ATTENTION

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

HALIFAX

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LAND USE BY-LAW

TIMBERLEA/LAKESIDE/ BEECHVILLE

THIS COPY IS

A REPRINT OF THE

TIMBERLEA/LAKESIDE/BEECHVILLE

LAND USE BY-LAW

WITH AMENDMENTS TO

JUNE 13, 2024

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LAND USE BY-LAW
FOR
TIMBERLEA/LAKESIDE/BEECHVILLE

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Timberlea/Lakeside/Beechville which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 10th day of August, 1992, and approved with amendments by the Minister of Municipal Affairs on the 20th day of November, 1992, 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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HALIFAX COUNTY MUNICIPALITY
LAND USE BY-LAW FOR
TIMBERLEA/LAKESIDE/BEECHVILLE

A by-law to regulate the use of land use 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 Timberlea/Lakeside/Beechville Plan Area within Halifax County Municipality in the Province of Nova Scotia.

The Planning Act, Chapter 9, provides in Section 51(1) that, "Where a planning strategy or an amendment thereto contains statements of policy in respect to the control of land use and development, the Council shall concurrently with the adoption of amendment of the planning strategy, adopt or amend a land use by-law to implement the planning strategy or amendment thereto."

Furthermore, the Act provides in Section 83(1) that, "Where a Council has adopted a land use by-law, a municipal development permit shall be required before any development is undertaken." and, according to Section 3(e) of the Act, "development" includes, "any erection, construction, alteration replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structure."

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

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

This document has been prepared for convenience only and incorporates amendments made by the Council of Halifax County Municipality on the 10th of August, 1992, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 20th of November, 1992. Amendments made after this approval date may not necessarily be included for accurate reference, recourse should be made to the original documents.

NOVEMBER 1992

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PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Timberlea/Lakeside/Beechville" within Halifax County Municipality.

PART 2: DEFINITIONS

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

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

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

2.2 ACCESSORY USE means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations. (WRCC-Jun 26/95; E-Jul 22/95)

2.3 ADULT ENTERTAINMENT USE means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations but shall exclude massage parlours.

(a) When used in relation to adult entertainment use, the following shall apply:

(i) "To Provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;

(ii) "Services" include activities, facilities, performances, exhibitions, viewing and encounters;

(iii) "Services designed to appeal to erotic or sexual appetites or inclination" includes,

1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely and opaquely covered:

(A) human genitals or human pubic region;

(B) human buttocks; or

(C) female breast below a point immediately above the top of the areola.

2. services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

2.4 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel.

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

2.6 AMENITY AREA means an area of land set aside for purposes of visual improvement or relaxation except where an amenity area is required for any multiple unit dwelling, in which case the area may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.

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

2.7A BICYCLE PARKING, CLASS A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages. (RC-Jun 25/14;E-Oct 18/14)

2.7B BICYCLE PARKING, CLASS B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact. (RC-Jun 25/14;E-Oct 18/14)

2.7C BICYCLE PARKING, ENHANCED means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space). (RC-Jun 25/14;E-Oct 18/14)

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

2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes. **(WRCC-Jun 24/02; E-Jul 14/02).**

2.9A BUSINESS USE means the use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services and without limiting

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the generality of the foregoing does not include restaurants, take-outs, taxi stands, convenience stores, the keeping of animals, or any use deemed to be obnoxious. (MC-Jan 24/96; E-Feb 17/96)

2.9AA 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)

2.9AB 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)

2.9AC CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including
(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and
(b) excluding
(i) industrial hemp, and
(ii) premises used for personal production permitted by federal legislation.
(RC-Sep 18/18;E-Nov 3/18)

2.9AD 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)

2.9B CEMETERY means the use of land or structures for the interment of human remains but shall not include the use of structures for crematoriums. (WRCC-Nov 24/03; E-Dec 16/03)

2.10 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of over three (3) tons (2.7 tonnes).

2.11 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, harness or

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vehicle racing tracks, rifle ranges, marinas, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and drive-in theatres, and may include a dwelling unit or dwelling units for maintenance or security personnel.

2.11A COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-Feb 26/96; E-Mar 28/96)

2.11AB CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

2.11B CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. (RC-Sep 10/02; E-Nov 9/02)

2.11C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia. (RC-Sep 10/02; E-Nov 9/02)

2.11D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02; E-Nov 9/02)

2.11E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02; E-Nov 9/02)

2.12 COUNCIL means the Council of the Municipality of the County of Halifax.

2.12A DANGEROUS GOODS shall have the same meaning as contained in the <u>Dangerous</u>

<u>Goods Management Regulations</u> made under Section 84 of the Environment Act S.N.S. 1994-95, c. 1, as may be amended from time to time. (WRCC-Jun 24/02; E-Jul 14/02).

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

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

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

2.16 DWELLING

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

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

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

(d) <u>Dwelling, Auxiliary</u> means a self-contained dwelling unit within a single unit dwelling which is secondary to the main residential use of the property and does not exceed forty (40) percent of the gross floor area of the main structure.

(e) <u>Dwelling, Mobile</u> 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 (6.1 m).

(f) <u>Dwelling, Two Unit</u> means a building containing two (2) dwelling units.

(g) <u>Dwelling, Multiple Unit</u> means a building containing three (3) or more dwelling

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units.

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

(i) Dwelling, Semi-detached means a building that is divided vertically into two (2) dwelling units by means of an above-grade common wall of at least eight (8) feet (2.4 m) in height which constitutes at least fifty (50) percent of the horizontal axis between the two units.

2.17 ENTERTAINMENT USE means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing a lounge or other beverage room, an arcade or amusement centre and a pool or billiard hall, but specifically limiting the generality of the foregoing does not include a massage parlour nor adult entertainment uses nor cabarets.

2.18 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.

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

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

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

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

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

2.24 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but 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.

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

2.25A 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).

2.26 INSTITUTIONAL USE means any use listed as an Institutional Use in the P-2 (Community Facility) Zone.

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

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

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

2.30 LOT

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

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

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

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

2.33 LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a 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.

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2.34 LOT LINE

(a) Lot Line means a boundary or exterior line of a lot.
(b) Front Lot Line means the line dividing the lot from the street or from the unlisted travelled way; and
  (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street 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 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 or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
(c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
(d) Side Lot Line means a lot line other than a front or rear lot line.
(e) Flankage Lot Line means a side lot line which abuts the street on a corner lot.

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

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

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

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

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

2.39A MICRO-ALCOHOL PRODUCTION FACILITY: (HWCC-Mar 22/17;E-Apr 8/17)

(a) MICRO-BREWERY means a craft brewery primarily engaged in the craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events/hospitality room, where beverages produced at the facility can be sampled.
(b) MICRO-DISTILLERY means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such

as retail sale, wholesale, tours and events/hospitality room, where beverages produced at the facility can be sampled.

2.40 MINIMUM WIDTH means the minimum width or length required by this By-law of any main wall.

2.41 MUNICIPALITY means the Municipality of the County of Halifax.

2.42 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.

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

2.44 OPEN SPACE USE means any use listed as an Open Space Use in the P-2 (Community Facility) Zone.

2.45 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 includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

2.46 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.

2.47 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 highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

2.48 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (14.9 m^2), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), **and for residential uses where a dwelling contains less than three (3) dwelling units, means an area of not less than one hundred forty-four (144) square feet (13.4 m^2), measuring eight (8) feet (2.4 m) by eighteen (18) feet (5.5 m), (C-Dec 19/95; E-Jan 14/95)** for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.

2.49 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal

representatives of a person to whom the context can apply according to law.

2.50 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 parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

2.50A PUBLIC USE means any municipally-owned building or operations. (RC-Jul 11/23;E-Sep 6/23)

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

2.51A PUBLIC TRANSIT TERMINAL means a designated area, with or without a building, where public transport vehicles load or unload passengers and may include parking lots for the personal vehicles for the transit users, but does not include a bus depot or bus garage. (RC-Oct 24/11; E-Nov 12/11)

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

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

2.54 RESIDENTIAL CARE FACILITY (Deleted: RC-Aug 9/22;E-Sep15/22)

2.55 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

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

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2.57 RESTAURANT - TAKE-OUT means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 25% of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.

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

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

2.60 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).

2.60A SELF-STORAGE FACILITY means a building containing separate, individual compartments divided from floor to ceiling by a wall with an independent entrance from either the exterior or interior of the building, designed to be rented or leased for the storage of goods, materials and equipment excluding dangerous goods and waste dangerous goods. (WRCC-Jun 24/02; E-Jul 14/02).

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

2.62 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 including an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

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

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

2.64A SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

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(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)

2.64B 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)

2.64C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck. (WRCC-Jun 24/02; E-Jul 14/02).

2.64D 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-Sept 1/23)

2.64E 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-Sept 1/23)

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

(a) <u>Ground Sign</u> means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.

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

2.66 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 the Municipality of the County of Halifax.

2.67 STREET LINE means the boundary line of a street.

2.68 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.

2.68A SUITE (RC-Sep 1/20;E-Nov 7/20)

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

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

2.69 SUPPORT SERVICE means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park, and without limiting the generality of the foregoing shall include copying, printing and microfilming establishments, the offices of an industry or of engineering, architectural, design and like consultants, business management, marketing and similar firms and manufacturer's agents, and building, equipment and grounds maintenance companies.

2.69AAA URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law. (RC-May 23/24;E-Jun 13/24)

2.69A 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).

2.69A WASTE DANGEROUS GOODS shall have the same meaning as contained in the <u>Dangerous Goods Management Regulations</u> made under Section 84 of the Environment Act S.N.S. 1994-95, c. 1, as may be amended from time to time. (WRCC-Jun 24/02; E-Jul 14/02).

2.69Aa 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)

2.69AA WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-Jun 25/14;E-Oct 18/14)

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

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

main wall of any building or structure on the lot.

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

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

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

2.7AA BEECHVILLE COMMUNITY BOUNDARY means as defined in Schedule A "Zoning". (RC-May 23/24;E-Jun 13/24)

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, the Timberlea/Lakeside/Beechville 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-1	Single Unit Dwelling Zone
	R-1A	Auxiliary Dwelling Unit Zone
	R-2	Two Unit Dwelling Zone
	R-3	Mobile Dwelling Zone
	R-4	Multi-unit Dwelling Zone
	R-5	Townhouse Dwelling Zone
	CDD	Comprehensive Development District Zone
Commercial Zones	C-1	Local Business Zone
	C-2	General Business Zone
	C-3	Service Business Zone
Industrial Zones	I-1	Light Industry Zone
	I-4	Transmitter Zone
Construction & Demolition Zones		
	CD-1	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone**
Infrastructure Charge Zone	**ICH**	**Infrastructure Charge Holding Zone**
Resource Zones	MR-1	Mixed Resource Zone
Community Uses Zones	P-1	Open Space Zone
	P-2	Community Facility Zone
	P-4	Conservation
	WCRPK	**Western Common Regional Park Zone (RC-Jun 25/14;Oct 18/14)**
	UR	**Urban Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**

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3.2 ZONING MAPS

(a) Schedules A and B attached hereto, may be cited as the "Timberlea/Lakeside/Beechville Zoning Maps" and are hereby declared to form part of this By-law.
(b) The extent and boundaries of all zones are shown on Schedules A and B and for all such zones the provisions of this By-law shall respectively apply.
(c) The symbols used on Schedules A and B refer to the appropriate zones established by Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:
(a) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
(b) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines.
(c) Where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.
(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 none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedules.

3.4 ZONES NOT ON MAPS

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

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:
(a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.
(b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.
(c) Where a use permitted within any zone is defined in Section 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.
(d) Except where limited by Section 4.1, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with,

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whether contained within the same building or located on the same lot as, any other use permitted within that zone.

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

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with the development agreement provisions of the Planning Act. As provided for by Policy IM-10 of the Municipal Planning Strategy for Timberlea/Lakeside/Beechville **and the Regional Municipal Planning Strategy for Halifax Regional Municipality (RC-Jun 25/14;E-Oct 18/14)**, such uses are as follows:

(a) mobile home parks and expansions of existing mobile home parks;
(b) townhouse developments;
(c) shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)
(d) medical clinics and day care facilities;
(e) Deleted (RC-Aug 9/22;E-Sep 15/22);
(f) expansion of service commercial uses;
(g) expansions or change of use of commercial and industrial uses identified in Appendix "B";
(h) expansions of the Halifax Sufferance Warehouse;
(i) dwelling units above the first floor of commercial buildings;
(j) shopping plazas and malls with greater than fifty thousand (50,000) square feet (4645.2 m^2) of floor area;
(k) taverns and other commercial entertainment uses;
(l) extractive facilities and bulk storage of aggregate or minerals; and
(m) the development of uses within any CDD (Comprehensive Development District) Zone.
(n) Pursuant to Policy IM-21, where there is enabling policy to consider the development, by development agreement of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

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

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

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

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

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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.

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

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

(i) any accessory building or structure which has less than three hundred (300) square feet (28 m^2) of gross floor area; and

(ii) any sign, except signs permitted according to Section 5.3 of this By-law.

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

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

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

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

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

4.2 LICENCES PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

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

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

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4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

(a) No development permit shall be issued within the service boundary as shown on Map 3 of the Municipal Planning Strategy unless central sewer and water services are available.

(b) Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Department of Health and Fitness shall prevail.

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

4.4 FRONTAGE ON STREET

No development permit shall be issued unless the lot or parcel of land intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a public street or road or a travelled way listed in the Subdivision By-law.

4.5 ONE MAIN BUILDING ON A LOT

No person shall erect more than one (1) main building on a lot within any zone except for buildings within an I-1 (Light Industry Zone, C-2 (General Commercial) Zone, C-3 (Service Business) Zone, P-2 (Community Facility) Zone or buildings related to resource or industrial uses within an MR-1 (Mixed Resource) Zone.

4.6 EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, 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.

Further, the Development Officer may issue a development permit for a lot approved pursuant to Part 14 of the Subdivision By-law where an undersized lot has had its boundaries altered.

4.7 REDUCED FRONTAGE OR AREA

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

(b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than one hundred twenty (120) feet of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is (50) feet and the minimum

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lot area requirement is five thousand (5000) square feet.

(c) Any lot created according to the provisions of subsection (b) above 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 of this By-law are satisfied.

(d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to Part 14 of the Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied, but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling.

(e) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:

(i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;

(ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;

(iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;

(iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.13 of the this By-law;

(v) the remaining lands meet the requirements of the applicable zone. (WRCC-Nov 24/03; E-Dec 16/03).

(f) 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)

4.8 EXISTING USES

Uses which are identified in Appendix 'B or "D of this By-law, shall be permitted as existing uses and as such, shall be permitted to resume operation if discontinued, or may be replaced or rebuilt or altered on the lot which they occupied on the effective date of this by-law, but no alteration or replacement shall be permitted which would increase the area devoted to the use. Expansion or change of use may be considered by development agreement for uses listed in Appendix "B".

4.8A 1248 ST MARGARETS BAY ROAD (RC-Jul 11/23;E-Sep 6/23)

Expansion of the existing use at 1248 St Margarets Bay Road", shall be permitted without a development agreement, in accordance with the I-1 zone requirements.

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4.9 (DELETED BY THE MINISTER OF MUNICIPAL AFFAIRS - NOVEMBER 20, 1992)

4.10 EXISTING BUILDINGS

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

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

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

4.11 NON-CONFORMING USES

Non-conforming uses shall be subject to the provisions of the Planning Act of Nova Scotia, which is attached to this By-law as Appendix "A".

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

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

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

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

i. a maximum of 10 hens on lots less than 4,000 square metres in size;

ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;

iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;

iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;

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

i. is located in a rear yard;

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ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;

iii. subject to 4.12A(b)(iv), meets the requirements for accessory buildings under this by-law; and

iv. is setback a minimum of 1 metre from any side or rear lot line.

(c) The following are not permitted:

i. On-site slaughtering or euthanizing of hens; and

ii. The sale of eggs, meat or hens.

4.13 ACCESSORY BUILDINGS

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

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

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

1. in any residential zone buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than two (2) feet;
2. common semi-detached garages may be centred on the mutual side lot line;
3. boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and
4. accessory buildings and structures in a P-2 (Community Facility) Zone shall not be built closer to any side or rear lot line than eight (8) feet (2.4 m) or one half (1/2) the height of such building or structure, whichever is the greater.

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

(iv) exceed **a footprint of one thousand (1000) square feet (93 square metres) (RC-May 23/24;E-Jun 13/24)** in any residential zone; nor

(v) be built within eight (8) feet (2.4 m) of the main building within any residential zone or twelve (12) feet (3.7 m) in any other zone.

(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 subsection (a).

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

(d) Notwithstanding subclauses (a)(iii) and (a)(iv), an accessory structure shall not exceed 15 feet (4.6 metres) in height and 750 square feet (69.7 square meters) within the Beechville Community Boundary or the BCDD Zone. (RC-May 23/24;E-Jun 13/24)

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

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

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

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

4.13AB SHIPPING CONTAINERS

(a) Shipping containers may be used s a dwelling, subject to the applicable zone standards for dwellings.

(b) Shipping containers may be used as a building for indoor agriculture, subject to the applicable zone standards for main buildings.

(c) Shipping containers are not permitted as accessory buildings except for in commercial zones, in industrial zones, or in conjunction with a recreation use, and must meet the following requirements:

- **(i) Shipping containers must meet all applicable requirements for accessory buildings,**
- **(ii) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street; and**
- **(iii) Shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone.**

(d) Notwithstanding Subsection 4.13AB(c), shipping containers may be used as an accessory building in a residential zone when used as a backyard suite, subject to the applicable requirements for backyard suites.

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

(a) SECONDARY SUITES

Secondary suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a semi-detached dwelling, a two-unit dwelling, or a townhouse dwelling subject to the following provisions: (RC-May 23/24;E-Jun 13/24)

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

(ia) Notwithstanding subclause (i), no more than one total secondary suite or backyard suite shall be permitted on a lot within the Beechville Community Boundary or the BCDD Zone; (RC-May 23/24;E-Jun 13/24)

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

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

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

(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-Jun 13/24)

(b) BACKYARD SUITES

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

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

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

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

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

(v) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required;

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

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

(viii) A backyard suite shall have unobstructed access that

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

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

(C) has a minimum width of 1.1 metres;

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

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

(x) Notwithstanding subclauses (i), (iv), and (ix), within the Beechville Community Boundary, no more than one total secondary suite or backyard suite shall be permitted on a lot, the gross floor area of a backyard suite shall not exceed 750 square feet (69.7 square metres), and a non-conforming accessory building shall not be converted to a backyard suite~~.~~; and (RC-May 23/24;E-Jun 13/24)

(xi) Notwithstanding subclauses (vi) and (viii), within the Beechville Community Boundary, where a residential use is a non-conforming use a backyard suite shall not be permitted, and where the main dwelling unit does not have a side yard on both sides, a backyard suite must have unobstructed access upon the same lot in which the backyard suite is

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located to a public street. (RC-May 23/24;E-Jun 13/24)

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (RC-Jan 20/09; E-Feb7/09)

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

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

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

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

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

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

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

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

4.15 VEHICLE BODIES

No truck, bus, coach, **motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall

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

4.16 RESTORATION TO A SAFE CONDITION

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

4.17 BUILDING TO BE MOVED

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

4.18 HEIGHT REGULATIONS

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

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

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

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

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

(d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, board walks, 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

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other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

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

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

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

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

4.20 SETBACK FROM ARTERIAL HIGHWAY

Notwithstanding anything else in this By-law, no dwelling shall be located less than one hundred (100) feet (30.5 m) from any non-access arterial highway.

4.21 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, which line is perpendicular to a line or the extension of a line joining the midpoint of the chord of the curved line with the apex of the triangle formed by the side lot lines and which line is equidistant from the front lot line as is the minimum applicable front yard required by this By-law. For the purpose of this Section, the chord of the curved line shall be a straight line joining the two points where the side lot lines intersect the front lot line.

4.22 DAYLIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than two (2) feet (.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

4.23 PERMITTED ENCROACHMENTS

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

(a) Uncovered patios, walkways wheelchair ramps, lifting devices, 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 into any required yard.

(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (.9 m) from the main wall into a required front, rear or flankage yard.

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

(e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard unless otherwise indicated in this By-law.

4.24 YARD EXCEPTION

Where, in this By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, 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 nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

4.25 ILLUMINATION

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

4.26 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle shall be kept in an any Residential zone and no such commercial vehicle shall exceed five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line.

4.27 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, 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.

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USE	PARKING REQUIREMENT
Any dwelling except as specified below	**0 spaces (RC-May 23/24;E-Jun 13 /24)** per dwelling unit
Multiple unit dwellings	**0.33 (RC-May 23/24;E-Jun 13/24)** spaces per dwelling unit
Shared housing use (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
Any dwelling within Beechville Community Boundary that is not a multiple unit dwelling (RC-May 23/24;E-Jun 13/24)	**1 space per dwelling unit**
Any multiple unit dwelling	**1.5 spaces per dwelling unit**

USE	PARKING REQUIREMENT
within Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)	
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Motels, hotels **and short-term bedroom rentals (RC-Feb 21/23;E-Sept 1/23)**	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
Restaurants - Drive-In	**8** spaces per 1000 square feet (92.9 m^2) of gross floor area **(RC Sept 19/17; E Nov 4/17)**
Restaurants - Full Service	**10** spaces per 1000 square feet (92.9 m^2) of gross floor area **(RC Sept 19/17; E Nov 4/17)**
Restaurants - Take-Out	**10** spaces per 1000 square feet (92.9 m^2) of gross floor area **(RC Sept 19/17;E Nov 4/17)**

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Lounges, taverns and beverage rooms	the greater of 1 space per 3 seats or 1 space per 100 square feet (9.3 m^2) of gross floor area
Theatres	1 space per 5 seats
Recreation Facilities	**1 space per 500 square feet (46.5 m^2) of gross floor area (HWCC-Feb 22/22;E-Mar 12/22)**
Institutional uses except as **otherwise (RC-Aug 9/22;E-Sep 15/22)** specified	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m^2) of gross floor area

USE	PARKING REQUIREMENT
	where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
Community Centres	**1 space per 500 square feet (46.5 m^2) of gross floor area (HWCC-Feb 22/22;E-Mar 12/22)**
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area

USE	PARKING REQUIREMENT
Schools	3 spaces per classroom plus space per 20 high school students
Hospitals	2 spaces per bed
Day care facilities	1.5 spaces per 400 square feet (37.2 m^2) of gross floor area
Medical clinics and offices of any health practitioner	**2 spaces per consulting room (RC-Aug 5/08;E-Aug 23/08)**
Funeral homes	15 spaces
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees

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

USE	PARKING REQUIREMENT
Medical Clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking space required; 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10
All other uses excluding fire stations, boarding houses and any industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

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

(c) Standards for Mobility Disabled Parking Spaces

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

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

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

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

4.28 STANDARDS FOR PARKING LOTS

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

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

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

(c) A structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (5 m^2) in area may be erected in the lot for the use of attendants.

(d) The lot shall be within three hundred (300) feet of the (91.4 m) location which it is intended to serve and shall be situated in the same zone.

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

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

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

(h) The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (.3 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m).

4.29 LOADING SPACE REQUIREMENTS

(a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such or use, one off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet (1858 m^2) or fraction thereof of gross floor area used for such purposes to a maximum of six (6) loading spaces.

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

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

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

4.29A BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14)

(1) For the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement

Multiple Unit Dwelling	**0.5 spaces per dwelling unit 80% Class A, 20% Class B**
Hotels/ Motels/Inns	**1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces**
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	**1 space per 300m² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces**
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	**1 space per 500m² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces**
Auditoriums, Theatres, Stadiums, Halls	**1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces**
Schools, Colleges, Universities	**1 space for every 250m² GFA 20% Class A/ 80% Class B**
Recreation Facilities, Community Centres, Libraries.	**1 space per 200m² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces**
General Industrial Uses	**1 space per 1000 m² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces**
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	**5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces**
Any Uses Not Specified Above	**1 space per 500 m² GFA 50% Class A/ 50% Class B**

(2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, shared housing uses (RC-Aug 9/22;E-Sep 15/22),self storage facilities, car washes, cemeteries and funeral homes.

(3) Each Class B bicycle parking space shall:
- **(a) be a minimum of 0.6m wide and 1.8m long;**
- **(b) have a minimum overhead clearance of 2.0m;**
- **(c) be located a minimum of 0.6m from any wall or other obstruction.**

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

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from vehicular parking by a physical barrier or a minimum 1.5m of open space.

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

4.29B LOCATION OF BICYCLE PARKING (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

4.29C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS (RC-Jun 25/14;E-Oct 18/14)

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

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

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

4.30 ROAD ENTRANCE RESERVES

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

4.31 COMPOSTING OPERATIONS

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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 residential dwelling**	**1,640 feet (500 m)**
(iii)	**from a watercourse**	**328 feet (100 m)**

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

(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (R-1, R-1A, R-2, R-3, R-4, and R-5 Zones). (MC-Feb 26/96;M-Mar 28/96)

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

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

4.33 SCHEDULE C - WETLANDS MAP (RC-Jun 25/14;E-Oct 18/14)

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

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

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

I DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule D - Wind Energy Zoning. Such zones are:
(UW-1) Urban Wind Zone
(RW-2) Rural Wind Zone
(R) Restricted Zone

a) URBAN WIND ZONE (UW-1)

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

ii) All turbine towers in the UW-1 Zone shall have a minimum distance

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between turbines equal to the height of the tallest tower.

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

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

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

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

b) RURAL WIND ZONE (RW-2)

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

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

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

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

c) RESTRICTED ZONE (R)

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

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III PERMIT APPLICATION REQUIREMENTS

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

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

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

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

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

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

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

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

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

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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 Timberlea/Lakeside/Beechville Land Use By-law:

i) WCRPK (Western Common Regional Park) Zone;

ii) P-4 (Conservation) Zone.

VII INSTALLATION AND DESIGN

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

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

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

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

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

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

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

VIII MISCELLANEOUS

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

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

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

IX SCHEDULES

a) Schedule D - Wind Energy Zoning

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

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

4.36 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).

4.37 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sept 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.

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PART 5: SIGNS

5.1 GENERAL

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

(b) No person shall erect a sign according to the provisions of Section 5.3 except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

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

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

(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded.

5.2 SAFETY

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

5.3 NUMBER OF SIGNS

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

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

(c) No more than three (3) signs shall be erected on any premises at any one time, except on a corner lot where one (1) additional sign may be erected. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

5.4 SIGN AREA

The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension. Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

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5.5 SIGNS PERMITTED IN ALL ZONES

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

(a) Any sign which has an area of no more than two (2) square feet (.2 m^2) and which identifies the name and address of a resident.

(b) Any sign which has an area of no more than two (2) square feet (.2 m^2) and which regulates the use of property, as do no trespassing" signs.

(c) Any real estate sign which has an area of no more than eight (8) square feet (.7 m^2) in any Residential Zone or twenty-four (24 square feet (2.2 m^2) in any other zone.

(d) Any sign which has an area of no more than five (5) square feet (.5 m^2) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.

(e) Any sign which has an area of no more than fifty (50) square feet (4.6 m^2) and which is incidental to construction.

(f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.

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

(h) Any memorial sign, plaque or tablet.

5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign or sign structure which constitutes a hazard to public safety or health.

(b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.

(c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.

(d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.

(e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as 'STOP, "LOOK', "DANGER, "ONE WAY or 'YIELD or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.

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

(g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.

(h) Any sign painted on a tree, stone, cliff or other natural object.

(i) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60)

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days of the date of discontinuance of the business or product.

5.7 PROJECTING SIGNS

No projecting sign shall:

(a) exceed twenty (20) square feet (2 m^2) in area for that portion of the sign which projects beyond any wall or roof;
(b) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
(c) project over a public right-of-way or daylighting triangle;
(d) be erect below a height of ten (10) feet (3 m) or exceed a height of thirty-five (35) feet (10.7 m); or
(e) be permitted to swing freely on its supports.

5.8 GROUND SIGNS

No ground sign shall:

(a) exceed a height of twenty-five (25) feet (7.6 m); or
(b) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.

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

6.1 R-1 USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Existing mobile home parks
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings.

Community Uses
Open space uses
Institutional uses except day care facilities, medical clinics and fraternal centres and halls.

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1859 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business or facility.

(b) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (28 m^2).

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(c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.
(d) No open storage or outdoor display shall be permitted.
(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (.2 m^2) in area.
(f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any business.

6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:
(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
(b) Except for play equipment, no open storage or outdoor display shall be permitted.
(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (.2 m^2) in area.
(d) One off-street parking space, other than that required for the dwelling, shall be provided.

6.5 R-1 ZONE REQUIREMENTS: COMMUNITY USES

In any R-1 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

6.6 R-1 ZONE REQUIREMENTS – BEECHVILLE COMPREHENSIVE DEVELOPMENT DISTRICT (RC-Jul 11/23;E-Sep 6/23)

For lands zoned BCDD, no development permit shall be issued except for R-1 uses on existing public streets, excluding two unit dwellings and multiple unit dwellings (RC-May 23/24;E-Jun 13/24). In any BCDD Zone, where uses are permitted as R-1 uses, no development permit shall be issued except in conformity with the provisions of Part 6 as are applicable. (RC-Jul 11/23;E-Sep 6/23)

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PART 7: R-1A (AUXILIARY DWELLING UNIT) ZONE

7.1 R-1A USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Auxiliary dwelling units
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Business uses in conjunction with permitted dwellings
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses
Open Space Uses
Institutional Uses

7.2 R-1A ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1A Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1859 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where auxiliary dwelling units are permitted in any **R-1A Zone (RC-May 23/24;E-Jun 13/24)**, the following shall apply:

(a) The maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor area of the dwelling.
(b) There shall be no more than one (1) entrance along the front wall of the dwelling.
(c) Three parking spaces, shall be provided for any single unit dwelling containing an

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auxiliary dwelling unit **within the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)**.

7.4 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business or facility.

(b) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (28 m^2).

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

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

(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (.2 m^2) in area.

(f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any business.

7.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.

(b) Except for play equipment, no open storage or outdoor display shall be permitted.

(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (.2 m^2) in area.

(d) One off-street parking space, other than that required for the dwelling, shall be provided.

7.6 R-1A ZONE REQUIREMENTS: COMMUNITY USES

In any R-1A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

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PART 8: R-2 (TWO UNIT DWELLING) ZONE

8.1 R-2 USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Daycare facilities for not more than fourteen (14) children in conjunction with permitted single unit dwellings;
Home child care services for not more than five (5) (HWCC-Sep 23/13; E-Oct 12/13) children in conjunction with permitted two unit dwellings (MC-Jan 24/96; E-Feb 17/96)
Business uses in conjunction with permitted dwellings

Community Uses
Open space uses
Institutional uses except day care facilities, medical clinics and fraternal centres and halls

8.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	6,000 square feet (558 m^2), or 3,000 square feet (279 m^2) per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available 20,000 square feet (1858 m^2) where central services are not available
Minimum Frontage:	60 feet (18.3 m), or 30 feet (9.1 m) per unit where each dwelling unit of two unit dwelling is located on a separate lot and where central services are available 100 feet (30.5 m) where central services are not available
Minimum Front or Flankage Yard	24 feet (7.3 m)
Minimum Rear or	

Side Yard	8 feet (2.4 m) and 0.0 feet (0.0 m) from the side being common with another dwelling unit
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

8.3 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.

(b) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.8 m^2).

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

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

(e) No more than (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (.2m) in area.

(f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any business.

(g) No exterior alterations to the dwelling shall be permitted except to meet fire safety, structural safety, or health regulations, or to place a sign pursuant to 8.3 (e). (MC-Jan 24/96; E-Feb 17/96)

8.4 ARCHITECTURAL REQUIREMENT: TWO UNIT DWELLINGS AND MULTIPLE UNIT DWELLINGS (RC-May 23/24;E-Jun 13/24)

Where two unit dwellings and multiple unit dwellings (RC-May 23/24;E-Jun 13/24) are permitted in any R-2 Zone, the following architectural requirements shall apply:

(a) No electrical utility meter shall be attached to the front face of any main building.

(b) No exterior conduits for electrical service shall be located along the front face of any permitted dwelling beyond a distance of one (1) foot below the soffit line of the main roof. (C-Nov 8/93; E-Dec 4/93)

8.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.

(b) Except for play equipment, no open storage or outdoor display shall be permitted.

(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (.2 m^2) in area.

(d) One off-street parking space, other than that required for the dwelling, shall be

provided.

8.6 R-2 ZONE REQUIREMENTS: COMMUNITY USES

In any R-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

8.7 EXCEPTION: EXISTING R-2 ZONED LOTS

Notwithstanding the minimum front or flankage yard requirements of Section 8.2, where uses are permitted as residential uses on any lands which are zoned R-2 (Two Unit Dwelling) Zone and shown on a tentative or final subdivision plan approved on or before the effective date of this By-law, the minimum front or flankage yard may be reduced to twenty (20) feet.

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PART 9: R-3 (MOBILE DWELLING) ZONE

9.1 R-3 USES PERMITTED

No development permit shall be issued in any R-3 (Mobile Dwelling) Zone except for the following:

Residential Uses
Existing mobile home parks
Single unit dwellings
Two unit dwellings within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings; Business uses in conjunction with permitted dwellings

Community Uses
Open space uses
Institutional uses except day care facilities, medical clinics and fraternal centres and halls.

9.2 R-3 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-3 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)

9.3 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.

(b) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (28 m^2).

(c) No mechanical equipment shall be used except that which is reasonably consistent

with the use of a dwelling and does not create a nuisance by virtue of noise, vibration or glare.

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

(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (.2 m^2) in area.

(f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m) of floor area devoted to any business.

9.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.

(b) Except for play equipment, no open storage or outdoor display shall be permitted.

(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (.2 m^2) in area.

(d) One off-street parking space, other than that required for the dwelling, shall be provided.

9.5 R-3 ZONE REQUIREMENTS: COMMUNITY USES

In any R-3 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

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PART 10: R-4 (MULTI-UNIT DWELLING) ZONE

10.1 R-4 USES PERMITTED

No development permit shall be issued in any R-4 (Multi-unit Dwelling) Zone except for the following:

Residential Uses
Existing multiple unit dwellings
Day care facilities in conjunction with permitted dwellings

Community Uses
Open space uses
Institutional uses except day care facilities, medical clinics and fraternal centres and halls

10.2 R-4 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	6000 square feet plus (558 m) 1,500 square feet (140 m^2) per dwelling unit for each unit in excess of the first three (3) units
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	1/2 the height of the main building

10.3 OTHER REQUIREMENTS: MULTIPLE UNIT DWELLINGS

Where multiple unit dwellings are erected in any R-4 Zone, the following shall apply:

(a) An amenity area of not less than one hundred (100) square feet (10 m^2) per dwelling unit shall be provided.

(b) No portion of any parking space shall be located within the required front yard.

10.4 R-4 ZONE REQUIREMENTS: COMMUNITY USES

In any R-4 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

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PART 11: R-5 (TOWNHOUSE DWELLING) ZONE

11.1 R-5 USES PERMITTED

No development permit shall be issued in any R-5 (Townhouse Dwelling) Zone except for the following:

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

Community Uses
Open space uses
Institutional uses except day care facilities, medical clinics and fraternal centres and halls

11.2 R-5 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-5 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	2,000 square feet per (186 m) dwelling unit where each dwelling unit of a townhouse dwelling is located on a separate lot and where central services are available
Minimum Frontage	20 feet (6.1 m) per dwelling unit where each dwelling unit of a townhouse dwelling is located on a separate lot and where central services are available
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear Yard	8 feet (2.4 m)
Minimum Side Yard	10 feet (3 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

11.3 OTHER REQUIREMENTS: TOWNHOUSE DWELLINGS

Where townhouse dwellings are erected in any R-5 Zone, no such building shall:

(a) include more than six (6) dwelling units;
(b) be designed so that more than two (2) dwelling units are constructed to a building line which is less than two (2) feet (.6 m) in variation from the building line of any unit abutting either of the two units;
(c) gain direct vehicular access from any arterial or collector street; or
(d) undergo any exterior alteration of individual units after construction.

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11.4 R-5 ZONE REQUIREMENTS: COMMUNITY USES

In any R-5 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

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PART 12: C-1 (LOCAL BUSINESS) ZONE

12.1 C-1 USES PERMITTED

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

Institutional Uses (RC-Jul 11/23;E-Sep 6/23)
Public Use
Light Industrial Uses
Existing uses as follows:

Use	**LRIS Index Civic Address Number**
Rosborough Boats	**1248 St Margarets Bay Road Portion of PID 40049512 Zoned C-1 (RC-Jul 11/23;E-Sep 6/23)**

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

Commercial Uses
Variety stores
Food stores
Service and personal service shops

12.2 C-1 ZONE REQUIREMENTS

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

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: COMMERCIAL USES

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

(a) The gross floor area of any permitted commercial use shall not exceed two thousand (2,000) square feet.

(b) No portion of any lot shall be used for the collection and storage of refuse unless

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the refuse containers are screened.

(c) Except where any lot in any C-1 Zone abuts another lot in a C-1 Zone, no portion of any parking space within the C-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.

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

12.4 <u>OTHER REQUIREMENTS: PUBLIC BUILDING AND LIGHT INDUSTRIAL USES</u> (RC-Jul 11/23;E-Sep 6/23)

Where uses are permitted as Public Uses and Light Industrial Uses in any C-1 Zone, no development permit shall be issued except in conformity with the provisions of Part 15 as are applicable.

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PART 13: C-2 (GENERAL BUSINESS) ZONE

13.1 C-2 USES PERMITTED

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

Commercial Uses
Retail stores
Food stores
Service and personal service shops
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Theatres and cinemas
Existing entertainment uses
Entertainment uses associated with motels, hotels and hostels
Motels, hotels and hostels
Commercial recreation uses
Service stations
Taxi and bus depots
Parking lots
Greenhouses and nurseries
Veterinary hospitals and kennels
Welding, plumbing and heating, electrical and other special trade contracting services and shops
Local fuel distribution facilities
Re-cycling depots
Micro-Alcohol Production Facilities (HWCC-Mar 22/17;E-Apr 8/17)
Short-term rentals (RC-Feb 21/23;E-Sept 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sept 1/23)

Residential Uses
Existing dwellings
Shared housing use (RC-Aug 9/22;E-Sep 15/22)
Two or fewer dwelling units in conjunction with permitted commercial uses

Community Uses
Open space uses Institutional uses

13.2 C-2 ZONE REQUIREMENTS: COMMERCIAL AND RESIDENTIAL USES

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

Minimum Lot Area	6,000 square feet (558 m^2)

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Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m)

13.3 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 13.2, where any service station is erected in any C-2 Zone the following shall apply:

(a) Minimum Lot Area 30,000 square feet (2787 m^2)
(b) Minimum Frontage 150 feet (45.7 m)
(c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
(d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
(e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
(f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
(g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

13.4 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

(a) Notwithstanding the provisions of Section 13.2, where welding, plumbing and heating, electrical and other special trade contracting services and shops are permitted in any C-2 Zone, no such shop shall exceed two thousand (2,000) square feet (186 m^2) in gross floor area.
(b) Notwithstanding the provisions of Section 13.2, where shopping plazas and malls are permitted in any C-2 Zone, no such plaza or mall shall exceed fifty thousand (50,000) square feet (4645 m^2) of gross floor area.

13.5 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

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

(a) Any area devoted to open storage shall not exceed fifty (50) percent of the lot area.
(b) No open storage shall be permitted within any required front yard.
(c) No outdoor display shall be located within ten (10) feet (3 m) of any front lot line.
(d) No open storage or outdoor display shall be permitted within any yard in a C-2 Zone where such yard abuts any Residential or Community Uses Zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

13.6 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2 Zone, whether in conjunction with other uses

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or as a separate use of land, the following shall apply:

(a) Where any C-2 Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2 Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.

(b) No portion of any parking space within any C-2 Zone shall be located within ten (10) feet (3 m) of any front lot line.

13.7 C-2 ZONE REQUIREMENTS: COMMUNITY USES

In any C-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

13.8 OTHER REQUIRMENTS: MICRO-ALCOHOL PRODUCTION FACILITIES (HWCC-Mar 22/17;E-Apr 8/17)

Where micro-alcohol production facilities are permitted in any C-2 Zone, the following shall apply:

(a) No facility shall be permitted where the subject property abuts a residential use, or any Residential or Community Use zone.

(b) No facility shall be permitted in conjunction with existing entertainment uses, shopping plazas or malls, and/or drive-in and take-out restaurants.

(c) Notwithstanding the Lot Area and Lot Coverage requirements of Section 13.2, where a facility is permitted in any C-2 zoned property in conjunction with a full-service restaurant, it shall be secondary and accessory to the full-service restaurant and the following shall apply:

Minimum Lot Area	**10,000 square feet (929 m^2)**
Maximum Gross Floor Area of the facility, excluding restaurant	**3,500 square feet (325 m^2)**
Maximum Lot Coverage, including restaurant	**40 percent**

(d) Notwithstanding the Lot Area requirements of Section 13.2, where a micro-alcohol facility is erected in any C-2 Zone, as a stand alone use, the following shall apply:

Minimum Lot Area	**10,000 square feet (929 m^2)**
Maximum Gross Floor Area Of the facility	**6,500 square feet (604 m^2)**

(e) No more than 60% percent of the gross floor area of the facility shall be dedicated to production and packaging, including but not limited to the brew house, boiling and water treatment areas, bottling and kegging lines, storage, fermentation tanks, conditioning tanks, serving tanks and similar structures. The remaining portion of the floor area may include accessory uses such as retail sale, wholesale, tours and events/hospitality rooms, where beverages produced at the facility may be sampled.

(f) Loading bays shall not exceed two in number and may only be located at the rear of the main building and may not be located on the facade of the building facing a street.

(g) Notwithstanding the requirements of Section 13.5, no outdoor storage shall be permitted.

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13.9 <u>OTHER REQUIRMENTS: PARKING LOT SCREENING</u>
(RC-Sept 19/17;E-Nov 4/17)

For any new or enlarged parking lots or parking spaces that abut a property zoned or used for residential or community uses, a visual screen shall be provided which shall meet all the following:

(a) the visual screen shall contain either a vegetative screen, an opaque fence, or a combination of both natural and manmade materials which form an effective, year-round, visual screen;

(b) the visual screen shall be at least five (5) feet in height. Plant materials, when planted, shall not be less than five (5) feet in height. Height shall be measured from the average finished grade of the visual screen; and

(c) the visual screen shall be located within a grassed landscape area which is a minimum of four (4) feet in depth running the entire length of the parking.

13.10 <u>OTHER REQUIREMENTS: LANDSCAPING</u> (RC-Sept 19/17;E-Nov 4/17)

For any new or enlarged commercial building, the following landscaping provisions shall apply:

(a) Within the front yard area, the first ten (10) feet of lot depth bordering the street right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.

(b) Landscaping shall consist of grass and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot frontage.

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PART 14: C-3 (SERVICE BUSINESS) ZONE

14.1 C-3 USES PERMITTED

No development permit shall be issued in any C-3 Zone except for the following:

Commercial Uses
Retail stores
Food Stores
Service and personal service shops
Offices Banks and financial institutions
Restaurants except drive-in and take-out restaurants
Nursery and commercial greenhouse operations
Medical, dental and veterinary clinics
Post offices
Plumbing, heating, electrical, carpentry and other special trade contracting services and shops, except welding, auto repair, and metal fabrication shops.
Self-storage facility (WRCC-Jun 24/02; E-Jul 14/02)
Existing uses as follows:

Use	LRIS Index Civic AddressNumber
R and R Pools	1949 Bay Road40026726
Ewing's Autobody	2581 Bay Road40050155
Atlantic Micro Computers	2777 Bay Road40054249
T. A. Products	2892 Bay Road40305369
	40054470
	40054538
Carlsen's Manufacturing	3156 Bay Road40304339
H. Longard's Enterprises Ltd.	2449 Bay Road40027625
	40027609
	40027633
M. Longard's Trucking	2206 Bay Road40160509
Timberlea Dive Shop	2810 Bay Road40592479
RJD Automotive (HWCC-Jan 19/21;E-Feb 6/21)	**209 Greenhead Road 40501561**

Residential Uses
Single unit dwellings including a dwelling unit for maintenance or security personnel
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Business Uses in conjunction with permitted dwellings

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

14.2 C-3 ZONE REQUIREMENTS

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

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following:

Minimum Frontage:	central sewer and water services	75 feet
	on-site services	100 feet
Minimum Lot Area	central services	10,000 square feet (929 m^2)
	on-site services	20,000 square feet (1,858 m)
Minimum Front or Flankage Yard		30 feet
Minimum Rear or Side Yard		25 feet
Maximum Lot Coverage		30 percent
Maximum Height of Main Building		35 feet

14.3 OTHER REQUIREMENTS: FLOOR AREA AND BUILDING SEPARATION

(a) The gross floor area of all buildings on any lot in a C-3 Zone, excluding permitted dwelling units, shall not exceed five thousand (5,000) square feet (464.5 m^2).

(b) No main building within any C-3 Zone shall be located within fifty (50) feet of a dwelling on any abutting lot.

14.4 EXEMPTION: EXISTING BUILDINGS

(a) Notwithstanding Subsection 14.3(a), existing buildings having in excess of five thousand (5,000) square feet (464.5 m^2) of gross floor area shall be permitted as existing uses and may be reconstructed, renovated or changed to another use permitted in the C-3 Zone provided that this does not result in an additional increase in gross floor area.

(b) Notwithstanding Section 14.2 and Subsection 14.3(b), where a building in the C-3 Zone 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 separation distance, setback, or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, renovated or changed to another use permitted in the zone provided that:

(i) the enlargement, reconstruction, repair, renovation or change of use does not further reduce the setback, separation distance, front, side or rear yard required by this By-law and

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

14.5 2892/2894 ST. MARGARET'S BAY ROAD (RC-Apr 15/14; E-Jun 14/14)

Notwithstanding Subsection 14.3 (a) for the properties known as 2892 and 2894 St. Margaret's Bay Road (Land Registration Information Service PID Numbers 40054538 and 40305369), the Municipality may permit:

i) an expansion of self-storage operations by permitting an outdoor commercial vehicle storage area within that portion of the lot as shown on Schedule E of the Timberlea/Lakeside/Beechville Land Use By-law; and,

ii) buildings of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet.

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PART 15: I-1 (LIGHT INDUSTRY) ZONE

15.1 I-1 USES PERMITTED

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

Commercial Uses
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Greenhouses and nurseries
Support services
Machinery sales and service
Vehicle sales
Office and retail uses accessory to Industrial Uses permitted
Entertainment uses (MC-Feb 7/94; E-Mar 5/94)
Personal Service Shops (WRCC-Mar 27/06; E-Apr 16/06)

Industrial Uses
Warehousing and warehouse sales
Wholesale and wholesale sales
Service industries
Service shops
Industrial training facilities
Research facilities
Postal and commercial courier distribution facilities
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots within wholly enclosed buildings
Transport facilities and maintenance yards
Taxi and bus depots
Parking lots
Cannabis production facilities (RC-Sep18/18; E-Nov 3/18)

Community Uses
Open space uses

Other Uses
Composting operations (see section 4.31) (MC-Feb 26/96;M-Mar 28/96)

15.2 I-1 ZONE REQUIREMENTS: INDUSTRIAL USES AND COMMERCIAL USES

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

Minimum Lot Area	6,000 square feet (558 $m^{2)}$
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)

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Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	70 percent

15.3 OTHER REQUIREMENTS: INDUSTRIAL USES AND COMMERCIAL USES

Notwithstanding the provisions of Section 15.2, where any I-1 Zone abuts any Residential Zone, the following shall apply:

(a) No building or structure within the I-1 Zone shall be located less than fifty (50) feet (15.2 m) from the Residential Zone.

(b) No outdoor storage within the I-1 Zone shall be located less than twenty-five (25) feet (7.6 m) from the Residential Zone.

15.4 EXEMPTION: INDUSTRIAL USES AND COMMERCIAL USES

Notwithstanding the provisions of Section 15.2, where industrial sues involve railway transportation in any I-1 Zone, and the rear or side yards required by this by-law prohibit direct access to such ways, the impeding rear or side yard requirements shall be waived and such yards shall be used in the most safe and efficient manner to accommodate the transportation of goods and materials.

15.5 I-1 ZONE REQUIREMENTS: COMMUNITY USES

In any I-1 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

15.6 **RESTRICTIONS: ENTERTAINMENT USES**

No entertainment uses shall be permitted on any lands located on the south side of Highway No. 3 (St. Margarets Bay Road) (MC-Feb 7/94; E-Mar 5/94)

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

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

(i) zoned or used for residential purposes, or

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

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

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PART 16: I-4 (TRANSMITTER) ZONE

16.1 I-4 USES PERMITTED

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

Industrial Uses
Radio and television transmission stations
Dwelling units which are accessory.

16.2 I-4 ZONE REQUIREMENTS

In any I-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (558 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	8 feet (2.4 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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PART 17: MR-1 (MIXED RESOURCE) ZONE

17.1 MR-1 USES PERMITTED

No development permit shall be issued in any MR-l (Mixed Resource) 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)

Resource Uses
Agricultural uses
Forestry uses
Kennels
Composting operations (see section 4.31) (MC-Feb 26/96;M-Mar 28/96)

Industrial Uses
Any I-1 Zone use permitted
Any I-4 Zone use permitted
Salvage yards

Community Uses
Open space uses

17.2 MR-l ZONE REQUIREMENTS

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

Minimum Lot Area	80,000 square feet (7432 m^2)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)

17.3 OTHER REQUIREMENTS: RESOURCE USES

Notwithstanding the provisions of Section 17.2, where any barn, stable, feed lot or other building or structure intended for the keeping of more than ten (10) animals is erected in any MR-1 Zone, no such building or structure shall:

(a) be less than fifty (50) feet (15.2 m) from any side lot line;
(b) be 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 or directly related to the agriculture use; and
(c) be less than three hundred (300) feet (91.4 m) from any watercourse or waterbody.

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17.4 OTHER REQUIREMENTS: SALVAGE YARDS

Notwithstanding the provisions of Section 17.2, where salvage yards are permitted in any MR-l Zone, no such yard shall:

(a) be located less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the industrial use; and

(b) be located less than fifty (50) feet (15.2 m) from any road.

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

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

(i) zoned or used for residential purposes, or

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

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

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PART 18: P-1 (OPEN SPACE) ZONE

18.1 P-1 USES PERMITTED

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

Open Space Uses
Public and private parks and playgrounds
Recreation uses
Cemeteries
Historic sites

18.2 P-1 ZONE REQUIREMENTS

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

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

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PART 19: P-2 (COMMUNITY FACILITY) ZONE

19.1 P-2 USES PERMITTED

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

Institutional Uses
Educational institutions and uses
Denominational institutions and uses
Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)
Day care facilities
A single dwelling unit in conjunction with a day care facility
Fire and police stations
Government offices and public works
Hospitals and medical clinics
Public libraries, museums and galleries
Fraternal centres and halls
Community centres and halls
Public transit terminals (RC-Oct 24/11; E-Nov 12/11)

Open Space Uses
Public and private parks and playgrounds
Recreation uses
Cemeteries
Day camps
Historic sites and monuments

19.2 P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES

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

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		1/2 the height of the main building
Maximum Lot Coverage		50 percent

19.3 P-2 ZONE REQUIREMENTS: OPEN SPACE USES

In any P-2 Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the provisions of Part 18.

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PART 20: P-4 (CONSERVATION) ZONE

20.1 P-4 USES PERMITTED

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

Conservation Uses
Conservation related uses
Public and private parks and playgrounds
Historic sites and monuments

Residential Uses
Single unit dwellings located on lots identified in Appendix "C"
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

20.2 P-4 ZONE REQUIREMENTS

In any P-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (558 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear Yard	25 feet (7.6 m)
Minimum 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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PART 20A: WCRPK (WESTERN COMMON REGIONAL PARK) ZONE
(RC-Jun 25/14;E-Oct 18/14)

20A(1) WCRPK USES PERMITTED

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

Conservation related uses
Trails, picnic areas and wilderness campsites
Public and private parks and playgrounds
Recreation uses with the exception of golf courses
Historic sites and monuments
Churches and cemeteries

20A(2) WCRPK ZONE REQUIREMENTS

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

(a)	**Minimum Lot Area**	**100,000 square feet (9,289 m^2)**
(b)	**Minimum Building Setback from any lot line**	**30 feet (9.1 m)**
(c)	**Maximum Lot Coverage**	**35 percent**
(d)	**Maximum Height of Main Building**	**35 feet (10.7 m)**

(e) No buildings, structures or parking areas shall be located within 300 feet (91.4 m) of the rim of any watercourse or waterbody except for buildings or structures intended for conservation related uses, wilderness campsites, or non-motorized water related recreation uses.

20A(3) SETBACK EXEMPTION

Notwithstanding Clause 20A(2)(b), no building setback shall be required from the Highway 103 right-of-way lot line.

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PART 20B: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

20B(1) The following uses shall be permitted in any RPK Zone:

(a) Recreation uses

(b) Conservation uses

(c) Uses accessory to the foregoing uses

20B(2) No person shall in any RPK Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

20B(3) No person shall in any RPK Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

20B(4) Buildings erected, altered or used for RPK uses in an RPK Zone shall comply with the following requirements:

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**

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PART 21: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)

21.1 CDD USES PERMITTED

(a) No development permit shall be issued in any CDD (Comprehensive Development District) except for residential uses, or local commercial uses, community facilities and/or parks in association with residential uses, which comprise a comprehensive development of five (5) or more acres. Major commercial use and any industrial uses are specifically prohibited within any CDD.

(b) Notwithstanding the provisions of subsection (a), development permits may be issued in any CDD (Comprehensive Development District) for general commercial uses which comprise a portion of a comprehensive development of one hundred (100) acres or more.

21.2 CDD REQUIREMENTS

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

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PART 21A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE
(RC-Jul 2/02; E-Aug 17/02)

21A.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

21A.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)** **30 metres (98.4 feet)**
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)**

21A.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 21A.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 21A.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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21A.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 21A.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; and

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

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

21A.5 **General Requirements: Site Plan Approval**

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

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

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

c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

d) a landscaping plan shall be prepared that protects and minimize land use

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impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;

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

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

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

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

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

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

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PART 21B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE
(RC-Jul 2/02; E-Aug 17/02)

21B.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

21B.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)** **30 metres (98.4 feet)**
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)**

21B.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.

21B.4 OTHER REQUIREMENTS: C&D Materials Processing Facilities

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

(a) any building, structure or area used for processing shall meet the following separation distances:
- **(i) from any property line — 60 metres (196.8 feet)**
- **(ii) from the nearest residential dwelling or institutional use — 90 metres (295.3 feet)**
- **(iii) from a watercourse — 60 metres (196.8 feet)**

(b) notwithstanding Section 21B.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the

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building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 21B.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).

21B.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 21A.4.

(b) notwithstanding Sections 21B.2 to 21B.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.

21B.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 21A.5.

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PART 21C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE

(RC-Sep 10/02; E-Nov 9/02)

21C.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

21C.2 CD-3 ZONE REQUIREMENTS

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

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

21C.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.

21C.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)

21C.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 21A.4.

(b) Notwithstanding Sections 21C.2 to 21C.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.

21C.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 21A.5.

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PART 21D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE
(RC-Jul 2/02; E-Aug 17/02)

21D.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

21D.2 ICH ZONE REQUIREMENTS

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

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PART 21E: UR (URBAN RESERVE ZONE (RC-Jun 25/14;E-Oct 18/14)

UR USES PERMITTED

21E.1 No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

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

UR ZONE REQUIREMENTS

21E.2 In any UR Zone, no development permit shall be issued except in conformity with the following:

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

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PART 21F: BCDD (Beechville Comprehensive Development) Zone (RC-Jul 11/23;E-Sep 6/23)

BCDD USES PERMITTED

21F.1 No development permit shall be issued in any BCDD (Beechville Comprehensive Development District) Zone except for the following:

The following uses, on existing lots fronting on public streets that existed on or before July 11, 2023: (RC-May 23/24;E-Jun 13/24)

Residential Uses (RC-May 23/24;E-Jun 13/24)
Single unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit
Existing mobile home parks
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings.

Community Uses (RC-May 23/24;E-Jun 13/24)
Open space uses
Institutional uses except day care facilities, medical clinics and fraternal centres and halls.

BCDD ZONE REQUIREMENTS

21F.2 In any BCDD Zone, no development permit shall be issued except for in conformity with the provisions of Part 6 as are applicable.

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PART 22: ADMINISTRATION

22.1 ENFORCEMENT

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

22.2 SCOPE OF APPLICATION

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

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

22.3 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.

22.4 PENALTY

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

22.5 DATE OF BY-LAW

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

22.6 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:

Amendment to Land Use By-law $100.00

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Development Agreement	$100.00
Rezoning	$100.00

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

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APPENDIX "A": NON-CONFORMING USES

NON-CONFORMING USE

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

EXISTING USE

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

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

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

CANCELLATION OF PERMIT

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

ARBITRATION

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

ARBITRATOR

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

RESTRICTION ON NON-CONFORMING USE

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

NO EXTENSION OF NON-CONFORMING USE

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

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CHANGE IN USE

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

CHANGE OF OCCUPANT

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

REPAIR OR MAINTENANCE

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

DESTRUCTION OR DAMAGE

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

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

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

DISCONTINUANCE

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

VARIATION IN SECTION 92 OR 93 RESTRICTIONS

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

POLICIES

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

(a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;

(b) the extension of a non-conforming use of land;

(c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;

(d) the recommencement of a non-conforming use of land or a structure after it

has been discontinued for a continuous period in excess of six months.

(e) the change in use on a non-conforming structure to another use in the non-conforming structure, or of a non-conforming use of land or a structure to another non-conforming use.

IMPLEMENTATION

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

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APPENDIX "B": EXISTING USES

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

	CIVIC ADDRESS	LRIS INDEX NUMBER
J.A. Walker Funeral Home	1565 Bay Road	40050890
Bogorode Costume Rentals	1881 Bay Road	40026197
Kelly's Landscaping/Construction	2410 Bay Road	40028003
	2395 Bay Road	40028128
Awalt's Garage	2567 Bay Road	40050064
Hanley's Garage	2908 Bay Road	40054512
M. Longard's Trucking		40068801
		40026866
Oxner's Landscaping	**2126 Bay Road**	**40027179**
(C-May 16/94; E-Jun 4/94)		

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APPENDIX "C": LANDS WITHIN A CONSERVATION ZONE

As provided by Section 20.1, the following lots may be used in accordance with the provisions of Section 20.2

	LRIS INDEX NUMBER
Pumping Station:	40160418
Existing dwellings:	40033193
	40055279
	40055287
	40055295
	40055303
	40055311
	40055329
	40055337
	345751
	345744

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APPENDIX "D": AUTOBODY SHOPS

Notwithstanding anything else in this By-law, the following existing autobody shops are deemed to be permitted uses to the extent to which they are in existence on the effective date of this By-law.

	CIVIC ADDRESS	LRIS INDEX NUMBER
Jollimore's Autobody	2416 Bay Road	40162315
New Image Painting & Collison (formerly Conrad's Auto Repair)	2999 Bay Road	593970

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APPENDIX "E": Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar 21/23;E-Apr 19/23)

Definitions

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

(a) ACCESSORY STRUCTURE means a structure that is:

(i) subordinate, incidental, and devoted to a main use or structure, and

(ii) not attached to any main building;

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

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

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

(e) BUILDING means every continuous enclosed area with exterior walls on a lot that:

(i) is built, erected, and framed of a combination of materials,

(ii) is either portable or fixed,

(iii) has a roof,

(iv) forms a structure for the shelter of persons, animals, or property, and

(v) is located, in whole or in part, above or below grade;

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

(f) FLOOR AREA means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:

(i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,

(ii) any floor area below a ground floor of a building or parking structure,

(iii) elevator shafts,

(iv) accessory structures,

(v) rooftop greenhouses,

(vi) any space open to a floor below, and

(vii) pedways;

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

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

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

(j) NOT-FOR-PROFIT ORGANIZATION MEANS:

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

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

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

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

(n) PROFESSIONAL ARTIST means an artist who:

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

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

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

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

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

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

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

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

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

(a) upon the date of application for a development permit, the applicant for the

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

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

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

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

(i) the applicant,

(ii) the Municipality,

(iii) the Provincial Government,

(iv) the Federal Government, or

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

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

5. Subject to section 3, no development permit shall be issued where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office. (NWCC-Feb 20/24;E-Mar 6/24)

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

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

<u>Public Benefit Value</u>

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

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

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

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

(b) Factor #2 is 0.20; and

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

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8. (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.

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

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

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

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

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

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

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

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

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

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

<u>Bonus Zoning Rate</u>

11. The bonus zoning rate for the area identified on Schedule F is $48/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

<u>Bonus Zoning Rate Adjustments</u>

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

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

<u>Step 1:</u> The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

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

(b) where:

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

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

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

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

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

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

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

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

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

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

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

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

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affordable housing;

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

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

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

<u>Public Benefit Categories</u>

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

(a) additional money-in-lieu for affordable housing;

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

(c) money-in-lieu for the conservation of a registered heritage building; or

(d) the conservation of a building located within a heritage conservation district;

(e) money-in-lieu for the acquisition or improvement of municipal parks;

(f) money-in-lieu for affordable community or cultural indoor space;

(g) money-in-lieu for public art; or

(h) public art on the site of the development.

<u>Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District</u>

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

(a) a registered heritage building that is on the site of the development; or

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

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

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

<u>Public Benefit Requirement: On-Site Public Art</u>

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

(a) be located on the site of the development, and allow direct public access or viewing of the public art;

(b) be designed by a professional artist; and

(c) have a minimum cost of $100,000.

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

(a) interpretive, wayfinding, or other functional signage;
(b) branding or promotional projects;
(c) plaques and supporting infrastructure;
(d) stock and mass-produced items;
(e) memorials, where:
(i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
(ii) the memorial has not been designed and created by a professional artist, or
(iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
(f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

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

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

(a) the identification of the development site;
(b) design drawings, provided by the applicant, for any required or provided public benefit;
(c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
(d) the identification of any conditions required by the Municipality before the public benefit is accepted;
(e) where required, provisions for the auditing and reporting of public benefits; and
(f) any other terms or conditions the Development Officer requires.

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

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

(a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;
(b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with

the concurrence of the property owner, and

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

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

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

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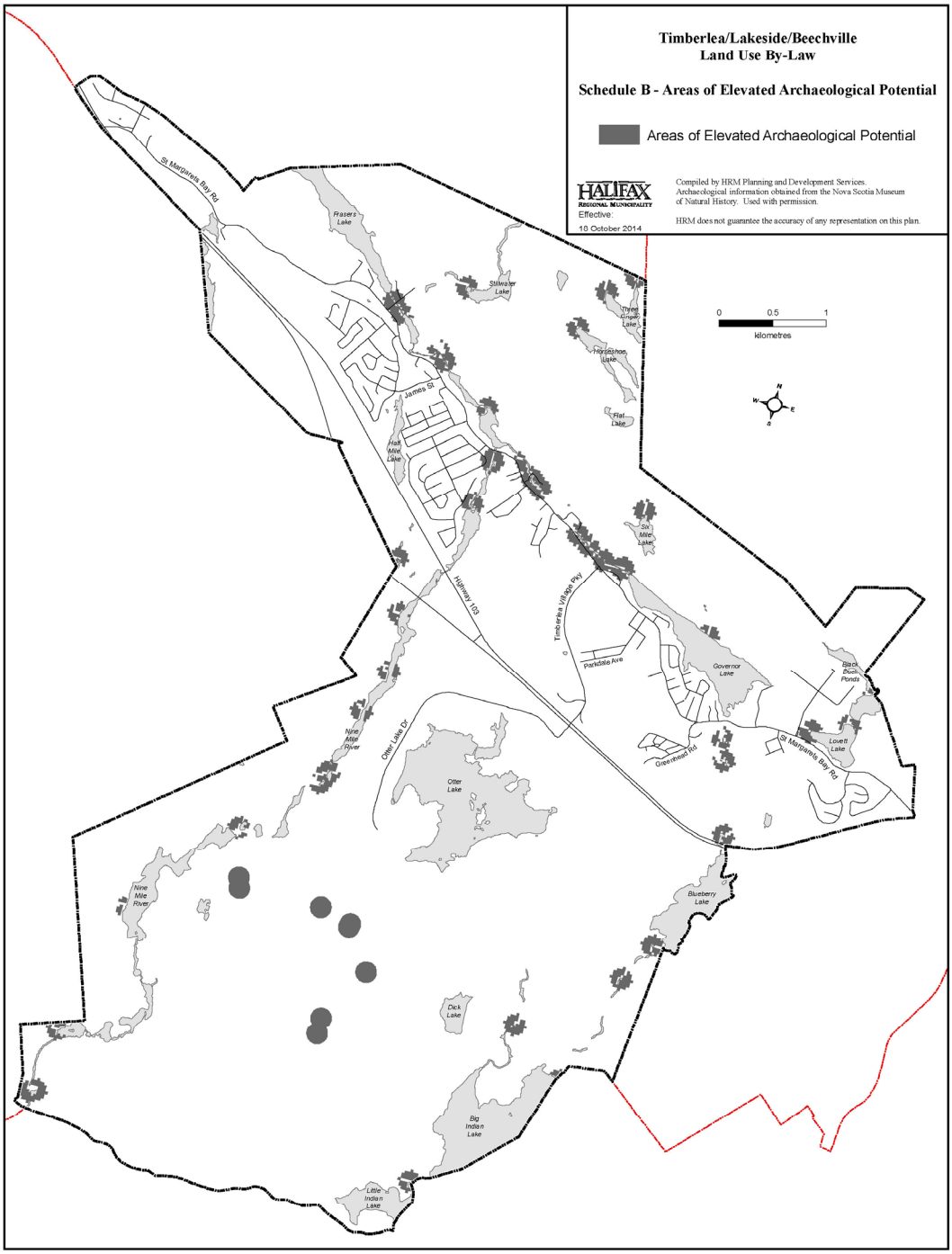
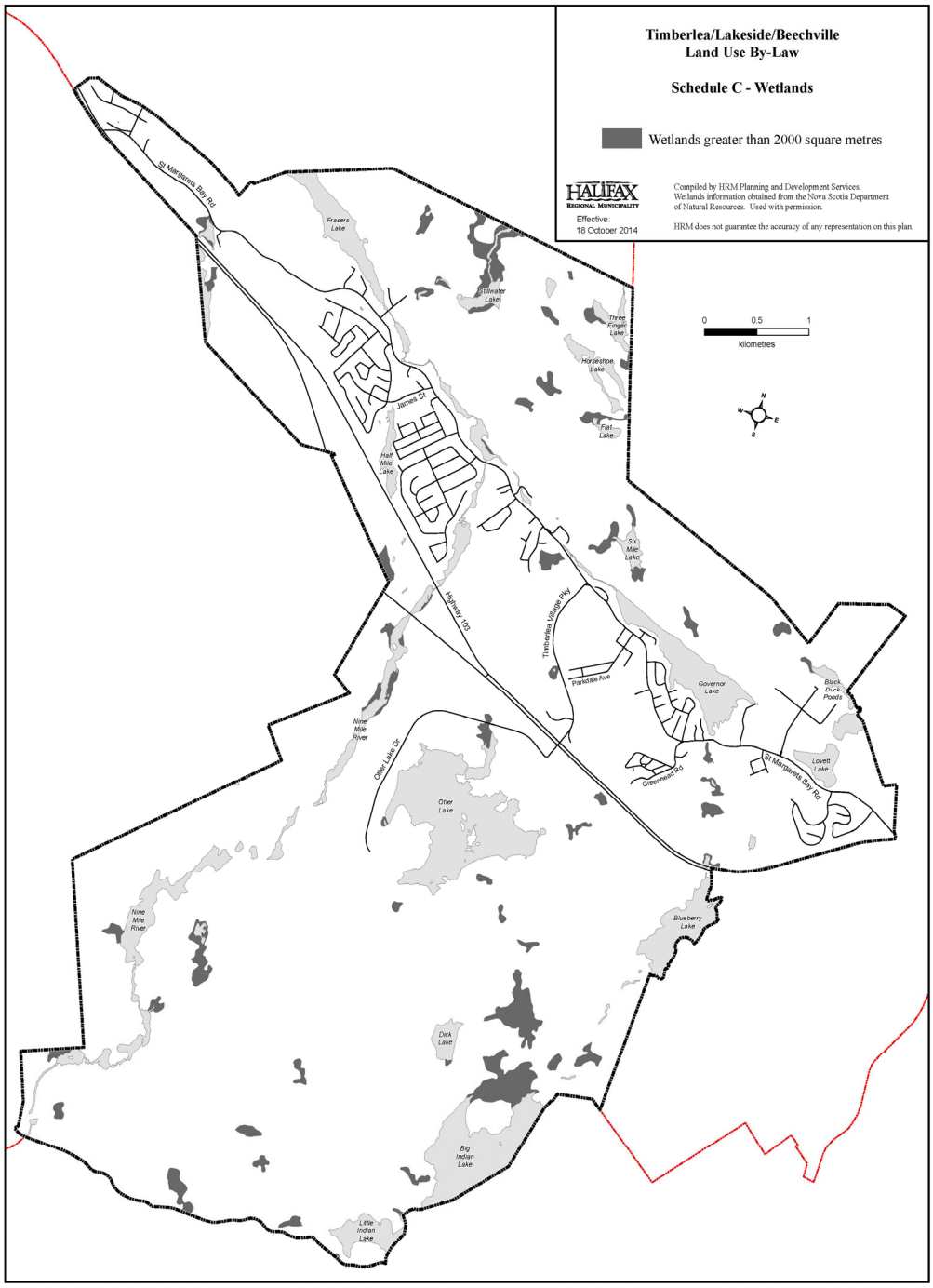
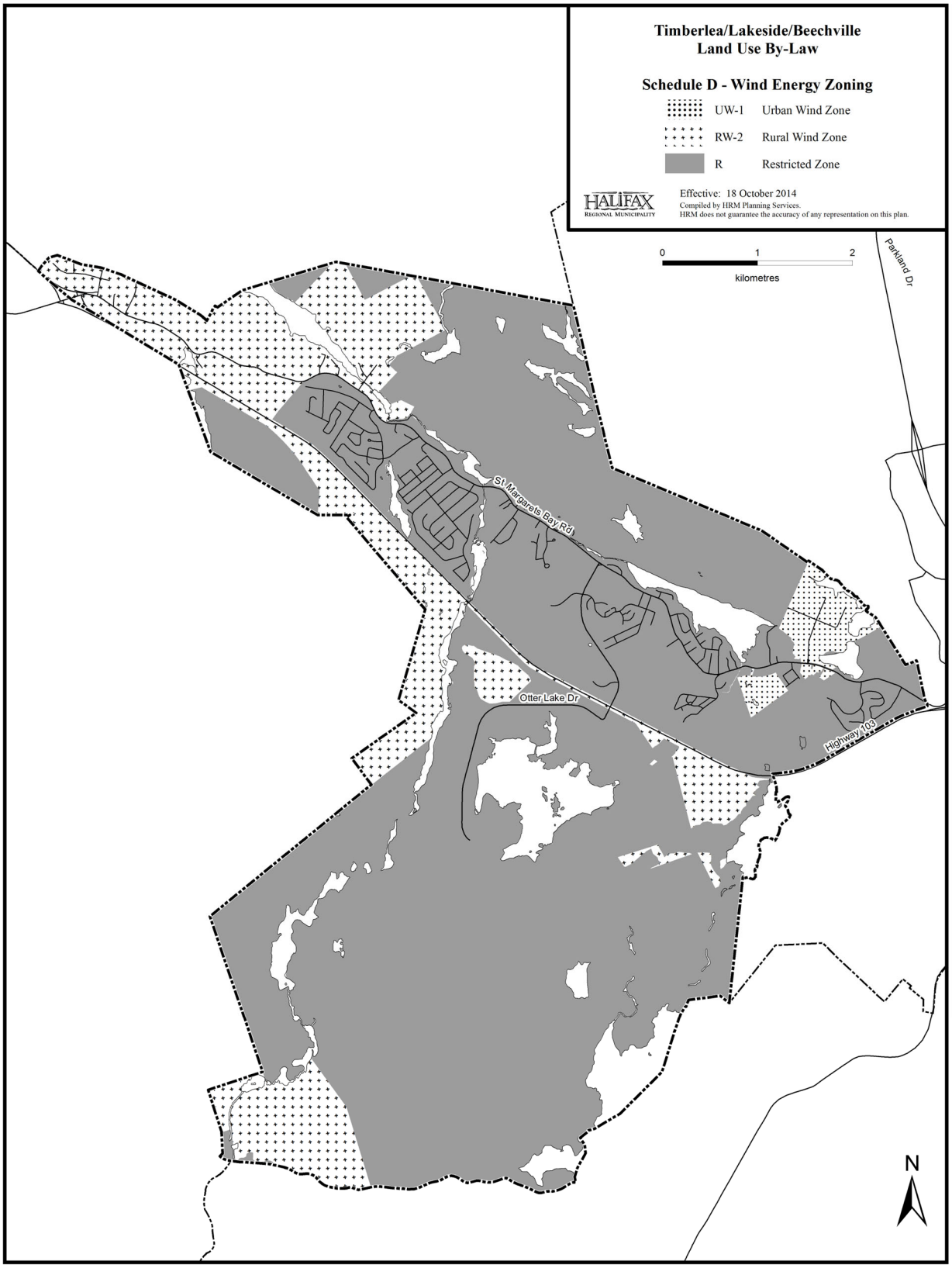
Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



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

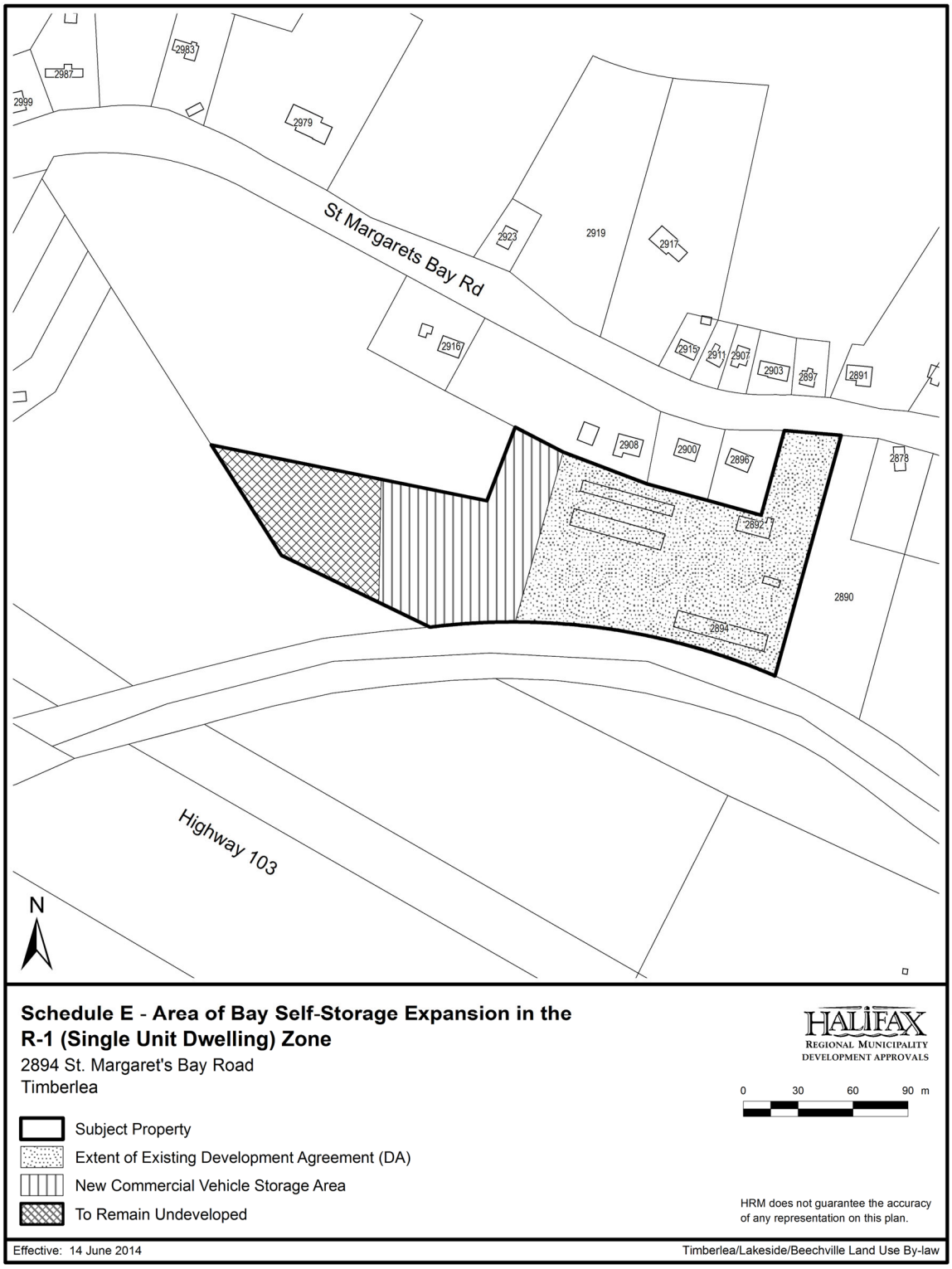


Schedule D: Wind Energy Zoning

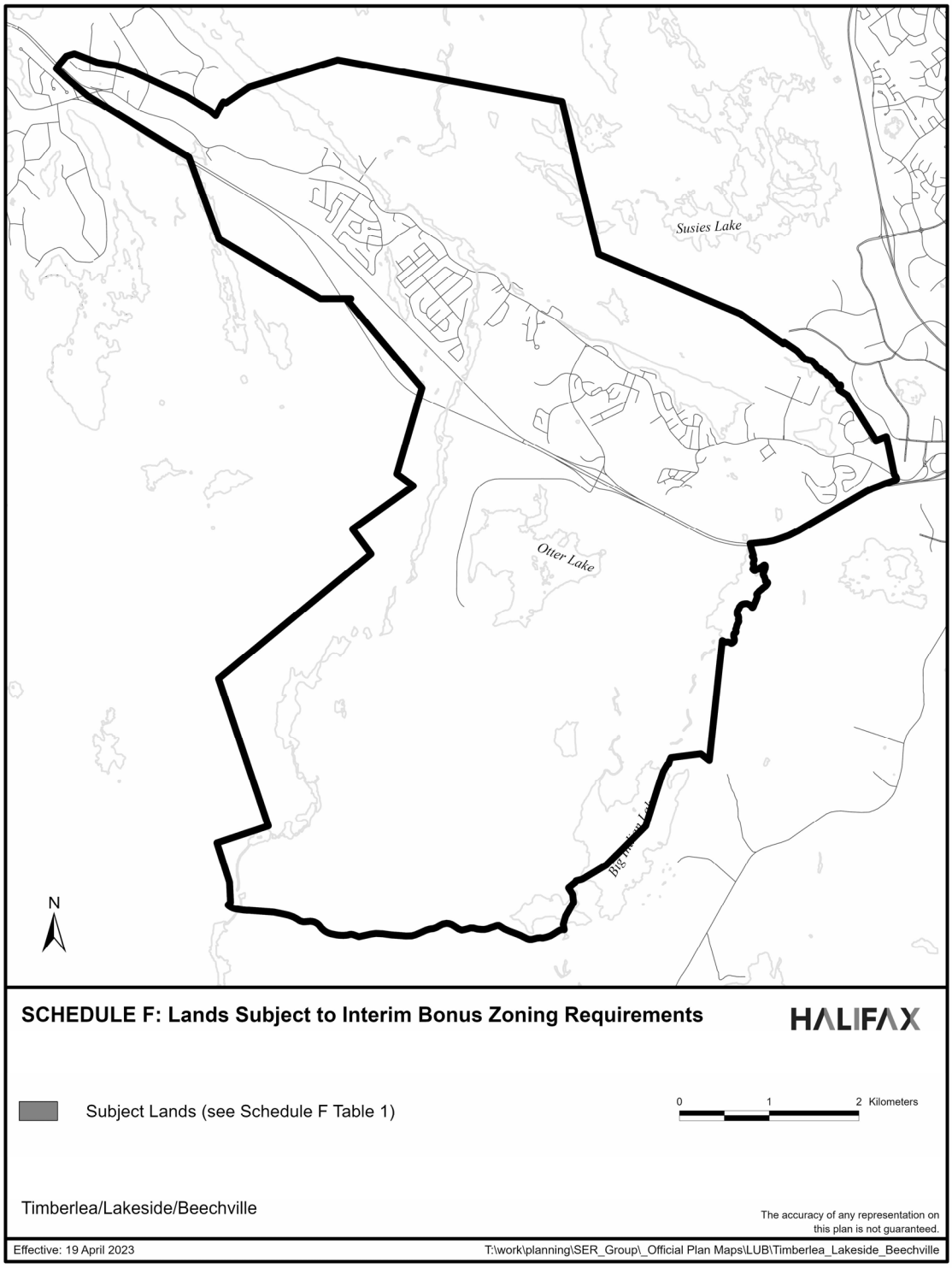


(RC-Jun 25/14;E-Oct 18/14)

Schedule E: Area of Bay Self-Storage Expansion in the R-1 (Single Unit Dwelling) Zone (RC-Apr 15/14; E-Jun 14/14)



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



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

Ref. #	Case #	PIDs

TIMBERLEA/LAKESIDE/BEECHVILLE - LAND USE BY-LAW AMENDMENTS

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective Date
1.	Part 22: 22.7 (addition)	Notification Procedures (Case ZA-TLB-11-92)	Dec 7/92	Feb 13/93
2.	Part 8: 8.4 (amended)	Electrical Conduits (Case ZA-TLB-08-93)	Nov 8/93	Dec 4/93
3.	Part 15: 15.1 (addition); Part 15.6 (addition)	Entertainment Uses (Case ZA-TLB-18-93)	Feb 7/94	Mar 5/94
4.	Existing Uses, Appendix "B" (Addition)	Existing Use in Appendix "B" (Case ZA-ALL-21-94)	May 16/94	June 4/94
5.	Part 2: 2.1 & 2.2 (amended); Part 4: 4.12 (amended)	Accessory Buildings (Case ZA-ALL-21-94)	June 26/95	July 22/95
6.	Part 2: 2.48 (amended)	Definitions (Parking Space)	Dec 19/95	Jan 14/96
7.	Part 2: 2.9A (addition); Part 8: 8.1; 8.3(g) (addition)	Definitions Two Unit Dwelling (Case ZA-TLB-11-95)	Jan 24/96	Feb 17/96
8.	Part 2: 2.11A (addition); Part 4: 4.31 (addition); Part 15.1 (addition); Part 17: 17.1 (addition)	Definitions General Provisions I-1 Zone MR-1 Zone (Case ZA-ALL-31-96)	Feb 26/96	Mar 28/96
9.	Part 4: 4.5 (amended); 4.19 (replaced) Part 20A (addition); Part 3.1 (amended); Zoning Schedule B (amended)	WC Master Plan (Case 00112)	July 4/00	Aug 5/00
10.	Zoning & Designation Map (amended) (Case 00265)	Westgate	Oct 30/01	Dec 8/01
11.	Part 2: 2.9 (amended); Part 2: 2.64A (addition); Part 4: subsection 4.13A (addition)	Definitions (Case 00478) General Provisions	June 24/02	July 14/02
12.	Part 2: 2.12A (addition); Part 2: 2.60A (addition); Part 2: 2.69A (addition); Part 14: 14.1 (addition)	Definitions (Case 00421)	June 24/02	July 14/02
13.	Section 3.1 (amended) Part 21D (addition)	Capital Cost Contribution (Case 00423)	July 2/02	Aug 17/02
14.	Part 2: Section 2.11B, 2.11C, 2.11D, 2.11E, 2.69A (addition); Part 2: 2.53 & 2.60 (amended); Part 3: 3.1 (amended) Part 4: 4.19(b) (addition); Part 21A, 21B, 21C (addition)	Construction & Demolition (Case 00082)	Sept 10/02	Nov 9/02
15.	Part 2: Section 2.9B (addition); Part 4: 4.7(e)(i-v)(addition)	Cemeteries (Case 00499)	Nov 24/03	Dec 16/03
16.	Part 4: 4.1A (addition) (Case 00664)	Interim Growth	Apr 13/04	Apr 22/04
17.	Part 14:C-3, Section 14.5 (addition)	Service Business Zone (Case 00589)	Aug 9/05	Sept 3/05
18.	Part 15:I1, Section 15.1 (addition)	Personal Service Shops (Case 00860)	Mar 27/06	Apr 16/06
19.	Part 20A, Part 21E, Adding Schedules	Regional Planning	June 27/06	Aug 26/06

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	B & C, Part 4.29A-C, Part 21.8A-C, 2.11AA, 2.52, 2.69AA, 4.1A, 4.19, 4.29A-C, 4.32&4.33, 4.1B			
20.	Adding Part 5.1A and Replacing Section 2.65	Temporary Signage Project 00327	Sept 26/06	Nov 18/06
21.	Amending Section 4.27 (Parking requirements) By deleting and replacing	Case # 01119	Aug 5/08	Aug 23/08
22.	Amending Section 4.14 (Temporary Construction Uses Permitted)	Case #01058	Jan. 20/09	Feb. 7/09
23.	Amended zoning map to re-zone some properties in the Bayers Lake Business Park to CDD.	Case #01121	Jan. 20/09	Mar 28/09
24.	Amending Section 2 Re: Day Care Facility	Case #01074	Mar 3/09	Mar 21/09
25.	Amend zoning map to rezone 1426 St. Margaret's Bay Road from to R-1	Case #01328	Mar 22/10	Apr 10/10
26.	Amend zoning map to allocate proposed areas in Bayers Lake Business Park to the Hailfax Plan Area	Case #01332	Jan 12/10	Apr 17/10
27.	Amend Zoning Map to rezone five properties between Lovett Lake and St. Margarets Bay Road, Beechville from CDD to R-1 zone	Case # 16241	Sept 20/10	Oct 9/10
28.	Deleted the word "windmills" in Section 4.18; Added **Section 4.34 Wind Energy Facilities** in Part 4: General Provisions for All Zones	Project #00953	Aug 16/11	Oct 29/11
29.	Amend Part 4, Section 34 IV by adding **b)** and **c)** after a): Wind Energy Facilities; Add Schedule D – Wind Energy Zoning Map.	Project #00953	Oct 18/11	Oct 29/11
30.	Amend Part 2: Definitions by adding a new Definition: **2.51A Public Transit Terminal**; Amend Part 19: P-2 (Community Facility) Zone by adding the words "**public transit terminals**" to the list of Institutional Uses.	Case No. 16811	Oct 24/11	Nov 12/11
31.	Amend Zoning Map to rezone 1578 St. Margaret's Bay Road, Lakeside, from CDD to R-1 Zone.	Case No. 16862	Feb 27/12	Mar 17/12
32.	Amend Part 8.1: Home child care services – five (5) children instead of three (3)	Case No. 18699	Sep 23/13	Oct 12/13
33.	Replace Part 14: C-3 Zone re: 2892/2894 St. Margarets Bay Road; Add Schedule E – Area Of Self-Storage Expansion	Case No. 17491	Apr 15/14	Jun 14/14
34.	**Repeal/Readopt** Section 2.7A, 2.7B, 2.7C, 2.11AB, 2.52, 2.69AA; parts of 3.1, 3.6, 4.1A, 4.19, 4.29, 4.32, 4.33, 4.34; Part 20A; Part 21E; Schedule A, B, C, D; **Add** Section 2.9AA, 2.69Aa; 4.35; Part 20B; **Amend** Section 3.6; 4.19; Schedule A, B, C, D.	RP+5	Jun 25/14	Oct 18/14
35.	**Add** Section 4.7(F) – Reduced Frontage or Area	25 Acre Lots	Jan 10/17	Feb 25/17
36.	**Add** Section 2.39 – Micro-Alcohol Production Facility; Section 13.8 – Other Requirements: Micro-Alcohol Production Facilities	Case 20215	March 22/17	Apr 8/17
37.	**Amend** Schedule A, Zoning Map; Part 4, Section 4.27; Part 13:C-2 – Parking Lot Screening And Landscaping.	Case 19535	Sep 19/17	Nov 4/17

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38.	Amend/add several sections to add Cannabis related Uses.	Case 21331	Sep 18/18	Nov 3/18
39.	**Add** Part 2, Section 2.68A – Backyard & Secondary Suites; Part 4, Section 4/13B – Secondary Suites and Backyard Suites	Case 21162 – Secondary / Backyard Suites	Sep 1/20	Nov 7/20
40.	**Amend** Part 14, Section 14.1 – to include RJD Automotive, 209 Geenhead Road, Lakeside; Zoning Map to rezone a portion of PID 40501561 from R-3 and P-2 to the C-3 Zone	Case 22617	Jan 19/21	Feb 6/21
41.	**Amend** Schedule A – Zoning Map to rezone PIDs 40143380, 40162547, 40162588, 40162406, 40162513, 40162471, 40162430, 40162398, and 40143299 from R-1 Zone to CDD	Case 22396	May 11/21	May 29/21
42.	**Amended** Part 2 and Part 4 to add definitions for Accessory Hen Use	Case 22227	Oct 05/21	Jan 08/22
43.	**Amended** Section 4.27, Parking Requirements for Recreation Facilities and Community Centres	Case 20226	Feb 22/22	Mar 12/22
44.	**Amended** Schedule A – Zoning Map to rezone PID 40143174 from R-1 to CDD Zone.	Case 20795	May 10/22	May 27/22
45.	**Amended** Part 2 Definitions – Renumbered 2.64A to 2.64C; Part 3, Zones and Zoning Map – 3.6; Part 4, General Provisions – 4.27, 4.29A, 4.34I; Part 6, R-1 Zone – 6.1; Part 7, R-1A Zone – 7.1; Part 8, R-2 Zone – 8.1; Part 9, R-3 Zone – 9.1; Part 11, R-5 Zone – 11.1; Part 12, C-1 Zone – 12.1; Part 13, C-2 Zone – 13.1; Part 14, C-3 Zone – 14.1; Part 17, MR-1 Zone – 17.1; Part 19, P-2 Zone – 19.1; Part 20, P-4 Zone – 20.1; Part 21D, ICH Zone – 21D.1; Part 21E, UR Zone – 21E.1 **Deleted** Part 2, Definitions – 2.8, 2.54, 2.61 **Added** Part 2, Definitions – 2.64A, 2.64B	Case RP16-16 (Shared Housing)	Aug 9/22	Sep 15/22
46.	**Amended** Clause 2.16(c); Clause 3.6(i); Section 4.13A(a); Section 4.35; Section 9.1; Section 17.1 **Added** Section 3.7 **Repealed** Section 4.13A(c)	Case 22257 (Regional Plan – Phase 3)	Oct 11/22	Nov 16/22
46.	**Added** Appendix E – Interim Bonus Zoning Requirements for Applicable Plan Amendments; Schedule F – Lands Subject to Interim Bonus Zoning Requirements	Case 24063	Mar 21/23	Apr 19/23
47.	**Amended** Part 4, Section 4.27 **Added** Part 2 Sections 2.64D, 2.6E; Part 4, Section 4.1, subsection (d), (iv) and (v); Part 4, Section 4.37; Part 13, Section 13.1	Case 24526	Feb 21/23	Sept 01/23
48.	**Amended** Schedule A-Zoning Map to rezone certain lands from I-1 to C-1, to rezone certain lands from R-1 to BCDD; Part 12, Section 12.1 **Added** Part 2 Definition**s;** Part 4 Section 4.8A; Part 6 Section 6.6; Part 12 Section 12.4; Part 21F, Part 21F.1 and Part 21F.2	Case 24509	Jul 11/23	Sep 06/23
49.	**Amended** by deleting the text – "Minimum Width of Main Building 20 feet (6.1 m) from: Part 12, Section 12.2; Part 13, Section 13.2; Part 20, Section 20.2	Case 24528 (Shared Housing Housekeeping Amendments)	Aug 22/23	Sep 28/23
50.	**Repealed** Part 22, Section 22.7	Case 2023-002 (Public Participation)	Jun 20/23	Oct 13/23
51.	**Added** Section 1(ea); Section 5A **Repealed/Deleted** Section 5(b)Subsection 10(a)(b)	Case 2023-01049	Feb 20/24	Mar 6/24

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52.	**Amended** Part 4, section 4.13A(a)(iii), (iv), 4.13B(a)(i)(v), 4.13B(b)(i)(iv)(vi)(viii), 4.27; Part 6, section 6.1, 6.6; Part 7, section 7.1, 7.3, 7.3(c), Part 8, section 8.1, 8.4; Part 9, section 9.1; Part 21F, section 21F.1; Schedule A – Zoning map **Added** Part 2, section 2.69AAA, 2.7AA; Part 4, section 4.13A(c)(d), 4.13B(a)(ia), 4.13B(b), 4.13B(b)(ix)(x)(xi) **Repealed** Part 4, section 4.13B(a)(iv)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	May 23/24	June 13/24

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