ATTENTION

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

HALIFAX

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LAND USE BY-LAW

EASTERN SHORE (EAST)

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

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LAND USE BY-LAW
FOR
EASTERN SHORE (EAST)

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

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

_____
Municipal Clerk

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LAND USE BY-LAW FOR

EASTERN SHORE (EAST)

MARCH 1996

A By-law to regulate the use of land and the erection and use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures within the Eastern Shore East 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 March 4, 1996 and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on March 29, 1996. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

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PART 1: TITLE

This By-law shall be cited as the "Land Use By-law the Eastern Shore (East) Plan Area" 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 work "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

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

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

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

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

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

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

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

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

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

2.9 BOAT SHED means a building used exclusively for storing or repairing fishing and/or recreational boats and equipment and which is not used for seasonal or permanent residential or commercial purposes or any other use, and which has water frontage.

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.

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

2.11A 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)

2.11B 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-Sep18/18; E-Nov 3/18)

2.11C 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

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(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and

(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and

(b) excluding

(i) industrial hemp, and

(ii) premises used for personal production permitted by federal legislation.

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

2.11D 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)

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

2.12A COMMERCIAL ACCOMMODATION USE means every building, part of a building, group of buildings or place of accommodation that provides one or more rental units used for the reception of the travelling or vacationing public and without limiting the generality of the foregoing, includes motels, hotels, resorts, inns, cabins and lodges. (MDVCCC-Jan 23/02;E-Feb 10/02) (Text deletion: RC-Feb 21/23;E-Sep 1/23)

2.13 COMMERCIAL ENTERTAINMENT USE means any building or part of a building used for a beverage room or other similar use and video arcades, but shall not include cabarets.

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

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

2.16 COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres.

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2.17 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)

2.17A 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)

2.17B 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)

2.17C CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

2.17D 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)

2.18 COUNCIL means the Council of the Halifax County Municipality.

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

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

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

2.22 **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)**

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

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

2.25 DWELLING

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

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

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

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

(e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.2 m).

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

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

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

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

2.28 EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses and may include residential uses which are accessory to the extractive facility provided such residential uses are connected to a properly installed on-site sewage disposal system.

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

2.30 FISH SHED means a building used exclusively for storing or repairing fishing and/or aquaculture equipment and boats and which is not used for seasonal or permanent residential purposes or any other use, and which has water frontage.

2.31 FISH PROCESSING PLANT means a building or part of a building which is used for the cleaning, filleting, icing, packing, canning, freezing, salting, cooking, pickling, drying or preparing fish including shellfish, crustaceans and marine plants and animals for market in any other manner but does not include a fish reduction plant, fish composting operation, smokehouse or a fishing support use.

2.32 FISHING SUPPORT USE means any use which is designed to support the fishery and aquaculture industry and includes boat and equipment storage, maintenance buildings and yards, retail and wholesale outlets for fish and fish products, a smokehouse, and/or an operation where a fisherman and/or his crew processes his own catch and/or the catch of other fishermen, and/or where an aquaculture operator and/or his assistants processes his own produce and/or the produce of other aquaculture operators, but does not include a fish processing plant.

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

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

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

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

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

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

2.38A HEN means adult female chicken. For the purposes of this by-law hens associated with an accessory hen use are not livestock (RC- Oct 05/21; E-Jan 08/22).

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

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

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

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

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

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2.44 INDUSTRIAL USE means the use of land, buildings or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods and may included warehousing or bulk storage of goods and related accessory uses.

2.45 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.

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

2.47 LOT

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

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

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

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

2.49 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.

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

2.51 LOT LINE

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

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(b) Front Lot Line means the line dividing the lot from a street or a private road; and

(i) in the case of a corner lot - the shorter boundary line abutting the street or private road shall be deemed to be the front lot line and the longer boundary line abutting the street or private road shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street or private road shall be deemed to be the front lot line; or

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

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

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

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

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

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

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

2.55 MANUFACTURING AND ASSEMBLY USE means an establishment or facility engaged in the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials, but shall not include any use which is obnoxious.

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

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

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

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

2.60 MUNICIPALITY means Halifax County Municipality.

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

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

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

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

2.65 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.

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

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

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

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

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

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

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

2.73 RECREATION SPACE 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)

2.74 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 9/92)

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

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

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

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

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

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

2.81 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)

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

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

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

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

2.85A 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)

2.85B 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)

2.85C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.

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

2.86A 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)

2.86B 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)

2.87 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from

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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) Ground Sign means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.
(b) Projecting Sign means a sign which projects from and is supported by, or which extends beyond a walls or the roof of a building. (RC-Sep 26/06;E-Nov 18/06)

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

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

2.90 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.

2.90A SUITE (RC-Sep 1/20;E-Nov 7/20)

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

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

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

2.92A 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)

2.93 VARIETY STORE means a retail establishment in which goods or materials such as soft drinks, confections, stationary supplies, reading materials, tobacco products and smoker supplies, patent medicines, first aid supplies, housewares and notions, souvenirs and similar goods are offered for sale to the general public, and may include

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groceries, dairy products and video rental outlets and a take-out restaurant as a secondary function.

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

2.94A 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)

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

2.96 YACHT CLUB (see Private Club).

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

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

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

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

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

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

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

	Symbol	Zone
Residential Zones	R-6A	Rural Residential A Zone
Mixed Use Zones	MU	Mixed Use Zone
	I-1	Business 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 Charge Zone (RC-Jul 2/02;E-Aug 17/02)		**ICH Infrastructure Charge Holding Zone**
Resource Zones	RE	Rural Resource Zone
Conservation Zones	P-3	Coastal Conservation Zone
	RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
	PA	**Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)**

3.2 ZONING MAPS

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

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

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

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

(a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;

(b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines

(c) where a public street or highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it

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shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;

(d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;

(e) where land is created by the filling of a water lot or by otherwise infilling waters, the land so created shall be included in the zone of the lot and the zone boundary shall be the waterline; and

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

3.4 ZONES NOT ON MAPS

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

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) Any use not listed as a use permitted within any zone shall be deemed to be prohibited in that zone;

(b) Any use listed as subject to any special conditions or requirements shall be permitted subject to the fulfilling of such conditions or requirements.

(c) Where a use permitted within any zone is defined in Part 2.0, the uses permitted within that zone shall be deemed to include any similar use which satisfied such definition except where any definition is specifically limited to exclude any use; and

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

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

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

(a) Expansion of existing multiple unit dwellings or new multiple unit dwellings containing more than four units within the Mixed Use Designation and Resource Designation according the Policies MU-3 and RE-4;

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(b) Mobile home parks within the Mixed Use Designation and Resource Designation according to Policies MU-4 and RE-4;

(c) Commercial uses in excess of five thousand (5000) square feet (464.5m^2) of floor area within the Village Designation according to Policy V-6 and commercial and industrial uses in excess of five thousand (5000) square feet (464.5m^2) of floor area in the Resource Designation according to Policy RE-5.

(d) Salvage yards within the Resource Designation according to Policy RE-6.

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

(f) Pursuant to Policy IM-24, where there is enabling policy to consider the development, by development agreement, of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

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

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

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

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

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

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

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

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PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

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

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

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

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

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

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

(iii) any sign which is less than one hundred (100) square feet (9.3 m^2) in area, or other sign permitted under Section 5.3.

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

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

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

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

4.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

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

(b) Where the provisions in this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail except where the reduced lot frontage provisions of the Subdivision By-law have been applied.

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4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

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

4.4 REDUCED FRONTAGE OR AREA

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

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

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

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

4.5 ROAD ENTRANCE RESERVES

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

4.6 ONE DWELLING ON A LOT

Not more than one (1) dwelling shall be erected on a lot**, except where backyard suites are permitted**. **(RC-Sep 1/20;E-Nov 7/20)**

4.7 SEPARATION BETWEEN MAIN BUILDINGS

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

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4.8 EXISTING UNDERSIZED LOTS

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

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

4.9 EXISTING BUILDINGS

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

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

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

4.10 EXISTING USES

All existing uses are permitted uses and as such are permitted to expand, resume operation if discontinued or be replaced or rebuilt if destroyed, on the lot which they occupied on the effective date of this By-law, subject to the requirements of the zone in which it is located, with the exception of uses identified in Subsection 3.6(a), which shall only be permitted by development agreement.

4.11 ACCESSORY USES AND BUILDINGS

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

(a) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;

(b) the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and

(c) all other applicable conditions and requirements of this by-law are satisfied.

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

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

(a) The maximum number of hens permitted on a lot shall be:

- **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
- **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
- **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
- **iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;**

(b) Hens shall be contained within an accessory building or a fenced area that:

- **i. is located in a rear yard;**
- **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
- **iii. subject to 4.10A(b)(iv), meets the requirements for accessory buildings under this by-law; and**
- **iv. is setback a minimum of 1 metre from any side or rear lot line.**

(c) The following are not permitted:

- **i. On-site slaughtering or euthanizing of hens; and**
- **ii. The sale of eggs, meat or hens.**

4.12 ACCESSORY BUILDINGS

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

- (i) be used for human habitation except where a dwelling is a permitted accessory use;
- (ii) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than four (4) feet (1.2 m) to any other lot line except that:
  1. common semi-detached garages may be centered on the mutual side lot line;
  2. boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and
  3. where an area of land is proposed to be subdivided and an existing accessory building is less than one hundred and four (104) feet (31.7) from any side or rear lot line forming a boundary of the proposed lot, the minimum side yard requirement for the accessory building may be reduced to two (2) feet (0.6 m).
- (iii) exceed **twenty-five (25) feet (7.7 metres) (RC-May 23/24;E-June 13/24)** in height in any residential zone;
- (iv) exceed **a footprint of** one thousand (1,000) square feet (92.9 m^2) ~~in area~~ in any residential zone;

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

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

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

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

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

(a) SECONDARY SUITES

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

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

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

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

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

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

(b) BACKYARD SUITES

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

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

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

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

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

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

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

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

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a street;

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(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)

4.13 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.

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

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

4.14 VEHICLE BODIES

No truck, bus, coach**, motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building except in an RE (Rural Resource), MU (Mixed Use) or I-1 (Business Industry) Zone. **For clarity, a shipping container is not considered a vehicle body.**

4.15 RESTORATION TO A SAFE CONDITION

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

4.16 BUILDING TO BE MOVED

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

4.17 HEIGHT REGULATIONS

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

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

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

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

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

(d) **Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached**

deck not exceeding a footprint of 20 m^2 or a combination of an accessory structure and attached deck not exceeding 20 m^2, fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.

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

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

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

(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance may 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.

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

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

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(2) Subsection (1) does not apply to any lands within the I-1 (Business Industry Zone, abutting the port of Sheet Harbour or any residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

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

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

4.19 PERMITTED ENCROACHMENTS

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

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

4.20 YARD EXCEPTION

(a) Where, in this By-law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the high water mark or a watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, then the required yard shall be measured from the main wall of the main building or structure of the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.
(b) Where two unit dwellings are permitted, the side yard common to both units of a semi-detached dwelling shall not be required.

4.21 ILLUMINATION

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

4.22 COMMERCIAL MOTOR VEHICLES

No commercial vehicles shall be kept less than (10) feet (3.1 m) from any front lot line within any MU, I-1 or RE Zone. No commercial vehicles shall be kept on a lot within any R-6A, P-3 or **RPK or PA** Zone. **(HEMDCC-Sep 2/21;E-Sep 18/21)**

4.23 DERELICT VEHICLES

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

4.24 PARKING REQUIREMENTS

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

USE	PARKING REQUIREMENT
Any dwelling except as specified below:	1 space per dwelling unit
Multiple dwellings	1.5 spaces per dwelling unit
Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and offices	3.3 spaces per 1,000 square feet (92.9m^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

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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
USE	PARKING REQUIREMENT
(b) not exceeding 300 square feet (28 m^2) of gross floor area	5 spaces
Lounges, taverns and beverage rooms	20 spaces per 1000 square feet (92.9 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as **otherwise** specified **(RC-Aug 9/22;E-Sep 15/22)**	- where there are fixed seats, the greater of 1 space per 4 seats and 1 space per 100 square feet (9.3 m^2) of gross floor area - where there are no fixed seats the greater of 1 space per 100 square feet (9.3 m^2) of gross floor area or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Fire stations (HEMDCC–Sep 2/21;E–Sep 18/21)	**2 spaces per 1,000 square feet (93 m^2) of gross floor area**
USE	PARKING REQUIREMENT
Municipal Community Facilities including recreation centres, community halls and public libraries (HEMDCC–Sep 2/21;E–Sep 18/21)	**4.5 space per 1,000 square feet (93 m^2)**
Schools	3 spaces per classroom plus 1 space per 20 senior high school students

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Hospitals	2 spaces per bed
Day care facilities	1.5 spaces per 400 square feet (37.2 m^2) of gross floor area
Medical clinics and offices of any health practitioner (RC-Aug 5/08;E-Aug 23/08)	**2 spaces per consulting room**
Funeral homes	15 spaces
Warehouses, transport terminals and	the greater of 2 spaces per
USE	PARKING REQUIREMENT
general industrial uses	100 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) Reserved Spaces for the Mobility Disabled

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

USE	PARKING REQUIREMENT
Medical Clinics and offices of any health practitioner	- 1 reserved parking space for the mobility disabled per 5-15 parking spaces required - 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
Multiple Dwellings	1 reserved parking space per 50 units to a maximum of 10
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10

USE	PARKING REQUIREMENT
All other uses excluding churches, 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

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	1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(c) Standards for Mobility Disabled Parking Spaces

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

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

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

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

4.25 STANDARDS FOR PARKING LOTS

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

(a) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement;

(b) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3.1 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m);

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

(d) 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

(e) all parking areas shall provide manoeuvring areas or aisles to permit vehicles to leave the property in a forward motion.

4.26 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, a loading space(s) with every such use:

Gross Floor Area	Number of Spaces
Less than 4,999 square feet (464.4 m^2)	0
5,000 - 14,999 square feet (464.4 - 1393.5 m^2)	1

15,000 - 34,999 square feet (1393.5 - 3251.5 m^2)	2
More than 35,000 square feet (3251.5 m^2)	3

(b) 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.

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

4.27 DAYLIGHTING TRIANGLE

On a corner lot, no fence, sign, hedge, shrub, bush or three or any other structure or vegetation which restricts vision shall be erected or permitted to grow to a height more than two (two) feet (.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

4.28 LIVESTOCK

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

4.29 COMPOSTING OPERATIONS

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

(a) the use shall not be obnoxious or create a nuisance;

(b) a composting operation shall meet the following separation distances:

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

(c) notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building;

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

4.30 USES PERMITTED ON EXISTING PRIVATE ROADS (Deleted: RC-Jun 27/06;E-Aug 26/06)

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

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Where excavation is required for a development on any area identified on Schedule C attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

4.32 SCHEDULE D - WETLANDS (RC-Jun 25/14;E-Oct 18/14)

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

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

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

I DEFINITIONS

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

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

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

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

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

e) "Tower Height" means the distance measured from grade at the established grade of 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;

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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 B-1 - Wind Energy Zoning. Such zones are:

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

a) URBAN WIND ZONE (UW-1)

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

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

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

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

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

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

b) RURAL WIND ZONE (RW-2)

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

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

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

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

c) RESTRICTED ZONE (R)

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

III PERMIT APPLICATION REQUIREMENTS

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;

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

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

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

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

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

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

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

i)	**Micro**	**140 metres (460 ft)**
ii)	**Small**	**360 metres (1180 ft)**
iii)	**Medium**	**500 metres (1640 ft)**
iv)	**Large**	**2000 metres (6560 ft)**

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

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

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

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

V EXCEPTIONS

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

a) Wind Energy Facilities shall not be permitted in the following zones of the Eastern Shore (East) Land Use By-law:
   i) RPK (Regional Park) Zone;
   ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
c) All electrical wires shall, to the maximum extent possible, be placed underground.
d) The visual appearance of the Wind Energy Facility shall at a minimum:
   i) be a non-obtrusive colour such as white, off-white or gray;
   ii) not be artificially lit, except to the extent required by the Federal Aviation Act or other applicable authority that regulates air safety; and, not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law.

IX SCHEDULES

a) Schedule B-1 – Wind Energy Zoning

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

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

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4.35 CANNABIS-RELATED USES (RC-Sep18/18; 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).

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

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

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

- **i) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;**
- **ii) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;**
- **iii) The operator of the short-term bedroom rental resides on site while any bedrooms are rented;**
- **iv) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and**
- **v) One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.**

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.

4.37 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM

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

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PART 5: SIGNS

5.1 GENERAL

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

(b) No sign shall be erected unless all the sign provisions of this By-law are satisfied.

(c) For the purposes of this Part, the area of a sign shall be considered to be the area of the smallest rectangle, triangle or circle which can circumscribe the face of the sign and, in the case of signs having more than one face, shall be the total area of all faces.

5.1 A TEMPORARY SIGNAGE

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

(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded. (RC-Sep 26/06; E-Nov 18/06)

5.2 SAFETY

Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in conformity with the Building Code Act Regulations and any fire prevention and electrical codes.

5.3 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in any MU, R-6A, I-1, RE, P-3 or **RPK or PA** Zone: **(HEMDCC-Sep 2/21;E-Sep 18/21).**

(a) Any sign which has an area of no more than four (4) square feet (0.4 m^2) and which identified the name and address of a resident;

(b) Any sign which has an area of no more than four (4) square feet (0.2 m^2) and which regulates the use of property, such as "No Trespassing" signs;

(c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m^2);

(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 such as 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; and

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(h) Any memorial sign, plague or tablet.

5.4 COMMERCIAL SIGN RESTRICTION

Where uses are permitted as commercial, industrial or resource uses in any MU, RE or I-1 Zone, the following shall apply:

(a) There shall be no more than three (3) signs advertising any commercial, industrial or resource uses or products on any lot; and
(b) The area of any sign shall not be more than one hundred (100) square feet (9.3 m^2).

5.5 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign or sign structure which constitutes a hazard to public safety or health.
(b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
(c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
(d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
(e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
(f) Any sign which advertises a bona fide business which no longer conducts business, or sells a product. Such signs are deemed to be obsolete 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.
(g) Any sign painted on a tree, stone, cliff or other natural object; and
(h) Any sign which incorporates any flashing or any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means or any searchlight.

5.6 PROJECTING SIGNS

Where a projecting sign is permitted in any MU, R-6A, I-1 or RE Zone, no projecting sign shall:

(a) project over a public right-of-way or lot lines;
(b) be erected below a height of ten (10) feet (3.1 m); or
(c) be permitted to swing freely on its supports.

5.7 GROUND SIGNS

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Where a ground sign is permitted in any MU, R-6A, I-1, RE or **RPK or PA** Zone, no ground sign shall: **(HEMDCC-Sep 2/21;E-Sep 18/21)**

(a) extend beyond a property line or project over a public right-of-way or lot line; or
(b) be less than ten (10) feet (3.1 m) from any street line or abutting lot line.

5.8 FACIAL WALL SIGNS

No facial wall sign shall:

(a) extend above the top of the wall upon which it is attached;
(b) extend beyond the extremities of the wall upon which it is attached; or
(c) exceed twenty-five (25) percent of the area of the wall on which it is attached.

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PART 6: MU (MIXED USE) ZONE

6.1 MU USES PERMITTED

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

RESIDENTIAL USES
Single unit dwellings
Two unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)
Existing multiple unit dwellings containing more than 4 units
Multiple unit dwellings containing a maximum of 4 units
Home based business uses in conjunction with permitted dwellings

COMMERCIAL USES
Antique shops
Craft shops
Convenience stores
Grocery stores
Variety stores
(Deleted: MDVCCC-Jan 23/02;E-Feb 10/02)
Commercial schools
Theatres and cinemas
Trade contracting services and shops
Beverage rooms
Service and personal service shops
Medical clinics
Restaurants including full service, drive-in and take-out
Service stations and automobile repair outlets
Bakeries
Banks and financial institutions
Offices
Funeral parlours and undertaking establishments including crematoriums
Garden centres
Marinas
Outdoor display courts
Photographic studios
Retail stores
Shopping centres
Printing establishments
Taxi and bus stations
Veterinary clinics
Warehousing and wholesaling
Manufacturing and assembly uses
Utility, communication buildings or structures

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Wharves and boathouses
Existing service industry uses
Existing uses
Commercial Accommodation Uses (MDVCCC-Jan 23/02;E-Feb 10/02)
Short-term Rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term Bedroom Rentals (RC-Feb 21/23;E-Sep 1/23)

RESOURCE AND TRADITIONAL USES
Agricultural uses
Forestry uses
Fishery support uses
Fish sheds and boat sheds
Traditional uses

COMMUNITY USES
Daycare facilities
Institutional uses
Open space uses
Recreation uses

OTHER USES (RC-Sep 18/18;E-Nov 3/18)
Cannabis production facilities

6.2 MU ZONE REQUIREMENTS

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

Minimum lot area	20,000 square feet (1858 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height of main building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: MULTIPLE UNIT DWELLINGS

Where multiple unit dwellings are permitted in any MU Zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	15,000 square feet (1393.5 m^2) per dwelling unit
Minimum frontage	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height of main building	35 feet (10.7 m)

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6.4 OTHER REQUIREMENTS: HOME BASED BUSINESS USES

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

(a) Any lot that is used for such purposes shall be the principle residence of the operator of the business;
(b) No materials or equipment shall be used except that which is reasonable consistent with that business and shall not be obnoxious or create a nuisance by virtue of noise, vibration, odour or glare;
(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 (6) square feet (0.56 m^2) in area;
(e) No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be devoted to home business uses within the dwelling, and in no case shall the total gross floor area of structures devoted to home business uses exceed one thousand (1,000) square feet (92.9 m^2);
(f) No outdoor storage or outdoor display shall be permitted in any yard where such yard abuts any residential uses, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m) in height is provided;
(g) No outdoor storage shall be permitted in any front yard;
(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations; and

6.5 OTHER REQUIREMENTS: DAY CARE USES

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

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

6.6 OTHER REQUIREMENTS: COMMERCIAL USES

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

(a) The total gross floor area of all structures devoted to a commercial use shall not exceed five thousand (5,000) square feet (464.5 m^2);
(b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened;
(c) No outdoor storage shall be permitted in any front yard; and
(d) Except where any commercial use abuts another commercial use, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected.

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6.7 OTHER REQUIREMENTS: MEDICAL CLINICS

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

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

6.8 OTHER REQUIREMENTS: AGRICULTURE USES

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

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

6.9 OTHER REQUIREMENTS: FORESTRY USES

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

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

6.10 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any MU Zone, no development permit shall be issued except in conformity with the following:

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

6.11 EXEMPTION: OPEN SPACE USES

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

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6.12 OTHER REQUIREMENTS: TRADITIONAL USES

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

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

6.13 OTHER REQUIREMENTS: FISH SHEDS AND BOAT SHEDS

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

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

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

(a) A cannabis production facility shall comply with the requirements of Section 6.2 and 6.6.

(b) Where a lot containing a cannabis production facility abuts a lot

(i) zoned or used for residential purposes, or

(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

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

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PART 7: R-6A (RURAL RESIDENTIAL A) ZONE

7.1 R-6A USES PERMITTED

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

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

7.2 R-6A ZONE REQUIREMENTS

In any R-6A Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum lot area	20,000 square feet (1858 m^2)
Minimum frontage	100 feet (3.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height	35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: HOME BASED BUSINESS USES

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

(a) Any lot that is used for such purposes shall be the principle residence of the operator of the business;
(b) No materials or equipment shall be used except that which is reasonable consistent with that business and shall not be obnoxious or create a nuisance by virtue of noise, vibration, odour or glare;
(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 (6) square feet (0.56 m^2) in area;
(e) No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be devoted to home business uses within the dwelling, and in no case shall the total gross floor area of structures devoted to home business uses exceed one thousand (1,000) square feet (92.9 m^2);

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(f) No outdoor storage or outdoor display shall be permitted in any yard where such yard abuts any residential uses, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m) in height is provided;
(g) No outdoor storage shall be permitted in any front yard; and
(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.

7.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

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PART 8: I-1 (BUSINESS INDUSTRY) ZONE

8.1 I-1 USES PERMITTED

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

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

COMMUNITY USES
Institutional uses
Recreational uses

8.2 I-1 ZONE REQUIREMENTS

In any I-1 Zone, where uses are permitted as Industrial Park Uses and Community Uses, no development permit shall be issued except in conformity with the following:

Minimum lot area	20,000 square feet (1858 m^2)
Minimum frontage	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	20 feet (6.1 m)
Maximum lot coverage	50 percent
Maximum height	35 feet

8.3 OTHER REQUIREMENTS: ENVIRONMENTAL

Notwithstanding Section 8.1, no material or equipment shall be used which creates a nuisance by virtue of noise, vibration, odour, glare or which is obnoxious.

8.4 OTHER REQUIREMENTS: COMPOSTING OPERATIONS

Where composting operations are permitted in the I-1 Zone, the provisions of Section 4.29 shall apply.

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8.5 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; and
(b) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line.

8.6 OTHER REQUIREMENTS: INDUSTRIAL PARK USES ON LANDS ADJACENT TO EXISTING PARK BOUNDARIES

Where the Sheet Harbour Industrial Park expands onto adjacent lands, the following shall apply:

(a) No industrial park uses shall be located:
  (i) less than five hundred (500) feet (152.4 m) from any dwelling; and
  (ii) less than two hundred (200) feet (60.9 m) from any watercourse.
(b) No industrial park uses shall have access through a residential (R-6A) Zone, except where no other access can be granted by the Municipality or the provincial Department of Transportation and Communications.

8.7 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.

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PART 9: RE (RURAL RESOURCE) ZONE

9.1 RE USES PERMITTED

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

All MU Zone uses
Forestry uses
Fishery uses and fishing support uses
Agricultural uses
Intensive agriculture uses
Extractive facilities
Communications transmission stations
Kennels
Hunting and fishing camps
Commercial recreation uses
Industrial uses and service industries, excluding salvage yards
Composting operations
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

9.2 RE ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum lot coverage	35 percent

9.3 OTHER REQUIREMENTS: MU ZONE USES

Where MU Zone uses are permitted in any RE Zone, the requirements of Sections 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.10, 6.11, 6.12 or 6.13 shall apply.

9.4 OTHER REQUIREMENTS: FORESTRY USES

Where forestry uses are permitted in any RE Zone, the following shall apply:

(a) No forest processing operation shall be located:
- (i) less than twenty (20) feet (6.1 m) from any lot line;
- (ii) less than fifty (50) feet (15.2 m) from any dwelling except a dwelling on the same lot;
- (iii) less than fifty (50) feet (15.2 m) from any MU or R-6A Zone;
- (iv) less than three hundred (300) feet (91.4 m) from any watercourse; and

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(v) less than three hundred (300) feet (91.4 m) from any potable water supply (well) on the same lot.

9.5 OTHER REQUIREMENTS: INTENSIVE AGRICULTURAL USES

Where intensive agricultural uses are permitted in any RE Zone, the following shall apply:

(a) No barn, stable, or other building intended for the keeping of domestic fowl or other livestock shall be located:
  (i) less than fifty (50) feet (15.2 m) from any side lot line;
  (ii) less than three hundred (300) feet (91.4 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; and
  (iii) less than three hundred (300) feet (91.4 m) from any watercourse.

(b) No intensive agricultural use shall be less than five hundred (500) feet from any mixed use or residential (MU, R-6A) Zone nor shall it have access through a mixed use or residential (MU, R-6A) Zone, except where no other access can be granted by the Municipality or the provincial Department of Transportation and Communications.

9.6 OTHER REQUIREMENTS: EXTRACTIVE FACILITIES

Where extractive facilities are permitted in any RE Zone, the following shall apply:

(a) No extractive facilities shall be located:
  (i) less than one hundred (100) feet (30.5 m) from any lot line;
  (ii) less than three hundred (300) feet (91.4 m) from any dwelling or potable water supply except a dwelling or supply on the same lot;
  (iii) less than three hundred (300) feet (91.4 m) from any MU or R-6A Zone; and
  (iv) less than three hundred (300) feet (91.4 m) from any watercourse.

9.7 OTHER REQUIREMENTS: KENNELS

Where kennels are permitted in any RE Zone, the following shall apply:

(a) No kennel shall be located:
  (i) less than twenty (20) feet (6.1 m) from any lot line;
  (ii) less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot; and
  (iii) less than one hundred (100) feet (30.5 m) from any watercourse.

9.8 OTHER REQUIREMENTS: HUNTING AND FISHING CAMPS

Notwithstanding the provisions of Section 9.2, in any RE Zone where any hunting or fishing camp is permitted, no development permit shall be issued except in conformity with the following:

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Minimum front yard	30 feet (9.1 m)
Minimum side or rear yard	4 feet (1.2 m)
Maximum lot coverage	50 percent

9.9 OTHER REQUIREMENTS: COMMERCIAL RECREATION USES

Where commercial recreation uses are permitted in any RE Zone, the following shall apply:

(a) No commercial recreation use shall be located:
- (i) less than fifty (50) feet (15.2 m) from any lot line;
- (ii) less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot;
- (iii) less than three hundred (300) feet (91.4 m) from any potable water supply except a supply located on the same lot; and
- (iv) less than three hundred (300) feet (91.4 m) from any watercourse.

9.10 OTHER REQUIREMENTS: INDUSTRIAL USES

Where industrial uses are permitted in any RE Zone, the following shall apply:

(a) No industrial use shall be located:
- (i) less than fifty (50) feet (15.2 m) from any lot line;
- (ii) less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot;
- (iii) less than three hundred (300) feet (91.4 m) from any potable water supply, except a supply located on the same lot; and
- (iv) less than three hundred (300) feet (91.4 m) from any watercourse.

9.11 OTHER REQUIREMENTS: SERVICE INDUSTRIES

Where service industries are permitted in any RE Zone, the requirements of Section 6.6 shall apply.

9.12 OTHER REQUIREMENTS: FISH SHEDS AND BOAT SHEDS

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

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

9.13 OTHER REQUIREMENTS: COMPOSTING OPERATIONS

Where composting operations are permitted in any RE Zone, the provisions of Section 4.29 shall apply.

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

(a) A cannabis production facility shall comply with the requirements of Section 9.10(a)(i), (iii) and (iv).

(b) Where a lot containing a cannabis production facility abuts a lot

(i) zoned or used for residential purposes, or

(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

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

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PART 10: P-3 (COASTAL CONSERVATION) ZONE

10.1 P-3 USES PERMITTED

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

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

10.2 P-3 ZONE REQUIREMENTS

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

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

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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
Conservation uses
Marinas
Uses accessory to the foregoing uses

Community Uses
Institutional Uses
(HEMDCC-Sep 2/21;E-Sep 18/21)

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**

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PART 11A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

11A.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

11A.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)**

11A.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 11A.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 11A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

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11A.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 11A.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-6A) or community use (P-3 and RPK and PA) (HEMDCC-Sep 2/21;E-Sep 18/21); and

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

11A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

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

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

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

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

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

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

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

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

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

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

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

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

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PART 11B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

11B.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

11B.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)**

11B.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.

11B.4 OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES

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

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

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

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(b) **notwithstanding Section 11B.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 11B.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).**

11B.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 11A.4.**

(b) **notwithstanding Sections 11B.2 to 11B.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.**

11B.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 11A.5.

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PART 11C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

11C.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

11C.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 sq. ft.)**
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)**

11C.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.

11C.4 OTHER REQUIREMENTS: C&D MATERIALS DISPOSAL SITES

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

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

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

11C.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 11A.4.

(b) Notwithstanding Sections 11C.2 to 11C.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.

11C.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 11A.5.

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PART 11D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

11D.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

11D.2 ICH ZONE REQUIREMENTS

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

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PART 11E: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

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

11E.1 PA USES PERMITTED

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

11E.2 PA ZONE REQUIREMENTS

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

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

11E.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

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

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PART 12: ADMINISTRATION

12.1 ENFORCEMENT

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

12.2 SCOPE OF APPLICATION

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

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

12.3 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.

12.4 PENALTY

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

12.5 DATE OF BY-LAW

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

12.6 SCHEDULE OF FEES

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

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

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

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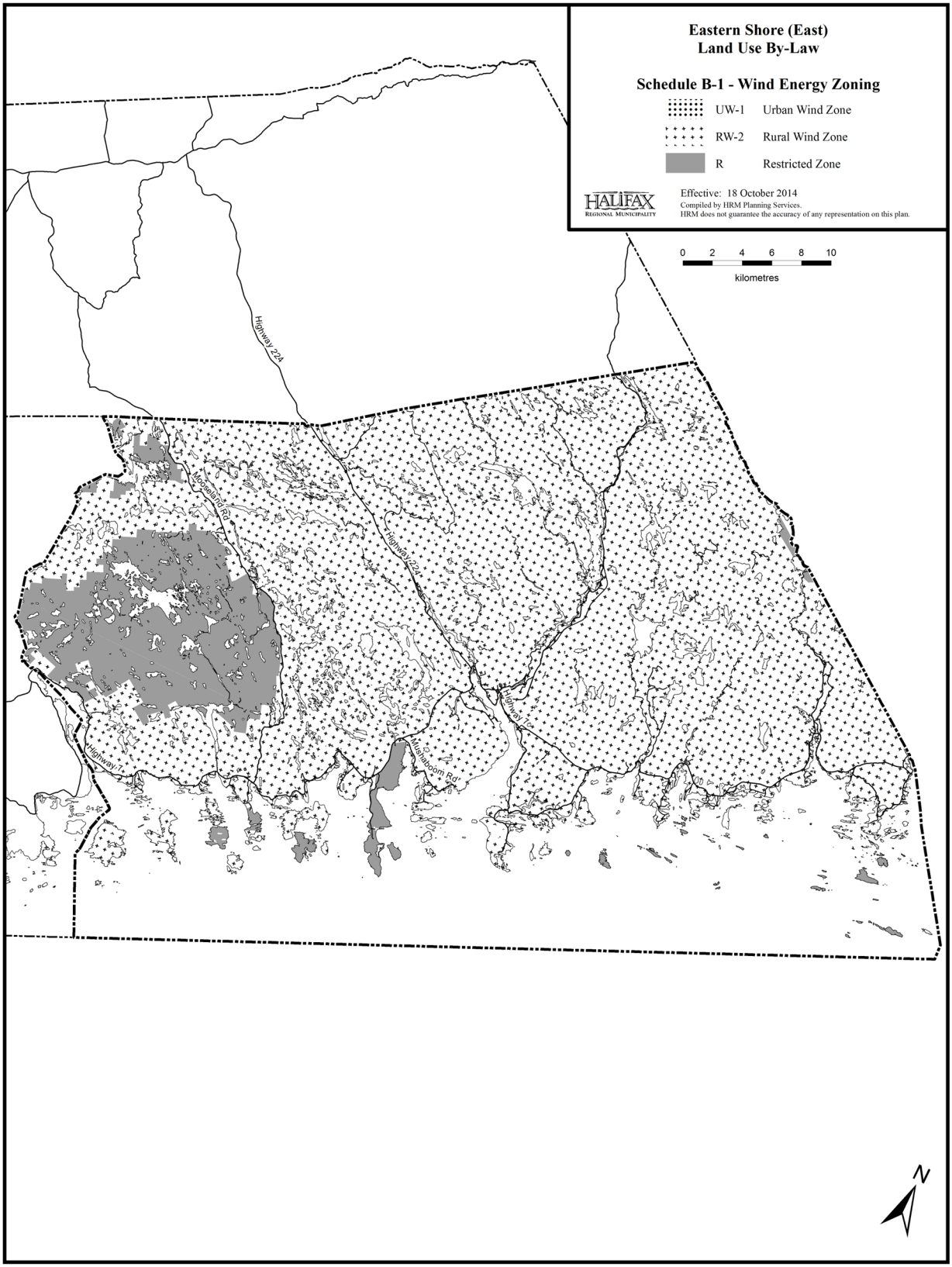
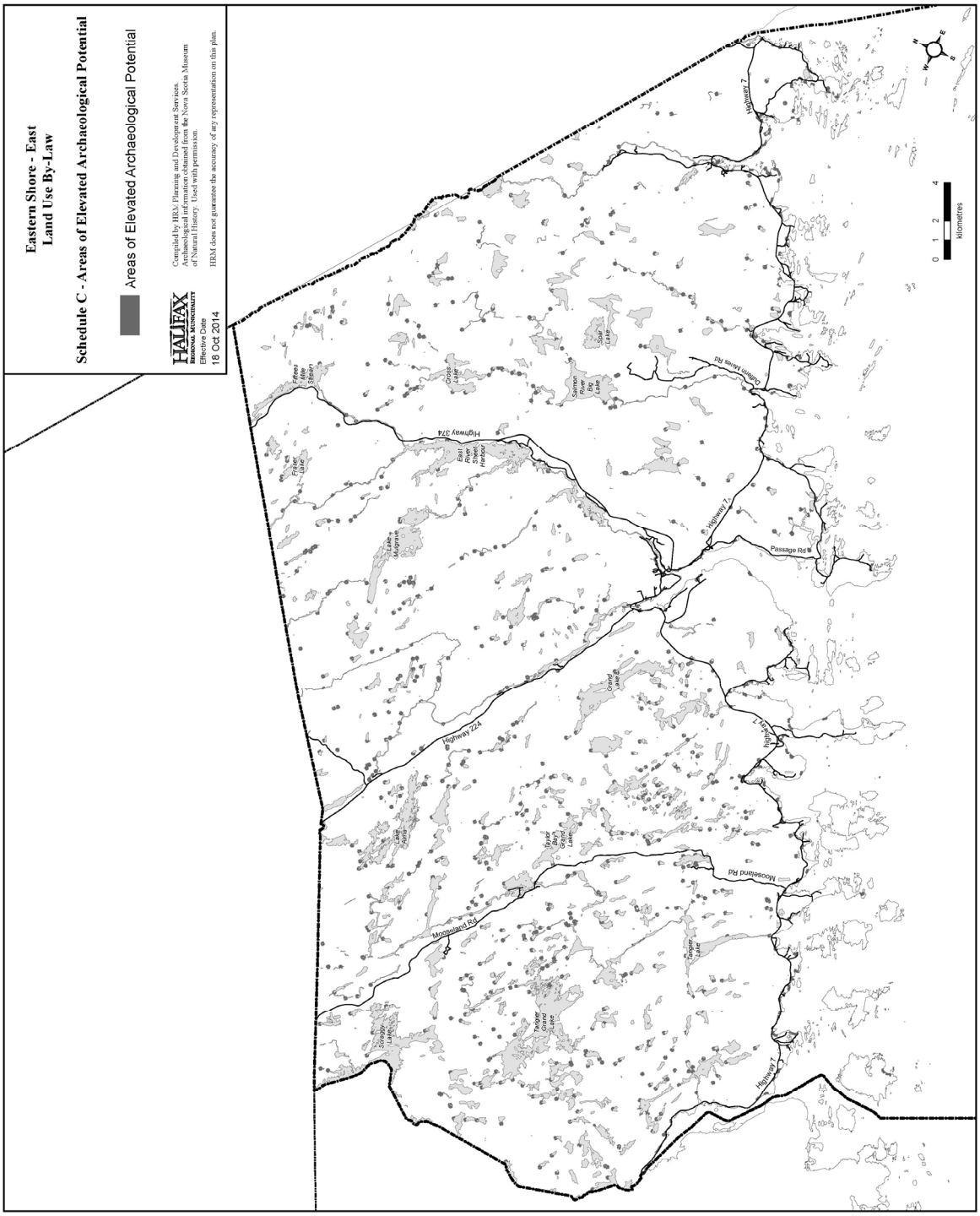
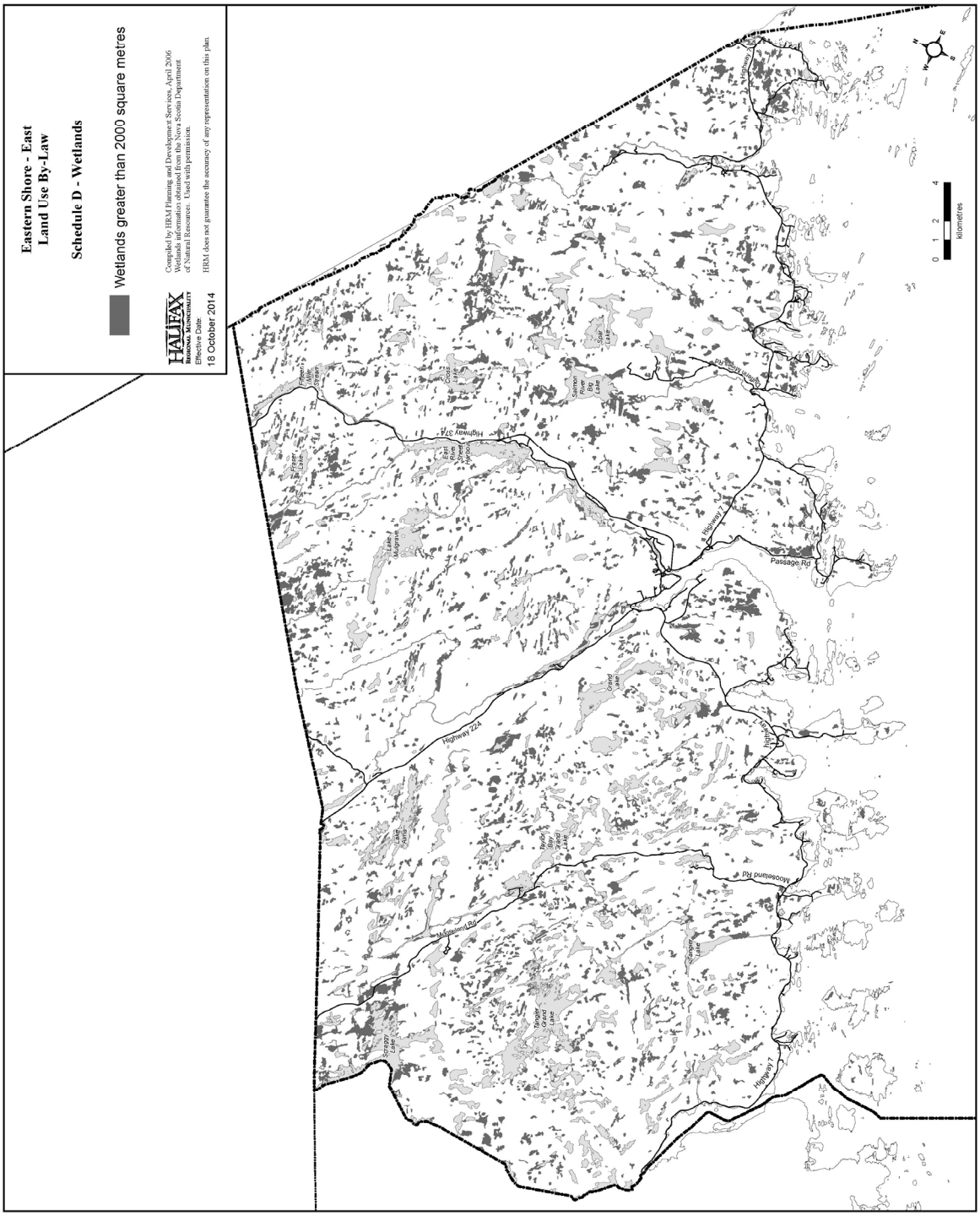
Schedule B-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



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



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



LAND USE BY-LAW FOR EASTERN SHORE EAST PLAN AREA
AMENDMENT INDEX

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	3.6(e), 4.30	Permit development of a residential subdivision with private roads in excess of 600 feet (PA-ES(E)-10-97)	August 17, 1999	September 18, 1999
2	2.11, 2.40, 2.59 (deletion) 2.12A, 6.1	Alter setback requirements from watercourses for such cottages within the RE Zone (Case No. 00348)	January 23, 2002	February 10, 2002
3	3.1, 11D	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
4	Definitions, 11A, 11B, 11C	Construction and Demolition Waste Management Strategy (Project NO. 00082)	September 10, 2002	November 9, 2002
5	Adding P-4 Zone, Schedules C & D, Sec 4.1A,4.31 & 4.32 to General Provisions, Adding the clause following Sec 3.6(e) & Section 4.18A Replacing Sections 2.17, 2.73, 2.95, the P-4 Zone with RPK Zone & Sec 4.18. Deleting Sec4.30 and Subsection 3.6(e).	Regional Plan Amendments	June 27, 2006	August 26, 2006
6	5.1A Temporary Signage, Replace 2.87	Case No. 00327	RC - September 26, 2006	E - November 18, 2006
7	Amend Section 4.24 (Parking Requirements)	Case No. 01119	RC - August 5, 2008	E - August 23, 2008
8	Amend Section 4.13 Temporary Construction uses permitted	Case No. 01058	HECC - January 20, 2009	E - February 7, 2009
9	Replaced Section 2.22; Day Care Facility	Case No. 01017	HECC - March 3, 2009	E - March 21 2009
10	Deleted the word "windmills" in Section 4.17; Added **Section 4.33 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Added Schedule B-1: Wind Energy Zoning Map	Case No. 00953	RC – August 16, 2011	E – October 29, 2011
11	Amend Part 4, Section 33 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Case No. 00953	RC – October 18, 2011	E – October 29, 2011
12	**Repeal/Readopt** Section 2.17, 2.73, 2.95; parts of 3.1, 3.6, 4.1A, 4.18, 4.18A, 4.31, 4.32, 4.33; Part 11, 11E; Schedule B, B-1; **Add** Section 2.11A, 2.94A; Section 4.34; **Amend** Section 3.6; 4.18, 4.18A; Schedule B, C, B-1, D, Zoning Map.	RP+5	RC – June 25, 2014	E – October 18, 2014

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13	**Add** Section 4.4(d) – Reduced lot frontage	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
14	**Amend** several sections to add Cannabis related uses Nov 3/18	Case 21331	RC - September 18, 2018	E - November 3, 2018
15	**Add** Part 2, Section 2.90A - Backyard/Secondary Suites; Part 4, Section 4.12A – Secondary Suites and Backyard Suites; **Amend** Part 4, Section 4.6 – One Dwelling on a Lot; Part 4, Section 4.18A – Coastal Areas	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
16	**Amend sections –** 4.22, Part 4, Section 5.3, 5.7; Part 11, Section 11A.4 & Schedule B	Case 23221	HEMDCC – September 2, 2021	E – September 18, 2021
17	**Amended:** Part 2, Section 2 and Part 4 to include Accessory Hen Use definitions and stipulations	Case 22227	RC – October 5, 2021	E – January 8, 2022.
18	**Amended** Part 2, Definitions – Section 2.42; Part 4, General Provisions for all Zones – Section 4.24, 4.33I(a); Part 6, MU Zone – Section 6.1; Part 7, R-6A Zone – Section 7.1; Part 11D, ICH Zone – Section 11D.1 **Deleted** Part 2, Definitions – Section 2.76, 2.82 **Added** Part 2, Definitions – Section 2.85A, 2.85B; Part 3, Zones and Zoning Maps – Section 3.6(f)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
19	**Amended** Clause 2.25(c). 2.41; CDD(i), Section 4.34; Section 6.1 **Added** Section 3.8	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022
20	**Amended** Part 2, Definitions, Section 2.12A; Part 4, Section 4.24; Part 6, Section 6.1; **Added** Part 2, Definitions, Section 2.86A, 2.86B; Part 4, Section 4.1(v), 4.1(vi); 4.36; **Deleted** Part 2, Definitions, Section 2.8;	Case 24526 (Short Term Rentals)	RC – February 21, 2023	E – September 1, 2023
21	**Repealed** Part 12, Section 12.7	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023
22	**Amended** Part 2, section 2.88; Part 4, section 4.12(iii), clause 4.12A(a)(i)(v), 4.12A(b)(i)(iv)(vi) **Added** Part 4, section 4.12(c), clause 4.12A(b)(ix) **Repealed** Part 2, clause 2.25(d)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024

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