ATTENTION

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

HALIFAX

DRAFT

LAND USE BY-LAW

LAWRENCETOWN

THIS COPY IS A
REPRINT OF THE
LAWRENCETOWN
LAND USE BY-LAW WITH
AMENDMENTS TO
JUNE 13, 2024

DRAFT

LAND USE BY-LAW

FOR

LAWRENCETOWN

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Lawrencetown which was passed by a majority vote of the former Halifax County Municipality at duly called meetings held on the 15th of May and the 27th of August, 1990, and approved by the Minister of Municipal Affairs on the 29th of November, 1990, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 13th day of June, 2024.

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

_____

Municipal Clerk

DRAFT

LAND USE BY-LAW

FOR

LAWRENCETOWN

DECEMBER 1990

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 Lawrencetown Plan Area of the former Halifax County Municipality in the Province of Nova Scotia.

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

according to Section 1(e) of this Act, "development includes any erection, construction, addition, alteration, replacement or relocation of or to any building or structure and any change or alteration 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 bylaw do not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where a privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this bylaw.

This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on the 15th of May and 27th of August 1990, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 29th of November 1990. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

DRAFT

Table of Contents

PART 1: TITLE 1

PART 2: DEFINITIONS 1

PART 3: ZONES AND ZONING MAPS 15

PART 4: GENERAL PROVISIONS FOR ALL ZONES 18

4.1 DEVELOPMENT PERMITS 18

4.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS 18

4.3 REDUCED FRONTAGES 19

4.4 USES PERMITTED ON PRIVATE ROADS 19

4.5 ONE DWELLING ON A LOT 19

4.6 SEPARATION BETWEEN MAIN BUILDINGS 19

4.7 EXISTING UNDERSIZED LOTS 19

4.8 ROAD ENTRANCE RESERVES 20

4.9 EXISTING BUILDINGS 20

4.10 EXISTING USES 20

4.11 NON-CONFORMING USES 20

4.12 ACCESSORY USES AND BUILDINGS (MC-Jun 26/95;E-Jul 22/95) 21

4.12A ACCESSORY HEN USE (RC- Oct 05/21; E-Jan 08/22) 21

4.13 ACCESSORY USES AND STRUCTURES 21

4.13A SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20) 22

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan 20/09; E-Feb 7/09) 23

4.15 VEHICLE BODIES 24

4.16 RESTORATION TO A SAFE CONDITION 24

4.17 BUILDING TO BE MOVED 24

4.18 HEIGHT REGULATIONS 25

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

4.19A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14) 26

4.20 REDUCED FRONTAGE ON A CURVE 26

4.21 DAYLIGHTING TRIANGLE 27

4.22 PERMITTED ENCROACHMENTS 27

4.23 YARD EXCEPTION 27

4.24 ILLUMINATION 27

DRAFT

4.25 PARKING REQUIREMENTS 27
4.26 STANDARDS FOR PARKING LOTS 30
4.27 LOADING SPACE REQUIREMENTS 31
4.28 COMPOSTING OPERATIONS (MC-Feb 26/96;M-Mar 28/96) 31
4.29 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL(RC-Jun 25/14;E-Oct 18/14) 32
4.30 SCHEDULE C - WETLANDS OVER 2000 SQ. METRES (RC-Jun 25/14;E-Oct 18/14) 32
4.31 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14) 32
4.32 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14) 37
4.33 CANNABIS-RELATED USES (RC-Sep 18/18;E-Nov 3/18) 37
4.34 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sep 1/23) 37
4.35 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM
PART 5: SIGNS 39
PART 6: RR-1 (RURAL RESIDENTIAL) ZONE 42
PART 7: R-1 (SINGLE UNIT RESIDENTIAL) ZONE 48
PART 8: C-1 (LOCAL BUSINESS STORE) ZONE 50
PART 9: I-1 (BUSINESS INDUSTRY) ZONE 51
PART 10: I-2 (LIGHT INDUSTRY) ZONE 53
PART 11: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 55
PART 12: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE 56
PART 12A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02/E-Nov 9/02) 57
PART 12B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02) 60
PART 12C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02) 62
PART 12D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02) 64
PART 13: ADMINISTRATION 65
APPENDIX "A": NON-CONFORMING USES 67
APPENDIX "B": EXISTING COMMUNITY COMMERCIAL USES 70
APPENDIX “C”: EXISTING INDUSTRIAL USES 72
APPENDIX "D": PROPOSED USES FOR WHICH BUILDING PERMITS HAVE BEEN ISSUED 74
Schedule A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) 75
Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) 76

DRAFT

Schedule C: Wetlands over 2000 Sq. Metres (RC-Jun 25/14;E-Oct 18/14) 78

Schedule A: Lawrencetown Zoning Map (RC-Jun 25/14;E-Oct 18/14) Separate Map

DRAFT

PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Lawrencetown" 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. (MC-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. (MC-Jun 26/95;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 intensive agricultural uses.

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

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

2.6 ATTACHED BUILDING means a building otherwise complete in itself, which depends

DRAFT

for structural support, or complete enclosure upon a division wall or was shared in common with an adjacent building or buildings.

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

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

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

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

2.10A CANADIAN GEODETIC VERTICAL DATUM (CGVD28) means the vertical datum for Canada officially adopted by an Order in Council in 1935. CGVD28 is a tidal datum defined by the mean water level at five tide gauges: Yarmouth and Halifax on the Atlantic Ocean, Pointe-au-Père on the St-Lawrence River, and Vancouver and Prince-Rupert on the Pacific Ocean. In addition, the definition includes an elevation at a benchmark in Rouses Point, NY (next to Lake Champlain) accepted as fixed by the US and Canada in 1925. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system. (RC-Jun 25/14;E-Oct 18/14)

2.10B CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep 18/18;E-Nov 3/18)

2.10C CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including
- **(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and**
- **(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and**

(b) excluding
- **(i) industrial hemp, and**
- **(ii) premises used for personal production permitted by federal legislation.**

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

DRAFT

2.10D CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public. (RC-Sep 18/18;E-Nov 3/18)

2.11 COMMUNICATION AND UTILITY USES means the use of any land, building, or structure for radio and television transmission stations, electric power facilities, water system facilities and similar uses to the foregoing, but does include gas distribution facilities.

2.12 COMMUNITY FACILITY USE means a building or lot or part of a building or lot used for educational institutions and uses, denominational institutionss and uses, day care facilities, fire and police stations, government office and public works, hospitals and medical clinics, libraries, art galleries and museums, fraternal centres, community centres and has, recreational uses, funeral homes and cemeteries, **and shared housing with special care (RC-Aug 9/22;E-Sep 15/22)**, together with the buildings and structures accessory thereto, but shall not include any such use owned in whole or part by Halifax County Municipality.

2.12A COMPOSTING OPERATION means a public of 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)

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

2.12B CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. (RC-Sep 10/02;E-Nov 9/02)

2.12C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia. (RC-Sep 10/02;E-Nov 9/02)

2.12D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site

DRAFT

of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

2.12E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02)

2.13 COUNCIL means the Council of Halifax County Municipality.

2.14 DAYLIGHTING TRIANGLE means the triangular shaped and 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 lot 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 throughout, 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 the By-law and along a straight line joining the points of such distance.

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. (HECC-Mar 3/09;E-Mar 21/09)

2.16 DEVELOPMENT OFFICER means the Officer(s) of Halifax County Municipality, from time to time charged by the Municipality with the duty of administering the provisions of this by-law.

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

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

DRAFT

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, Auxiliary means a self contained dwelling unit within a single unit dwelling in which unrestricted access can be gained through the main dwelling unit, and which comprises less than thirty-five (35) per cent of the gross floor area of the single unit dwelling.

(e) Dwelling, Mobile means a detached dwelling designed for transportation on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).

(f) Dwelling, Two Unit means a building containing two dwelling units, but shall not include single unit dwellings containing an auxiliary dwelling.

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

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

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 public street or highway or private road means the elevation of the public street, highway or private road established by the Municipality or other designated authority.

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

2.22 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.

2.23 FISHING USE means any use associated with fishing, including boat and equipment storage and maintenance buildings, retail and wholesale outlets for fish and fish products, a smokehouse, and/or an operation where a fisherman or crew processes their own catch but shall not include a fish processing plant.

2.24 FORESTRY USE means commercial silviculture and the production of timber or pulp and

DRAFT

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 excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.

2.25 FRATERNAL CENTRES means any land or building used by members of a fraternal organization and, without limiting the generality of the foregoing, includes such establishments as a Legion, Lion's Club, Knights of Columbus, Kiwanis or Freemasons.

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

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

2.28 HEIGHT, BUILDING means the vertical distance of a building between the established grade and 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, and provided that no roof space be used for human habitation.

2.28A HEN means adult female chicken (RC- Oct 05/21; E-Jan 08/22).

2.29 HOME BUSINESS means any occupation or business activity resulting in a product or service and which is conducted within all or part of the principal operator's dwelling unit, accessory building, and/or on the lot, and is subordinate to the residential use on the property, and shall not include the retail sale of products other than those incidental to the home business.

2.29A INSTITUTIONAL USE means any educational or denominational use, day care facility, shared housing with special care (RC-Aug 9/22;E-Sep 15/22), fire station, police station, public works, hospital, public library, post office, museum and gallery, community centre and hall, recreation use or open space use. (RC-Sep 10/02;E-Nov 9/02)

2.30 Kennel means a building, structure or lot (MDVCC-May 19/10;E-Jun 12/10):

1. **used for the keeping of more than two dogs for the purposes of commercial breeding;**
2. **used for the keeping of one or more dogs which are not owned by the occupant for the purpose of one or more of: showing, grooming, training, and caring;**
3. **for the commercial boarding of more than 12 dogs with or without veterinary care.**

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

2.32 LIGHT MANUFACTURING AND PROCESSING OPERATION means a building or part of a building or structure used for the manufacturing or processing of goods or commodities and without limiting the generality of the foregoing, may include food and beverage industries, leather and textile industries, dry cleaning, furniture and fixtures industries, printing and publishing industries, machinery and metal products industries, and electrical and electronic products industries.

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

2.34 LOCAL BUSINESS STORE means any business which is devoted primarily to the sale or lease of goods and without limiting the generality of the foregoing, may include a local craft store, video rental outlet, food stores, variety stores or other local retail outlets.

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 effective date of this by-law 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 or more public streets or highways or private roads.

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

2.36 LOT AREA means the total horizontal area within the lot lines of a lot. In case of lots abutting private roads, lot area shall not include any portion of the lot located within the private road.

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) Front Lot Line means the line dividing the lot from the public street or highway or private road; and

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

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

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

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

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

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

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

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

2.43 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.

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

DRAFT

2.45 MUNICIPAL FACILITY USE means a community facility use as defined herein, but which is owned by Halifax County Municipality.

2.46 MUNICIPALITY means Halifax County Municipality.

2.47 OBNOXIOUS USE means a use which, from 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 effluents which cannot be disposed of by means of an on-site sewage disposal system or which involves, as the primary function, the processing, production, or warehousing of dangerous goods or hazardous wastes.

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

2.49 OPEN SPACE USE means the use of land for athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnicking, beaching, bicycling, hiking, wildlife observation or other interpretive activity, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include camp grounds, marinas, nor a track for the racing of animals or any form of motorized vehicles.

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

2.51 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 (2) 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 highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

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

2.53 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.

2.54 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

DRAFT

foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and tailoring shops and laundry and dry cleaning collection depots, but excludes dry cleaning establishments or the manufacturing or fabrication of goods for retail or wholesale distribution.

2.54A PET CARE FACILITY means a facility for the temporary care, or boarding of not more than twelve dogs for gain or profit, but shall not include the breeding or sale of such animals and shall not include a kennel." (MDVCCC-May 19/10;E-Jun 12/10)

2.55 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.

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

2.57 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)

2.57A 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)

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

2.59 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. (C-Feb10/92;E-Mar 7/92)

2.59A 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. (C-Feb10/92;E-Mar 7/92)

DRAFT

2.59B 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. 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. (C-Feb10/92;E-Mar 7/92)

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

2.61 SALT MARSH means a grass land community, usually dominated by species of Spartina, and drawing in brackish or salt water.

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 CITIZENS 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 landscaping and excavation services, automotive repair outlets, printing establishments and plumbing, heating, welding, paint, sheet metal, electrical and other special trade contracting services and shops.

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 automotive repair outlets.

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 automobile 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)

2.66BB SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.

2.66C 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)

2.66D 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 display 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 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.

(c) <u>Facial Wall Sign</u> means a sign which is attached directly to or painted upon a building wall, and which does not extend from the wall or above the roof line. (RC-Sep 26/06;E-Nov 18/06)

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

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

2.70 STRIP MALL means a group of commercial uses which has been designed and developed as a continuous unit, and characterized by the absence of a common interior walkway.

2.71 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.

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

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

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

2.71A 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)

2.71B 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)

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

2.73 WHOLESALE TRADE ESTABLISHMENT means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for resale to retailers; or to industrial, commercial, institutional, farm and professional business uses, or to other wholesalers.

2.74 YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two (2) or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

(a) <u>Front Yard</u> 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) <u>Rear Yard</u> 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

DRAFT

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 public street or highway or private road.

DRAFT

PART 3: ZONES AND ZONING MAPS

3.1 ZONES ESTABLISHED

For the purpose of this By-law, the Lawrencetown plan area is divided into the following zones, the boundaries of which are shown on the attached zoning schedule. Such zones may be referred to by the appropriate symbols:

	Symbol	Zone
Residential Zones	RR-1	Rural Residential Zone
	R-1	Single Unit Dwelling Zone
Comprehensive Development District	CDD	
Commercial Zones	C-1	Local Business Store Zone
Industrial Zones	I-l	Business Industry Zone
	I-2	Light Industry Zone
Construction & Demolition (C&D) Zones (RC-Sep 10/02;E-Nov 9/02)	**CD-1**	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone**
Infrastructure Zones (RC-Jul 2/02;E-Aug 17/02)	**ICH**	**Infrastructure Charge Holding Zone**
Special Area Zones	**RPK**	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**

3.2 ZONING MAPS

(a) Schedules A-l to A-3, B-2 and B-3, attached hereto, may be cited as the "Lawrencetown Zoning Maps" and are hereby declared to form part of this By-law.

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

(c) The symbols used on the zoning schedules refer to the appropriate zones established in Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

DRAFT

(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 schedules, 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 schedules 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 SCHEDULES

The zoning schedules 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 shall be carried out in accordance with Sections 60 and 61 of the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Lawrencetown.

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) Any use not listed as a use permitted within any zone, shall be deemed to be prohibited in that zone.
(b) Any use listed subject to any special conditions or requirements, shall be permitted subject to the fulfilling of such conditions or requirements.
(c) Where a use permitted within any zone is defined in Section 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.
(d) Except where limited by Section 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.
(e) Where any list of uses permitted is divided by subheadings into broad functional or characteristic groupings, such subheadings shall be deemed to be provided for the purposes of reference and identification and shall not, in themselves, be deemed to be uses permitted nor to define any uses permitted, whether specifically and in accordance with the purposes of Part 2 or in any other manner.

DRAFT

3.6 USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with Sections 55, 73 and 74 of the Planning Act. As provided for by Policies P-3, P-6, P-7, **P-7A, P-7B, (RC-Aug 9/22;E-Sep 15/22)** P-8 and P-39A **and P-74 (RC-Aug 9/22;E-Sep 15/22)** of the Municipal Planning Strategy for Lawrencetown, such uses are as follows:

(a) home business uses in excess of one thousand (1,000) square feet (92.9 m^2) of gross floor area within the Lawrencetown Designation;

(b) community facility uses **and shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** within the Lawrencetown Designation;

(c) certain tourist related accommodations and certain water-related recreation uses within the Lawrencetown Designation; (C-Mar 13/95;E-Apr 18/95)

(d) local business store uses in excess of 1,000 square feet (92.9 m^2) of gross floor area within the Lawrencetown Designation;

(e) the change of use of existing commercial and industrial uses within the Lawrencetown Designation.

(f) Pursuant to Policy P-75, where there is enabling policy to consider the development, by development agreement, of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

In addition, the development of certain uses which are permitted within any CDD (Comprehensive Development District) may only be considered in accordance with the provisions of Planning Act.

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)

3.7 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.

DRAFT

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, provided that the request is received prior to the expiry date of the current permit.

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

(d) Notwithstanding Subsection (a), no development permit shall be required for signs as listed in Section 5.5.

4.1A Section 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 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

(a) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Municipality, or to obtain any license, 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

DRAFT

shall prevail.

4.3 REDUCED FRONTAGES

(a) Notwithstanding the lot frontage requirements found elsewhere in this by-law, development permits may be issued for residential and resource purposes in the RR-1 zone on lots created pursuant to the provisions of Part 14 of the Subdivision By-law provided that all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding subsection 4.3(a), lots which have frontage on Highway No. 207 shall not be eligible for the application of the reduced lot frontage provisions of the Subdivision By-law.

(c) Notwithstanding the lot frontage requirements found elsewhere in this By-law, a development permit may be issued for a maximum of two (2) lots or one (1) lot and a remainder per parcel of land with frontage on Highway No. 207, and which existed on the effective date of this By-law, as specified in the Subdivision By-law, provided that each lot has a minimum frontage of one hundred (100) feet (30.5 m) and provided that all other applicable provisions of this By-law are satisfied.

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

4.4 USES PERMITTED ON PRIVATE ROADS

Notwithstanding anything else in this By-law, development on private roads shall be restricted to residential and resource uses.

4.5 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)**

4.6 SEPARATION BETWEEN MAIN BUILDINGS

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

4.7 EXISTING UNDERSIZED LOTS

(a) 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

DRAFT

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.

(b) Further to Subsection (a) above, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this By-law; the remainder lot shall, however, meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

4.8 ROAD ENTRANCE RESERVES

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

4.9 EXISTING BUILDINGS

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

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

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

4.10 EXISTING USES

All existing uses are deemed permitted uses and as such are permitted to 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.

(a) Furthermore, existing community commercial uses identified in Appendix "B" may expand according to the applicable provisions of the RR-1 Zone.

(b) Furthermore, existing industrial uses identified in Appendix "C" may expand according to the provisions of the appropriate industrial zone.

(c) Furthermore, existing multiple unit residential uses may expand in gross floor area but no increase in the total number of units will be permitted.

4.11 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 90 to 93 of the Planning Act of Nova

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

4.12 ACCESSORY USES AND BUILDINGS (MC-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 USES AND STRUCTURES

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

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

(b) be built closer to the front lot line than the minimum distance required for the main building or be built closer than eight (8) feet (2.4 m) to any other lot line except that:

(i) common semi-detached garages may be centred on the mutual side lot line;

(ii) boat houses, boat docks and float plane hangars may be built to the lot line where the line corresponds to the high water mark;

(c) exceed twenty five (25) feet (**7.7 metres (RC-May 23/24;E-June 13/24)**) in height, in any RR-1 (Rural Residential) Zone, **R-1 (Single Unit Residential) Zone, (RC-May 23/24;E-June 13/24)** or C-l (Local Business Store) Zone;

(d) exceed **a footprint of** one thousand (1,000) square feet (92.9 m^2) ~~at grade~~ in any RR-1 (Rural Residential) Zone or C-l (Local Business Store) Zone;

(e) notwithstanding Subsections (c) and (d) above, any agricultural structure or building may exceed the maximum building or structure height and size;

(f) be built within eight (8) feet (2.4 m) of a dwelling or twelve (12) feet (3.7 m) of any other main building**; and**

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

4.13A 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, or a two unit dwelling subject to the following provisions:

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

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

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

(iv) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and

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

(b) BACKYARD SUITES

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

(i) No more than one backyard suite shall be permitted on a lot; (RC-

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

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

(iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.12 and 4.13;

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

(v) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required;

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

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

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a street;

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

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

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

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

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-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 stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.**

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

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

4.15 VEHICLE BODIES

No truck, bus, coach**, motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

4.16 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Sections 90 to 93 of the Planning Act shall prevail.

4.17 BUILDING TO BE MOVED

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

DRAFT

4.18 HEIGHT REGULATIONS

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

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

(1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.

(b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

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

(d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m^2 or a combination of an accessory structure and attached deck not exceeding 20 m^2 , fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.

(e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of Lawrencetown Lake or any coastal wetland area as shown on Map 2, Coastal Wetlands of the Lawrencetown planning strategy. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.

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

(g) 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 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.

DRAFT

(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

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

(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

4.19A 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 (Deletion: HEMDCC–Mar 4/21;E-Mar 27/21) not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

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

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

4.20 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 (6.1 m) from the front lot line.

4.21 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 (0.6 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.

4.22 PERMITTED ENCROACHMENTS

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

(a) Uncovered patios, walkways, or steps may be located in any yard.
(b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than two (2) feet (0.6 m) into any required yard.
(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (0.9 m) from the main wall into a required front, rear or flankage yard.
(d) Exterior 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.

4.23 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.

4.24 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.

4.25 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, offstreet parking located

DRAFT

within the same zone as the use and having unobstructed access to a public street or private road shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit
Auxiliary Dwelling Unit	1 space per auxiliary apartment unit
Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**

USE	PARKING REQUIREMENT
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	17 spaces plus 7.6 spaces per 1,000 (92.9 m^2) of gross floor area in excess of 5,000 square feet (464.5 m^2) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Motels, hotels and **short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)**	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
Restaurants - Drive-In	**27 spaces per 1000 square feet (92.9 m^2) of gross floor area**
Restaurants - Full Service	**20 spaces per 1000 square feet (92.9 m^2) of gross floor area**
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m^2) of gross floor area	**16 spaces per 1000 square feet (92.9 m^2) of gross floor area**
(b) not exceeding 300 square	**5 spaces**

DRAFT

feet (28 m^2) of gross floor area
(C-Feb 10/92;E-Mar 7/92)

Lounge and beverage rooms	the greater of 1 space per 2 seats or 1 space per 150 square feet (13.9 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as **otherwise** specified **(RC-Aug 9/22;E-Sep 15/22)**	where there are fixed seats the greater of 1 space per 4 seats and 1 space per 100 square feet (9.3 m^2) of gross floor area; where there are no fixed seats, the greater of 1 space per 100 square feet (9.3 m^2) of gross floor area or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Schools	3 spaces per classroom plus 1 space per 20 high school students
Hospitals	2 spaces per bed
Homes for the aged and nursing homes	2 spaces per 5 beds
Day care facilities	1 space per 300 square feet (27.9 m^2) of gross floor area
Medical clinics and offices of any health practitioner (RC-Aug 5/08;E-Aug 23/08)	**2 spaces per consulting room**
Funeral homes	15 spaces
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) RESERVED SPACES FOR THE MOBILITY DISABLED

Notwithstanding Section 4.23(a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE	PARKING REQUIREMENT
Medical Clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking spaces required; 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
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

USE PARKING REQUIREMENT

(c) STANDARDS FOR MOBILITY DISABLED PARKING SPACES

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

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

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

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

4.26 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 and no lighting standard shall exceed

DRAFT

twenty five (25) feet (7.6 m) in height;

(c) a structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (4.6 m) 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 m) of the location which it is intended to serve and shall be situated in the same zone;

(e) no gasoline pumps or other service station equipment shall be located or maintained on the lot;

(f) approaches or driveways 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;

(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 (3.0 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); and

(i) no portion of any parking lot shall be permitted within the minimum front yard. The minimum front yard shall be landscaped excepting approaches or driveways.

4.27 LOADING SPACE REQUIREMENTS

(a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such use, one off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet (1858.1 m^2) or fraction thereof of gross floor area used for such purposes to a maximum of six (6) loading spaces.

(b) The provisions of a loading space for any building with less than fifteen hundred (1,500) square feet (139.4 m) shall be optional.

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

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

4.28 COMPOSTING OPERATIONS (MC-Feb 26/96;M-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 Zone).

4.29 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.

4.30 SCHEDULE C - WETLANDS OVER 2000 SQ. METRES (RC-Jun 25/14;E-Oct 18/14)

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule C attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

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

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

I DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

II ZONES

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

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

DRAFT

(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;**

DRAFT

(a) 4 times the wind turbine height; or
(b) the distance required to ensure that
(i) sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and
(ii) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.

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

c) RESTRICTED ZONE (R)

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

III PERMIT APPLICATION REQUIREMENTS

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

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

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

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

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

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

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

DRAFT

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

b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
   i) Micro 140 metres (460 ft)
   ii) Small 360 metres (1180 ft)
   iii) Medium 500 metres (1640 ft)
   iv) Large 2000 metres (6560 ft)

c) The notice pursuant to section b) shall include the following information:
   i) a site plan that includes property boundaries and the location of the proposed wind energy facility;
   ii) a description of the type of wind energy facility; and
   iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

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

a) Wind Energy Facilities shall not be permitted in the following zones of the Lawrencetown Land Use By-law:
   i) RPK (Regional Park) 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.

DRAFT

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 A-1 – Wind Energy Zoning.**

4.32 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.

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

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

4.34 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.**

DRAFT

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

4.35 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.

DRAFT

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) Except for signs permitted under Section 5.5, no person shall erect a sign 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

(a) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and

(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded. (RC-Sep26/06;E-Nov18/06)

5.2 SAFETY AND MAINTENANCE

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 NUMBER OF SIGNS

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

(b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where matter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.

(c) No more than two (2) signs shall be erected on any premises at any one time, except on a corner lot where one (1) additional sign may be erected. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

5.4 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 threefaced 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.

DRAFT

5.5 SIGNS PERMITTED IN ALL ZONES

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

(a) Any sign which has an area of no more than four (4) square feet (0.4 m^2) and which identifies the name and/or address of a resident.
(b) Any sign which has an area of no more than two (2) square feet (0.2 m^2) and which regulates the use of property, as do "no trespassing" signs.
(c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m^2) in any Residential Zone or thirty-two (32) square feet (3.0 m^2) in any other zone.
(d) Any sign which has an area of no more than five (5) square feet (0.5 m^2) and 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 has an area of no more than fifty (50) square feet (4.6 m^2) and 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 has an area of no more than thirty-two (32) square feet (3.0 m_2) and which identifies a subdivision.

5.6 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 incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.

DRAFT

(g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.
(h) Any sign painted on a tree, stone, cliff or other natural object.
(i) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.
(j) Any mobile sign.

5.7 FACIAL WALL SIGNS

No facial wall sign shall cover more than two (2) square feet (0.2 m^2) per lineal foot of the wall on which the sign is affixed, such coverage to be allocated proportionally for each business premise in the case of multiple occupancy buildings.

5.8 PROJECTING SIGNS

No projecting sign shall:

(a) exceed twenty-five (25) square feet (2.3 m^2) in area;
(b) project over a public right-of-way, daylighting triangle or lot line;
(c) be erected below a height of ten (10) feet (3.1 m); and
(d) be permitted to swing freely on its supports.

5.9 GROUND SIGNS

No ground sign shall:

(a) exceed thirty-two (32) square feet (3.0 m^2) of sign area on a single face or sixty-four (64) square feet (5.9 m^2) of sign area for both faces combined;
(b) exceed a height of twenty-five (25) feet (7.6 m);
(c) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space; and
(d) be less than ten (10) feet (3.1 m) from any street or abutting lot.

DRAFT

PART 6: RR-1 (RURAL RESIDENTIAL) ZONE

6.1 RR-1 USES PERMITTED

No development permit shall be issued in any RR-1 (Rural Residential) Zone except for the following:

RESIDENTIAL USES
Single unit dwellings;
Auxiliary dwelling units;
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;
Home businesses in conjunction with permitted dwellings but shall not include local business stores;
Existing two unit dwellings
Pet care facilities in conjunction with a permitted dwelling (MDVCCC-May 19/10;E-Jun 12/10)

RESOURCE USES
Agricultural uses (non-intensive);
Forestry uses (but for the purposes of this Section shall not include permanent sawmills or industrial mills);
Fishing and fishing related uses.

COMMUNITY USES
Public and private parks and playgrounds;
Municipal facility uses.

COMMERCIAL AND INDUSTRIAL USES
Existing community commercial uses identified in Appendix "B";
Existing industrial uses identified in Appendix "C".

6.2 RR-1 ZONE REQUIREMENTS

Unless otherwise noted, in any RR-1 Zone, where uses are permitted as Residential or Resource Uses, no development permit shall be issued except in conformity with the following:

Minimum lot area	20,000 square feet (1858.1 m^2)
Minimum lot area for lots any part of which is within 72.17 feet (22 m) of a watercourse	40,000 square feet (3716.1 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum frontage: Highway No.207	150 feet (45.7 m)
Minimum front or flankage yard	20 feet (6.1 m)

DRAFT

Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 per cent
Maximum height of buildings	35 feet (10.7 m)

6.3 RR-1 ZONE REQUIREMENTS: MUNICIPAL FACILITY USES

In any RR-1 Zone, no development permit shall be issued for municipal facility uses except in conformity with the following:

Minimum lot area	30,000 sq.ft. (2787.1 m^2)
Minimum lot area for lots any part of which is within 72.17 feet (22 m) of a watercourse	40,000 sq.ft. (3716.1 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum frontage: Highway No. 207	150 feet (45.7 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	½ the height of main building
Maximum lot coverage	50 per cent
Maximum height	35 feet (10.7 m)

6.4 RR-1 ZONE REQUIREMENTS: PUBLIC AND PRIVATE PARKS AND PLAYGROUNDS

In any RR-1 Zone, where uses are permitted as public and private parks and playgrounds, no development permit shall be issued except in conformity with the following:

Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	30 feet (9.1 m)

6.5 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses in conjunction with dwellings are permitted in any RR-1 Zone, the following shall apply:

(a) Any lot that is used for such purposes shall be the principal residence of the operator of the business, and no more than two (2) persons who are not residents of the dwelling shall be employed in the home business.

(b) No materials or equipment shall be used except that which is reasonably consistent with that business and shall not be obnoxious or create a nuisance by virtue of noise, vibration, odour or glare.

(c) One off-street parking space, other than that required for the dwelling, shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area devoted to any home business.

(d) No more than one (1) sign shall be permitted on any lot and no such sign shall exceed twenty (20) square feet (1.9 m^2) in area.

(e) No more than twenty-five (25) per cent of the total gross floor area of the dwelling unit shall be devoted to home business uses within the dwelling, and in no case shall

DRAFT

the total gross floor area of structures devoted to home business uses exceed one thousand (1,000) square feet (92.9 m^2).

(f) No outdoor storage or outdoor display shall be permitted in any yard within any RR-1 Zone where such yard abuts any residential use, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m) in height is provided.

6.6 OTHER REQUIREMENTS: DAY CARE FACILITY USES

Where day care facility uses in conjunction with dwellings are permitted in any RR-1 Zone, the following shall apply:

(a) Any lot that is used for such purposes shall be the principal residence of the operator of the facility, and no more than two (2) persons who are not residents of the dwelling shall be employed in the day care facility.

(b) One off-street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area devoted to any day care facility.

(c) No more than one (1) sign shall be permitted on any lot and no such sign shall exceed twenty (20) square feet (1.9 m^2) in area.

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

6.8 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 6.2, **and excluding an accessory hen use (RC-Oct 05/21; E-Jan 08/22),** where any barn, stable or other building intended for the keeping of animals or birds is to be erected in any RR-1 Zone, no structure shall:

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

(b) be less than two hundred (200) feet (61 m) from any watercourse, water body, or potable water supply except a potable water supply on the same lot or directly related to the agricultural use; and

(c) be less than two hundred (200) feet (61 m) from any residential dwelling except a dwelling on the same lot or directly related to the agricultural use.

6.9 OTHER REQUIREMENTS: FORESTRY USES

Where forestry uses are permitted in any RR-1 Zone, the following shall apply:

(a) The combined area of all structures related to the forestry use shall not exceed one thousand eight hundred (1,800) square feet (167.2 m^2).

(b) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

6.10 OTHER REQUIREMENTS: AUXILIARY DWELLING UNIT

DRAFT

Where auxiliary dwellings are permitted in any RR-1 Zone, the following shall apply:

(a) No more than thirty-five (35) per cent of the gross floor area of any dwelling shall be devoted to any auxiliary dwelling, and no more than one (1) auxiliary dwelling shall be permitted in any dwelling.
(b) One off-street parking space shall be provided for any auxiliary dwelling.

6.11 OTHER REQUIREMENTS: EXISTING COMMUNITY COMMERCIAL USES IDENTIFIED IN APPENDIX B"

Where existing community commercial uses are permitted in any RR-1 Zone the following shall apply:

Minimum lot area	40,000 square feet (3716.1 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum frontage: Highway No. 207	150 feet (45.7 m)
Minimum front or flankage yard	20 feet (6.1 m)
Minimum rear or side yard	20 feet (6.1 m)
Maximum lot coverage	35 per cent

6.12 OTHER REQUIREMENTS: GROSS FLOOR AREA

The gross floor area of all community commercial buildings on any lot shall not exceed four thousand (4,000) square feet (371.6 m^2), including any floor area devoted to a permitted dwelling unit.

6.13 OTHER REQUIREMENTS: ENVIRONMENTAL

No materials or equipment shall be used which creates a nuisance by virtue of noise, vibration, smell or glare or which is obnoxious.

6.14 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot used for a community commercial use, is to be used for open storage or outdoor display, the following shall apply:

(a) No open storage shall be permitted within any front yard.
(b) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line.
(c) No open storage or outdoor display shall be permitted in any yard where such yard abuts any residential use, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m^2) in height is provided.

6.15 OTHER REQUIREMENTS: REDUCED FRONT YARD

Notwithstanding the provisions of Section 6.11, the minimum front yard may be reduced to fifteen (15) feet (4.6 m) where no parking or loading facilities are located within the

DRAFT

front yard.

6.16 OTHER REQUIREMENTS: REDUCED PARKING REQUIREMENTS

Notwithstanding the provisions of Section 6.11 where the main building is constructed in accordance with the provisions of Section 6.15, the overall parking requirements for commercial uses within the structure may be reduced by a maximum of ten (10) per cent.

6.17 OTHER REQUIREMENTS: EXISTING SERVICE STATIONS

(a) Notwithstanding the provisions of Sections 6.1 and 6.11, where an existing service station is located in any RR-1 Zone, the requirements of Part 9 shall apply, except in the case of the expansion of the existing service station, gas pumps and gas pump islands, auto parts sales operation and convenience store, in which case subsection 9.6(g) shall not apply.

(b) Notwithstanding the provisions of Section 6.12, where an existing service station is located in any RR-1 Zone, it shall not exceed (7,000) square feet.

6.19 OTHER REQUIREMENTS: EXISTING INDUSTRIAL USES LISTED IN APPENDIX "C"

Where existing industrial uses are permitted in any RR-1 Zone, the provisions of the appropriate Industrial zone as indicated in Appendix "C" shall apply.

6.20 OTHER REQUIREMENTS: PET CARE FACILITIES

(a) No pet care facility shall be permitted except on properties fronting on, and gaining direct access from, one of the following public roads:
- **(i) Highway 207**
- **(ii) Ross Road**
- **(iii) West Lawrencetown Road**
- **(iv) Mineville Road**
- **(v) Conrad Road**
- **(vi) Leslie Road.**

(b) Notwithstanding the provisions of Section 4.7, no pet care facility shall be permitted unless the following requirements are satisfied:
- **(i) minimum lot area: 80,000 square feet (3716 m^2)**
- **(ii) minimum frontage: 100 feet (30.5 m)**

(c) Any building or part thereof intended for use as a pet care facility shall conform to the following requirements:
- **(i) maximum gross floor area: 1,000 square feet (92.9 m^2)**
- **(ii) minimum front or flankage yard: 100 feet (30.5 m)**
- **(iii) minimum side and rear yard: 50 feet (15.2 m)**
- **(iv) a minimum distance of 200 feet (30.5 m) shall be maintained for any outdoor pet run from any dwelling or potable water supply that is not**

located on the same lot.

(v) a minimum distance of 200 feet (91.5 m) shall be maintained for any outdoor pet run from any watercourse.

(vi) Any outdoor pet run or area where pets are permitted to roam shall meet all requirements of this section."

DRAFT

PART 7: R-1 (SINGLE UNIT RESIDENTIAL) ZONE

7.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Residential) Zone except for the following:

Residential Uses
Single unit dwellings;
Auxiliary dwelling units;
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 14 children in conjunction with a permitted dwelling;
Offices in conjunction with permitted dwellings;
Existing two unit dwellings.

Community Uses
Public and private parks and playgrounds

7.2 R-1 ZONE REQUIREMENTS

Minimum lot area	20,000 sq.ft. (1858.1 m_2)
Minimum frontage	100 ft (30.5 m)
Minimum frontage on Highway No. 207	150 ft (45.7 m)
Minimum front or flankage yard	30 ft (9.1 m)
Minimum rear or side yard	8 ft (2.4 m)
Maximum lot coverage	35 per cent
Maximum height of building	35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: OFFICE AND DAY CARE USES

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

(a) Any office or day care facility, with the exception of outdoor play space shall be wholly contained within the dwelling which is the principal residence of the operator of the office or facility.
(b) No more than twenty five (25) percent of the floor area shall be devoted to any office and in no case shall any office occupy more than three hundred (300) square feet (27.9 m^2).
(c) No open storage or outdoor display shall be permitted.
(d) No sign shall be permitted for any office and no more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (0.37 m^2) in area.
(e) 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 (13.9 m^2) of floor area devoted to any day care facility, and for any office use.

DRAFT

7.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNIT

Where auxiliary dwellings are permitted in any R-1 Zone, the following shall apply:

(a) No more than thirty-five (35) per cent of the gross floor area of any dwelling shall be devoted to any auxiliary dwelling unit, and no more than one (1) auxiliary dwelling unit shall be permitted in any dwelling.

(b) One (1) off-street parking space shall be provided for any auxiliary dwelling unit.

DRAFT

PART 8: C-1 (LOCAL BUSINESS STORE) ZONE

8.1 C-1 USES PERMITTED

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

Local business stores; and
One dwelling unit in conjunction with permitted local business stores.

8.2 C-1 ZONE REQUIREMENTS

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

Minimum lot area	40,000 square feet (3716.1 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum frontage: Highway No. 207	150 feet (45.7 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	15 feet (4.6 m)
Maximum lot coverage	35 per cent
Maximum height of buildings	35 feet (10.7 m)

8.3 OTHER REQUIREMENTS: LOCAL BUSINESS STORE USES

Where local business store uses are permitted in any C-1 Zone, the following shall apply:

(a) The total gross floor area devoted to any local business store use excluding the gross floor area devoted to an accessory dwelling unit shall not exceed one thousand (1,000) square feet (92.9 m^2).
(b) The total gross floor area devoted to the accessory dwelling shall not exceed sixty-five (65) percent of the total gross floor area of the local business store.
(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(d) No portion of any parking space shall be located within any required side or rear yard.
(e) 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.
(f) A visual barrier, consisting of a fence or vegetation shall be provided in any yard where the yard abuts a residential use.

DRAFT

PART 9: I-1 (BUSINESS INDUSTRY) ZONE

9.1 I-1 USES PERMITTED

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

Industrial Uses
Warehouses;
Wholesale trade establishments;
Building supply outlets;
Service industries;
Office or retail uses accessory to any permitted use.

Commercial Uses
Local business stores;
Vehicle and equipment sales showrooms, outdoor display courts;
Service stations;
Bus or taxi depots;
Greenhouses, nurseries;
Automotive repair outlets;
Office or retail uses accessory to any permitted use.

Community Uses
Fire and police stations;
Recreational uses;
Public and private parks and playgrounds;
Conservation related uses.

9.2 I-1 ZONE REQUIREMENTS

Minimum lot area	40,000 square feet (3716.1 m^2)
Minimum frontage	150 feet (45.7 m)
Minimum front or flankage yard	40 feet (12.2 m)
Minimum rear or side yard	20 feet (6.1 m)
Maximum lot coverage	50 per cent
Minimum landscaped open space	5 per cent
Maximum height	35 feet (10.7 m)

9.3 OTHER REQUIREMENTS: LANDSCAPING

The following landscaping provisions shall be required as conditions of any development permit issued in an I-1 Zone:

(a) The minimum front yard shall be landscaped, excepting the driveways and parking areas. In the case of a corner lot, the side yard abutting a side street shall also be subject to this requirement.

DRAFT

(b) Where an I-1 Zone abuts a residential use, a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet in height shall be provided.

9.4 OTHER REQUIREMENTS: ENVIRONMENTAL

Notwithstanding Section 9.1, no material or equipment shall be used which creates a nuisance by virtue of noise, vibration, odour or glare or which is obnoxious.

9.5 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

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

(a) No open storage shall be permitted within any required front yard.
(b) No outdoor display shall be located within ten (110) feet (3.1 m) of any front lot line.
(c) No open storage or outdoor display shall be located within twenty-five (25) feet (7.6 m) of any residential zone.

9.6 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 9.2, where any service station is erected in any I-1 Zone the following shall apply:

(a) Minimum lot area: 40,000 square feet (3716.1 m^2)
(b) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
(c) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
(d) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m).
(e) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
(f) 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).
(g) No building or structure or petroleum products storage facility shall be located less than two hundred (200) feet (61 m) from the rim of any watercourse.
(h) Unenclosed canopies over gas pump islands for service stations may project into any front, side or flankage yard, provided that such projections will not impede ingress or egress or visibility along an abutting roadway or a daylighting triangle.

9.7 OTHER REQUIREMENTS- NURSERIES

Notwithstanding the provisions of Section 4.19, no nursery shall be located less than two hundred (200) feet (61 m) from the rim of any watercourse.

DRAFT

PART 10: I-2 (LIGHT INDUSTRY) ZONE

10.1 I-2 USES PERMITTED

No development permit shall be issued in any I-2 (Light Industry) Zone except for the following:

Industrial Uses
All I-1 (Business Industry) Zone uses:
Light manufacturing and processing operations;
Heavy equipment and transport facilities and maintenance yards
Offices or retail uses accessory to any permitted use
Composting operations (refer to Section 4.28) (MC-Feb 26/96;M-Mar 28/96)
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

10.2 I-2 ZONE REQUIREMENTS

Minimum lot area	40,000 square feet (3716.1 m^2)
Minimum frontage	150 feet (45.7 m)
Minimum front or flankage yard	40 feet (12.2 m)
Minimum rear or side yard	20 feet (6.1 m)
Maximum lot coverage	50 per cent
Minimum landscaped open space	5 per cent

10.3 OTHER REQUIREMENTS: LANDSCAPING

The following landscaping provisions shall be required in an I-2 Zone:

(a) The minimum front yard shall be landscaped, excepting the driveways and parking areas. In case of a corner lot, the side yard abutting a side street shall be subject to this.
(b) Where an I-2 Zone abuts a residential use, a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet in height shall be provided.

10.4 OTHER REQUIREMENTS: ENVIRONMENTAL

Notwithstanding Section 10.1, no materials or equipment shall be used which create a nuisance by virtue of noise, vibration, smell or glare or which is obnoxious.

10.5 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in an I-2 Zone is to be used for open storage or outdoor display, the following shall apply:

(a) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line.
(b) No open storage or outdoor display shall be located within forty (40) feet (12.2 m) of any residential zone.

DRAFT

10.6 OTHER REQUIREMENTS: I-1 (BUSINESS INDUSTRY) USES

Notwithstanding Section 10.1, any I-1 (Business Industry) use located in an I-2 Zone shall meet the provisions of the I-1 (Business Industry) Zone.

10.7 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (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.

DRAFT

PART 11: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

11.1 RPK USES PERMITTED

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

Park Uses
Recreation uses, except where the uses would destroy the natural processes of the area
Conservation uses
Uses accessory to the foregoing uses

Other Uses
Existing dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Uses accessory to permitted dwellings and recreational uses, except where the uses would destroy the natural processes of the area.

11.2 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**

DRAFT

PART 12: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

12.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for single unit residential uses which comprise a comprehensive development of five (5) or more acres (two (2) or more hectares) and is located within the Lawrencetown Designation.

12.2 CDD REQUIREMENTS

(a) In any CDD (Comprehensive Development District) Zone, no development permit shall be issued except in conformity with the agreement made pursuant to the Planning Act.

(b) Within the Lawrencetown Designation, no CDD (Comprehensive Development District) Zone shall be applied except in conformity with the following:

(i) the total number of permitted single unit dwellings shall in no case exceed two (2) units per gross acre of land to be so zoned; and

(ii) all lands within the CDD Zone, other than streets, building lots and private recreational areas, shall be left in an undeveloped state.

DRAFT

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

12A.1 CD -1 USES PERMITTED

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

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

12A.2 CD-1 ZONE REQUIREMENTS

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

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

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

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

(a) any building or structure shall meet the following separation distances:
- **(i) from any property line — 30 metres (98.4 feet)**
- **(ii) from the nearest residential dwelling or institutional use — 60 metres (196.9 feet)**
- **(iii) from a watercourse — 30 metres (98.4 feet)**

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

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

DRAFT

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

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

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

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

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

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

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

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

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

12A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

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

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

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

(c) all off-street loading and unloading areas, stockpiles, processing areas, and

DRAFT

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 achieve the objective of the plan;

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

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

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

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

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

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

DRAFT

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

12B.1 CD-2 USES PERMITTED

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

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

12B.2 CD-2 ZONE REQUIREMENTS

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

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

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

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

12B.4 OTHER REQUIREMENTS: C&D Materials Processing Facilities

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

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

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

DRAFT

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

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

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

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

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

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

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

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

DRAFT

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

12C.1 CD-3 USES PERMITTED

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

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

12C.2 CD-3 ZONE REQUIREMENTS

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

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

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

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

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

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

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

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

DRAFT

(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)**

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

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

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

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

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

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

DRAFT

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

12D.1 ICH USES PERMITTED

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

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

12D.2 ICH ZONE REQUIREMENTS

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

DRAFT

PART 13: ADMINISTRATION

13.1 ENFORCEMENT

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

13.2 SCOPE OF APPLICATION

(a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:
   (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
   (ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the application is being made;
   (iii) the location of every building or structure already erected on or partly on the lot, and the location of every building upon contiguous lots;
   (iv) 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.

13.3 SIGNATURE FOR APPLICATION

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

13.4 PENALTY

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

13.5 DATE OF BY-LAW

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

13.6 SCHEDULE OF FEES (C-May 28/90;E-Jun 23/90)

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

DRAFT

be:

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

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

DRAFT

APPENDIX "A": NON-CONFORMING USES

NON-CONFORMING USE

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

EXISTING USE

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

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

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

CANCELLATION OF PERMIT

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

ARBITRATION

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

ARBITRATOR

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

RESTRICTION ON NON-CONFORMING USE

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

DRAFT

APPENDIX "A"
- ii -

NO EXTENSION OF NON-CONFORMING USE

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

CHANGE IN USE

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

CHANGE OF OCCUPANT

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

REPAIR OR MAINTENANCE

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

DESTRUCTION OR DAMAGE

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

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

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

DISCONTINUANCE

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

VARIATION IN SECTION 92 OR 93 RESTRICTIONS

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

DRAFT

APPENDIX "A"
- iii -

POLICIES

(2) The policies adopted pursuant to subsection (1) may provide for:

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

IMPLEMENTATION

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

DRAFT

APPENDIX "B": EXISTING COMMUNITY COMMERCIAL USES

Notwithstanding anything else in this By-law, the following existing uses shall be permitted uses and shall be permitted to be expanded, repaired or replaced subject to the appropriate provisions of the RR-1 Zone (Sections 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17) but shall not be permitted to change to any other use other than a use permitted in the zone in which they are located.

NAME	USE	LRIS INDEX NUMBER
Magda Ritter (Papagayo Parrot World)	Parrot Breeding and Boarding Facilities	40314577
Airedale Investments Ltd.	Vet Clinic, Kennel, Pet Supplies	461822
Michael Smith Marlene Smith (Mikes Meats & Groceries; Lyons Take-Out)	Food and Convenience Store; Video Outlet; Take-Out Restaurant	40447138
Edward Jarvis Beverley Jarvis (Terra Marina Kennels)	Kennel	439869
Richard Hines Doris Hines (Eastern Shore Trading Post Ltd.; Art Hines Antiques)	Antiques, Used Furniture and Crafts; Machine Shop and Welding; Woodworking	441048
George Thomson Eva Thomson	Antiques	597252
N.S. Department of Lands and Forests (MacDonald House)	Craft Store; Restaurant; Bed and Breakfast; Day Care	40310948
Adriana Speelman (Atlantic Dutch Shop)	General Imported Goods; Stamp Services	40303695
Irving Oil Limited	Service Station and Auto Parts Sales Operation; Convenience Store	439356
Robert Devonport	Convenience Store	597229

DRAFT

APPENDIX "B"
- ii -

NAME	USE	LRIS INDEX NUMBER
Elva Corkum (Calvin Sharpe Auto)	Auto Sales	40240541
John Friis	Cottages; Crafts	611319
Simon and Susan Melrose	Bed and Breakfast	482877
John James Marshall Cheryl Lynn Marshall (Marco Maintenance)	Auto Sales	40493538
Kathryn Thomas (The Craftsman's Art Supply Ltd.)	Mail Order Store	490102
Michelini Breton (Mimi's Paintings of Nova Scotia)	Arts and Crafts; Fashion Design and Productions; General Imported Goods	466052
Yori and Judy Ayoub	Convenience Store with Take-Out Pizza Store	460915

DRAFT

APPENDIX "C": EXISTING INDUSTRIAL USES

Notwithstanding anything else in this By-law, the following existing uses shall be permitted uses and shall be permitted to be expanded, repaired or replaced subject to the appropriate provisions of the industrial zone indicated below, but shall not be permitted to change to any other use other than a use permitted in the zone in which they are located.

NAME	USE	LRIS INDEX NUMBER	REQUIREMENTS
Barry MacDormand Bar-Shel Enterprises (Bar-Shel Foundations Ltd.)	Foundations Construction Services; Storage Facilities; Woodworking	238923 40161440 **480343 (C-Jul 31/95;E-Aug 26/95)**	I-2
Cecil Bellefontaine	Excavation & Landscaping Services	461319 40500357	I-2
Christian Charron Shirley Charron (Beaver Craft Woodworkers)	Woodworking	90862	I-2
Ralph Crowell (Cyril Beazley Auto)	Excavation & Landscaping Services; Auto Body Shop	597716	I-2
J.L. Investments Ltd. (Dartmouth Building Supply Ltd.)	Building Assembly and Supplies; Contracting, Equipment and Material Storage; Offices	40161457 526665 649814 622787 649822	I-2
John James Marshall Cheryl Lynn Marshall (Marco Maintenance)	Auto & Boat Repair & Repair Services; Machinery & Heavy Equipment Repairs; Machine and Welding Shop; Food Processing Machinery Fabrication	40493538	I-2
Elva Corkum (Calvin Sharpe Auto)	Auto Sales; Auto Body & Repair; Salvage Yard	40240541	I-1
Woodlawn Construction Ltd.	Excavation & Construction Services	40381683 40186918	I-2

DRAFT

APPENDIX "C"
- ii -

NAME	USE	LRIS INDEX NUMBER	REQUIREMENTS
Donald Russell Beverley Russell	Auto Body and Repair	40048290	I-2
Gerald & Alicia MacMillan (Patchwork)	Excavation, Landscaping and Construction Services	460923	I-2
Ralph Crowell	Heavy Equipment Storage & Repair Aggregate and Topsoil Storage; Heavy Equipment Storage	597716 458513	I-2 I-2
John Friis	Welding & Machinery Repair; Woodworking	611319	I-2
Simon & Susan Melrose	Boat Building	482877	I-2
Richard & Doris Hines (Eastern Shore Trading Post Ltd.)	Machine Shop and Welding Welding; Woodworking	441048	I-2
Christopher Bailey (Baileys Plastic Fabrication Ltd.)	Plastic Fabrication	40515959	I-2

DRAFT

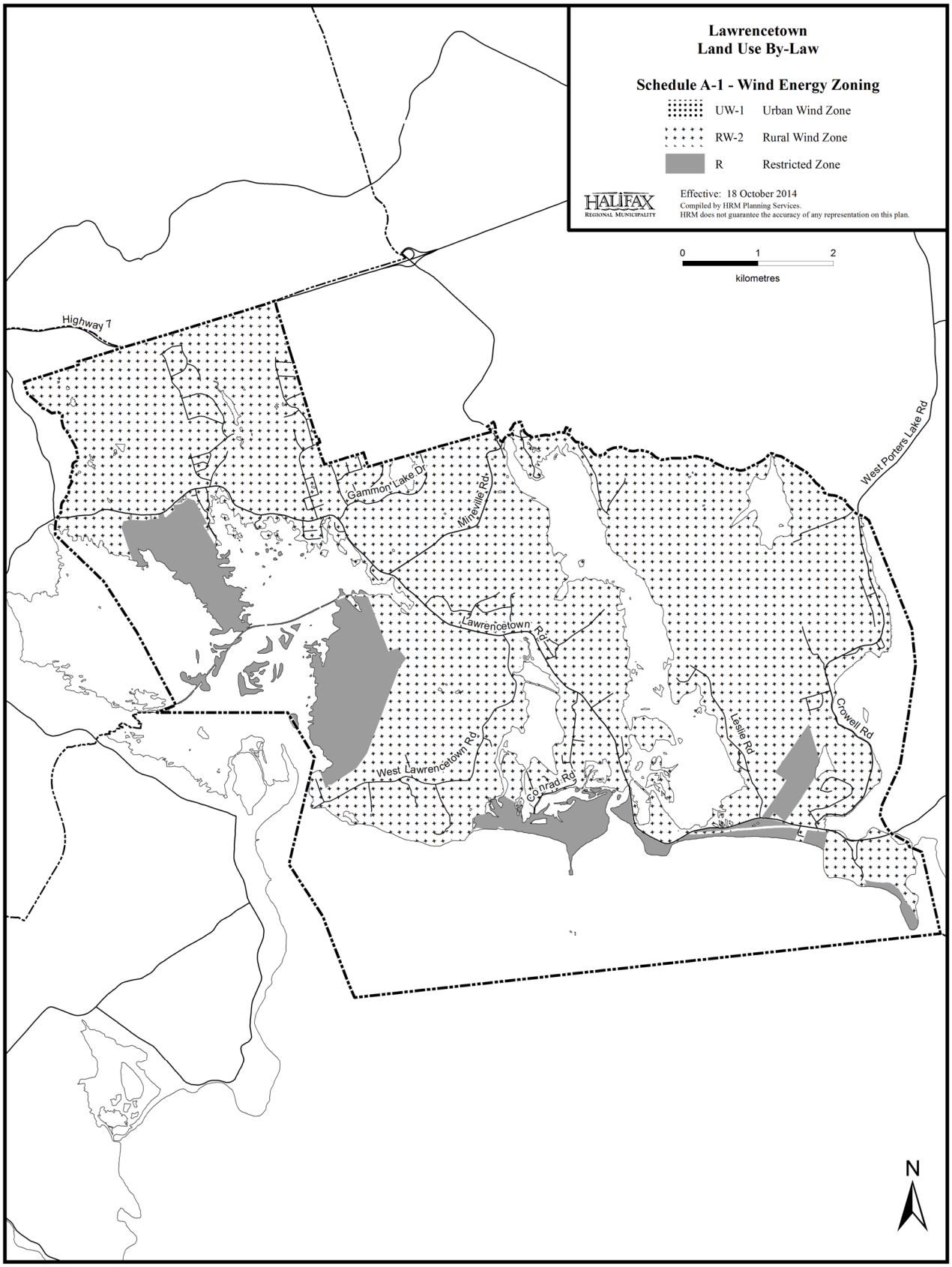
APPENDIX "D": PROPOSED USES FOR WHICH BUILDING PERMITS HAVE BEEN ISSUED

Notwithstanding anything else in this By-law, the following uses for which Building Permits have been issued shall be permitted uses to the extent specified on the Building Permit and subject to any other requirements of any by-law in force within the Municipality or any statute or regulation of the Province of Nova Scotia.

NAME	USE	LRIS INDEX NUMBER
Michael Edwards	Lodge and Cottages	597062
William & Laura Sharpe (Anthony Amyoony)	**Deleted (MDVCCC-Nov 30/05;E-Apr 21/06)**	**460915**
Airedale Investment Ltd.	Offices	461822
Vantage Estates Ltd. (Vantage Services Ltd.)	Offices	490326
Brenhold Limited	Strip Mall	490409

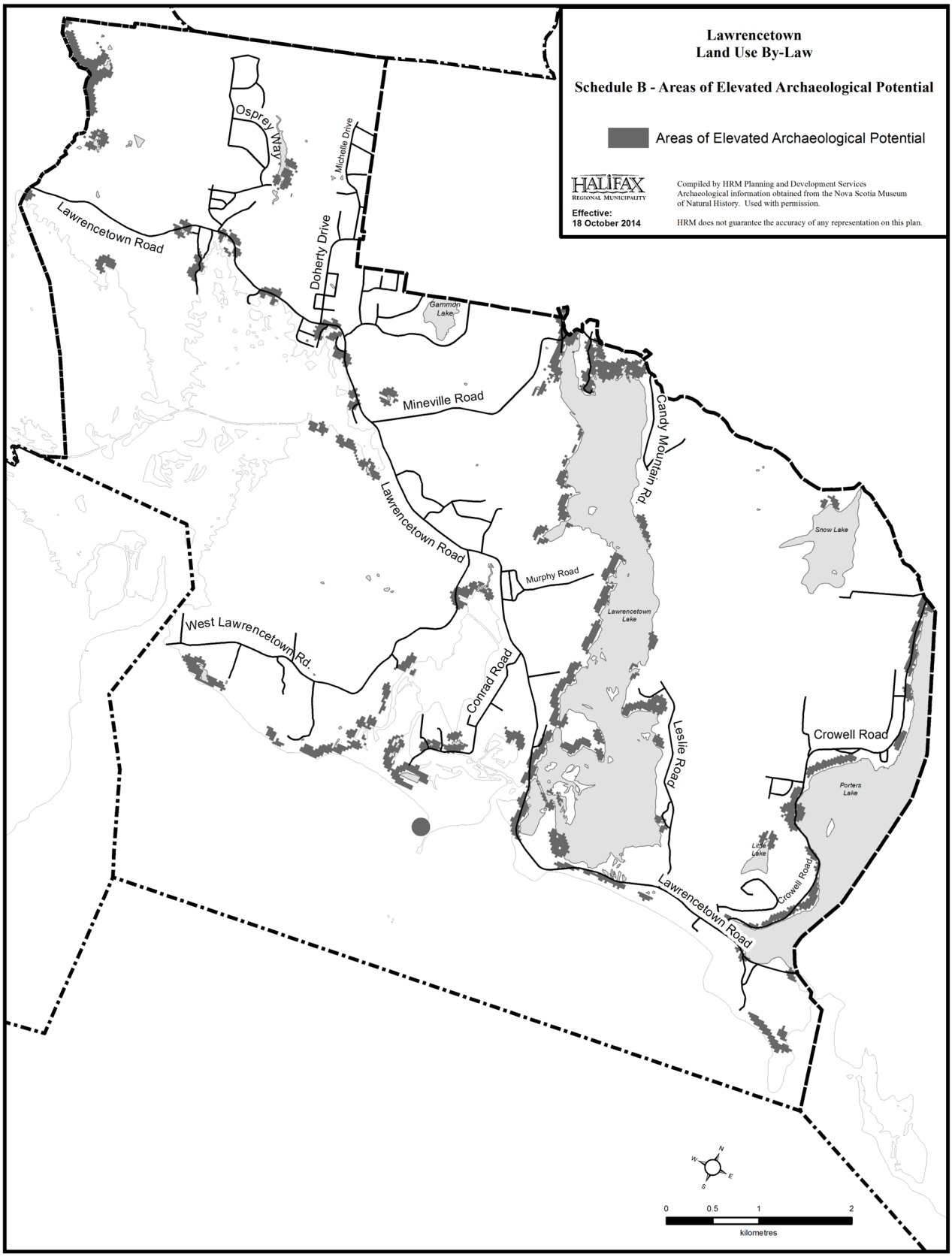
DRAFT

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



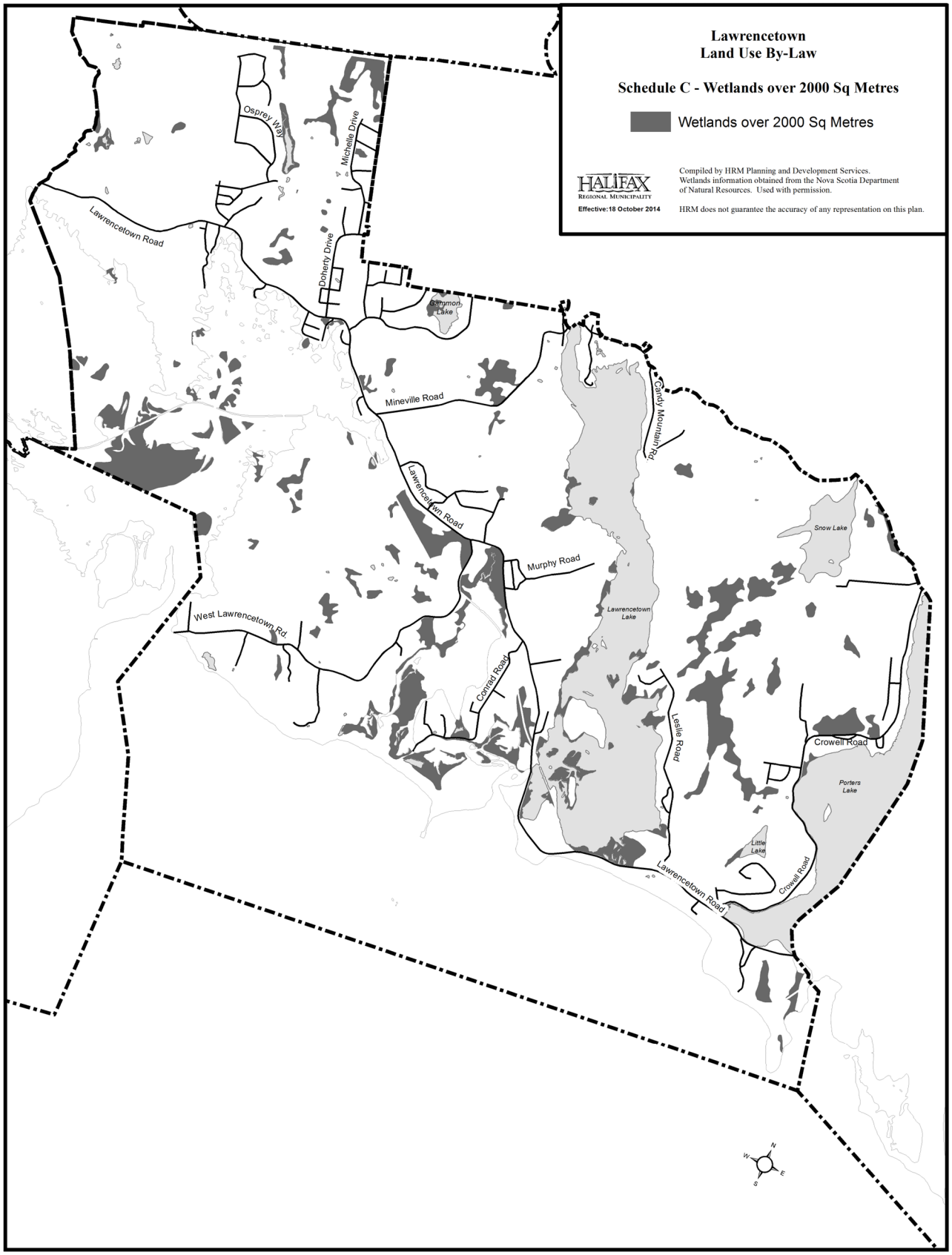
Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)

DRAFT


Lawrencetown
Land Use By-Law
Schedule B - Areas of Elevated Archaeological Potential
Areas of Elevated Archaeological Potential
HALIFAX
REGIONAL MUNICIPALITY
Effective:
18 October 2014
Compiled by HRM Planning and Development Services
Archaeological information obtained from the Nova Scotia Museum
of Natural History. Used with permission.
HRM does not guarantee the accuracy of any representation on this plan.
Osprey Way
Michelle Drive
Lawrencetown Road
Doherty Drive
Gammon Lake
Mineville Road
Candy Mountain Rd.
Lawrencetown Road
Murphy Road
Snow Lake
Lawrencetown Lake
West Lawrencetown Rd.
Conrad Road
Leslie Road
Crowell Road
Porters Lake
Little Lake
Crowell Road
Lawrencetown Road
N
W
E
S
0
0.5
1
2
kilometres

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

DRAFT


Lawrencetown
Land Use By-Law
Schedule C - Wetlands over 2000 Sq Metres
Wetlands over 2000 Sq Metres
HALIFAX
REGIONAL MUNICIPALITY
Effective:18 October 2014
Compiled by HRM Planning and Development Services.
Wetlands information obtained from the Nova Scotia Department
of Natural Resources. Used with permission.
HRM does not guarantee the accuracy of any representation on this plan.
Osprey Way
Michelle Drive
Lawrencetown Road
Doherty Drive
Gammon Lake
Mineville Road
Candy Mountain Rd
Lawrencetown Road
Murphy Road
Snow Lake
West Lawrencetown Rd
Lawrencetown Lake
Conrad Road
Leslie Road
Crowell Road
Porters Lake
Little Lake
Lawrencetown Road
Crowell Road
N
W
E
S

LAWRENCETOWN LAND USE BY-LAW AMENDMENT INDEX				
AMENDMENT NUMBER	**POLICIES & MAPS**	**SUBJECT**	**COUNCIL ADOPTION**	**EFFECTIVE DATE**
1	13.6	Schedule of fees for zoning by-law amendments, rezonings and development agreements (ZA-LAW-12-89)	May 28, 1990	June 23, 1990
2	2.59, 2.59A & 2.59B	Adding definitions regarding parking requirements	February 10, 1992	March 7, 1992
3	13.7	Establish public hearing notification procedure relative to rezonings and development agreements (ZA-LAW-11-92)	December 7, 1992	February 13, 2006
4	3.6(c)	Tourist related accommodations and certain water-related recreation uses (PA-LAW-12-93)	March 13, 1995	April 18,1995
5	2.1, 2.2 & 4.12	Add definition of accessory buildings and provisions	June 26, 2006	July 22, 1995
6	Appendix "C"	Add Bar-Shel Enterprises to existing uses (ZA-LAW-16-95)	July 31, 1995	August 26, 1995
7	2.12A	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
8	Zoning Map	Designate and zone certain properties (Case No. 00110)	January 15, 2002	February 23, 2002
9	3.1 & 12D	Infrastructure Charges (Project No. 00423)	July 15, 2002	February 23, 2002
10	Definitions, 12A, 12B & 12C	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
11	4.1A	Interim Growth Management	April 13, 2004	April 22, 2004

DRAFT

12	Appendix "B" & Appendix "D"	Commercial Use – Pizza Take-Out (Case No. 00505)		
13	Adding Schedule B & C, RPK Zone, def 2.12A, 4.19A, 4.29 & 4.30 and replacing sec 2.12AA, 2.57, 2.72 & 4.19 & adding 4.1B GP	Regional Plan	June 27, 2006	August 26, 2006
14	Adding Sec 5.1A; Del Sec 2.67 replace with new 2.67 amend	Case No. 00327	RC – September 26, 2006	E – November 18, 2006
15	Amend Section 4.25 (Parking Requirements)	Case No. 01119	RC – August 5, 2008	E – August 23, 2008
16	Amended Section 4.14 – Temporary Construction Uses Permitted	Case No. 01058	HECC – January 20, 2009	E – February 7, 2009
17	Replaced Section 2.15 – Day Care Facility	Case No. 01017	HECC – March 3, 2009	E – March 21, 2009
18	Replaced Section 2.30 – Kennel; Added Section 2.54A – Pet Care Facilities; Added a permitted use under Section 6.1; Added new section – 6.20 – Other Requirements – Pet Care	Case No. 01276	MDVCCC – May 19, 2010	E – June 12, 2010
19	Deleted the word "windmills" in Section 4.18; Added **Section 4.31 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
20	Amend Part 4, Section 31 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011
21	**Repeal/Readopt** Section 2.12A, 2.57, 2.72; parts of 3.1, 3.6, 4.1B, 4.19, 4.19A, 4.29, 4.30, 4.31; Part 11; Schedule A, B, C; **Add** Section 2.10A, 2.71B; Section 4.32; **Amend** Section 3.6; 4.19, 4.19A; Schedule A-1, B, C.	RP+5	RC – June 25, 2014	E – October 18, 2014
22	**Add** 4.3(d) – Road Frontages	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
23	**Amend** several sections to add Cannabis related uses Nov 3/18	Case 21331	RC - September 18, 2018	E - November 3, 2018

DRAFT

24	**Add** Part 2, Section 2.71.5 – Backyard & Secondary Suites; Part 4, Section 4.13A – Secondary Suites and Backyard Suites; **Amend** Part 4, Section 4.5 – One Dwelling on a Lot; Part 4, Section 4.19A – Coastal Areas	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
25	**Deleted** 'es' from 'does' in Part 4 – General Provisions for All Zones, Section 4.19A, Subsection (2)	Case 23274 – Secondary Backyard Suites Housekeeping Amendments	HEMDCC – March 4, 2021	E – March 27, 2021
26	**Amended:** Part 2; Part 4 and Part 6 to include Accessory Hen Use	Case 22227: Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022
27	**Amended** Part 2, Definitions – Sections 2.12, 2.29A; Part 3, Zones and Zoning Maps – Section 3.6, 3.6(b); Part 4, General Provisions for all Zones – Section 4.25, 4.31I(a); Part 6, RR-1 Zone – Section 6.1; Part 7, R-1 Zone – Section 7.1; Part 11, RPK Zone – Section 11.1; Part 12D, ICH Zone – Section 12D.1 **Deleted** Part 2, Definitions – Section 2.9, 2.58, 2.63 **Added** Part 2, Definitions – Section 2.66A, 2.66B; Part 3, Zones and Zoning Maps – Section 3.6 (f)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
28	**Amended** Clause 2.18(c); Clause 3.6(i); Section 4.32; Section 6.1 **Added** Section 3.7	Case 22257 (Regional Plan – Phase 3)	RC - October 11, 2022	E - November 16, 2022
29	**Amended** Part 4, Section 4.25; Part 6, Section 6.1 **Added** Part 2, Definitions, Subsection 2.66C, 2.66D; Part 4, Subsection 4.1D, 4.1E, 4.34 **Deleted** Part 2, Definitions, Subsection 2.8; Part 6, Section 6.7	Case 24526 (Short Term Rentals)	RC – February 21, 2023	E – September 1, 2023
30	**Repealed** Part 13, Section 13.7	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023

DRAFT

31	**Amended** Part 2, section 2.68; Part 4, section 4.13(c), 4.13A(a)(i)(v), 4.13A(b)(i)(iv)(vi)(viii) **Added** Part 4, section 4.13(g); 4.13A(b)(ix) **Repealed**	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024

DRAFT