sign face or two hundred (200) square feet of sign area for both faces combined; and
(d) shall not exceed a height of twenty-five (25) feet.

5.8 FACIAL WALL SIGNS

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No facial wall sign shall cover more than one (1) square foot (0.1 square metre) per lineal foot of the wall on which the sign is affixed, and such coverage is to be allocated proportionally for each business premises in the case of multiple occupancy buildings. In no case however, shall the total area of the facial wall sign for any business premises exceed one hundred (100) square feet (9.3 square metres).

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PART 6: R-1 (SINGLE UNIT DWELLING) ZONE

6.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except 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)
Home occupations in conjunction with permitted dwellings;
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings;
Fishery support uses;
Open space uses;
Existing two unit dwellings.

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	
central sewer and water service	6,000 square feet (557.4 m^2)
central sewer services/ on-site water	10,000 square feet (929 m^2)
on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	
central sewer and water services	60 feet (18.3 m)
central sewer services/ on-site water	75 feet (23 m)
on-site services	100 feet (32.84 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any R-1 Zone, the following shall apply:

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

6.4 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any R-1 Zone, the following shall apply:

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(a) The home occupation shall be wholly contained within the dwelling which is the principal residence of the operator of the office.
(b) No more than three hundred (300) square feet (28 m^2) of gross floor area shall be devoted to any home occupation.
(c) No materials or equipment which are obnoxious or create a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
(d) No open storage or outdoor display shall be permitted.
(e) No sign shall be permitted to advertise the home occupation.
(f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any home occupation. No portion of any parking space shall be located in any required side yard.

6.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the dwelling.
(b) No open storage or display shall be permitted.
(c) No signs shall be permitted.
(d) One off-street parking space, other than that required for the dwelling, shall be provided.

6.6 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any R-1 Zone, the following shall apply:
Minimum Side Yard 8 feet (2.4 m)
(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishery support uses in an R-1 Zone, no development permit shall be required.

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PART 7: R-2 (TWO UNIT DWELLING) ZONE

7.1 R-2 USES PERMITTED

No development permit shall be issued in any R-2 (Two Unit Dwelling) Zone except for the following:

Single unit dwellings;
Two unit dwellings;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings except in two unit dwellings where each unit is held under separate title;
Home occupations in conjunction with permitted dwellings;
Open space uses;
Fishery support uses.

7.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	
central sewer and water services	6,000 square feet (557.4 m^2) per dwelling unit
central sewer services/ on-site water	10,000 square feet (929 m^2) per dwelling unit
on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	
central sewer and water services	60 feet (18.3 m) per dwelling unit
central sewer services/ on-site water	75 feet (23 m) per dwelling unit
on-site services	100 feet (32.84 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any R-2 Zone, the following shall apply:

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

7.4 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any R-2 Zone, the following shall apply:

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Minimum Side Yard	8 feet (2.4 m)

(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishery support uses in an R-2 Zone, no development permit shall be required.

7.5 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any R-2 Zone, the following shall apply:

(a) Any home occupation shall be wholly contained within the dwelling which is the principal residence of the owner of the home occupation.
(b) No more than three hundred (300) square feet (28 m^2) of gross floor area shall be devoted to any home occupation.
(c) No open storage or outdoor display shall be permitted.
(d) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
(e) One (1) facial wall sign, not exceeding two (2) square feet (.2 m^2) in size, shall be permitted to advertise the home occupation and shall be constructed of wood.
(f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any home occupation. No portion of any parking space shall be located in any required side yard.

7.6 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-2 Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the dwelling.
(b) No open storage or display shall be permitted.
(c) One (1) facial wall sign, not exceeding two (2) square feet (.2 m^2) in size, shall be permitted to advertise the day care facility and shall be constructed of wood.
(d) One off-street parking space, other than that required for the dwelling, shall be provided.

7.7 EXEMPTION: BIRCHLEE MOBILE HOME PARK

Notwithstanding Section 7.1 and 4.10, Birchlee Mobile Home Park, LIMS Number 394767, shall be a permitted use in the R-2 Zone to the extent it is in existence on the effective date of this By-law. (Any expansion shall be subject to Policy P-52 of the Municipal Planning Strategy, and Section 3.6 of this By-law.)

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PART 8: R-2a (RESIDENTIAL HOME OCCUPATION) ZONE

8.1 R-2a USES PERMITTED

No development permit shall be issued in any R-2a (Residential Home Occupation) Zone except for the following:

Single unit dwellings;
Two unit dwellings;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings except in two unit dwellings where each unit is held under separate title;
Home occupations in conjunction with permitted dwellings;
Open space uses;
Fishery support uses.

8.2 R-2a ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	
central sewer and water services	6,000 square feet (557.4 m^2) per dwelling unit
central sewer services/ on-site water	10,000 square feet (929 m^2) per dwelling unit
on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	
central sewer and water services	60 feet (18.3 m) per dwelling unit
central sewer services/ on-site water	75 feet (23 m) per dwelling unit
on-site services	100 feet (32.84 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

8.3 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any R-2a Zone, the following shall apply:

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

8.4 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any R-2a Zone, the following shall apply:

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Minimum Side Yard	8 feet (2.4 m)

(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishery support uses in an R-2a zone, no development permit shall be required.

8.5 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any R-2a Zone, the following shall apply:

(a) Any home occupation shall be wholly contained within the dwelling or accessory building. The dwelling shall be the principle residence of the operator of the home occupation.
(b) No more than seven hundred and fifty (750) square feet (70 m^2) of gross floor area shall be devoted to any home occupation.
(c) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
(d) One (1) facial wall sign, not exceeding two (2) square feet (.2 m^2) in size, shall be permitted to advertise the home occupation and shall be constructed of wood.

8.6 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-2a Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the dwelling.
(b) No open storage or outdoor display shall be permitted.
(c) One (1) facial wall sign, not exceeding two (2) square feet (0.2 m^2) in size, shall be permitted to advertise the day care facility and shall be constructed of wood.
(d) One off-street parking space, other than that required for the dwelling, shall be provided.

8.7 OTHER REQUIREMENTS: BED AND BREAKFASTS (Deleted: RC-Feb 21/23;E-Sep 1/23)

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PART 8A: R-2b (RESIDENTIAL EQUINE) ZONE (RC-Mar 2/10;E-Apr 17/10)

8A.1 R-2b USES PERMITTED

No development permit shall be issued in any R-2b (Residential Equine) Zone except for the following:

Uses permitted in the R-2a zone;
The keeping of up to two horses for personal use in conjunction with permitted dwellings

8A.2 R-2b ZONE REQUIREMENTS: R-2a (RESIDENTIAL HOME OCCUPATION) USES

Where R-2a uses are permitted in any R-2b Zone, the provisions of Part 8 (R-2a zone) shall apply.

8A.3 OTHER REQUIREMENTS: KEEPING OF UP TO TWO HORSES FOR PERSONAL USE IN CONJUNCTION WITH PERMITTED DWELLINGS:

Notwithstanding Sections 8A.2, 4.9 and 4.13 (a) (vii), where up to two horses are kept for personal use in conjunction with permitted dwellings in any R-2b Zone, the following shall apply:

(a) A stable, barn or other building to be used for the keeping of horses shall be constructed, located or otherwise placed on the same lot as the main dwelling and shall:
- **(i) not be located in any front yard;**
- **(ii) have a minimum rear or side yard of 20 feet (6.1 m);**
- **(iii) be located a minimum of 100 feet (30.5 m) from any dwelling or potable water supply except a dwelling or potable water supply located on the same lot; and**
- **(iv) be located a minimum of 200 feet (61 m) from any watercourse.**

(b) The minimum lot area shall be 40,000 square feet (3,716 sq. m.) for the first single animal and an additional 20,000 square feet (1,858 sq. m.) for the second animal.

(c) Notwithstanding Section 8A.3, Sub-sections (a) and (b), for the property identified as 145 Ferguson's Cove Road (PID #40079840), the minimum required side yard abutting non-residential uses and vacant lots shall be 2 feet and the minimum lot area shall be 40,000 square feet (3,716 sq.m.).

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PART 9: R-6 (RURAL RESIDENTIAL) ZONE

9.1 R-6 USES PERMITTED

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

Single unit dwellings;
Two unit dwellings;
Private hunting and fishing camps;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Day Care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
Business uses in conjunction with permitted dwellings;
Recreation uses;
Open space uses;
Restricted agricultural uses;
Forestry or woodlot uses, no processing;
Fishery support and aquaculture uses including retail and wholesale outlets for fish and fish products.
Arts and craft shops
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

9.2 R-6 ZONE REQUIREMENTS

In any R-6 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	
central sewer and water services	6,000 square feet (557.4 m^2) per dwelling unit
central sewer services/ on-site water	10,000 square feet (929 m^2) per dwelling unit
on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	
central sewer and water services	60 feet (18.3 m) per dwelling unit
central sewer services/ on-site water	75 feet (23 m) per dwelling unit
on-site services	100 feet (32.84 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

9.3 OTHER REQUIREMENTS: BUSINESS USES IN CONJUNCTION WITH PERMITTED DWELLINGS

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Where business uses in conjunction with dwellings are permitted in any R-6 Zone, the following shall apply:

(a) Any business use shall be wholly contained within the dwelling or within a single accessory building on the same lot. The dwelling shall be the principle residence of the operator of the business.
(b) No more than fifty (50) per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of all buildings on one lot devoted to a business use exceed seven hundred and fifty (750) square feet (70 m^2).
(c) No materials or equipment which are obnoxious or create a nuisance by virtue of noise, vibration, smell, toxicity or glare shall be used on the lot.
(d) No open storage or outdoor display shall be permitted.
(e) One (1) sign shall be permitted to advertise the businesses and the sign shall not exceed sixteen (16) square feet (1.49 m) in size nor contain any electrical, mechanical or moving parts.
(f) One (1) off-street parking space, other than that required for the dwelling, shall be, provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any business. No portion of any parking space shall be located within any required side yard.

9.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any **R-6 (RC-Jun 25/14;E-Oct 18/14)** Zone, the following shall apply:

(a) With the exception of outdoor play space, any facility shall be wholly contained within the dwelling.
(b) No open storage or outdoor display shall be permitted.
(c) No more than one sign shall be permitted for any facility and no such sign shall exceed sixteen (16) square feet (1.49 m^2).

9.5 OTHER REQUIREMENTS: RESTRICTED AGRICULTURAL USES

(a) No more than fifty (50) fowl and/or ten (10) of any other animal being confined to a barn or other structure shall be permitted.
(b) No more than seven hundred and fifty (750) square feet (70 m^2) of floor area of any structure shall be used for retail uses accessory to agriculture uses.

9.6 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any R-6 Zone, the following shall apply:
Minimum Side Yard 8 feet (2.4 m)
(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishing support uses in an R-6 Zone, no development permit shall be required.

9.7 EXEMPTION: EXISTING USES

Notwithstanding Section 9.1, the uses identified in Appendix "C" shall be permitted uses within the R-6 Zone. Any expansion of these uses shall be subject to the requirements of Part 17.

9.8 OTHER REQUIREMENTS: ARTS AND CRAFT SHOPS

Where arts and craft shops are permitted in any R-6 zone, the provisions of Section 13.4 shall apply.

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PART 10: R-6a (RURAL MIXED RESIDENTIAL) ZONE

10.1 R-6a USES PERMITTED

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

Single unit dwellings;
Two unit dwellings;
Private hunting and fishing camps;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Day Care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
Business uses in conjunction with permitted dwellings;
Recreation uses;
Open space uses;
Restricted agricultural uses;
Forestry or woodlot uses, no processing;
Fishery support and aquaculture uses including retail and wholesale outlets for fish and fish products.
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

10.2 R-6a ZONE REQUIREMENTS

In any R-6a Zone, no development permit shall be issued except in conformity with the following:

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

10.3 OTHER REQUIREMENTS: BUSINESS USES IN CONJUNCTION WITH PERMITTED DWELLINGS

Where business uses in conjunction with dwellings are permitted in any R-6a Zone, the following shall apply:

(a) Any business use shall be wholly contained within the dwelling or within a single accessory building on the same lot. The dwelling shall be the principle residence of the operator of the business.
(b) No more than fifty (50) per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of all buildings on one lot devoted to a business use exceed seven hundred and fifty (750) square feet (70 m^2).
(c) No materials or equipment which are obnoxious or create a nuisance by virtue of noise,

vibration, smell, toxicity or glare shall be used on the lot.

(d) No open storage or outdoor display shall be permitted.

(e) One (1) sign shall be permitted to advertise the business and the sign shall not exceed sixteen (16) square feet (1.49 m^2) in size nor contain any electrical, mechanical or moving parts.

(f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any business. No portion of any parking space shall be located within any required side yard.

10.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

(a) With the exception of outdoor play space, any facility shall be wholly contained within the dwelling.

(b) No open storage or outdoor display shall be permitted.

(c) No more than one sign shall be permitted for any facility and no such sign shall exceed sixteen (16) square feet (1.49 m^2).

10.5 OTHER REQUIREMENTS: RESTRICTED AGRICULTURAL USES

(a) No more than fifty (50) fowl and/or ten (10) of any other animal being confined to a barn or other structure shall be permitted.

(b) No more than seven hundred and fifty (750) square feet (70 m^2) of floor area of any structure shall be used for retail uses accessory to agriculture uses.

10.6 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any R-6a Zone, the following shall apply:

Minimum Side Yard	8 feet (2.4 m)

(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishing support uses in an R-6a Zone, no development permit shall be required.

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PART 11: HCR (HERRING COVE RESIDENTIAL) ZONE

11.1 HCR USES PERMITTED

No development permit shall be issued in any HCR (**Herring Cove (RC-Jun 25/14;E-Oct 18/14)** Residential) Zone except in conformity with the following:

Single unit dwellings;
Two unit dwellings;
Multiple unit dwellings containing 3 or 4 dwelling units; (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Fishery support uses;
Home occupations in conjunction with permitted dwellings;
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings;
Open space uses;
Recreation uses. (RC-Feb 13/01;E-May 5/01)

11.2 HCR ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard	20 feet
Minimum rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)
Minimum Lot Area	
Full Central Services:	**10,000 square feet (929 square metres) per dwelling unit**
Onsite Service(s):	**30,000 square feet (2787 square metres) per dwelling unit**
Minimum Lot Frontage	**75 feet (22.9m) per dwelling unit (RC-Feb 13/01;E-May 5/01)**

11.3 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any HCR Zone, the following shall apply:

(a) any home occupation shall be wholly contained within the dwelling which is the principle residence of the operator of the home occupation.
(b) No more than three hundred (300) square feet (28 m^2) of gross floor area shall be devoted to any home occupation.
(c) No open storage or outdoor display shall be permitted.
(d) One (1) facial wall sign, not exceeding two (2) square feet (.2 m^2) in size, shall be permitted to advertise the home occupation and shall be constructed of wood.

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(e) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet of floor area devoted to any home occupation.

11.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

(a) With the exception of outdoor play space, any facility shall be wholly contained within the dwelling.
(b) No open storage or outdoor display shall be permitted.
(c) One facial wall sign, not exceeding two (2) square feet (.2 m^2) in size, shall be permitted to advertise the day care facility, and shall be constructed of wood.

11.4A OTHER REQUIREMENTS: BED AND BREAKFAST USES (Deleted: RC-Feb 21/23;E-Sep 1/23)

11.5 EXEMPTION: EXISTING MULTI-UNIT DWELLING

Notwithstanding Section 11.1, the multi-unit dwelling on Lot LIMS Number 40075772 shall be a permitted use within the HCR Zone subject to the requirements of Section 11.2.

11.6 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any HCR Zone, the following shall apply:
Minimum Side Yard 8 feet (2.4 m)
(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishing support uses in an HCR Zone, no development permit shall be required.

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PART 12: V-1 (HARRIETSFIELD VILLAGE CENTRE) ZONE

12.1 No development permit shall be issued in any V-1 (Harrietsfield Village Centre) Zone except for the following:

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

Community Uses
All uses permitted in the P-2 (Community Facility) Zone.

Commercial Uses
Retail stores;
Convenience stores and grocery stores;
Service and personal service shops;
Offices;
Banks and financial institutions;
Restaurants;
Taxi and bus depots;
Nursery and commercial greenhouse operations;
Medical, dental and veterinary clinics;
Post office;
Recreational uses, including racquet sports and health clubs;
Welding, plumbing and heating, electrical and other special trade contracting services and shops.
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

12.2 V-1 ZONE REQUIREMENTS: COMMERCIAL AND RESIDENTIAL USES

In any V-1 Zone, where uses are permitted ag commercial or residential uses, no development permit shall be issued except in conformity with the following:

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

12.3 V-1 ZONE REQUIREMENTS: COMMUNITY USES

Where community uses are permitted in any V-1 Zone, the provisions of Part 20 shall apply.

12.4 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as commercial uses in any V-1 Zone, the following shall apply:

(a) The gross floor area of any commercial building in any V-1 zone, including any floor area devoted to a permitted dwelling unit, shall not exceed two thousand (2,000) square feet (186 m^2).
(b) With the exception of nurseries and greenhouses, no open storage or outdoor display of goods shall be permitted.
(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(d) Notwithstanding the provisions of Section 4.27, the parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.
(e) No portion of any parking space shall be located within any required side or rear yard.

12.5 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where uses are permitted as home occupations in any V-1 Zone, the following shall apply:

(a) Any home occupation shall be wholly contained within a dwelling or accessory building which is the principle residence of the owner of the home occupation.
(b) The provisions of Section 12.4 shall apply.

12.6 EXEMPTION: EXISTING USES

Notwithstanding Section 12.1, the uses identified in Appendix "C" shall be permitted uses within the V-1 Zone. Any expansion shall be subject to the requirements of Part 17.

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PART 13: V-2 (HERRING COVE VILLAGE CENTRE) ZONE Deleted (RC-Feb 13/01;E-May 5/01)

PART 14: V-3 (KETCH HARBOUR VILLAGE CENTRE) ZONE

14.1 V-3 USES PERMITTED

No development permit shall be issued in any V-3 (Ketch Harbour Village Centre) Zone except for the following:

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

Community Uses
Open space uses;
Educational institutions and uses;
Denominational institutions and uses;
Day care facilities;
Shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)
Medical, dental and veterinarian clinics;
Public libraries, museums and galleries;
Post offices;
Recreation uses.

Local Business Uses
Fishery support uses, including retail outlets for fish and fish products;
Arts and crafts shops;
Convenience stores.
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

14.2 V-3 ZONE REQUIREMENTS

In any V-3 Zone, where uses are permitted as residential, community or local business uses, no development permit shall be issued except in conformity with the following:

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

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14.3 V-3 ZONE REQUIREMENTS: BUSINESS USES IN CONJUNCTION WITH PERMITTED DWELLINGS

Where business uses in conjunction with dwellings are permitted in any V-3 Zone, the following shall apply:

(a) Any business use shall be wholly contained within the dwelling or within a single accessory building on the same lot. The dwelling shall be the principle residence of the owner of the business.
(b) No more than fifty (50) per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of all buildings on one lot devoted to a business use exceed seven hundred and fifty (750) square feet.
(c) No materials or equipment which are obnoxious or create a nuisance by virtue of noise, vibration, smell, toxicity, or glare shall be used on the lot.
(d) No open storage or outdoor display shall be permitted.
(e) No more than one sign shall be permitted to advertise the business use, and the sign shall not exceed sixteen (16) square feet in size or contain any electrical, mechanical or moving parts.
(f) Where a lot has access to the Ketch Harbour Road, one (1) off street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet of floor area devoted to any business. No portion of any parking space shall be located within any required side yard.

14.4 V-3 ZONE REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any V-3 Zone, the following shall apply:

(a) With the exception of outdoor play space, any facility shall be wholly contained within the dwelling.
(b) No open storage or outdoor display shall be permitted.
(c) No more than one sign shall be permitted, and no such sign shall exceed sixteen (16) square feet (1.49 m^2).

14.5 V-3 ZONE REQUIREMENTS: LOCAL BUSINESS USES

Where local business uses are permitted in any V-3 Zone, the following shall apply:

(a) The combined gross floor area of all commercial building on a lot in any V-3 Zone shall not exceed two thousand (2,000) square feet (186 m^2).
(b) No open storage or outdoor display of goods shall be permitted.
(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(d) No electrical or mechanical signs shall be permitted to advertise the commercial use.
(e) Notwithstanding the provisions of Section 4.27, the parking lot shall be paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.
(f) No portion of any parking space shall be located within any required side or rear yard.

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14.6 EXEMPTION: EXISTING USES

Notwithstanding Section 14.1, the uses identified in Appendix "C" shall be permitted uses within the V-3 Zone. Any expansion shall be subject to the requirements of Part 17.

14.7 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any V-3 Zone, the following shall apply:
Minimum Side Yard 8 feet (2.4 m)

(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishing support uses in an V-3 Zone, no development permit shall be required.

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PART 15: V-4 (SAMBRO GENERAL BUILDING) ZONE

15.1 V-4 USES PROHIBITED

A development permit shall be issued for all uses in the V-4 (Sambro General Building) Zone, except for the following:

Mobile home parks;
Salvage yards
C&D Materials Transfer Stations, C&D Materials Processing Facilities and C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02).

15.2 V-4 ZONE REQUIREMENTS

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Height of a Multiple Unit dwelling with more than 4 units	**3 storeys**

15.3 OTHER REQUIREMENTS: INDUSTRIAL USES

Where industrial uses are permitted in any V-4 Zone, the following shall apply:

(a) With the exception of resource and service industries, any industrial operation shall be conducted and wholly contained within a building.
(b) With the exception of resource industries, no materials or equipment which is obnoxious shall be used on the lot.

15.4 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any V-4 Zone, the following shall apply:
Minimum Side Yard 8 feet (2.4 m)
(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishing support uses in an V-4 Zone, no development permit shall be required.

15.5 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITY (RC-Sep18/18; E-Nov 3/18)

(a) A cannabis production facility shall comply with the requirements of Section 15.3.
(b) Where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground, such facility, including any building or outdoor

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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 16: C-1 (LOCAL BUSINESS) ZONE

16.1 C-1 USES PERMITTED

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

Commercial Uses
Convenience stores, hardware stores and drug stores;
Grocery stores;
Service and personal service shops;
Flower shops;
Arts and Craft shops (CC-Oct 6/97;E-Nov 4/97)
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

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

16.2 C-l ZONE REQUIREMENTS

Minimum Lot Area:	
central sewer and water services	10,000 square feet (929 m^2)
central sewer services/ on-site water	10,000 square feet (929 m^2)
on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	
central sewer and water services	75 feet (23 m)
central sewer services/ on-site water	75 feet (23 m)
on-site services	100 feet (32.84 m)
Minimum front or flankage yard	20 feet (6.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 per cent
Maximum height of main building	35 feet (10.7 m)

16.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-1 zone the following shall apply:

(a) The combined gross floor area of all commercial buildings on a lot ln any C-1 Zone, including any floor area devoted to a permitted dwelling unit, shall not exceed two thousand (2,000) square feet (186 m^2).
(b) No open storage or outdoor display of goods shall be permitted.

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(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.

(d) Notwithstanding the provisions of Section 4.27, the parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.

(e) No portion of any parking space shall be located within any required side or rear yard.

16.4 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any C-1 Zone, the provisions of Part 9.3 (R-6) Zone shall apply.

16.5 OTHER REQUIREMENTS: ACCESS

Where any commercial use is permitted in a C-1 Zone on Lot LIMS Number 40055543, no portion of the lot may have access to the Ketch Harbour Road, except where access from Village Road cannot be granted by the Department of Transportation.

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PART 17: C-2 (GENERAL BUSINESS) ZONE

17.1 C-2 USES PERMITTED

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

Commercial Uses
Retail stores;
Grocery stores;
Service and personal service shops;
Offices;
Banks and financial institutions;
Restaurants except drive-in and take-out restaurants;
Nursery and commercial greenhouse operations;
Medical, dental and veterinary clinics;
Post offices;
Outdoor display courts;
Building supply and factory outlets;
Marinas, boat yards, and marine repair related operations;
Welding, plumbing, heating, electrical and other special trade contracting services and shops.

Residential Uses
Single and two unit dwellings including a dwelling unit for maintenance or security personnel.
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Home occupations;
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

Institutional Uses
All uses permitted in the P-2 (Community Facility) Zone.

17.2 C-2 ZONE REQUIREMENTS

No development permit shall be issued except in conformity with the following:

Minimum Lot Area:	
central sewer and water services	10,000 square feet (929 m^2)
central sewer services/ on-site water	10,000 square feet (929 m^2)
on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	
central sewer and water services	75 feet (23 m)
central sewer services/ on-site water	75 feet (23 m)
on-site services	100 feet (32.84 m)

Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	15 feet (4.5 m)
Maximum Lot Coverage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

17.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any C-2 (General Business) Zone, the following shall apply:

(a) The gross floor area of any commercial use shall not exceed five thousand (5,000) square feet (465 m^2).
(b) Except for nursery and greenhouse operations, no outdoor display shall be permitted.
(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(d) Notwithstanding the provisions of Section 4.27 the parking lot shall be paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.
(e) No portion of any parking space shall be located within any required side or rear yard.
(f) Notwithstanding the provisions of Section 17.2, where any commercial use abuts another commercial or industrial use, the abutting rear or side yard requirement may be reduced to eight (8) feet.

17.4 OTHER REQUIREMENTS: COMMUNITY FACILITY USES

Where community facility uses are permitted in any C-2 Zone, the provisions of Part 18 (P-2 Community Facility) Zone shall apply.

17.5 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any C-2 Zone, the provisions of Part 8.5 shall apply.

17.6 EXEMPTION: EXISTING USES

Notwithstanding Section 17.1, the uses identified ln Appendix "C" shall be permitted uses within the C-2 Zone. Any expansion of these uses shall be subject to the requirements of Part 17. For the purpose of this Section, outdoor display courts are permitted subject to the requirements of Section 17.9 of the by-law.

17.7 OTHER REQUIREMENTS: CONVERSION OF EXISTING COMMERCIAL STRUCTURES

Notwithstanding Section 17.1, any existing commercial structure in a C-2 Zone shall be permitted to convert to a multi-unit residential dwelling, provided that the total number of dwelling units does not exceed four, and that no expansion to the existing structure is permitted.

17.8 EXEMPTION: SPRYFIELD LUMBER MART LIMITED

The property identified as LIMS No. 40074593 shall be exempted from the gross floor area

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requirement of Clause 17.3(a), but shall be subject to all other requirements of PART 17.

17.9 OTHER REQUIREMENTS: OUTDOOR DISPLAY COURTS

Outdoor display courts shall only be permitted in conjunction with any C-2 Zone uses listed within Appendix "C" of this by-law, subject to the following requirements:

(a) The goods or materials displayed are accessory to the main use on the property;
(b) No outdoor display shall be located within ten (10) feet of any front lot line;
(c) No outdoor display shall be permitted in any required yard where the required yard abuts any residential or community facility use except where a visual and physical barrier, measuring at least six (6) feet (1.8 m) in height, is provided, in which case there will be no open outdoor display within five (5) feet of the abutting side or rear lot line;
(d) Any area devoted to outdoor display shall be limited to a contiguous area of one thousand (1,000) square feet and in no case shall the combined outdoor display area and gross floor area of all buildings exceed five thousand (5,000) square feet; and
(e) No mobile signs shall be permitted on the property that advertises any activity associated with the outdoor display court.

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PART 18: C-5 (INDUSTRIAL COMMERCIAL MIX) ZONE

18.1 C-5 USES PERMITTED

No development permit shall be issued in any C-5 (Industrial Commercial Mix) Zone except for the following:

All uses permitted in the C-2 Zone, except single and two unit dwellings.
Any industrial, assembly, manufacturing operation **or cannabis production facility (RC-Sep18/18;E-Nov 3/18)** which is conducted and wholly contained within a building and which does not involve process water treatment;
Service industries;
General contracting storage yards and services;
Machinery sales and service outlets;
Service stations;
Trucking, landscaping and excavating services;
Automotive repair outlets and auto body shops;
Warehouses;
Hotels and motels;
Restaurants including drive-in and take out restaurants;
Outdoor display courts;
All uses permitted in the P-2 (Community Facility) Zone;
Single unit dwellings which are accessory to any permitted use;
Shared housing use with 10 or fewer bedrooms which is accessory to any permitted use; (RC-Aug 9/22;E-Sep 15/22)
Composting operations (see section 4.29) (MC-Feb 26/96;E-Mar 28/96)
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

18.2 C-5 ZONE REQUIREMENTS

In any C-5 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (32.84 m)
Minimum Front or Flankage Yard	30 feet (4.1 m)
Minimum Rear or Side Yard	15 feet (4.5 m)
Minimum Separation Distance Between Accessory Buildings	15 feet (4.5 m)
Maximum Height of Main Building	35 feet (10.7 m)

18.3 OTHER REQUIREMENTS: SINGLE AND TWO UNIT DWELLINGS

Notwithstanding Section 18.1, no person shall erect any single or two unit dwelling **or any shared housing use (RC-Aug 9/22;E-Sep 15/22)** unless such a dwelling **or shared housing use (RC-Aug 9/22;E-Sep 15/22)** is located on a lot in existence on the effective date of this By-law, except where a single or two unit dwelling **or a shared housing use (RC-Aug 9/22;E-Sep 15/22)** is accessory to any permitted use.

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18.4 OTHER REQUIREMENTS: SEPARATION DISTANCES

(a) Where any C-5 Zone abuts any park or conservation zone, no building or structure shall be permitted within fifty (50) feet (16.4 m) of the abutting zone.
(b) Where any commercial or industrial use in any C-5 Zone abuts any residential or community facility use, no building or structure shall be permitted within fifty (50) feet (16.4 m) of the abutting use.
(c) Where any C-5 Zone abuts any other zone, no bulk fuel storage tanks shall be permitted within one hundred (100) feet (32.84 m) of the abutting zone, and in no case shall any bulk fuel storage tanks be located within one hundred (100) feet of a residential use.

18.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY, PARKING AND LOADING AREAS

(a) No open storage shall be permitted in any required front or side yard.
(b) No outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.
(c) No open storage or outdoor display shall be permitted in any yard which abuts any residential or community facility use except where a visual barrier is provided.
(d) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community facility use except where a visual barrier is provided.
(e) Notwithstanding the provisions of Section 4.27, the parking area shall be paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.

18.6 OTHER REQUIREMENTS: ENVIRONMENTAL

No building, structure, open storage or parking area shall be located within twenty-five (25) feet of Fish Brook or within twenty-five (25) feet of Spruce Hill Lake.

18.7 OTHER REQUIREMENTS: SERVICE STATIONS

Where a service station is erected in any C-5 Zone, the following shall apply:
(a) Minimum Lot Area: 30,000 square feet (2787 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 (16.4 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);
(h) Any materials or automobiles being stored as part of the service station operation shall be enclosed by a fence, vegetation or other means which provide a visual and physical barrier.

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18.8 OTHER REQUIREMENTS: AUTO BODY SHOPS

(a) Any materials associated with an auto body shop operation shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.
(b) No open storage of vehicles or equipment shall be permitted within any required yard.

18.9 OTHER REQUIREMENTS: ONE MAIN BUILDING ON A LOT

No person shall erect more than one (1) main industrial or commercial building on a lot within any C-5 (Industrial Commercial Mix) Zone. Developments which involve more than one main commercial or industrial building on a lot may be considered by development agreement subject to Policy P-81 of the Municipal Planning Strategy and Section 3.6 of this By-law.

18.10 OTHER REQUIREMENTS: USES WITHIN 250 FEET

Notwithstanding Section 18.2, no development permit shall be issued for any commercial or industrial use located within 250 feet of the Old Sambro Road north of Fish Brook, or within 250 feet of Long Lake Provincial Park, except pursuant to Section 3.6(j) of this By-law.

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

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

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

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PART 19: F-1 (FISHING VILLAGE) ZONE (RC-Jun 25/14;E-Oct 18/14)

19.1 F-1 USES PERMITTED

No use shall be permitted in any F-1 (Fishing **Village**) **(RC-Jun 25/14;E-Oct 18/14)** Zone except for the following:

Fishing Uses
Fish houses and sheds;
Boat and equipment manufacturing, sales and service;
Wharf storage buildings;
Fishery Uses including fish and aquaculture processing operations which do not involve reduction.

Commercial Uses
Fish and shellfish wholesale and retail stores;
Wholesale and retail outlets, supply sales directly related to the fishing or aquaculture industry, for fish and fish products;
Charter boat services.

Residential Uses
Residential uses permitted in the **HCR** (**Herring Cove** Residential) **(RC-Jun 25/14;E-Oct 18/14)** Zone.

19.2 F-1 ZONE REQUIREMENTS

No uses in any F-1 (Fishing **Village**) **(RC-Jun 25/14;E-Oct 18/14)** Zone shall be permitted except in conformity with the following:

Minimum Lot Area	
Full Central Services:	**10,000 square feet (929 square metres) per dwelling unit**
Onsite Service(s):	**30,000 square feet (2787 square metres) per dwelling unit**
Minimum Lot Frontage	**75 feet (22.9m) per dwelling unit (RC-Feb 13/01;E-May 5/01)**

19.3 OTHER REQUIREMENTS: FISHERY SUPPORT USES

(a) Where fishery support uses are permitted in any F-1 Zone, the following shall apply:
Minimum Side Yard 8 feet (2.4 m)

(b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishery support uses in an F-1 Zone, no development permit shall be required.

19.4 OTHER REQUIREMENTS: RESIDENTIAL USES

Where residential uses are permitted in any F-1 Zone, the provisions of Part 11 (VR Zone) shall apply, with the exception of Lot LIMS Number 390302 (Portuguese Cove), which shall meet the

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requirements of Part 7 (R-2 Zone).

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PART 20: P-2 (COMMUNITY FACILITY) ZONE

20.1 P-2 USES PERMITTED

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

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

Open Space Uses
Public and private parks and playgrounds;
Cemeteries;
Historic sites and monuments;
Marine related navigational aids.

20.2 P-2 ZONE REQUIREMENTS: COMMUNITY FACILITIES

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ the height of the main building
Maximum Lot Coverage	50 per cent

20.3 OTHER REQUIREMENTS: PARKING AREAS

(a) No parking areas shall be permitted within any required side or rear yard.
(b) All parking areas shall be demarcated and paved or otherwise treated with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.

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PART 21: P-3 (PARK) ZONE

21.1 P-3 USES PERMITTED

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

Park Uses
Public parks, trails and playgrounds;
Conservation related uses;
Museums, interpretive centres, and buildings associated with park maintenance;
Marine related navigational aids;
Historic sites and monuments.

21.2 P-3 ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Height of Main Building	35 feet (10.7 m)

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PART 21A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

21A.1 RPK USES PERMITTED

No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Park Uses
Recreation uses
Conservation uses
Museums, interpretive centres, and buildings associated with park maintenance
Marine related navigational aids
Uses accessory to the foregoing uses

21A.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**
Maximum Lot Coverage:	**50% for lots less than 4 ha in area, or 5% for lots 4 ha or more in area**
Maximum Height of Main Building	**10.7 m**

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PART 22: P-4 (CONSERVATION) ZONE

22.1 P-4 USES PERMITTED

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

Conservation Uses
Conservation related uses;
Public parks and playgrounds, no buildings;
Trails;
Cemeteries;
Historic sites and monuments;
Navigational aids;
Existing hunting and fishing camps.

22.2 P-4 ZONE REQUIREMENTS

Minimum Front or Flankage Yard	30 feet
Minimum Rear or Side Yard	30 feet

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PART 22A: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

22A.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

22A.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**

22A.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

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PART 23: P-5 (SPECIAL FACILITY) ZONE

23.1 P-5 USES PERMITTED

No development permit shall be issued in any P-5 (Special Facility) Zone except for the following:

Special Facility Uses
Telecommunication stations and facilities;
Research facilities;
Existing dwelling units;
Dwelling units accessory to permitted uses;
Educational institutions and uses;
Fire and police stations;
Community centres and halls.

Conservation Uses
Conservation related uses;
Public parks, trails and playgrounds;
Cemeteries;
Historic sites and monuments;
Navigational aids.

23.2 P-5 ZONE REQUIREMENTS

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ the height of the main building
Maximum Lot Coverage	50 per cent

23.3 OTHER REQUIREMENTS: RESIDENTIAL USES

Where dwelling units are permitted in any P-5 Zone, the provisions of Part 6 (R-1 Zone) shall apply.

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PART 24: D-1 (DND) ZONE

24.1 D-1 USES PERMITTED

No development permit shall be issued in any D-1 (DND) Zone except for the following:

Canadian Military Installations.

24.2 D-1 ZONE REQUIREMENTS

In any D-1 Zone, no development permit shall be issued except in conformity with the provisions of Part 6 (Single Unit Dwelling) Zone.

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PART 25: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

25.1 UR USES PERMITTED

No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Passive recreation uses
Uses accessory to the foregoing uses

25.2 UR ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	**9.1m**
Minimum Side Yard:	**2.5m**
Minimum Rear Yard:	**2.5m**
Maximum Lot Coverage:	**35%**
Maximum Height of Main Building:	**11m**

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PART 25A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

25A.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

25A.2 CD-1 ZONE REQUIREMENTS

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

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

25A.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations

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

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

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

(b) notwithstanding Section 25A.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 25A.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).

25A.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:

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(a) **no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:**

- **(i)** **noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;**
- **(ii)** **dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or**
- **(iii)** **discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.**

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

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

(d) **notwithstanding Section 25A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;**

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

(f) **no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-2, R-2a, R-6, and R-6a) or community use (P-2, P-3, P-4, and P-5); and**

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

25A.5 <u>GENERAL REQUIREMENTS: Site Plan Approval</u>

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;**

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**

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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 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 25B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

25B.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

25B.2 CD-2 ZONE REQUIREMENTS

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

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

25B.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.

25B.4 OTHER REQUIREMENTS: C&D Materials Processing Facilities

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

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

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

(b) notwithstanding Section 25B.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 25B.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).

25B.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 25A.4.

(b) notwithstanding Sections 25B.2 to 25B.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.

25B.6 <u>GENERAL REQUIREMENTS: Site Plan Approval</u>

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 25A.5.

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PART 25C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE
(RC-Sep 10/02;E-Nov 9/02)

25C.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

25C.2 CD-3 ZONE REQUIREMENTS

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

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

25C.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.

25C.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 institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

25C.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 25A.4.

(b) Notwithstanding Sections 25C.2 to 25C.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.

25C.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 25A.5. (RC-Sep 10/02;E-Nov 9/02).

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PART 25D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

25D.1 ICH USES PERMITTED

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

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

25D.2 ICH ZONE REQUIREMENTS

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.

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PART 26: ADMINISTRATION

26.1 ENFORCEMENT

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

26.2 SCOPE OF APPLICATION

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

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

26.3 SIGNATURE FOR APPLICATION

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

26.4 PENALTY

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

26.5 DATE OF BY-LAW

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

27.6 SCHEDULE OF FEES

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

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

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

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APPENDIX "A"

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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 this 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 sub-section (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 issuance of the permit and is completed in conformity with the permit within a reasonable time.

CANCELLATION OF PERMIT

91 (1) A council may cancel any permit issued by the Municipality in the circumstances of clause (b) of sub-section (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.

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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CHANGE IN USE

(2) 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

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

REPAIR OR MAINTENANCE

(4) Subject to Section 93, this Act does not preclude the repair or maintenance of a structure.

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 other wise

(a) to an extent of less than 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.

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APPENDIX "B"

EXISTING BUSINESSES - NO EXPANSION

Notwithstanding anything else in this By-law, the following industrial uses of land shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.

Existing Use	Address	LIMS Number
Pelrine (B & M Trucking): trucking operation and storage of topsoil and gravel behind existing building	Williamswood (R-2)	40072621
Comeau Salvage	Harrietsfield (V-1)	40394694
Edwards Well Drilling: Well drilling equipment repair conducted and wholly contained within existing garage	Herring Cove (R-2)	40079410
Ricks Fine Foods: food packaging & distribution outlet utilizing 2500 square feet of a warehouse constructed under Building Permit No. 13802	751 Herring Cove Road (C-2)	40074593

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APPENDIX "C"

EXISTING BUSINESSES - EXPANSION

The following uses shall be permitted in the zones mentioned below and allowed to expand subject to the requirements of Part 17.

R-6 (RURAL RESIDENTIAL) ZONE

Existing Use	Address	LIMS Number
David Baker General Contracting	Village Road	40000119 40075681 40000127
Jim Marriot Trucking	Glenn Baker Drive	40074221
Aquarius Building L Marine boat fabrication & repair	Ketch Harbour Road	422311
Hennebury's Auto Repair	Ketch Harbour	4059768
Ryan's Auto Repair	Ketch Harbour Road	389486
Gray's Boat Yard	Sambro Head	394825 394833
Brown's Demolition Contracting and Repair	Whitehead Road	40073132
Doug Iron's Trucking	Whitehead Road	40073272
J and V Excavating	Whitehead Road	40073132
Keddy's Horse Stables and Farm (WRCC-Feb 21/96;E-Mar 17/96)	**Brunt Road**	**585091** **40073066; 40073082** 40073074
Parsons Bros., Industrial Marine Sales and Service	Ketch Harbour	391292
LeBlanc's Marine Diesel Repair Business	1613 Ketch Harbour Road	395988 Portion of LIMS # 395681 within lot depth 200 ft. and lot width 85 ft.

R-2 (TWO UNIT DWELLING) ZONE

Existing Use	**Address**	**LIMS Number**
Isner Stables, Trail Rides and Farm (WRCC-Jun 25/07;E-Jul 14/07)	**Harrietsfield**	**40074064**

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C-2 (GENERAL BUSINESS) ZONE

Existing Use	Address	LIMS Number
Fisherman's Club	Herring Cove Road	40074213
Fin's Motor Sport	Herring Cove Road	40074296
Braum Mobility Products	Herring Cove Road	40074965
Poole's Auto Salvage	Ketch Harbour Road	40000101 40077968
Poole Construction	Ketch Harbour Road	40077968
Marryatt's Auto Body	Ketch Harbour	40059594
~~**Silver Seas Social Club**~~	~~**Ketch Harbour Road**~~	~~**395996**~~
(WRCC-April 28, 2008; E-October 23, 2008)		
Steve Murphy Ultramar Station	Ketch Harbour	622597

V-1 (HARRIETSFIELD VILLAGE CENTRE) ZONE

Existing Use	Address	LIMS Number
Leo Comeau's Auto Body Shop and Quality Used Cars	1080 Old Sambro Road	40394694
Royal Flush	Old Sambro Road	480178
Isner Stables, Trail Rides and Farm (WRCC-Jun 25/07;E-Jul 14/07)	**1060 Old Sambro Road**	**00388504; 00388496**

V-2 (HERRING COVE VILLAGE CENTRE) ZONE

Existing Use	Address	LIMS Number
Floyd's Store	Hebridean Drive	40077190
Jack Smart Industrial Maintenance Machine Shop	Village Road	40076895

V-3 (KETCH HARBOUR VILLAGE CENTRE) ZONE

Existing Use	Address	LIMS Number
Flemming's Storage Yard	Ketch Harbour	391284
Gray's Auto Body Shop	Ketch Harbour	391987

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APPENDIX D: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar21/23;E-Apr 19/23)

Definitions

1. For the purpose of Appendix D and Schedule G 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;**

(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 G: Lands Subject to Interim Bonus Zoning Requirements.

3. Incentive or bonus zoning shall not be required for developments identified on Schedule G 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:

(a) 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; or

(b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

<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.

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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:

(a) for any money-in-lieu, prior to the development permit being issued; or
(b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

<u>Bonus Zoning Rate</u>

11. The bonus zoning rate for the area identified on Schedule G is $48/ 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.

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(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, the value of the public benefit shall be the increase in the bonus zoning rate from the expired permit to the new permit.

<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;

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(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;
(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.

Incentive or Bonus Zoning Agreement

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

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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.

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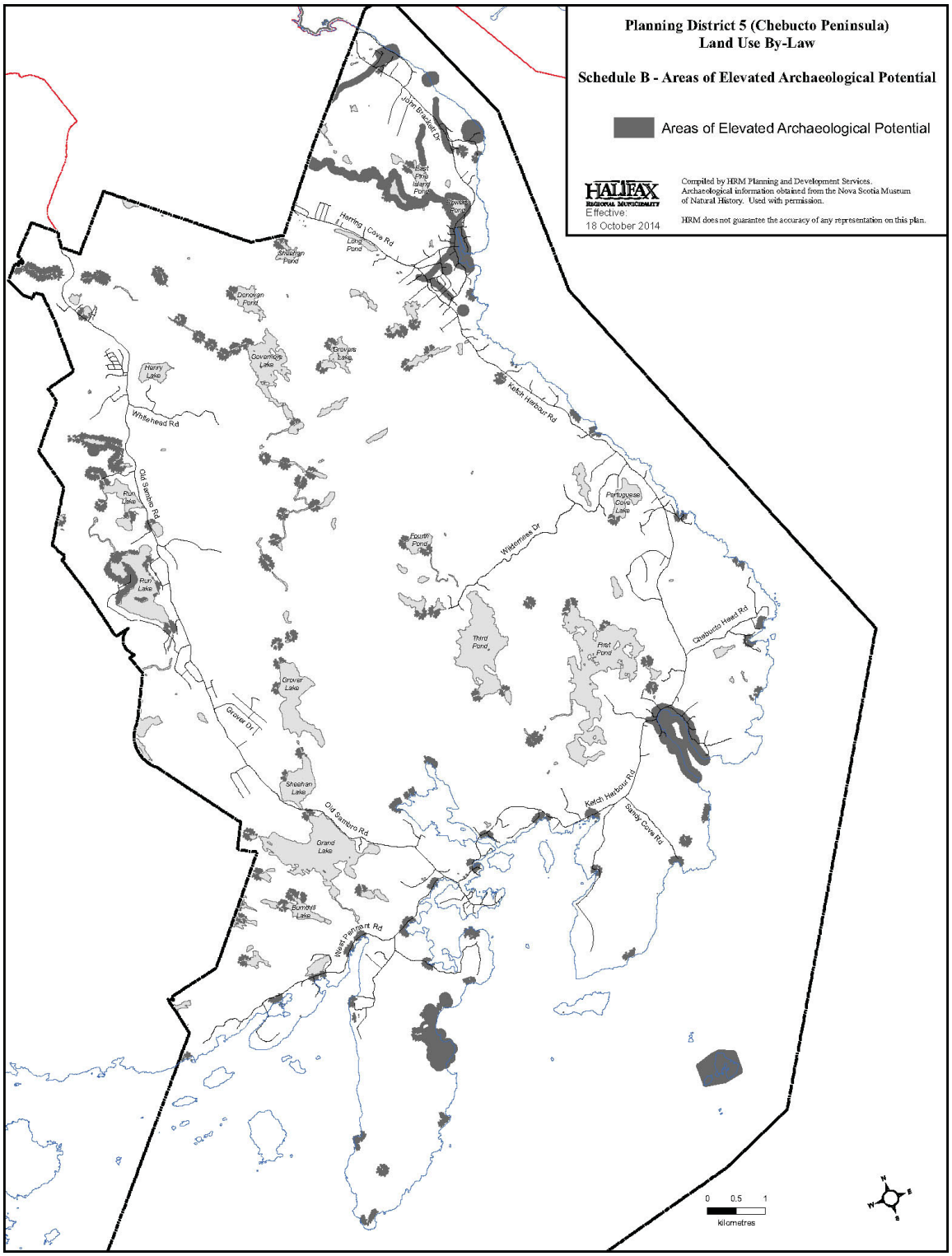
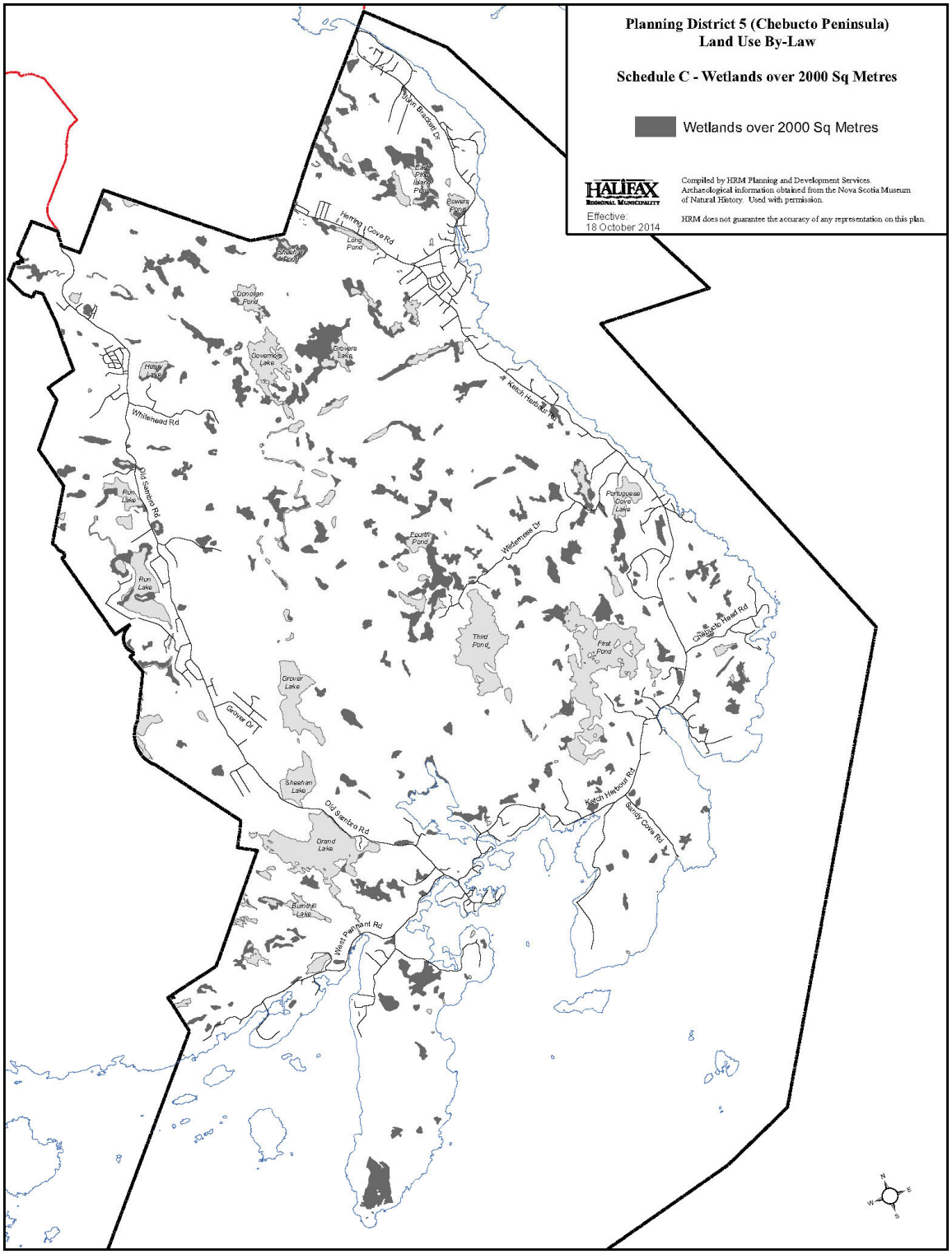
Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



Schedule C: Wetlands over 2,000 Sq Metres (RC-Jun 25/14;E-Oct 18/14)



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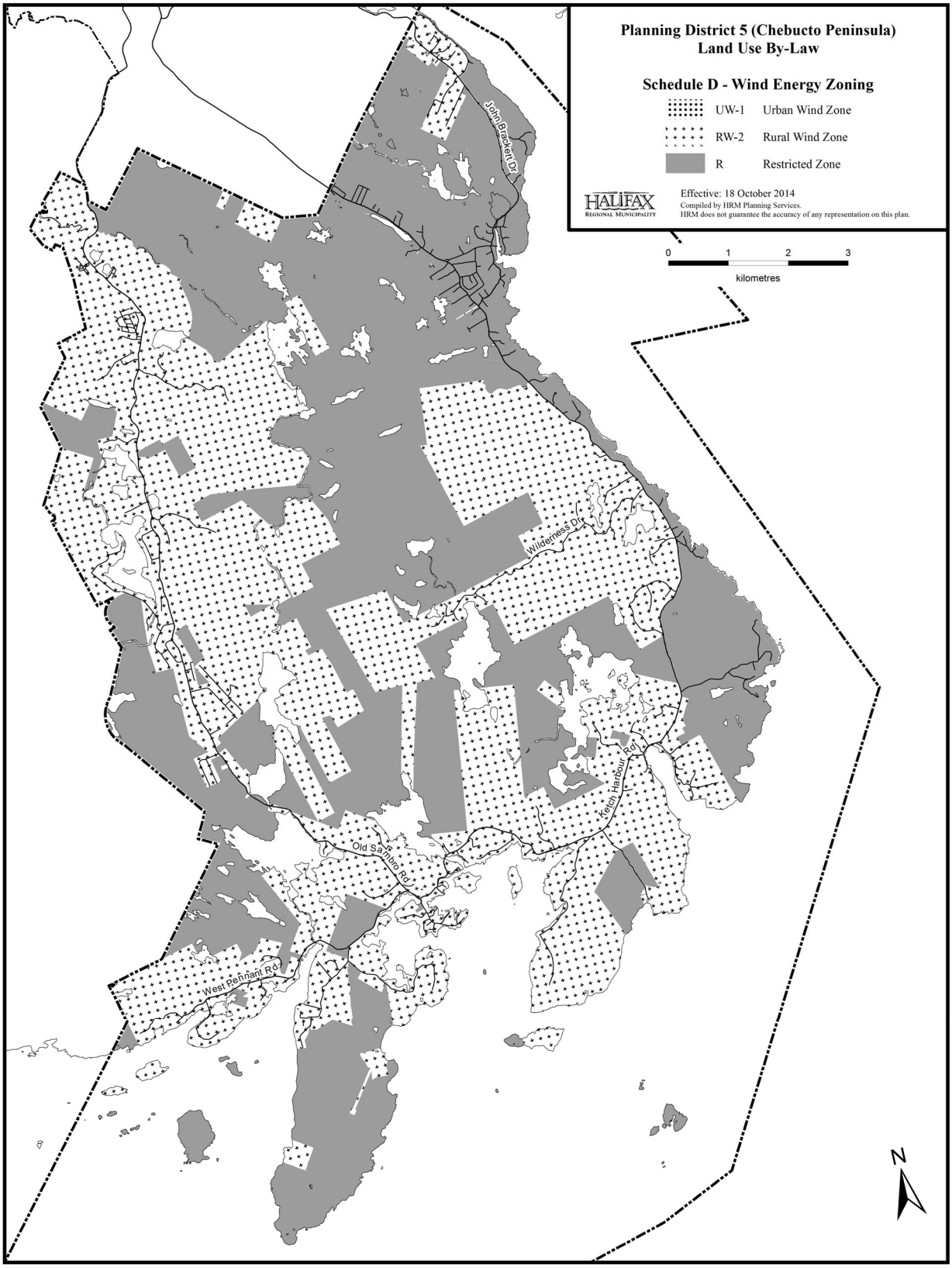
Schedule D: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



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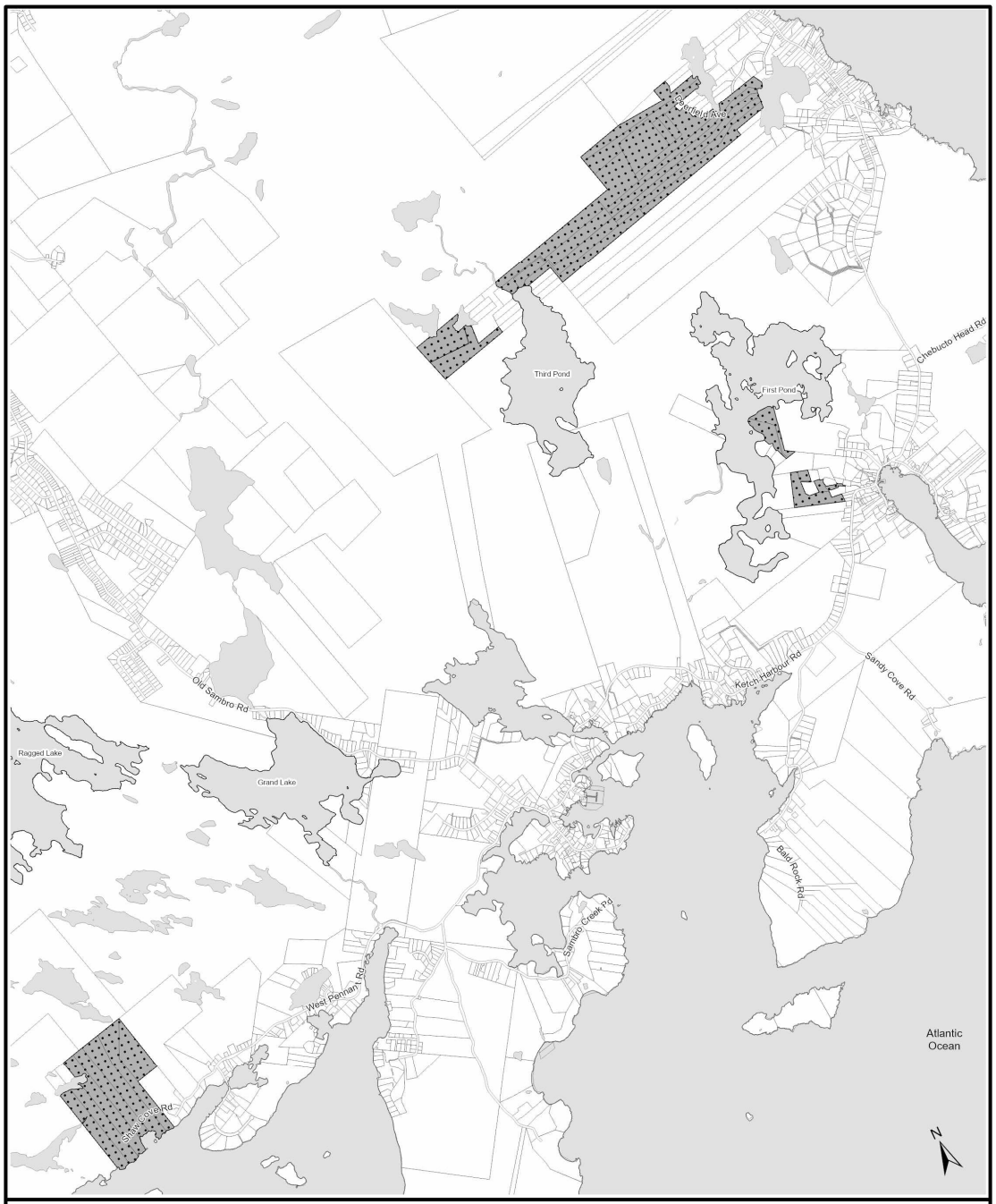
Schedule E: Areas Subject to Reduced Road Frontage Requirements (RC-Jan 10/17;E-Feb 25/17), (HWCC-Feb 18/25;E-Mar 5/25)



Schedule E - Areas subject to reduced road frontage requirements

HALIFAX

Areas subject to reduced road frontage requirements

The accuracy of any representation on this plan is not guaranteed.

Effective Date: March 5, 2025

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Schedule F: Shared Private Driveway Design Standards

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

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

   (a) Travel lanes shall be a minimum of 3 meters (9.84 feet) for each direction of travel and shall not include parking areas. Travel lanes shall be designed and constructed, complete with gravel or a paved asphalt surface, to adequately support the loads produced by all emergency vehicles.

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

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

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

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

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

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

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

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

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

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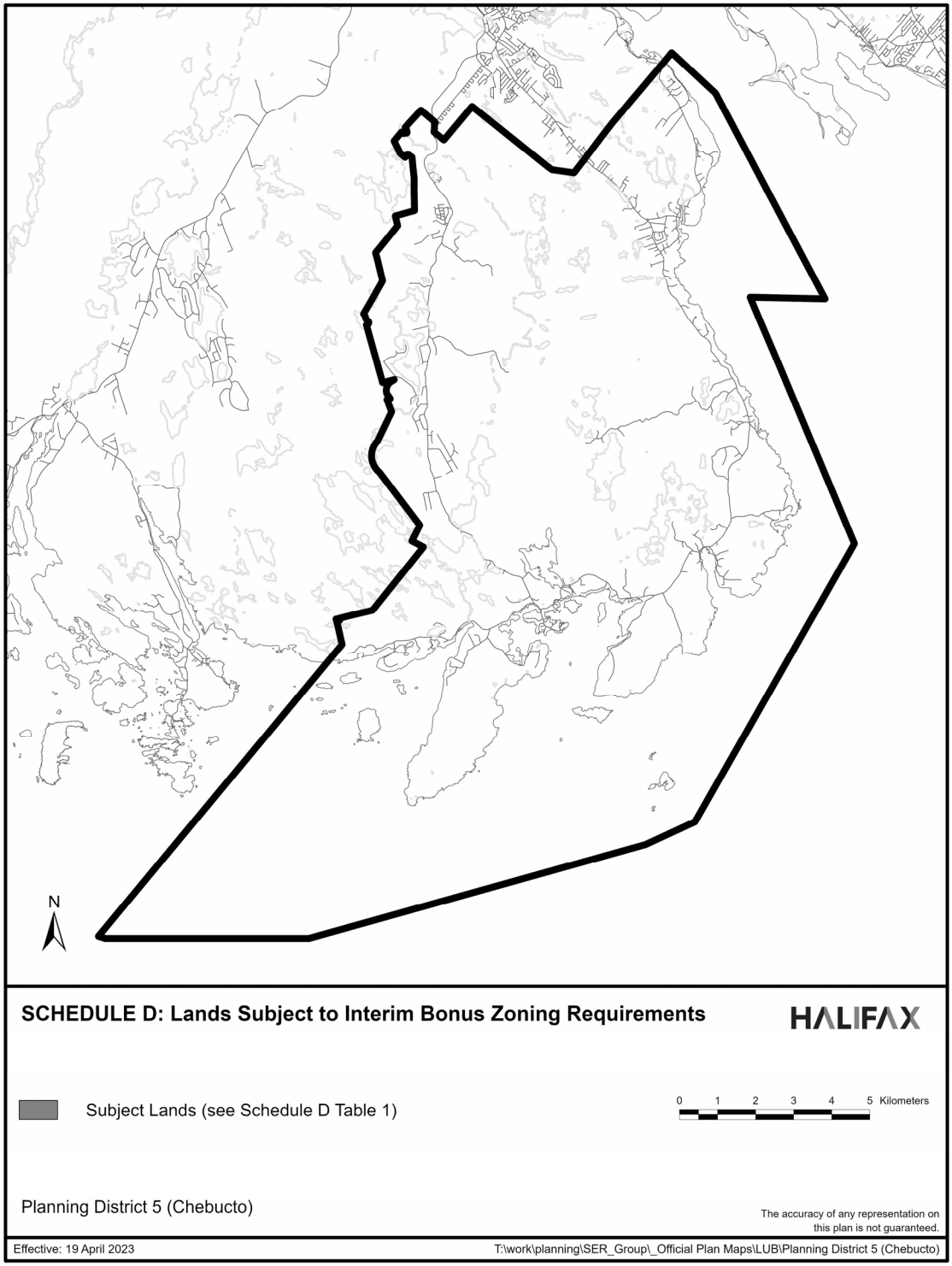
Schedule G: Lands Subject to Interim Bonus Zoning Requirements (RC-Mar21/23;E-Apr 19/23)



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

Ref. #	Case #	PIDs

LAND USE BY-LAW AMENDMENTS
IN CHRONOLOGICAL ORDER OF MINISTERIAL APPROVAL

Amend Number	Policies/Maps	Subject	Council Adoption	Effective Date
1.	Part 2: Definitions 2.1, 2.2 (amended);	Accessory Buildings (Case ZA-ALL-21-94)	June 26/95	July 22/95
2.	Part 4: 4.12 (amended); Existing Businesses (addition)	General Provisions (Case PD5-27-95)	February 21/96	Mar17/96
3.	Part 2: Definitions 2.11A (addition); Part 18: 18.1 (addition)	Composting Operation (Case ZA-ALL-31-95)	February 26/96	Mar 28/96
4.	Part 16: 16.1 (addition)	Commercial Uses (Case 7549)	October 6/97	Nov 4/97
5.	Subsection 6 of Section 3 (amended); Clause (c), Subsection 7 (replaced); Section 4, Subsection 4.20 A, 4.27A (added); Subsection 11 (amended); Subsection 11.1, Section 11 (amended); Subsection 11.2 Section 11 and Subsection 19.2, Section 19 (amended); Section 11, Subsection 11.4A (added); Section 11 (amended); Section 13 (deleted); Zoning Maps (Schedules A-2,A-3,B-2,B-3,C-2, C-3,D-1 to D-3 and E-2) (amended)	Chebucto Peninsula (Case 00098)	February 13/01	May 5/01
6.	Part 2: 2.8 (amended); Part 2: 2.66A (addition); Part 4: Subsection 4.13A (addition)	Definitions (Case 00478) General Provisions	June 24/02	July 14/02
7.	Section 3.1 (Zones) addition; Part 25D addition	Zones (Case 00423)	July 2/02	Aug 17/02
8.	Schedule A: (amended); Schedule B: (amended)	Construction & Demolition (Case 00082)	October 8/02	Oct 8/02
9.	Part 2: 2.11B - 2.11 E (addition); Part 2: 2.31A, 2.70A (addition); Part 2: 2.55 & 2.62 (replaced); Part 3.1 (amended); Part 4: 4.20 (replaced); Part 25A, 25B 25C (addition); Part 15 (addition); Schedule A & Schedule B (amended)	Construction & Demolition (Case 00082)	September 10/02	Nov 9/02
10.	Part 4: 4.1A (addition)	Interim Growth (Case 00664)	April 13/04	Apr 22/04
11.	Part 4: 4.30 (addition)	Tourist Accommodations (Case 00616)	June 7/04	June 27/04
12.	Part 4: 4.13(a)(ii) addition; Part 4: 4.13(a)(v) replaced; Part 4: 4.13(a)(viii) addition	Accessory Buildings (Case 00694)	Sept 27/04	Oct 17/04
13.	Adding RPK & PA Zone; Deleting CDD Zone & replacing it with UR Zone; Adding Schedules A-C; Consideration of DA for lands designated Rural commuter; new Watercourse Setback & buffer & Coastal Area requirements; new requirements for Bicycle Parking	Regional Plan	June 27/06	Aug 26/06
14.	Temporary signage amendments	Project 00327	Sept 26/06	Nov 18/06
15.	Adding Isner Stables to Appendix C	01012	June 25/07	July 14/07

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16.	Amended Section 4.20	01070	October 22/07	Oct 27/07
17.	Added Section 4.7A	01138	April 28/08	May 19/08
18.	Amending Section 4.27 (Parking requirements) By deleting and replacing	01119	Aug 5/08	Aug 23/08
19.	Amending Appendix C to delete reference to Silver Seas Social club	01129	April 28/08	Oct 23/08
20.	Amending Section 4.15 (Temporary Construction uses permitted.)	01058	Jan. 20/09	Feb. 7/09
21.	Amending Section 2.15 (Re: Child Care Facility)	01074	March 3/09	March 21/09
22.	Adding Part 8A: R-2b (Residential Equine) Zone	01175	March 2/10	Apr 17/10
23.	Amending the Zoning Map for Planning District 5 to rezone PID #40071177, 00648493 and 00648501 from PA to R-2	15910	Feb. 28/11	Feb. 28/11
24.	Amend the Zoning Map to rezone 651 Ketch Harbour Road from P-2 to R-1	16445	Feb. 28/11	Mar 19/11
25.	Deleted the word "windmills" in Section 4.19; Added **Section 4.33 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule D – Wind Energy Zoning Map	00953	Aug 16/11	Oct 29/11
26.	Amend Part 4, Section 34 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	00953	Oct 18/11	Oct 29/11
27.	Amend the Zoning Map to rezone 114 Hebridean Drive, Herring Cove, from P2 to F-1	17599	July 22/13	Aug 10/13
28.	Amend the Zoning Map to rezone 4 York Redoubt Crescent, Fergusons Cove, from P-2 to R-2a	18216	Aug 7/13	Aug 24/13
29.	**Repeal/Readopt** Section 2.11AA., 2.54, 2.71, parts of 3.1, 3.6, 4.1B, 4.20, 4.20A, 4.28A; 4.28B, 4.28C, 4.31, 4.32, 4.33; Part 21A; Part 22A; Part 25; Schedule B, Schedule C, Schedule D; **Amend** Section 3.1, 3.6; 4.7, 4.20, 4.20A; Part 9; Part 11; Part 19; Schedule A; **Add** Section 2.8A, 2.70B; Section 4.34	RP+5	Jun 25/14	Oct 18/14
30.	**Amend** Schedule A to rezone 786 and 792 Old Sambro Road, Harrietsfield from R-2 to C-5 Zone	Case 20072	Feb 16/16	Mar 26/16
31.	**Add** Section 4.7(d), (e) – Reduced Road Frontage; **Add** Schedule E - Areas Subject to Reduced Road Frontage Requirements and Schedule F - Shared Private Driveway Design Standards	25 Acre Lots	Jan 10/17	Feb 25/17
32.	**Amend** Schedule A – Zoning Map to rezone 968 Herring Cove Road from HCR to R-2a Zone	Case 20868	Jul 25/17	Aug 12/17
33.	**Amend** Schedule A – Zoning Map to rezone 2407, 2415 and 2421 Old Sambro Road from			

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	HCR to R-2 to P-2 Zone; **Add** Parking requirements for fire stations in Part 4, Section 4.27	Case 21454	Mar 21/18	Apr 7/18
34.	**Amend** several sections to add Cannabis related uses	Case 21331	Sep 18/18	Nov 3/18
35.	**Amend** section 4.20A(2) for areas susceptible to coastal flooding	Case 21648	Dec 11/18	Dec 29/18
36.	**Amend** Schedule A Zoning Maps by rezoning a portion of 90 Club Road, Harrietsfield from P-5 to C-2 and a portion of 90 Club Road, Harrietsfield from P-5 to R-2	Case 20160	May 21/19	Jun 29/19
27.	**Add** Part 2, Section 2.70.5 – Backyard and Secondary Suite; Part 4, Section 4.13B – Secondary Suites and Backyard Suites; **Amend** Part 4, Section 4.3 – One Dwelling on a lot; Part 4, Section 4.20A – Coastal Areas	Case 21162 – Secondary / Backyard Suites	Sep 1/20	Nov 7/20
28.	**Amend** Part 4 Section 4.13B to add 'subject' to Part (b) Backyard Suites.	Case 23274 – Household Amendments Secondary Backyard Suites	Apr 13/21	May 1/21
29.	**Amend** the Zoning Map to rezone 1601 Ketch Harbour Road, Sambro from P-2 to R-6 Zone	Case 23528	HWCC – Oct 12/21	Oct 30/21
30.	**Amended** Part 2 and Part 4 to include Accessory Hen definitions and stipulations.	Case 22227 – Accessory Hen Use	RC- Oct 05/21	Jan 08/22
31.	**Amended** Part 2, Definitions – renumbered 2.66A to 2.66C; Part 4, General Provisions – 4.27, 4.33Ia); Part 6, R-1 Zone – 6.1; Part 7, R-2 Zone – 7.1; Part 8, R-2a Zone – 8.1; Part 9, R-6 Zone – 9.1; Part 10, R-6a Zone – 10.1; Part 11, HCR Zone – 11.1; Part 12, V-1 Zone – 12.1; Part 14, V-3 Zone – 14.1; Part 16, C-1 Zone – 16.1; Part 17, C-2 Zone – 17.1; Part 18, C-5 Zone – 18.1, 18.3; Part 20, P-2 Zone; Part 25, UR Zone – 25.1; Part 25D, ICH Zone – 25D.1 **Deleted** Part 2, Definitions – 2.56, 2.63 **Added** Part 2, Definitions - 2.66A, 2.66B; Part 3, Zones and Zoning Map – 3.6(l)	Case RP16-16 (Shared Housing)	RC-Aug 9/22	Sep 15/22
32.	**Amended** Clause 2.18(c); 3.6(i); Section 4.13A(a); Section 4.34; Section 6.1; Section 7.1; Section 8.1; Section 9.1; Section 10.1; Section 11.1, Section 12.1; Section 18.1 **Repealed** Clause 2.18(h); Section 4.13(c) **Added** Clause 2.18(ha); Section 3.8;	Case 22257 (Regional Plan – Phase 3)	RC-Oct 11/22	Nov 16/22
33.	**Amended** the Zoning Map by rezoning a portion of 801 Old Sambro Road from V-1 to C-5 Zone.	Case 22483	HWCC-Nov 15/22	Nov 30/22
43.	**Amended** Subsection 4.27(a)	Case 24482	HWCC-Feb28/23	Mar15/23

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44.	**Added** Appendix D – Interim Bonus Zoning Requirements for Applicable Plan Amendments; Schedule G – Lands Subject to Interim Bonus Zoning Requirements	Case 24063	RC – Mar 21/23	Apr 19/23
45.	**Amended** Part 4, Section 4.27; Part 8, Section 8.1; Part 9, Section 9.1; Part 10, Section 10.1; Part 11, Section 11.1; Part 12, Section 12.1; Part 14, Section 14.1; Part 16, Section 16.1; Part 17, Section 17.1; Part 18, Section 18.1 **Added** Part 2, Section 2.66D, 2.66E; Part 4, Section 4.1D, 4.1E, 4.36; **Deleted** Part 2, Section 2.7; Part 8, Section 8.7; Part 11, Section 11.4A	Case 24526 (Short Term Rentals)	RC – Feb 21/23	Sep 1/23
46.	**Repealed** Part 26, Section 22.7	Case 2023-002 (Public Participation)	RC – Jun 20/23	Oct 13/23
47.	**Amended** Part 4, clause 4.13(a)(iv)(v), 4.13B(a)(i)(v)(vi), 4.13B(b)(i)(iv)(vi)(viii), 4.27; Part 11, section 11.1 **Added** Part 4, clause 4.13(c), 4.13B(b)(ix) **Repealed** Part 4, section 4.14	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC-May 23/24	June 13/24
48.	**Amend** Schedule E - Areas Subject to Reduce Road Frontage in relation to 1110 & 1137 Wilderness Drive, Portuguese Cove	PLANAPP 2024-01000	HWCC–Feb 18/25	E-Mar 5/25

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