ATTENTION

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

HALIFAX

DRAFT

LAND USE BY-LAW

SACKVILLE

THIS COPY IS A

REPRINT OF THE SACKVILLE

LAND USE BY-LAW

WITH AMENDMENTS TO

MAY 26, 2025

DRAFT

LAND USE BY-LAW

FOR

SACKVILLE

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Sackville which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 5th day of April, 1994, and approved by the Minister of Municipal Affairs on the 16th day of June, 1994, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 26th day of May, 2025.

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

_____
Municipal Clerk

DRAFT

LAND USE BY-LAW
FOR
SACKVILLE

A By-law to regulate the use of land and the erection of the use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures within the Sackville Plan Area within Halifax Regional Municipality in the Province of Nova Scotia.

The Planning Act, Chapter 9, provides in Section 51(1) that, Awhere 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, Awhere 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 ADevelopment@ includes Aany 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 former Council of Halifax County Municipality on the 5th day of April, 1994, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 16th day of June, 1994.[1] Amendments made after this approval date may not necessarily by included and for accurate reference, recourse should be made to the original document.

JUNE 1994

---

[1]**The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map, in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands in subject to the 1982 Plan and By-law.**

DRAFT

Table of Contents

PART 1: TITLE 1

PART 2: DEFINITIONS 1

PART 3: ZONES AND ZONING MAPS 16

PART 4: GENERAL PROVISIONS FOR ALL ZONES 21

4.1 DEVELOPMENT PERMITS 21

4.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS 21

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS 22

4.4 FRONTAGE ON STREET 22

4.5 ONE MAIN BUILDING ON A LOT 22

4.6 EXISTING UNDERSIZED LOTS 22

4.7 REDUCED FRONTAGE OR AREA 22

4.8 EXISTING BUILDINGS 23

4.8A EXISTING NON-RESIDENTIAL USES (RC-Apr 29/25;E-May 26/25) 24

4.9 NON-CONFORMING USES 24

4.10 ACCESSORY USES AND BUILDINGS 24

4.10A ACCESSORY HEN USE (RC- Oct 05/21; E-Jan 08/22) 24

4.11 ACCESSORY BUILDINGS 25

~~**4.11A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS**~~ **(NWCC-Jul 11/02;E-Jul 20/02) 4.11AB SHIPPING CONTAINERS** 26

4.11B SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20) 27

4.12TEMPORARY CONSTRUCTION USES PERMITTED (RC-Jan 20/09;E-Feb 7/09) 28

4.13 VEHICLE BODIES 29

4.14 RESTORATION TO A SAFE CONDITION 29

4.15 BUILDING TO BE MOVED 29

DRAFT

4.16 HEIGHT REGULATIONS 29

4.17 REDUCED FRONTAGE ON A CURVE 29

4.18 DAYLIGHTING TRIANGLE 29

4.19 PERMITTED ENCROACHMENTS 30

4.20 YARD EXCEPTION 30

4.21 ILLUMINATION 30

4.22 COMMERCIAL MOTOR VEHICLES 30

4.23 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14) 30

4.24 PARKING REQUIREMENTS 32

4.25 STANDARDS FOR PARKING LOTS 34

4.26 LOADING SPACE REQUIREMENTS 35

4.26A BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14) .. 35

4.26B LOCATION OF BICYCLE PARKING (RC-Jun 25/14;E-Oct 18/14) 37

4.26C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS (RC-Jun 25/14;E-Oct 18/14) 37

4.27 ROAD ENTRANCE RESERVES 37

4.28 FLOODPROOFING REQUIREMENTS (Repealed: RC-Apr 29/25;E-May 26/25) 37

4.28A MODIFIED FLOODPROOFING REQUIREMENT AREA (RC-Apr 29/25;E-May 26/25) 37

4.29 PLACEMENT OF FILL IN A FLOODPLAIN (Repealed: RC-Apr 29/25;E-May 26/25) 38

4.30 COMPOSTING OPERATIONS 38

4.31 SCHEDULE C - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14) 38

4.32 SCHEDULE D – WETLANDS (RC-Jun 25/14;E-Oct 18/14) 39

4.33 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14) 39

4.34 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14) 43

DRAFT

4.35 PUBLIC TRANSIT FACILITIES WITHIN THE FLOOD PLAIN (P-3) ZONE (RC-Jun 25/14;E-Oct 18/14) 43

4.36 CANNABIS-RELATED USES (RC-Sep 18/18;E-Nov 3/18) 44

4.37 **SHORT-TERM RENTALS (RC-Feb 21/23;E-Sept 1/23)** 44

PART 5: SIGNS 45

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE 48

PART 7: R-1-0 (SINGLE UNIT DWELLING ZERO LOT LINE) ZONE 51

PART 8: R-2 (TWO UNIT DWELLING) ZONE 53

PART 9: R-3 (MOBILE DWELLING) ZONE 57

PART 10: R-4 (MULTIPLE UNIT DWELLING) ZONE 59

PART 11: R-5 (TOWNHOUSE DWELLING) ZONE 61

PART 12: R-6 (RURAL RESIDENTIAL) ZONE 63

PART 13: R-6A (RURAL RESIDENTIAL SINGLE UNIT DWELLING) ZONE 66

PART 14: C-1 (LOCAL BUSINESS) ZONE 68

PART 15: C-2 (COMMUNITY COMMERCIAL) ZONE 70

PART 15A: C-2A (MINOR COMMERCIAL) ZONE (RC-Apr 24/01;E-Jun 2/01) 74

PART 16: C-3 (COMMERCIAL CORRIDOR) ZONE (Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02) 77

PART 17: BP (BUSINESS PARK) ZONE 77

PART 18: BP-1 (BUSINESS PARK-1) ZONE 81

PART 19: P-1 (OPEN SPACE) ZONE 85

PART 20: P-2 (COMMUNITY FACILITY) ZONE 86

PART 21: 1994 P-3 (FLOODPLAIN) ZONE (RC-Apr 29/25;E-May 26/25) 88

PART 21A: 2024 FWO (FLOODWAY OVERLAY) ZONE (RC-Apr 29/25;E-May 26/25) 90

PART 21B 2024 FFO (FLOOD FRINGE OVERLAY) ZONE (RC-Apr 29/25;E-May 26/25) 94

PART 22: P-4 (PARK RESERVE) ZONE 96

PART 22A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 97

DRAFT

PART 23: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) 98

PART 23A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02; E-Nov 9/02) 99

PART 23B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE 102

PART 23C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE 104

PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE 106

PART 23E: TR (TRANSPORTATION RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14) 107

PART 24: ADMINISTRATION 108

APPENDIX "A": NON-CONFORMING USES 109

APPENDIX "B": EXISTING SALVAGE YARD 112

APPENDIX "C": Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar 21/23;E-Apr 19/23) 113

Schedule B: Master Plan – Sackville Business Park 121

Schedule D: Wetlands (RC-Jun 25/14;E-Oct 18/14) (RC-Mar 18/25; EFF Apr 23/25) ... 123

Schedule E: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) (RC-Mar 18/25; EFF Apr 23/25) 124

Schedule F: Lands Subject to Interim Bonus Zoning Requirements (RC-Mar 21/23;E-Apr 19/23) (RC-Mar 18/25; EFF Apr 23/25) 125

Schedule K – 1-in-100-year Flood Elevation Markers (RC-Apr 29/25;E-May 26/25) 127

Schedule A: Sackville Zoning Map Separate

DRAFT

PART 1: TITLE

This by-law shall be cited as the "Land Use By-law for Sackville" 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. (SCC-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. (SCC-Jun 26/95;E-Jul 22/95)

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

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

2.5 AMENITY AREA means an area(s) of a lot set aside for the purposes of visual improvement or relaxation which is not used for buildings, structures, parking areas or driveways and which includes grass, flower beds, shrubbery, trees and other forms of landscaping or a combination thereof and in the case of multiple unit dwellings may also include balconies and sundecks.

DRAFT

2.5A Assisted Living Facility (Deleted: RC-Aug 9/22;E-Sep 15/22)

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

2.7 AUTOBODY SHOP means a building or part of a building or a clearly defined space on a lot used for painting and repair of automobile body parts but shall not include the retailing of gasoline or other fuels.

2.8 AUTOMOTIVE REPAIR OUTLET means a building or part of a building or a clearly defined space on a lot used for repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire and glass replacement, wheel alignment, paint chip repair, and other specialized activities directly related to the repair or alteration of motor vehicles but shall not include autobody shops, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

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

2.9A 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)

2.9B 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)

2.9C 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)

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

2.11 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. (NWCC-Jul 11/02;E-Jul 20/02)

2.12 BUSINESS USE means any occupation or business activity resulting in a product or service and which is conducted wholly within the principal operator's dwelling unit and which is subordinate to the residential use on the property, but shall not include adult entertainment or escort services or the retail sale of products other than those incidental to the business.

DRAFT

2.12a 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)

2.12B CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep 18/18;E-Nov 3/18)

2.12C 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)

2.12D 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)

2.12A CEMETERY means the use of land or structures for the interment of human remains but shall not include the use of structures for crematoriums. (NWCC-Dec 18/03;E-Jan 11/04)

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

2.14 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 vehicle racing tracks, rifle ranges, marinas, bowling alleys, miniature golf

DRAFT

courses, bingo halls, roller skating rinks and drive-in theatres, and may include one or more dwelling units for maintenance or security personnel.

2.15 COMMUNITY COUNCIL means the Community Council of Sackville as established under the Halifax County Charter.

2.15A 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;M-Mar 28/96)

2.15AA 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)

2.15B CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

2.15C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.

2.15D 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.

2.15E 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.

DRAFT

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

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

2.17 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)

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

2.19 DWELLING

(a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.
(b) Dwelling Unit means two or more rooms used or designed to be used by one or more persons as an independent and separate housekeeping establishment which contains not more than one kitchen (which includes food preparation appliances) and includes but is not limited to living, sleeping and sanitary facilities.
(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit**,** and **includes a mobile dwelling (RC-Oct 11/22;E-Nov 16/22).**
(d) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).
(e) Dwelling, Two Unit means a building containing two dwelling units.
(f) Dwelling, Multiple Unit means a building containing three or more dwelling units.
(g) Dwelling, Rowhouse means a building that is divided vertically into three or more dwelling units, each of which is located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and

DRAFT

rear walls of the unit.

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

2.20 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 includes a licensed 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, adult entertainment use or a cabaret.

2.21 ENTERTAINMENT USE (ADULT) 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.

2.22 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.

2.23 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

DRAFT

designated authority.

2.24 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.

2.25 EXISTING means in existence on the effective date of this by-law.

2.26 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.

2.26A FLOODWAY means the inner portion of the floodplain having a 5% chance of occurring in any given year (the 1-in-20-year flood elevation). Under this by-law, the Floodway flood elevation is derived from the model that accounts for Climate change conditions for the Western University IDF-CC Tool upper bound result for the 2070 – 2099 period under the Sackville Rivers Floodplain Study Phase II produced by CBCL in 2017. (RC-Apr 29/25;E-May 26/25)

2.26B FLOOD FRINGE means the outer portion of the floodplain, between the 1-in-20-year floodway and the outer boundary of the floodplain having a 1% chance of occurring in any given year (the 1-in-100-year flood elevation). Under this by-law, the Flood Fringe flood elevation is derived from the model that accounts for Climate change conditions for the Western University IDF-CC Tool upper bound result for the 2070 – 2099 period under the Sackville Rivers Floodplain Study Phase II produced by CBCL in 2017. (RC-Apr 29/25;E-May 26/25)

2.27 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.

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

2.28A HEALTH and WELLNESS CENTRE means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists. (NWCC-Sep28/06;E-Oct13/06)

2.29 HEIGHT means the vertical distance of a building between the established grade and

DRAFT

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.

2.29A HEN means adult female chicken. For the purposes of this by-law hens associated with an accessory hen use are not livestock (RC- Oct 05/21; E-Jan 08/22).

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

2.31 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.

2.32 LAUNDROMAT means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public or for dry cleaning purposes.

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

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

2.35 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.

2.36 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.

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

2.38 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

DRAFT

mid-points of the front and rear lot lines.

2.39 LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2.40 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.

2.41 LRIS means the Land Registration and Information Service whose property identification numbering system is used in Appendix "B" and 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.

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

2.43 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.

2.44 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.

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

DRAFT

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

2.47 MUNICIPALITY means the Halifax County Municipality.

2.48 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.

2.49 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.

2.49A Off-site Fill means fill that has been imported from outside the floodplain or fill that is transported from the Flood Fringe to the Floodway. (RC-Apr 29/25;E-May 26/25)

2.50 OPEN SPACE USE means any use listed as an Open Space Use in the P-2 (Community Facility) Zone, and in the case of cemeteries may include one dwelling unit (excluding a mobile dwelling) for maintenance or security personnel.

2.51 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.

2.52 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.

2.53 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.

2.54 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (15 m^2), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.

2.55 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.

2.56 PERSONAL SERVICE USE means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail goods is only accessory to the provisions of such service, including, but without limiting the generality of the forgoing, barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, or local offices of professionals providing personal services such as physicians, dentists, lawyers, accountants, or realtors. (NWCC-Sep 28/06;E-Oct 13/06)

2.56(a) PET CARE FACILITY means a facility, including a pet run, for the temporary care or boarding of domestic pets for gain or profit, but shall not include the overnight boarding of pets, a kennel or sale of such animals. (NWCC-Dec 11/17;E-Dec 30/17)

2.56(b) PET RUN means a fenced outdoor area where pets are permitted to roam in association with a pet care facility. (NWCC-Dec 11/17;E-Dec 30/17)

2.57 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.

2.58 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)

2.59 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)

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

2.61 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 ten (10) percent 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.

2.62 RESTAURANT - DRIVE-IN means a building or part of a building wherein food is

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

2.63 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 twenty five (25) percent 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.

2.64 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.

2.65 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.

2.66 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)

2.67 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.

2.68 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.

2.69 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.

2.69A SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

DRAFT

(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)

2.69B 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)

2.69C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck. (NWCC-Jul 11/02; E-Jul 20/02)

2.69D 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)

2.69E 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)

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

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

(b) <u>Projecting Sign</u> means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building.

(c) <u>Facial Sign</u> means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom nor extend above the roof line. (RC-Sep 26/06;E-Nov 18/06)

2.71 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or

DRAFT

road allowance vested in the Province of Nova Scotia or the Halifax County Municipality and **may include a private road or Schedule "A" road as defined in the Regional Subdivision By-law, or an access created under the Regional Subdivision By-law. (RC-May 23/24;E-Jun 13/24)**

2.72 STREET LINE means the boundary line of a street.

2.73 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.

2.73A SUITE (RC-Sep 1/20;E-Nov 7/20)

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

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

2.74 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 micro-filming 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.

2.74A 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)

2.74AA 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)

2.74B 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)

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

2.76 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.

DRAFT

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

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

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

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

DRAFT

PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this by-law, the Sackville 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-1-0	Single Unit Dwelling Zero Lot Line Zone
	R-2	Two Unit Dwelling Zone
	R-3	Mobile Dwelling Zone
	R-4	Multiple Unit Dwelling Zone
	R-5	Townhouse Dwelling Zone
	R-6	Rural Residential Zone
	R-6A	Rural Residential Single Unit Dwelling Zone
	CDD	Comprehensive Development District
Commercial Zones	C-1	Local Business Zone
	C-2	Community Commercial Zone
	C-3	**(Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02)**
	BP	Business Park Zone
	BP-1	Business Park-1 Zone
Construction & Demolition Zone	**CD-1**	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone (RC-Sep 10/02;E-Nov 9/02)**
	ICH	**Infrastructure Charge Holding Zone (RC-Jul 2/02;E-Aug 17/02)**
Community Uses Zones	P-1	Open Space Zone
	P-2	Community Facility Zone

DRAFT

1994 P-3	Floodplain Zone
(RC-Apr 29/25;E-May 26/25)	
2024 FWO	**Floodway Overlay Zone (RC-Apr 29/25;E-May 26/25)**
2024 FFO	**Flood Fringe Overlay Zone (RC-Apr 29/25;E-May 26/25)**
P-4	Park Reserve Zone
RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
TR	**Transportation Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**

3.2 ZONING MAPS

(a) Schedules A and B, attached hereto, may be cited as the "Sackville 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,

DRAFT

regardless of whether or not such zone has previously appeared on any zoning map. Such amendments shall be carried out in accordance with the Planning Act and shall be in conformity with the policies of the Municipal Planning Strategy for Sackville.

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, 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 Section 2 or in any other manner.

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

(a) 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-13 of the Municipal Planning Strategy for Sackville **and the Regional Municipal Planning Strategy for Halifax Regional Municipality (RC-Jun 25/14;E-Oct 18/14),** such uses are as follows:
    (i) **Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** within any Designation.
    (ii) Mobile home parks and expansion of existing mobile home parks within the Urban Residential Designation.
    (iii) Uses located beyond the 1:20 year floodplain but within one hundred (100) feet (30.5 m) of the Sackville River and the Little Sackville River which are consistent with uses permitted by zones along the rivers, except for accessory buildings provided for under Section 4.23.
    (iv) (Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02)
    (v) Salvage yards within the Rural Residential Designation and expansions of the existing yard identified in Appendix "B".
    (vi) Deleted - June 16, 1994
    (vii) Multiple unit dwellings with over six (6) units within the Urban Residential Designation.

DRAFT

(viii) Expansion of commercial uses on properties presently zoned C-2 (Community Commercial) adjacent to non-commercially zoned properties within the Rural Residential Designation.

(ix) Townhouse dwellings on private driveways within the Urban Residential Designation.

(x) Medical clinics within the Urban Residential Designation.

(xi) Daycare facilities within the Urban and Rural Residential Designations.

(xii) Local commercial uses within the Urban Residential Designation.

(xiii) Commercial service uses along Sackville Drive, west of Millwood Drive, to the Plan Area boundary within the Urban and Rural Residential Designations.

(xiv) Commercial uses along sections of the Cobequid Road between Sackville Drive and First Lake Drive within the Urban and Rural Residential Designations.

(xv) (Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02)

(xvi) Expansion of the existing A.F. MacEachern Sheet Metal Company Ltd. (LRIS Index Number 458331).

(xvii) (Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02)

(xviii) Commercial uses or the expansion of existing uses in excess of the maximum permitted within the Community Commercial Designation.

(xix) Autobody shops within the Community Commercial Designation. **(RC-May 7/02;E-Jun 29/02)**

(xx) Multiple unit dwellings and the expansion of existing multiple unit dwellings within the Community Commercial Designation.

(xxi) Commercial uses or the expansion of existing uses in the vicinity of the Beaver Bank Road and Glendale Drive intersection.

(xxii) Commercial, office, service industrial and community-related re-development of the former Sackville Fire Department property, located at the Judy Avenue-Beaver Bank Road intersection.

(xxiii) Commercial service uses along the south side of Sackville Drive between the Beaver Bank Road and the Lucasville Road within the Urban Residential Designation.

(xxiv) **Short-term bedroom rentals (RC-Feb 21/23;E-Sept 1/23)** within the Urban and Rural Residential Designations.

(xxv) Commercial uses or the expansion of existing uses in excess of the maximum permitted by the community commercial zone within the Urban Residential Designation.

(xxvi) Expansion of existing commercial uses or the development of new commercial uses in excess of the maximum floor area permitted by the C-2 zone on properties identified as LRIS Index Numbers 40094443 and 40094450 (in the vicinity of Cobequid Road and Maple Grove Drive) within the Urban Residential Designation.

(xxvii) Pursuant to Policy RR-10 home business uses that do not meet the Land Use By-law requirements for the existing residential property located at 50 Walker Service Road (LRIS#40127599). (C-Feb 10/97;M-Apr 16/97)

(xxviii) Within the Rural Commuter Designation of the Regional Municipal

DRAFT

Planning Strategy:

(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)

(xxix) Pursuant to Policy UR-31, Community Commercial (C-2) Zone uses and auto body shops east of Rosemary Drive and north and west of Atlantic Gardens on Sackville Drive. (RC-Dec 4/07;E-Jan 19/08)

(xxx) Subject to Policy FP-6J, a development agreement may be considered to permit additional development within the Floodplain Designation. (RC-Apr 29/25;E-May 26/25)

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

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

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.

3.8 INTERPRETATION OF 1-in-100-YEAR FLOOD ELEVATION (RC-Apr 29/25;E-May 26/25)

Reference point elevations for the 1-in-100-year flood, are outlined in Schedule K of this By-law for the administration of requirements of PART 21A – 2024 FWO (Floodway Overlay Zone), and PART 21B – 2024 FFO (Flood Fringe Overlay) Zone. Site-specific elevations may be determined by a qualified professional engineer or qualified Licensed Nova Scotia Land Surveyor and used for the administration of these sections of the by-law when greater precision is required.

3.9 HYDROTECHNICAL STUDIES (RC-Apr 29/25;E-May 26/25)

Hydrotechnical studies submitted to fulfill the requirements for developments as outlined in PART 21A – 2024 FWO (Floodway Overlay) Zone, and PART 21B – 2024 FFO (Flood Fringe Overlay) Zone must be developed following the methodology outlined in the Nova Scotia Municipal Flood Line Mapping Document.

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

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

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

(c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, 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 sq. m.) 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 7/06;E-Aug 26/06)

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

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

4.2 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

DRAFT

provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail.

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

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

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

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 an unlisted travelled way.

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 BP (Business Park) Zone or buildings related to resource uses within an R-6 (Rural Residential) Zone. (RC-May 7, 2002; Effective-June 29, 2002)

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 120 feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the lot frontage requirement is reduced to 50 feet (15.2 m) and the lot area

DRAFT

requirement is reduced to 5000 square feet (464.5 m^2).

(c) Any lot created according to the provisions of subsections (a) or (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 4.11 of the this By-law;

(v) the remaining lands meet the requirements of the applicable zone. (NWCC-Dec 18/03;E-Jan 11/04)

(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 BUILDINGS

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

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

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

DRAFT

4.8A EXISTING NON-RESIDENTIAL USES (RC-Apr 29/25;E-May 26/25)

Notwithstanding Section 4.8, where uses are permitted as existing non-residential uses within PART 21 - 1994 P-3 (Floodplain) and PART 21A – 2024 Floodway Overlay (FWO) Zone, they shall be considered as fully conforming uses and as such are permitted to change in use to a use permitted in the zone, resume operation if discontinued, or be replaced, or rebuilt if destroyed, on the lot which they occupied on [the coming in force date of this section] subject to the requirements of the zone. An existing non-residential use includes a non-residential use that existed on or before May 26, 2025.

4.9 NON-CONFORMING USES

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

4.10 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. (MC/SC-Jun 26/95;E-Jul 22/95)

4.10A 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;**

DRAFT

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

iii. subject to 4.10A(b)(iv), meets the requirements for accessory buildings under this by-law; and

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

(c) The following are not permitted:

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

ii. The sale of eggs, meat or hens.

4.11 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 four (4) feet (1.2 m);
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 the height of such building or structure, whichever is the greater.

(iii) exceed fifteen (15) feet (4.6 m) in height in any Residential Zone except for accessory resource related buildings uses in an R6 (Rural Residential) Zone;

(iv) exceed ~~seven hundred and fifty (750) square feet (70 m^2)~~ **a footprint of one thousand (1000) square feet (93 m^2)** in any Residential Zone except for accessory resource related buildings in an R6 (Rural Residential) Zone; nor

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

(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) above.

(c) ~~Notwithstanding section 4.11(a)(ii), 4.11(a)(iii), **4.11(a)(iv)**, and 4.11(a)(v), an accessory building or structure, excluding boat houses, in any Residential Zone may exceed fifteen (15) feet **(4.5m) and seven hundred and fifty (750) square feet (70 m2) (NWCC-Mar 27/23;E-Apr 11/23)** where all of the following conditions can be met:~~

~~(i) the height does not exceed **twenty-five (25) feet (7.7 metres); (RC-May 23/24;E-Jun 13/24)**~~

DRAFT

~~(ia) the building does not exceed one thousand (1,000) square feet (93.m2); (NWCC-Mar27/23;E-Apr 11/23)~~

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

~~(iii) side and rear yards for the building are no less than required in Section 4.11(a)(ii) or (½) the height of the accessory building, whichever is greater~~

~~(iv) the building is located no less than required in Section 4.11(a)(v) or one half (½) the height of the accessory building height from the main building or any other building, whichever is greater~~

~~(v) the building or structure is not located in the required front yard;~~

~~(vi) the lot shall have a minimum area of 40,000 square feet (3,716 m²);~~

~~(vii)all other applicable provisions of this By-law are met. (NWCC-Jul 10/03;E-Jul 12/03)~~

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

4.11A ~~SHIPPING CONTAINERS AS ACCESSORY BUILDINGS (NWCC-Jul 11/02;E-Jul 20/02)~~

~~**(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 business park 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 or use.**~~

~~**(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)**~~

4.11AB SHIPPING CONTAINERS

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

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

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

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

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

DRAFT

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

4.11B 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, a townhouse, or a rowhouse dwelling subject to the following provisions:

- **(i) No more than one ~~total auxiliary dwelling~~, secondary suite shall be permitted on a lot;**
- **(ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**
- **(iii) A two unit dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- **(iv) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- **(v) Repealed (RC-May 23/24;E-Jun 13/24)**
- **(vi) A secondary suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone. (RC-May 23/24;E-Jun 13/24)**

(b) BACKYARD SUITES

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

- **(i) No more than one backyard suite shall be permitted on a lot;**
- **(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 4.10 and 4.11;**
- **(iv) The floor area of a backyard suite shall not exceed 1,000 square feet (93.0 square metres);**
- **(v) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required;**
- **(vi) A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone;**
- **(vii) A backyard suite must be located on the same lot as the main dwelling unit; ~~and~~**
- **(viii) A backyard suite shall have unobstructed access that**
  - **(A) connects the backyard suite to a street;**
  - **(B) is located on the same lot on which the backyard suite is located; and**

DRAFT

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

(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.

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

a) Nothing in this By-law shall prevent the use of land **on or near a worksite for** ~~or~~ the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
(i) Where temporary buildings or structures are permitted near a worksite, the building or structure shall be located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot where the development permit has been issued.

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

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

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

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

DRAFT

4.13 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 bylaws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

4.14 RESTORATION TO A SAFE CONDITION

Nothing in this by-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Section 47 of the Planning Act shall prevail.

4.15 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.

4.16 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.

4.17 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 Bylaw 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 Bylaw. 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.

4.18 DAYLIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than two (2) feet (0.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

DRAFT

4.19 PERMITTED ENCROACHMENTS

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

(a) Uncovered patios, walkways, 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 (0.6 m) into any required yard.
(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (0.9 m.) from the main wall into a required front, rear or flankage yard.
(d) Exterior staircases, balconies, porches, verandas and sundecks shall not be permitted to project into any required yard.
(e) 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.

4.20 YARD EXCEPTION

Where, in this by-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, or is between the top and toe of a cliff or embankment having a slope of fifteen (15) per cent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

4.21 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.

4.22 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle shall be kept on any lot in any Residential Zone except an R-6 (Rural Residential) Zone, and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line.

4.23 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

DRAFT

2% of slope, to a maximum of 60m.

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

(d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.

(e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of the Sackville or Little Sackville rivers except for activities specified under clause (h).

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

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

(h) Activity within the required buffer pursuant to clause (e), shall be limited to the placement of board walks, walkways and trails, conservation uses, parks on public lands, historic sites and monuments, public roads and wastewater, storm and water infrastructure, and water control structures.

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

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

DRAFT

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.

4.24 PARKING REQUIREMENTS

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

USE	PARKING REQUIREMENT
Any dwelling except as specified Below	**0 spaces** per dwelling unit **(RC-May 23/24;E-Jun 13/24)**
Multiple unit dwellings	**0.33** spaces per dwelling unit **(RC-May 23/24;E-Jun 13/24)**
Shared housing use (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and	3.3 spaces per 1,000 square feet
USE	PARKING REQUIREMENT
general offices	(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	27 spaces per 1000 square feet (92.9 m^2) of gross floor area
Restaurants - Full Service	20 spaces per 1000 square feet (92.9 m^2) of gross floor area
Restaurants - Take-Out:	
(a) exceeding 300 square	16 spaces per 1000 square feet

DRAFT

feet (28 m^2) of gross floor area	(92.9 m^2) of gross floor are
(b) not exceeding 300 square feet (28 m^2) of gross floor area	5 spaces
Lounges, taverns and beverage rooms	**20 spaces per 1,000 square feet (92.9 m^2) of gross floor area (C-Jan 10/95;E-Feb 4/95)**
Theatres	1 space per 5 seats
Institutional uses except as **otherwise** specified **(RC-Aug 9/22;E-Sep 15/22)**	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m^2) of gross floor area; where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Schools	3 spaces per classroom plus space per 20 high school students
Hospitals	2 spaces per bed
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
USE	PARKING REQUIREMENT
Health and wellness centres:	
(a) exceeding 2,000 square feet (464.5 m^2) of gross floor area	**5 spaces per 1,000 square feet (92.9 $m^{2)}$) of gross floor area**
(b) not exceeding 2,000 square feet (464.5 m^2) Gross floor area	**3.3 spaces per 1,000 square feet (92.9m^2) of gross floor area**
(NWCC-Sep 28/06;E-Oct 13/06)	
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

DRAFT

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

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

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

(c) Standards for Mobility Disabled 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.

4.25 STANDARDS FOR PARKING LOTS

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

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

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

(c) A structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty

DRAFT

(50) square feet (5 m^2) in area may be erected in the lot for the use of attendants.

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

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

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

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

(h) The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3 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).

4.26 LOADING SPACE REQUIREMENTS

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

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

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

4.26A 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**

DRAFT

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, self storage facilities, car washes, cemeteries and funeral homes.

(3) Each Class B bicycle parking space shall:

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

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

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

DRAFT

4.26B 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.

4.26C 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.

4.27 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.

4.28 FLOODPROOFING REQUIREMENTS (Repealed: RC-Apr 29/25;E-May 26/25)

4.28A MODIFIED FLOODPROOFING REQUIREMENT AREA (RC-Apr 29/25;E-May 26/25)

No building, structure, or use shall be permitted within the area identified on the Zoning Map as areas requiring modified floodproofing, unless the following special

DRAFT

requirements are met:

a) All habitable floorspace shall be constructed above the nearest upstream 1-in-100-year flood elevations outlined on Schedule K or above the site-specific 1-in-100-year flood elevation as determined by a professional engineer or licensed Nova Scotia land Surveyor;

b) All electrical and mechanical equipment within a building must be located above the 1-in-100 flood level unless designed by a professional engineer to withstand a flood; and

c) All structures that extend below the 1-in-100-year flood elevation must be designed and certified by a professional engineer to withstand a flood.

4.29 PLACEMENT OF FILL IN A FLOODPLAIN (Repealed: RC-Apr 29/25;E-May 26/25)

4.30 COMPOSTING OPERATIONS

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

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

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

(i)	**from any property line**	**328 feet (100 m)**
	from the nearest:	
	1. residential dwelling	**1,640 feet (500 m)**
	2. community facility use	**1,640 feet (500 m)**
	3. commercial or industrial building	**984 feet (300 m)**
(iii)	**from a watercourse**	**328 feet (100 m)**

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

(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (R-1, R-1-0, R-2, R-3, R-4, and R-5 Zones). (MC-Feb 26/96;M-Mar 28/96)

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

DRAFT

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

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

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

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

I DEFINITIONS

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

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

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

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

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

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

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

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

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

DRAFT

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 E - Wind Energy Zoning. Such zones are:

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

a) URBAN WIND ZONE (UW-1)

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

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

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

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

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

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

b) RURAL WIND ZONE (RW-2)

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

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

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

1) A minimum distance of 3.0 times the tower height from any

habitable building on an adjacent property;

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

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

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

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

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

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

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

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

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

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

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

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

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

c) RESTRICTED ZONE (R)

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

III PERMIT APPLICATION REQUIREMENTS

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

DRAFT

Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

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

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

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

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

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

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

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

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

V EXCEPTIONS

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

a) Wind Energy Facilities shall not be permitted in the following zones of the

DRAFT

Sackville Land Use By-law:
i) RPK (Regional Park) Zone;
ii) P4 (Park Reserve) 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 E – Wind Energy Zoning.

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

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

4.35 PUBLIC TRANSIT FACILITIES WITHIN THE FLOOD PLAIN (P-3) ZONE (RC-Jun 25/14;E-Oct 18/14)

Notwithstanding Section 4.34, within the Flood Plain (P-3) Zone, public transit facilities shall be limited to transit shelters and stops, and for greater certainty shall exclude transit terminals.

DRAFT

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

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

4.37 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.**

DRAFT

PART 5: SIGNS

5.1 GENERAL

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

(b) 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 this 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.

DRAFT

5.5 SIGNS PERMITTED IN ALL ZONES

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

(a) Any sign which has an area of no more than two (2) square feet (0.2 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 (0.2 m^2) and which regulates the use of property, as do "no trespassing" signs.
(c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m^2) in any Residential Zone or 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 (0.5 m^2) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
(e) Any sign which has an area of no more than fifty (50) square feet (4.6 m^2) and which is incidental to construction.
(f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
(g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
(h) Any memorial sign, plaque or tablet.

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) Except for electronic message display signs, 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 string lights and pennant flags used in conjunction with permitted outdoor display courts and, except for occasions such as grand openings, county fairs and public festivals, or used as

DRAFT

temporary holiday decorations.

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

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

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);

(b) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space; or

(c) be less than ten (10) feet (3 m) from any street or abutting lot in any C-2 (Community Commercial).

5.9 FACIAL SIGNS

No facial sign shall:

(a) extend above the top of the wall on which it is attached; or

(b) project beyond the extremities of the wall on which it is attached.

DRAFT

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

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

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
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area (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
Deleted (RC-Feb 21/23;E-Sept 1/23)

Community Uses
Open space uses

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 (1858.1 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 per cent
Maximum Height of Main Building		35 feet (10.7 m)

DRAFT

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.
(b) No more than twenty-five (25) per cent 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 (27.9 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, glare, odour or dust which is obnoxious.
(d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(e) No more than one (1) sign shall be permitted for any business use and no such sign shall exceed two (2) square feet (0.2 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.
(g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

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) No open storage or outdoor display shall be permitted.
(c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed two (2) square feet (0.2 m^2) in area.
(d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

6.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

DELETED (RC-Feb 21/23;E-Sept 1/23)

6.6 OTHER REQUIREMENTS - MULTIPLE UNIT DWELLINGS

Notwithstanding Section 6.1, existing multiple unit dwellings shall be a permitted use within the R-1 Zone subject to the requirements of Section 6.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

DRAFT

Civic Address	LRIS Index Number	Maximum Number of Dwellings
156 Old Beaver Bank Road	40093775	3
27 Beaver Bank Road	40099954	3
60 Hillcrest Avenue	00363895	4
56 Hillcrest Avenue	00363887	4
28 Hillcrest Avenue	00361675	4
6 Hillside Avenue	40009839	4
38-40 Hillcrest Avenue	00361626	6
40 Hillside Avenue	00358697	3

6.7 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 19.

DRAFT

PART 7: R-1-0 (SINGLE UNIT DWELLING ZERO LOT LINE) ZONE

7.1 R-1-0 USES PERMITTED

No development permit shall be issued in any R-1-0 (Single Unit Dwelling Zero Lot Line) Zone except for the following:

Residential Uses
Single unit dwellings
Two unit dwellings within the Urban Service Area
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area (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)
Deleted (RC-Feb 21/23;E-Sept 1/23)
Business uses in conjunction with permitted dwellings
Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings

Community Uses
Open space uses

7.2 R-1-0 ZONE REQUIREMENTS

Residential Uses
In any R-1-0 Zone, where uses are permitted as residential uses, no development permit shall be issued except in conformity with the following:

Minimum lot area	3,200 square feet (300 m^2) per dwelling unit and where central services are available
Minimum frontage	32 feet (9.7 m) per unit 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	one side yard may be reduced to zero (0) if distance to next dwelling unit is a minimum of 12 feet (3.6 m); another side yard to be a minimum of 12 feet (3.6 m); one side yard may be reduced to zero (0) providing another side yard is a minimum of 12 feet (3.6 m)
Minimum distance between buildings	12 feet (3.6 m)
Maximum lot coverage	35 per cent
Maximum height of main building	35 feet (10.7 m)

DRAFT

7.3 OTHER REQUIREMENTS: BUSINESS USE

Where business use is permitted in any R-1-0 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 then twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in any case shall any business use occupy more than three hundred (300) square feet (27.9 m).
(c) No mechanical equipment shall be in use except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.
(d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed more than two (2) square feet (0.2 m^2) in area.
(f) One (1) additional 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 related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

7.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1-0 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) No open storage or outdoor display shall be permitted.

7.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

DELETED (RC-Feb 21/23;E-Sept 1/23)

7.6 OTHER REQUIREMENTS: COMMUNITY USES

In any R-1-0 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 19.

DRAFT

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 (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
Deleted (RC-Feb 21/23;E-Sept 1/23)
Business uses in conjunction with permitted dwellings

Community Uses
Open space uses

8.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

(a) any R-2 (Two Unit Dwelling) Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Two Unit Dwellings

Minimum Lot Area	7,000 square feet (650.3 m^2) or 3,500 square feet (325.2 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 (1858.1 m^2) where central services are not available;
Minimum Frontage	70 feet (21.3 m), or 35 feet (10.7 m) per unit where each dwelling unit of a 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	30 feet (9.1 m)
Minimum Rear or 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)

(b) Where single unit dwellings are permitted in any R-2 Zone, the requirements of Section 6.2 shall apply.

8.3 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) 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 (0.2 m^2) in area.
(d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

8.4 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) per cent 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 (27.9 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, glare, odour or dust which is obnoxious.
(d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use 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 (0.2 m^2) in area.
(g) 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.
(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

8.5 OTHER REQUIREMENTS: BED AND BREAKFASTS
DELETED (RC-Feb 21/23;E-Sept 1/23)

DRAFT

8.6 OTHER REQUIREMENTS - MULTIPLE UNIT DWELLINGS

Notwithstanding Section 8.1, existing multiple unit dwellings shall be a permitted use within the R-2 Zone subject to the requirements of Section 8.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

Civic Address	LRIS Index Number	Maximum Number of Dwellings
185 Old Beaver Bank Road	40092538	3
875 Old Sackville Drive	40283244	3
11 Nelson Drive	00355925	4

8.7 OTHER 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 19.

8.8 EXEMPTION: EXISTING R-2 ZONED LOTS

(a) Notwithstanding the requirements of Section 8.2, where uses are permitted as Residential Uses on any developed R-2 zoned lands, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	6,000 square feet (557.4 m^2) or 3,000 square feet (278.7 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 (1858.1 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 a 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	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 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)

(b) For the purposes of Subsection 8.8(a), "developed R-2 zoned lands" shall include any R-2 (Two Unit Dwelling) zoned lands for which a completed tentative or final plan of subdivision application was submitted in accordance with the requirements

DRAFT

of the Subdivision By-law, prior to the date of the first publication of the notice of the intention to adopt this By-law.

DRAFT

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
Single unit dwellings
Two unit dwellings within the Urban Service Area
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area (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
Deleted (RC-Feb 21/23;E-Sept 1/23)
Business uses in conjunction with permitted dwellings

Community Uses
Open space uses

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 (1858.1 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) per cent 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 (27.9 m^2).
(c) No mechanical equipment shall be used except that which is reasonably consistent

DRAFT

with the use of a dwelling and does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.

(d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use 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 (0.2 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^2) of floor area devoted to any business.

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

(h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

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) 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 (0.2 m^2) in area.

(d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

9.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-3 Zone, the following shall apply:

(a) Not more than three (3) rooms may be let.

(b) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m^2) in area.

(c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

9.6 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 19.

DRAFT

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

10.1 R-4 USES PERMITTED

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

Residential Uses
Existing multiple unit dwellings in excess of six (6) units
Multiple unit dwellings containing no more than six (6) units
Shared housing use with 15 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)

Community Uses
Open space uses

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	6,000 square feet (577.4 m^2) plus 1,500 square feet (139.4 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	½ the height of the main building
Maximum Lot Coverage	50 percent
Maximum Height of Main Building	~~35 feet (10.7 m)~~ **3 storeys**

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 (9.3 m^2) per dwelling unit **for multiple unit dwellings, or per bedroom for a shared housing use (RC-Aug 9/22;E-Sep 15/22)** shall be provided.
(b) No portion of any parking space shall be located within the required front yard.

10.4 OTHER REQUIREMENTS: EXISTING MULTIPLE UNIT DWELLINGS

Existing multiple unit dwellings in excess of six (6) units shall be permitted as existing uses.

10.5 R-4 ZONE REQUIREMENTS: COMMUNITY USES

In any R-4 Zone, where uses are permitted as community uses, no development permit

DRAFT

shall be issued except in conformity with the provisions of Part 19.

DRAFT

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

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 (185.8 m^2) per 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

(a) Where townhouse dwellings are erected in any R-5 Zone, no such building shall:
- (i) include more than six (6) dwelling units;
- (ii) be designed so that more than two (2) dwelling units are constructed to a building line which is less than two (2) feet (0.6 m) in variation from the building line of any unit abutting either of the two units;
- (iii) gain direct vehicular access from any arterial or collector street; or
- (iv) undergo any alteration of individual units after construction.

DRAFT

(b) Subject to the requirements of Section 4.24 (Parking Requirements), where townhouse dwellings are erected in an R-5 Zone:
   (i) no required parking space shall be permitted in the required front yard for end dwelling units;
   (ii) driveways for interior dwelling units shall be located at the common lot line.

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 19.

DRAFT

PART 12: R-6 (RURAL RESIDENTIAL) ZONE

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

12.1 R-6 USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings within the Urban Service Area
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area (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
Bed and breakfasts in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings
Pet care facility in conjunction with permitted dwellings (NWCC-Dec 11/17; E-Dec 30/17)

Resource Uses
Agricultural uses
Forestry uses
Fishing and fishing related uses

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

12.2 R-6 ZONE REQUIREMENTS: RESIDENTIAL AND RESOURCE USES

In any R-6 Zone, where uses are permitted as residential uses or Resource 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 (1858.1 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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: BUSINESS USES

(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) per cent of 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 (27.9 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, glare, odour or dust which is obnoxious.
(d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use 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 (0.2 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^2) of floor area devoted to any business.
(g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

12.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6 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) 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 (0.2 m^2) in area.
(d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

12.5 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 11.2, where any barn, stable or other building intended for the keeping of more than ten (10) animals is erected in any R-6 Zone, no such structure shall:

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

DRAFT

(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 agricultural use; and

(c) be less than three hundred (300) feet (91.4 m) from any watercourse or waterbody.

12.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

DELETED (RC-Feb 21/23;E-Sept 1/23).

12.7 R-6 ZONE REQUIREMENTS: COMMUNITY USES

In any R-6 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Parts 19 and 20.

12.8 OTHER REQUIREMENTS: PET CARE FACILITIES
(NWCC-Dec 11/17; E-Dec 30/17)
Notwithstanding the provisions of Section 12.2, where a pet care facility is permitted in any R-6 Zone, the following shall apply:

(a) Any building or structure intended for use as a pet care facility may be located on a lot which directly abuts or is directly across a private road or private right-of-way from the lot containing the principal dwelling.

(b) Minimum lot area: 80,000 square feet (7,432 square metres)
For the purposes of this section, where the pet care facility operates on more than one lot, lot area is defined as the cumulative lot area of all lots used for the pet care facility, including the lot containing the principal dwelling.

(c) Minimum frontage: 100 feet (30.5 metres)

(d) Pet Density: 7 pets per acre (4,047 square metres)
For the purposes of this section, where the pet care facility operates on more than one lot, the pet density is calculated based on the cumulative area of all lots used for the pet care facility, including the lot containing the principal dwelling.

(e) Any building or part thereof intended for use as a pet care facility shall conform to the following requirements:

(i) Minimum front or flankage yard: 100 feet (30.5 metres)

(ii) Minimum side and rear yard: 50 feet (15.2 metres)

(iii) Maximum lot coverage: 35 percent

(iv) a minimum distance of 100 feet (30.5 metres) shall be maintained for any pet run from any dwelling or potable water supply that is not located on the same lot as the principal dwelling;

(v) a minimum setback of 200 feet (91.4 metres) shall be maintained for any pet run from any watercourse;

(vi) a minimum setback of 20 feet shall be maintained for any pet run from the streetline;

(vii) any pet run shall be completely enclosed by a fence having a minimum height of 1.8 metres and including any gate constructed in the same manner and height as the enclosure.

DRAFT

PART 13: R-6A (RURAL RESIDENTIAL SINGLE UNIT DWELLING) ZONE

13.1 R-6A USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings within the Urban Service Area
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area (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
Deleted (RC-Feb 21/23;E-Sept 1/23)
Business uses in conjunction with permitted dwellings

Community Uses
Open space uses

13.2 R-6A ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1858.1 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)

13.3 OTHER REQUIREMENTS: BUSINESS USES

Where home business uses are permitted in any R-6A 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) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three

DRAFT

hundred (300) square feet (27.9 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, glare, odour or dust or which is obnoxious.

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

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

(f) One (1) off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any home business.

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

(h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

13.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

(b) 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 (0.2 m^2) in area.

(d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

13.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

DELETED (RC-Feb 21/23;E-Sept 1/23)

13.6 OTHER REQUIREMENTS: COMMUNITY USES

In any R-6A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

DRAFT

PART 14: C-1 (LOCAL BUSINESS) ZONE

14.1 C-1 USES PERMITTED

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

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 Uses

14.2 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 (1858.1m^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		25 per cent
Maximum Height of Main Building		35 feet (10.7 m)

14.3 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 commercial building in any C-1 Zone shall not exceed two thousand (2,000) square feet (185.8 m^2), exclusive of any residential component. **Local commercial uses may exceed a gross floor area of two thousand (2,000) square feet by Development Agreement according to the provisions of policy UR-18. (RC-Sep 16/08;E-Oct 11/08)**

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

(c) Except where any lot in any C-1 Zone abuts another commercially zoned property, 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

DRAFT

which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.

DRAFT

PART 15: C-2 (COMMUNITY COMMERCIAL) ZONE

15.1 C-2 USES PERMITTED

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

Commercial Uses
Retail stores
Food stores
Service and Personal Service Uses
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Motels 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 within wholly enclosed buildings
Automotive repair outlets
Funeral parlours and undertaker establishments
Existing auto body shops
Existing transport facilities and maintenance yards
Existing construction yards and maintenance facilities
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
Existing multiple unit dwellings
Shared housing use (RC-Aug 9/22;E-Sep 15/22

Community Uses
Open space uses
Institutional uses

DRAFT

15.2 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:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1,858 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		50 per cent
Maximum Height of Main Building		35 feet (10.7 m)

15.3 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 (2,787 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 (15.2 m).
(f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
(g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

15.4 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

(a) The gross floor area of all commercial buildings on a lot in any C-2 Zone shall not exceed ten thousand (10,000) square feet (929 m^2).
(b) Notwithstanding the provisions of Subsection 13.4(a), where welding, plumbing and heating, electrical and other special trades contracting services and shops are permitted in any C-2 Zone, no such shop shall exceed thirty-five hundred (3,500) square feet (325 m^2) of gross floor area.
(c) Notwithstanding the provisions of Subsection 13.4(a), where offices are permitted in any C-2 Zone, no office building shall exceed five thousand (5,000) square feet (465 m^2) of gross floor area.

15.5 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

DRAFT

display, the following shall apply:

(a) Any area devoted to open storage shall not exceed fifty (50) per cent 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.

15.6 OTHER REQUIREMENTS: PARKING LOTS

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

15.7 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 19 and Part 20 as are applicable.

15.8 OTHER REQUIREMENTS: EXISTING USES

Existing uses which are in excess of the maximum gross floor area requirements of Section 15.4 shall be permitted as existing uses. Any expansion to such existing uses may only be considered by development agreement.

15.9 OTHER REQUIREMENTS: SACKVILLE TOWN CENTRE

Notwithstanding the provisions of Section 15.1, and 15.4, the existing Sackville Town Centre Shopping Centre, located on the lot identified by LRIS Number 362442, may be used for any **of the** uses **listed below.** In conformity with Section 15.8, expansion of the Shopping Centre may only be considered by development agreement. **(RC-May 7/02;E-Jun 29/,02)**

Commercial Uses
Retail stores
Food stores
Service and Personal Service Uses
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
Entertainment uses
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
Automotive repair outlets
Funeral Parlours and undertaker establishments
Wholesale bakeries
Printing and publishing establishments
Existing auto body shops
Existing transport facilities and maintenance yards

<u>Residential Uses</u>
Up to two (2) dwelling units in conjunction with commercial uses
Existing dwellings
Shared housing use (RC-Aug 9/22;E-Sep 15/22)

<u>Community Uses</u>
Open space uses
Institutional uses

(RC-May 7/02;E-Jun 29/02)

DRAFT

PART 15A: C-2A (MINOR COMMERCIAL) ZONE (RC-Apr 24/01;E-Jun 2/01)

15A.1 C-2A USES PERMITTED

No development permit shall be issued in any C-2A (Minor Commercial) Zone except for the following:

Commercial Uses
Retail stores
Food stores
Service and Personal Service Uses
Offices
Commercial schools
Banks and financial institutions
Restaurants take-out and drive-in
Shopping plazas and malls
Commercial recreation uses
Greenhouses and nurseries
Veterinary hospitals and kennels
Service stations (NWCC-Mar 21/16;E-Apr 2/16)

Community Uses
Open space uses
Institutional uses

15A.2 C-2A ZONE REQUIREMENTS: COMMERCIAL USES

In any C-2A Zone, where uses are permitted as Commercial 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 (1,858m^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		**50 per cent**
Maximum Height of Main Building		**35 feet (10.7 m)**

15A.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

(a) The gross floor area of all commercial buildings on a lot in any C-2A Zone shall not exceed ten thousand (10,000) square feet (929 m^2).

DRAFT

15A.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any C-2A 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) per cent 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-2A 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.

15A.5 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2A Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

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

15A.7 C-2A ZONE REQUIREMENTS: COMMUNITY USES

In any C-2A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19 and Part 20 as are applicable.

15A.8 OTHER REQUIREMENTS: ATLANTIC GARDENS

Notwithstanding the provisions of Sections contained within 15A the existing Atlantic Gardens Centre, located on the lot identified by PID Number 40150856, is recognized as an existing use. An expansion which does not meet the provision of 15A3 (maximum commercial floor area) shall be permitted. All other provisions of the zone shall be met.

15A.9 OTHER REQUIREMENTS: SERVICE STATIONS (NWCC-Mar 21/16;E-Apr 2/16)

The following conditions shall apply to service stations:

(a) The lot shall have a minimum area of 2,787 spare metres (30,000 square feet);
(b) The lot shall have a minimum of 30.5 m (100 ft) of contiguous frontage;

DRAFT

(c) No service station use shall exceed 185.8 square metres (2,000 square feet) of gross floor area;

(d) No portion of pump island canopy shall be illuminated. Notwithstanding, a pump island canopy may be used as an anchor to direct light immediately beneath the canopy;

(e) A pump island canopy associated with a service station may include one (1) sign, provided the sign is no larger than thirty (30) square feet and not backlit;

(f) A pump island canopy associated with a service station shall include no less than two of the following architectural elements:

- **(i) recesses/projections;**
- **(ii) cornices and parapets;**
- **(iii) peaked roof forms;**
- **(iv) architectural details such as tile or stone work, and decorative mouldings; or**
- **(v) any other similar architectural treatment deemed to be an acceptable equivalent;**

(g) No portion of any pump island, including a pump island canopy, shall be located closer than 6.1 m (20 ft) from any street line;

(h) No more than four (4) fuel pumps shall be permitted on a lot;

(i) No servicing or general repair of motorized vehicles shall be permitted;

(j) No vehicle washing facilities (car wash) shall be permitted; and

(k) No residential uses shall be permitted on the same lot.

DRAFT

PART 16: C-3 (COMMERCIAL CORRIDOR) ZONE (Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02)

PART 17: BP (BUSINESS PARK) ZONE

17.1. BP (BUSINESS PARK) USES PERMITTED

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

Commercial Office/Retail Uses
Retail stores
Food stores
Service and Personal Service Uses
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities
Outdoor display in conjunction with permitted commercial office/retail uses (C-Mar 27/96;E-Apr 20/96)
Short-term rentals (RC-Feb 21/23;E-Sept 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sept 1/23)

Light Industrial/Office Uses
Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants

DRAFT

Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments
Taxi and bus depots
Parking lots
Existing uses
Any commercial office/retail uses
Composting operations (see section 4.30) (MC-Feb 26/96;M-Mar 28/96)
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

Community Uses
Any use permitted in the P-1 (Open Space) Zone

17.2 BP ZONE REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES

Except as otherwise provided for in this part, where uses are permitted as commercial office/retail uses, in any BP Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	10 feet (3.1 m)
Maximum Lot Coverage	50 percent

17.3 OTHER REQUIREMENTS: LIGHT INDUSTRIAL/OFFICE USES

Where light industrial/office uses are permitted in any BP Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

DRAFT

17.4 OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES

(a) No development permit shall be issued for a commercial office/retail use in any BP Zone except in conformity with Schedule "B" of the land use by-law.

(b) Where commercial office/retail uses are permitted in any BP Zone, the following shall apply:

i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.

ii) No walls of any building shall be erected nearer to Glendale Avenue or any other street than forty (40) feet (12.2 m).

iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
glass
pre-engineered steel
brick
cast-in-place concrete
precast concrete
stone (NWCC-May 10/07;E-May 26/07)

iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage **or for outdoor display areas in conjunction with permitted commercial office/retail uses, (C-Mar 27/96;E-Apr 20/96)** shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m^2) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.

v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.

vi) No landscaping area shall be used for parking or developed in any other manner.

vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.

viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.

ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.

x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4

DRAFT

m^2) in area. Islands shall be separate from any other landscaped areas.

(xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.

(xii) No outdoor storage shall be permitted. **(C-Mar 27/96;E-Apr 20/96)**

(xiii) No garbage shall be stored outside except in a permanent refuse container. Such a container shall be located in the rear yard and shall be completely, enclosed and screened from view.

(xiv) No trailer shall be parked or placed on any lot except for loading or unloading purposes.

(xv) No outdoor display shall be located within any front yard or exceed fifteen (15) percent of the total lot area. (C-Mar 27/96;E-Apr 20/96)

17.5 OTHER REQUIREMENTS: COMMUNITY USES

Where open space uses are permitted in any BP Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

17.6 MASTER PLAN: SACKVILLE BUSINESS PARK (C-Jan 9/97;E-Feb 4/97)

Notwithstanding the Master Plan: Sackville Business Park, as contained in Schedule "B" of this By-law, the Development Officer may issue a development permit for any use permitted by Section 17.1 where so authorized by the owner or an authorized agent on behalf of the owner of the Business Park. All other provisions of this By-law shall apply.

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

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

(i) zoned or used for residential purposes, or

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

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

DRAFT

PART 18: BP-1 (BUSINESS PARK-1) ZONE

18.1. BP-1 (BUSINESS PARK-1) USES PERMITTED

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

Commercial Office/Retail Uses
Retail stores
Food stores
Service and Personal Service Uses
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities
Short-term rentals (RC-Feb 21/23;E-Sept 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sept 1/23

Light Industrial/Office Uses
Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants
Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots

DRAFT

Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments
Taxi and bus depots
Parking lots
Existing uses
Any commercial office retail uses
Composting operations (see section 4.30) (MC-Feb 26/96;M-Mar 28/96)
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

Institutional Uses
Denominational Institutional and Uses (RC-Dec 16/03;E- Jan 24/04)
Educational institutions and uses
Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)
Day care facilities
Fire and police stations
Government offices and public works
Hospitals and medical clinics
Private club and lodge
Community centres and halls
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)

Open Space Uses
Any use permitted in the P-1 (Open Space) Zone

18.2 BP-1 ZONE REQUIREMENTS

Where light industrial/office uses and commercial office/retail uses are permitted in any BP-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

18.3 OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES AND LIGHT INDUSTRIAL/OFFICE USES

(a) Where commercial office/retail uses and light industrial/office uses are permitted in any BP-1 Zone, the following shall apply:
   i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.

ii) No walls of any building shall be erected within forty (40) feet (12.2 m) of any public street or road reserve.

iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
glass
pre-engineered steel
brick
cast-in-place concrete
precast concrete
stone (NWCC-May 10/07;E-May 26/07)

iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m^2) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.

v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.

vi) No landscaping area shall be used for parking or developer in any other manner.

vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.

viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.

ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.

x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m^2) in area. Islands shall be separate from any other landscaped areas.

xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.

xii) No outdoor storage or display shall be permitted.

18.4 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any BP-1 Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

DRAFT

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

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

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

DRAFT

PART 19: P-1 (OPEN SPACE) ZONE

19.1 P-1 USES PERMITTED

No development permit shall be issued in any P-1 (Open Space) Zone except for the following:

Open Space Uses
Public and private parks and playgrounds
Recreation uses
Cemeteries
Historic sites
A single unit dwelling in conjunction with a cemetery.

19.2 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)

DRAFT

PART 20: P-2 (COMMUNITY FACILITY) ZONE

20.1 P-2 USES PERMITTED

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

Institutional Uses
Educational institutions and uses
Denominational institutions and uses
Shared housing use with 10 or fewer bedrooms (RC-Aug 9/22;E-Sep 15/22)
Day care facilities
A single unit dwelling in conjunction with a daycare facility
Fire and police stations
Government offices and public works
Hospitals and medical clinics
Public libraries, museums and galleries
Private club and lodge
Community centres and halls
A sales and administration office in conjunction with a cemetery (NWCC-Jan 28/10;E-Feb 13/10)
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)

Open Space Uses
Public and private parks and playgrounds
Recreation uses
Cemeteries
Day camps
Historic sites and monuments
A single unit dwelling in conjunction with a cemetery.

20.2 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 (1858.1 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 building		½ the height of the main
Maximum Lot Coverage		50 per cent

DRAFT

20.3 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 19.

20.4 OTHER REQUIREMENTS: OFFICES IN CONJUNCTION WITH A CEMETERY (NWCC-Jan 28/10;E-Feb 13/10)

In any P-2 Zone, where a sales and administration office is permitted in conjunction with a cemetery, no development permit shall be issued except in conformity with the following:

Maximum Height	**35 feet (10.67 m)**
Maximum Floor Area	**5000 square feet (464.5 square metres)**

(a) Where the building is located within 100 feet (30.5 metres) of a public street, it shall be oriented so that the primary facade of the building faces the public street.

(b) A landscaped strip of at least 30 feet (9.1 metres) in width shall be provided in the front yard between the public street and the building and any parking areas. For the purposes of this section, landscaping shall consist of a minimum of one tree and one shrub for each 400 square feet (37.2 square metres) of landscaped area.

(c) Where the building is located within 50 feet (15.24 metres) of an abutting residentially zoned property, a landscaped strip of at least 30 feet (9.1 metres) in width shall be provided between the abutting property and the building and any parking areas. Where an opaque fence of at least 6 feet (1.83 metres) in height is provided along the common property boundary, the landscaped strip may be reduced to 15 feet (4.57 metres) in width. For the purposes of this section, landscaping shall consist of a minimum of one tree and one shrub for each 400 square feet (37.2 square metres) of landscaped area.

DRAFT

PART 21: 1994 P-3 (FLOODPLAIN) ZONE (RC-Apr 29/25;E-May 26/25)

21.1 P-3 USES PERMITTED

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

Existing Uses
Non-residential uses that existed on or before May 26, 2025. (RC-Apr 29/25;E-May 26/25)

Resource Uses
Agricultural uses
Forestry uses
Fishing and fishing related uses
Water control structures (RC-Jun 25/14;E-Oct 18/14)
Wastewater, stormwater and water infrastructure. Treatment facilities for wastewater, stormwater and water infrastructure shall be limited to those facilities that existed on or before, June 25, 2014. (RC-Jun 25/14;E-Oct 18/14)

Open Space Uses
Parking areas involving no grade alternations, provided the capacity of the floodway is not reduced
Public and private parks and playgrounds
Recreation uses
Conservation related uses
Roads (RC-Apr 29/25;E-May 26/25)

21.2 P-3 ZONE REQUIREMENTS: RESOURCE USES

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

Minimum Lot Area	40,000 square feet
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent

21.3 P-3 ZONE REQUIREMENTS: OPEN SPACE USES

In any P-3 Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

21.4 OTHER REQUIREMENTS: AGRICULTURAL USES (Repealed: RC-Apr 29/25;E-

DRAFT

May 26/25)

21.5 OTHER REQUIREMENTS: PROHIBITED USES AND STRUCTURES

(a) Notwithstanding the provisions of Section 20.1, no structure shall be used or constructed to be used for human habitation, whether permanent or temporary, in any P-3 Zone.

(b) Permitted structures within any P-3 Zone shall be constructed and/or placed on a lot so as to minimize obstruction to the flow of flood waters and shall be firmly anchored to prevent flotation.

21.6 RESTRICTION: GRADE ALTERATIONS

(a) Within any P-3 Zone, no grade alterations shall be permitted for the purpose of erecting any permanent structure or building.

(b) Within any P-3 Zone, no grade alteration which affects the capacity of the 1:20 floodway or increases flood levels shall be permitted.

(c) Any land disturbance associated with a permitted use shall be stabilized through the use of landscaping or other appropriate means, as determined by the Municipal Engineer, to prevent erosion.

21.7 RESTRICTION: PLACEMENT OF OFF-SITE FILL (RC-Apr 29/25;E-May 26/25)

The placement of off-site fill or alteration of grades is prohibited within the P-3 (Floodplain) Zone, except for road construction and public utilities. The placement of off-site fill or alteration of grades will only be permitted for road construction or public utilities where a professional engineer undertakes a hydrotechnical study to certify that the fill will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns.

DRAFT

PART 21A: 2024 FWO (FLOODWAY OVERLAY) ZONE (RC-Apr 29/25;E-May 26/25)

21A.1 FWO USES PERMITTED

No development permit shall be issued in any FWO (Floodway Overlay) Zone except for the following:

Existing Uses
Non-residential uses that existed on or before [coming in force date of this section]

Resource Uses
Agricultural uses, except buildings and structures related to agricultural uses
Forestry uses
Fishing and fishing-related uses

Open Space Uses
Public and private parks and playgrounds
Recreation uses
Boat house accessory to an existing residential use
Conservation related uses

Other Uses
Public utilities, trails, and roadways
Parking areas

Change in use permitted uses
Subject to section 21A.9, an existing non-residential use may change in use to a use permitted in the underlying zone except for any of the following:

Automotive repair
Heavy equipment services
Gas Stations
Dry cleaners
Industrial uses
Construction & Demolition uses
Any use for the storage, distribution, or manufacturing of hazardous materials
Medical Facilities and hospitals
Daycares
Shared Housing
Hotels and motels

DRAFT

21A.2 FWO ZONE REQUIREMENTS: RESOURCE USES

In any FWO Zone, where uses are permitted as Resource Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**29,064 square feet (2700 m2)**
Minimum Frontage	**100 feet (30.5 m)**
Minimum Front or Flankage Yard	**20 feet (6.1 m)**
Minimum Rear or Side Yard	**8 feet (2.4 m)**
Maximum Lot Coverage	**35 percent**

21A.3 FWO ZONE REQUIREMENTS: OPEN SPACE USES

In any FWO Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the provisions of Sections 21A.4, 21A.5, 21A.6 and PART 19.

21A.4 OTHER REQUIREMENTS: PROHIBITED USES AND STRUCTURES

Notwithstanding the provisions of Section 21A.1:

a) no structure shall be used or constructed to be used for human habitation, whether permanent or temporary, in any FWO Zone;
b) no structure shall be used for the storage, distribution or manufacturing of hazardous materials; and
c) any structure must be designed by a professional engineer to withstand a flood and to allow flow through.

21A.5 RESTRICTION: PLACEMENT OF OFF-SITE FILL

The placement of off-site fill or alteration of grades is prohibited within the FWO Zone, except for road construction and public utilities. The placement of off-site fill or alteration of grades will only be permitted for road construction or public utilities where a professional engineer undertakes a hydrotechnical study to certify that the fill will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns.

21A.6 OTHER REQUIREMENTS: GRADE ALTERATION FOR FLOODPROOFING

Notwithstanding Section 21A.5, alteration of grades is permitted for floodproofing required under Sections 21A.7, and 21A.8 subject to the following:

a) grade alteration is limited to the existing building footprint with associated slope stabilization to floodproof a building or structure;
b) a grading plan has been prepared by a professional engineer or Licensed Nova Scotia Land Surveyor showing the final grade is above the nearest upstream 1-in-100-year flood elevation shown on Schedule K, or above a site-specific

DRAFT

elevation above the 1-in-100-year elevation as determined by a professional engineer or Nova Scotia Land Surveyor;

c) a professional engineer, through a hydrotechnical study, certifies that the grading will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns; and

d) all other grading legislation is met.

21A.7 <u>OTHER REQUIREMENTS: EXISTING USES EXPANSION</u>

Where a hydrotechnical study undertaken by a professional engineer certifies that an expansion to an existing use will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, result in a change to flood water flow patterns, existing uses permitted under Section 21A.1 are permitted to expand provided the expansions are for:

a) alterations and expansions to entranceways needed for accessibility purposes; or

b) alterations and expansions to loading areas.

21A.8 <u>OTHER REQUIREMENTS: EXISTING USE RECONSTRUCTION AND FLOODPROOFING</u>

Existing uses permitted under Section 21A.1, are permitted to be reconstructed provided the structure is constructed in the same location and to the same extent as the existing building and there is no increase in the building footprint, and a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to increased flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to floodwater flow patterns. Where an existing use is permitted to be reconstructed the following floodproofing conditions must be met:

a) All floors must be constructed above the nearest upstream 1-in-100-year flood elevation outlined on Schedule K or above the site-specific 1-in-100-year flood elevation as determined by a professional engineer or Nova Scotia land surveyor;

b) All electrical and mechanical equipment within a building must be located above the 1-in-100-year flood level unless designed by a qualified professional engineer to withstand a flood; and

c) Any structure constructed below the 1-in-100-year flood elevation must be designed by a professional engineer to withstand a flood and allow for flow through.

21A.9 <u>OTHER REQUIREMENTS: EXISTING NON-RESIDENTIAL USES CHANGE IN USE</u>

An existing non-residential use may change to another non-residential use permitted

DRAFT

in the underlying zone subject to the following requirements:

a) there is no expansion of the structure(s);
b) the change in use is not for any residential institutions such as hospitals, shared accommodations, or daycares as outlined in Section 21A.1; and
c) the change in use is not for commercial or industrial uses, involving the use or storage of hazardous materials.

21A.10 <u>PARKING</u>

The minimum parking requirements, as set out in Section 4.24, shall not apply to any use permitted in the Floodway Zone.

DRAFT

PART 21B 2024 FFO (FLOOD FRINGE OVERLAY) ZONE (RC-Apr 29/25;E-May 26/25)

In addition to the regulations of the underlying zone, development in the 2024 FFO (Flood Fringe Overlay) Zone shall be subject to the following requirements:

21B.1 PROHIBITED USES

Notwithstanding the uses permitted in the underlying zone, the following uses are prohibited:

Automotive repair
Heavy equipment services
Gas Stations
Dry cleaners
Industrial uses
Construction & Demolition uses
Any use for the storage, distribution, or manufacturing of hazardous materials
Medical Facilities and hospitals
Daycares
Shared Housing
Hotels and motels

21B.2 FLOODPROOFING BUILDING REQUIREMENTS

All new or expanded structures are permitted subject to the following floodproofing requirements:

a) all floors must be constructed above the nearest upstream 1-in-100-year flood elevation outlined on Schedule K or above the site-specific 1-in-100-year flood elevation as determined by a professional engineer or Nova Scotia land surveyor, except for a parking area that may be constructed below the 1-in-100-year flood elevation if designed by a professional engineer to allow flow-through of floodwaters and to withstand a flood;
b) all electrical and mechanical equipment within a building must be located above the 1-in-100-year flood elevation unless designed by a professional engineer to withstand a flood; and
c) all below-grade parking or other structures below the 1-in-100-year flood elevation must be designed by a professional engineer to withstand a flood and to allow flow through.

21B.3 RESTRICTION: OFF-SITE FILL FOR FLOODPROOFING

The placement of off-site fill shall not be permitted unless it is required for floodproofing subject to the following:

DRAFT

a) the placement of off-site fill is limited to the building footprint and associated slope stabilization to place the building above the nearest upstream 1-in-100-year flood elevation outlined in Schedule K or the site-specific 1-in-100-year elevation as determined by a professional engineer or Nova Scotia Land Surveyor;

b) a grading plan has been prepared by a professional engineer or Licensed Nova Scotia Land Surveyor that clearly shows the final grade is above the nearest upstream 1-in-100-year flood elevation shown on Schedule K or at an elevation certified by a professional engineer or Licensed Nova Scotia Land Surveyor to be above the 1-in-100-year elevation at the site;

c) a professional engineer certifies, through a hydrotechnical study, that the infill and grading will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns; and

d) all other grading legislation is met.

21B.4 <u>RESTRICTION: GRADE ALTERATION</u>

Alterations of topography shall be permitted to allow for necessary grading for permitted uses, provided the following conditions can be met:

a) a grading plan has been prepared by a professional engineer or Licensed Nova Scotia Land Surveyor that clearly shows the final grade is above the nearest upstream 1-in-100-year flood elevation shown on Schedule K or at an elevation certified by a professional engineer or Licensed Nova Scotia Land Surveyor to be above the 1-in-100-year elevation at this site;

b) a professional engineer certifies and confirms, through a hydrotechnical study, that the grading will not contribute to flooding on adjacent properties, increased upstream or downstream flooding, increased flood elevations, or result in a change to flood water flow patterns; and

c) all other grading legislation is met.

21B.5 <u>SECONDARY SUITES AND BACKYARD SUITES</u>

Where a residential use is located within the 2024 FFO (Flood Fringe Overlay) Zone, the following conditions shall be applied to Secondary Suites and Backyard Suites in addition to the requirements of Subsections 4.11B (a) and (b):

a) the habitable floorspace of a secondary suite shall not be permitted unless it is above the nearest upstream 1-in-100-year flood elevation outlined on Schedule K or above a site-specific 1-in-100-year flood elevation as determined by a professional engineer or Licensed Nova Scotia Land Surveyor after (insert date of First Notice).

b) a new backyard suite constructed after (insert date of First Notice) shall be floodproofed as per the floodproofing requirements of 21B.2 of the 2024 FFO (Flood Fringe Overlay) Zone.

DRAFT

PART 22: P-4 (PARK RESERVE) ZONE

22.1 P-4 USES PERMITTED

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

Conservation related uses
Public parks
Any naturally or normally incidental or subordinate uses to the uses listed above that are exclusively devoted to the above uses and which would not destroy the natural processes of the area.

DRAFT

PART 22A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

RPK USES PERMITTED

22A.1 No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Recreation uses
Conservation uses
Uses accessory to the foregoing uses

RPK ZONE REQUIREMENTS

22A.2 In any RPK Zone, no development permit shall be issued except in conformity with the following:

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

DRAFT

PART 23: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)

23.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) within a Residential Designation 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 (2 or more hectares). Major commercial uses and any industrial uses are specifically prohibited within any Residential CDD.

23.2 (Refer to Sackville Drive SPS: RC-May 7/02;E-Jun 29/02)

23.3 CDD REQUIREMENTS

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

23.4 Notwithstanding sections 23.1 through 23.3, the lots shown on approved final plan of subdivision file no. 19980686-16-F of the Sunset Ridge Subdivision shall be developed subject to the permitted uses and requirements of the R-6 (Rural Residential) Zone. (RC-Jun 25/14;E-Oct 18/14)

DRAFT

PART 23A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02; E-Nov 9/02)

23A.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

23A.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)**

23A.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

(vii)	**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 23A.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 23A.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

DRAFT

metres (32.8 feet).

23A.4 <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) 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 23A.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

(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 Flood Fringe (RC-Apr 29/25;E-May 26/25).

23A.5 <u>General Requirements: Site Plan Approval</u>

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

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

b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the

DRAFT

development does not negatively impact upon surrounding properties;

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

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

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

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

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

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

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

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

DRAFT

PART 23B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE

23B.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

23B.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)**

23B.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.

23B.4 OTHER REQUIREMENTS: C&D Materials Processing Facilities

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

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

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

DRAFT

(b) notwithstanding Section 23B.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 23B.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).

23B.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 23A.4.

(b) notwithstanding Sections 23B.2 to 23B.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.

23B.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 23A.5.

DRAFT

PART 23C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE

23C.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

23C.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)**

23C.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.

23C.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)

DRAFT

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

23C.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 23A.4.

(b) Notwithstanding Sections 23C.2 to 23C.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.

23C.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 23A.5".

DRAFT

PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE

23D.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

23D.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. (RC-Jul 2/02;E-Aug 17/02)

DRAFT

PART 23E: TR (TRANSPORTATION RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

23E.1 TR USES PERMITTED

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

None

23E.2 OTHER REQUIREMENTS

No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

DRAFT

PART 24: ADMINISTRATION

24.1 ENFORCEMENT

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

24.2 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 abutting lots;
   (vi) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
   (v) other such information as may be necessary to determine whether or not every such building, or development conforms with the requirements of this by-law.

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

24.3 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, buildings or structures conforms with the requirements of this by-law.

24.4 PENALTY

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

24.5 DATE OF BY-LAW

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

24.6 SCHEDULE OF FEES - (Deleted: RC-May 7/02;E-Jun 29/02)

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

DRAFT

APPENDIX "A": NON-CONFORMING USES

NON-CONFORMING USE

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

EXISTING USE

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

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

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

CANCELLATION OF PERMIT

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

ARBITRATION

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

ARBITRATOR

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

RESTRICTION ON NON-CONFORMING USE

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

DRAFT

NO EXTENSION OF NON-CONFORMING USE

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

CHANGE IN USE

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

CHANGE OF OCCUPANT

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

REPAIR OR MAINTENANCE

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

DESTRUCTION OR DAMAGE

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

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

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.

DRAFT

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.

DRAFT

APPENDIX "B": EXISTING SALVAGE YARD

Notwithstanding anything else in this by-law, the following use is deemed to be a permitted use to the extent to which it is in existence on the effective date of this by-law, and any expansion or alteration may only be considered in accordance with the Municipal Development Plan for Sackville and Sections 55, 73 and 74 of the Planning Act.

	CIVIC ADDRESS	LRIS INDEX NUMBER
Beaton's Towing Service	124 Old Sackville Road	40366056 40366049

DRAFT

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

Definitions

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

(a) ACCESSORY STRUCTURE means a structure that is:

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

(ii) not attached to any main building;

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

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

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

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

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

(ii) is either portable or fixed,

(iii) has a roof,

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

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

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

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

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

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

(iii) elevator shafts,

(iv) accessory structures,

(v) rooftop greenhouses,

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

(vii) pedways;

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

(h) INCENTIVE OR BONUS ZONING means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements

DRAFT

or undertakes other action, in the public interest, as specified in the requirements;

(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.

DRAFT

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.

(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:

DRAFT

(a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
(b) Factor #2 is 0.20; and
(c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.

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

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

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

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

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

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

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

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

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

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

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

DRAFT

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule F is $135/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

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

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

Step 1: 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.

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

Step 3: 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.

DRAFT

Public Benefit: Money-in-Lieu for Affordable Housing

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

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

(a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
(b) the acquisition of buildings, housing units, or properties for affordable housing;
(c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
(d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
(e) any combination of Clauses (a) to (d).

Public Benefit Categories

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

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

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

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

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

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

DRAFT

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,**

DRAFT

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

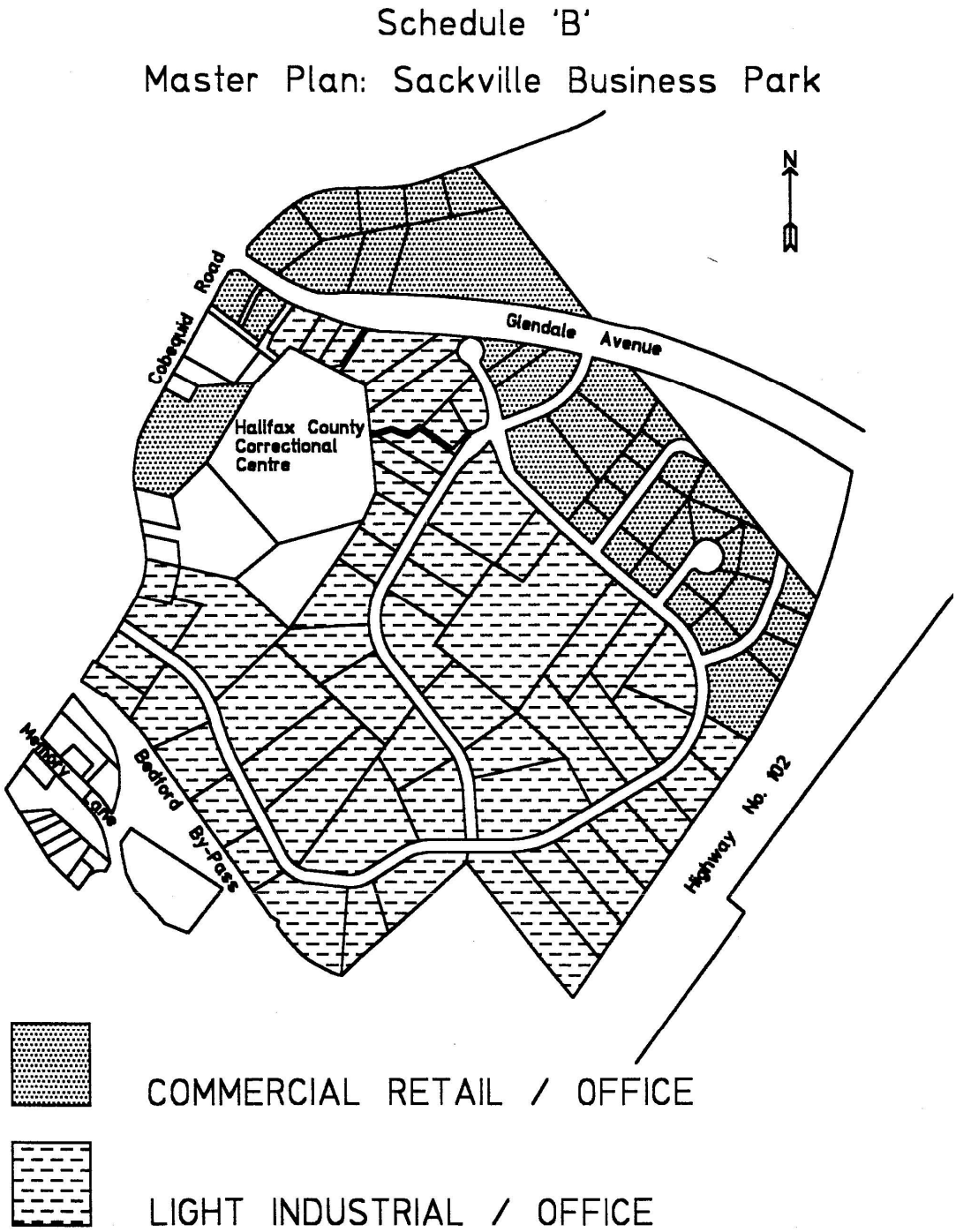
(c) sign the discharge, including a discharge agreement, on behalf of the Municipality.

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.

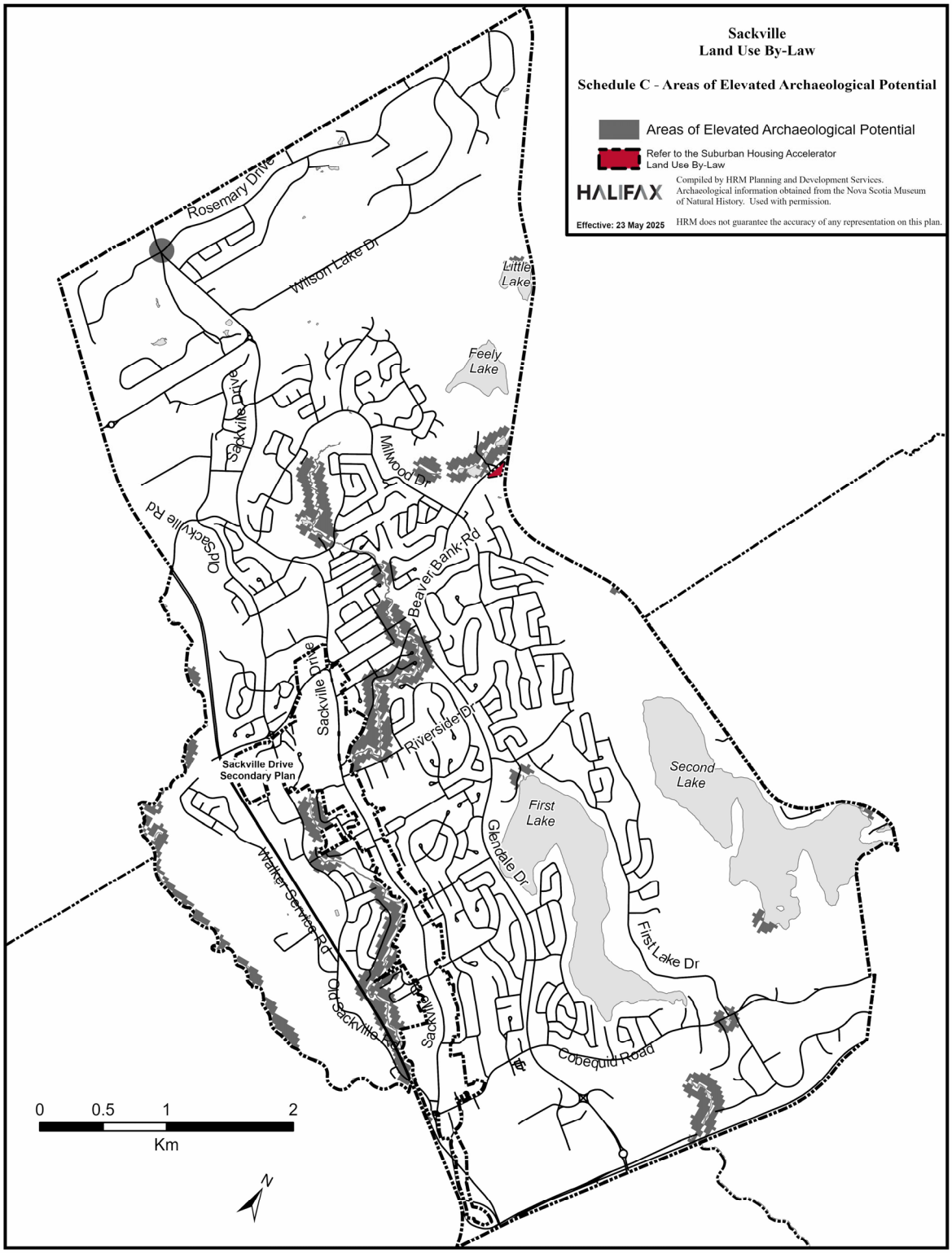
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

DRAFT

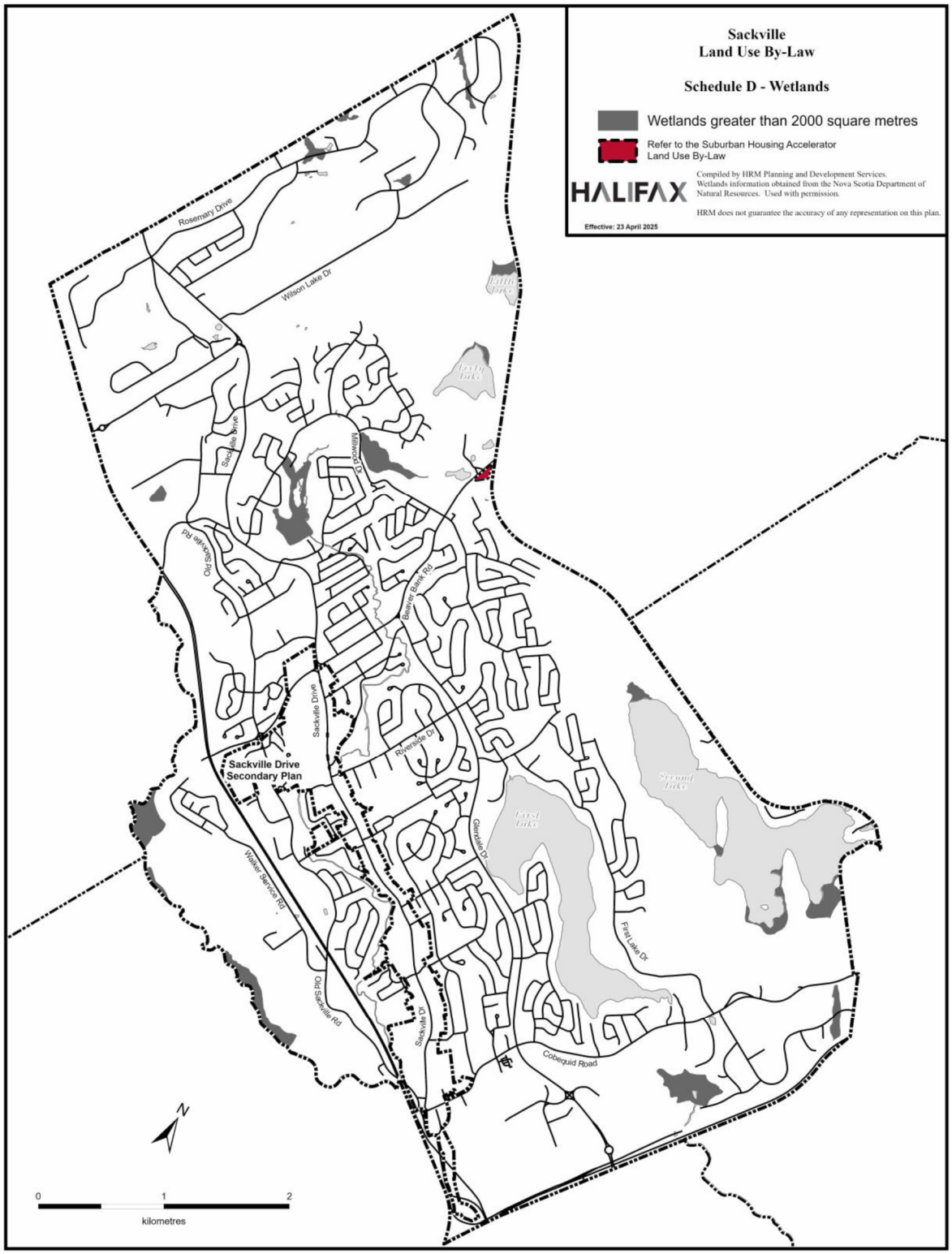
Schedule B: Master Plan – Sackville Business Park



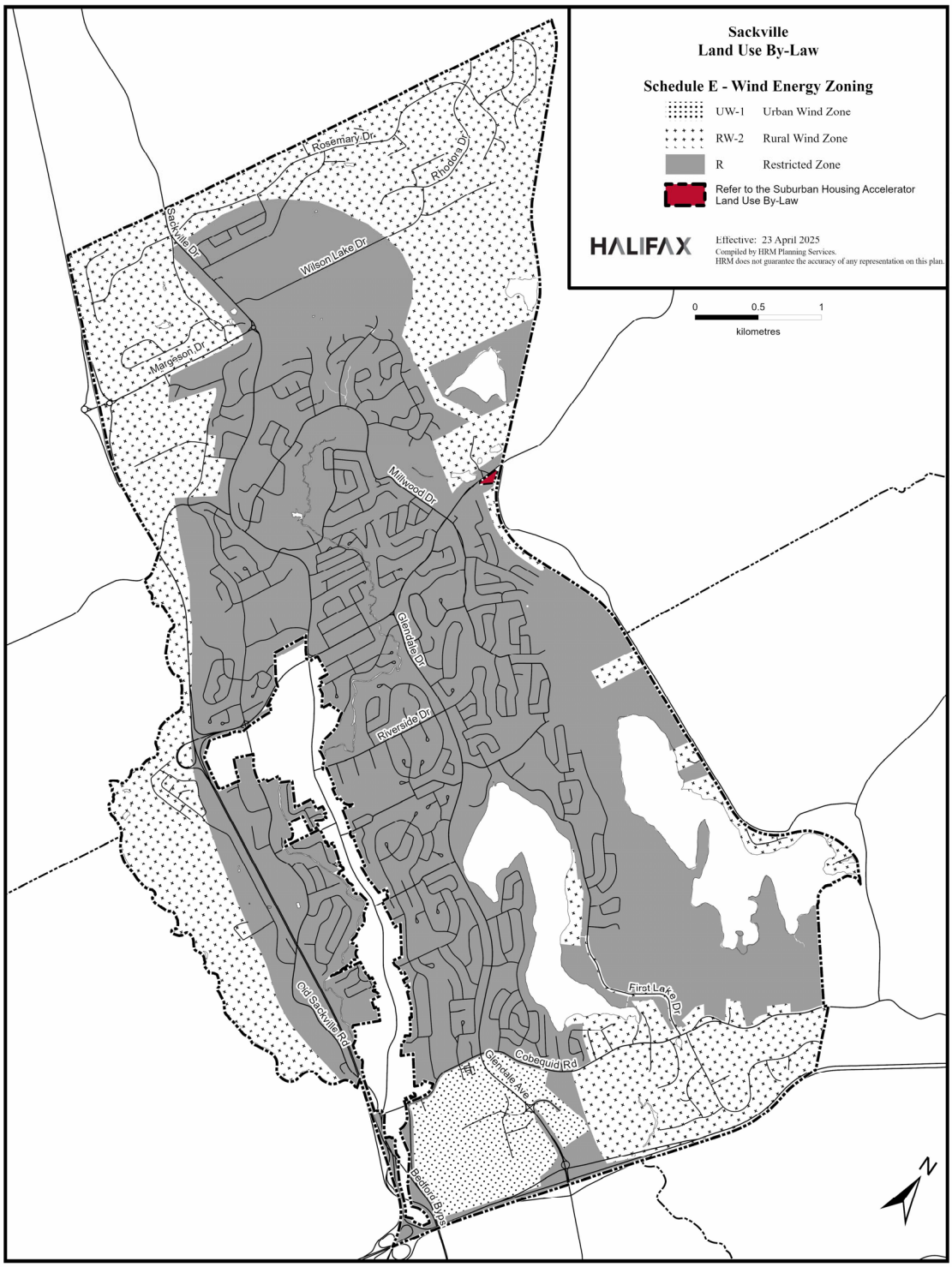
Schedule C: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) (RC-Mar 18/25; EFF Apr 23/25)



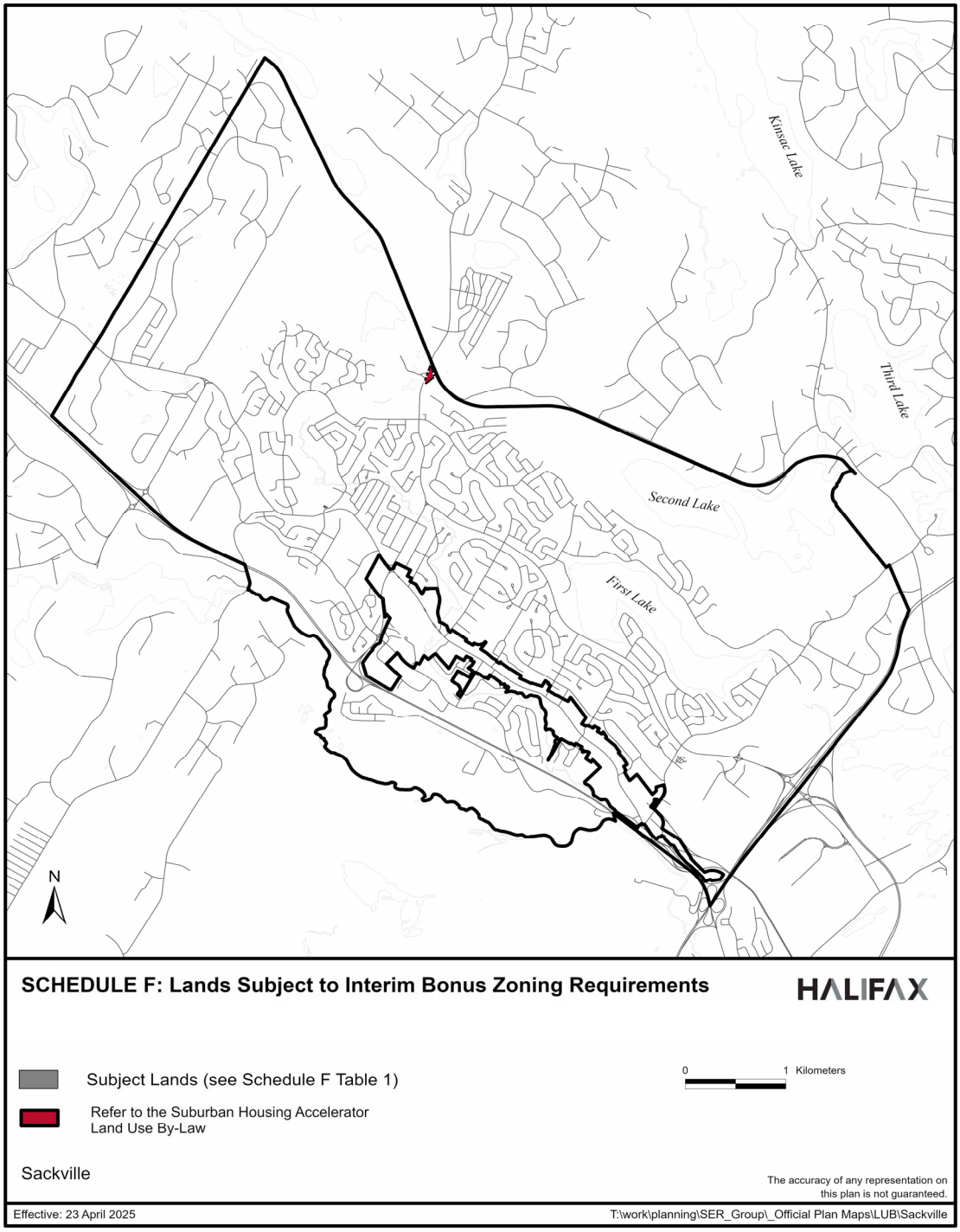
Schedule D: Wetlands (RC-Jun 25/14;E-Oct 18/14) (RC-Mar 18/25; EFF Apr 23/25)



Schedule E: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) (RC-Mar 18/25; EFF Apr 23/25)



Schedule F: Lands Subject to Interim Bonus Zoning Requirements (RC-Mar 21/23;E-Apr 19/23) (RC-Mar 18/25; EFF Apr 23/25)



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

Ref.#	Case #	PIDs
SS110	2023-01065 (HAF)	40109183

DRAFT

Schedule K – 1-in-100-year Flood Elevation Markers (RC-Apr 29/25;E-May 26/25)

Schedule K – Key 1-in-100-year flood elevations by location

1-in-100-year Flood Elevation Markers by Location (2024) (NAD83 MTM 5, CGVD2013)

Location	ID	Location Description	Northing	Easting	1-in-100-year flood elevation (water level)
Sackville River upstream of confluence	1	McCabe Lake	4959740.8	25560147.4	77.47 m
	2	Webber Lake outlet	4959673.5	25562024.7	76.02 m
	3	Upstream of Lucasville bridge	4959697.4	25562188.1	75.55 m
Little Sackville River upstream of confluence	4	Little Lake	4963191.4	25563512.0	75.38 m
	5	Feely Lake outlet	4962481.1	25563773.9	68.77 m
	6	Barrett Pond outlet	4961756.9	25563773.9	62.33 m
	7	Upstream of Millwood Drive crossing	4961648.0	25563038.7	54.97 m
	8	Upstream of Beaver Bank Cross Road crossing	4960780.9	25563175.8	53.00 m
	9	Upstream of Beaver Bank Road crossing	4960469.0	25563909.5	50.78 m
	10	Upstream of Sackville Drive crossing	4959240.5	25564166.5	40.26 m
	11	Upstream of Sackville Cross Road crossing	4958582.7	25564317.1	29.22 m
Sackville River downstream of confluence	12	Confluence of Sackville River and Little Sackville River	4957321.0	25565858.2	14.32 m
	13	Upstream of Rifle Range Lane crossing	4956550.8	25566466.8	9.96 m
	14	Upstream of Highway 102 crossing	4956130.5	25566575.8	9.87 m
	15	Upstream of River Lane crossing	4955678.0	25566944.6	9.20 m
	16	Upstream of Sunnyside Mall "A"	4955431.8	25566898.5	9.03 m
	17	Upstream of Sunnyside Mall "B"	4955297.1	25566859.6	8.95 m
	18	Upstream of Bedford Highway Crossing	4954860.7	25566374.7	7.44 m
	19	Upstream of Railway Crossing	4954703.5	25566345.6	4.40 m

LAND USE BY-LAW
AMENDMENTS - SACKVILLE

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective Date
1	Municipality - introduce parking standards for lounges and taverns under the LUB for Sackville.	ZA-SA-19-94	C - January 10, 1995	E - February 4, 1995
2	Amend the development standards for accessory buildings.	ZA-ALL-21-94	C - June 26, 1995	E - July 22, 1995
3	John Payzant - amend Sackville Zoning Schedule AA@ by rezoning the area shown on Appendix AB-1" from AP-1 (Open Space) Zone@ to AC-3 (Commercial Corridor) Zone@.	ZAP-SA-28-95	C - March 25, 1996	E - May 17, 1996
4	Atlantic Garden - amend the Sackville Zoning Map; add Part 15A: C-2A (Minor Commercial) Zone (60 Highway No. 1, Upper Sackville).	Case No. 00263	C - April 24, 2001	E - June 2, 2001
5	Deletion of Commercial Corridor Zone (refer to Sackville Drive SPS); zoning map amended by deleting all land use zones for the area shown on Map 1; and the zoning map amended by rezoning the lands shown in Map 2 to Multiple Unit Dwelling (R-4) Zone.	Project No. 00106	C - May 7, 2002	E - June 29, 2002
6	Part 2.69A, add definition of Ashipping container@; add subsection (11) to Part 4; add text to Part 4, section (12) pertaining to shipping containers.	Case No. 00474 - Districts 19 and 20	C - July 11, 2002	E - August 10, 2002
7	Amendments to include Capital Cost Contribution - Section 3.1 to include AICH-Infrastructure Charge Holding Zone@; adding Part 23C.	Project No. 00423	C - July 2, 2002	E - August 17, 2002
8	Part 2, add 2.15B, 2.15C, 2.15D, 2.15E, 2.74A, and replacing 2.59 and 2.66; Section 3.1, add 3 new zones pertaining to AConstruction & Demolition Zones@; Section 4.23, add subsection (c); add Part 23A, 23B, and 23C.	Project No. 00082	C - September 10, 2002	E - November 9, 2002
9	Part 4.11, add subsection (c) regarding height of accessory buildings in all Residential Zones.	Case No. 00444	C - July 10, 2003	E - July 12, 2003

DRAFT

10	Part 2.12A, add definition of cemeteries; and add Part 4.7(e), reduced area or frontage.	Case No. 00499	December 18, 2003 (NWCC)	E - January 11, 2004
11	Amendment to the BP-3 and BP-4 to include denominational institutions and uses.	Case No. 00571	C - December 16, 2003	E - January 24, 2004
12	Add Part 4.1A under Development Permits re: Interim Growth Management.	Project No. 00664	C - April 13, 2004	E - April 22, 2004
13	Amend the Zoning Map to rezone the subject properties to CDD (Comprehensive Development District) in order to enable a future development agreement to permit 20 semi-detached units, six townhouses, and two 32 multi-unit buildings (apartments) at 88, 99, 109, 119, and 129 Walker Avenue, Lower Sackville.	Case No. 00653	C - May 26, 2005	E - May 28, 2005
14	Amend the Zoning Map to rezone a 5 acre portion of PID# 40014870 from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone.	Case No. 00838	C - April 27, 2006	E - May 12, 2006
15	Amend the Table of Contents; List of Provisions; Part 2: Definitions - add Bicycle Parking, Class A, B and Enhancement; add definition - Conservation Use; replace definition - Recreation Use and Watercourse; Amend Section 3.1; Amend Section 3.6(a); Add Section 3.6(xxviii)(i) and (ii); Delete 4.1A; Replace Section 4.23; Add Section 4.26A, 4.26B, 4.26C; Add Section 4.31, 4.32; Add Part 22A: RPK Zone, Part 23E: TR Zone; Amend Zoning Map Schedule A; Add Schedules C and D; Add Section 23.4 and 4.1B.	Regional Plan	C - June 27, 2006	E - August 26, 2006
16	Replace Section 2.56; Add Section 2.28A; Amend Section 4.24; and change any text referencing Personal Service Shop to Personal Service Use.	Case 00934	C - September 28, 2006	E - October 13, 2006
17	Add Part 5 Section 1A: Temporary Signage; Replace 2.70 (definition of signs).	Project 00327	C - September 26, 2006	E - November 18, 2006
18	Amend Part 17.4 b)iii) and 18.3 a)iii) by adding Astone@ as an exterior building material.	Case No. 01021	NWCC - May 10, 2007	E - May 26, 2007
19	Amend Zoning Map: rezone civic #=s 218 and 220 Old Sackville Road from R-6 to R-2 Zone.	Case No. 01015	NWCC - August 9, 2007	E - August 25, 2007

DRAFT

20	Add Section 3.6(a)(xxix) C-2 Zone uses and auto body shops.	Case No. 00929	RC - December 4, 2007	E - January 19, 2008
21	Add Part 2, Section 2.5A; Amend Part 2, Section 2.60; Add to Part 4, Section 4.24; Amend Part 20, Section 20.1 (all in regards to Assisted Living Facilities).	Case No. 01136	NWCC - May 26, 2008	E - June 14, 2008
22	Adding additional Institutional Uses to Part 18, Section 18.1.	Case No. 01136	RC - August 12, 2008	E - August 19, 2008
23	Replace parking requirements for: Medical clinics and offices of any health practitioner.	Case No. 01119	RC - August 5, 2008	E - August 23, 2008
24	Amend Section 14.3(a); re: gross floor area for commercial uses	Case No. 01029	RC - September 16, 2008	E - October 11, 2008
25	Amend Section 4.12 re: Temporary Construction Uses Permitted	Case No. 01058	RC - January 20, 2009	E - February 7, 2009
26	Amend Zoning Map 1A re: rezone 1409 Sackville Drive (former Sackville Golf Course), Middle Sackville, from P-1 Zone to CDD Zone.	Case No. 01147	NWCC - February 26, 2009	E - March 14, 2009
27	Amend Zoning Map 1A re: rezone 92 Beaver Bank Road, Beaver Bank, from R-1 Zone to P-2 Zone.	Case No. 01195	NWCC - February 26, 2009	E - March 14, 2009
28	Amend Section 2.17 re: Day Care Facility.	Case No. 01074	RC - March 3, 2009	E - March 21, 2009
29	Amend Zoning Map to rezone a portion of 1078 Old Sackville Road from P-1 to P-2; Amend section 20.2; Add Section 20.4. re: cemeteries.	Case No. 01326	NWCC - January 28, 2010	E - February 13, 2010
30	Amend Zoning Map to add property to Sackville Land Use By-law and zone it R-1	Case No. 01323	C - May 4, 2010	E - May 29, 2010
31	Deleted the word "windmills" in Section 4.16; Added **Section 4.33 Wind Energy Facilities** in Part 4: General Provisions for all Zones; Add Schedule E: Wind Energy Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
32	Amend Part 4, Section 33 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011
33	Amend Zoning Map by rezoning Hartland Village from R-6 to R-6A Zone.	Case No. 16891	NWCC – May 24, 2012	E – June 9, 2012
34	**Repeal/Readopt** Section 2.9A, 2.9B, 2.9C, 2.15AA, 2.58, 2.75; Parts of Section 3.1, 3.6; Section 4.1B, 4.23, 4.26A, 4.26B, 4.26C, 4.31, 4.32, 4.33; Part 22A, 23.4,	RP+5	RC-June 25, 2014	E-October 18, 2014

DRAFT

	23E, Schedule A, C, D, E; **Add** Section 2.12a, 2.74B, 4.34, 4.35; **Amend** Parts of Section 3.6, 4.23, 21.1, Schedule C, D, E.			
35	**Amend Section 15A.1 and insert Section 15A.9**	Case 19965	NWCC-March 21, 2016	E-April 2, 2016
36	Amend Zoning Map by rezoning properties located at 26 and 34 Walker Service Rd., Lower Sackville from C-2 and R-6 to CDD	Case 19056	RC-April 26, 2016	E-June 25, 2016
37.	Amend Zoning Map to remove 900 & 902 Sackville Drive	Case 20224	RC-November 8, 2016	E-December 17, 2016
38.	**Add** Section 4.7(f) – Reduced Frontage or Area	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
39.	**Amend** Zoning Map – Rezone 159 First Lake Drive from R-1 to P-2 Zone.	Case 20506	NWCC – June 12, 2017	E – July 1, 2017
40	**Add** two definitions in section 2.56 under Part 2; **Amend** Section 12.1 and **add** Section 12.8	Case 20907	NWCC – Dec 11, 2017	E-December 30, 2017
41	**Amend** Schedule A- Zoning to rezone PIDs 41404096 & 40507824 from RPK to R-6 Zone	Case 20662	RC – July 31, 2018	E – October 6, 2018
42	**Amend** several sections to add Cannabis related uses Nov 3/18	Case 21331	RC - September 18, 2018	E - November 3, 2018
43	**Add** Part 2, Section 2.73A – Backyard Suite & Secondary Suite; Part 4, Section 4.11B – Secondary Suites and Backyard Suites	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
44	**Amend** Schedule A - Rezoning PID: 41489048 from R-6 to R-4	Case 22865	NWCC – January 11, 2021	E – January 30, 2021
45	**Amended** Part 2 and Part 4 to include Accessory Hen Use definitions and stipulations	Case 22227	RC – October 05, 2021	E – January 8, 2022
46	**Amended** Part 2, Definitions – Renumbered Section 2.69A to 2.69C; Part 3, Zones and Zoning Map – Section 3.6(a)(i); Part 4, General Provisions – Section 4.24, 4.33I(a); Part 6, R-1 Zone – Section 6.1; Part 7, R-1-0 Zone – Section 7.1; Part 8, R-2 Zone – Section 8.1; Part 9, R-3 Zone – Section 9.1; Part 10, R-4 Zone – Section 10.1, 10.3; Part 11, R-5 Zone – Section 11.1; Part 12, R-6 Zone – Section 12.1; Part 13, R-6A Zone – Section 13.1; Part 14, C-1 Zone – Section 14.1; Part 15, C-2 Zone – Section 15.1, 15.9; Part 18, BP-1 Zone – Section 18.1; Part 20, P-2 Zone – Section 20.1; Part 23D, ICH Zone – Section 23D.1 **Deleted** Part 2, Definitions – Section 2.5A, 2.10, 2.60 **Added** Part 2, Definitions – Section 2.69A, 2.69B; Part 3, Zones and	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022

DRAFT

	Zoning Map – Section 3.6(c)			
47	**Amended** Clause 2.19(c); Subclause 3.6(xxviii)(i); Section 4.11A(a), 4.34; Section 9.1; Section 19.1; Section 20.1 **Added** Section 3.7 **Repealed** Section 4.11 (c)	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022
48	**Amend** Part 4, section 4.11 (c)	Case 23405	NWCC – March 27, 2023	E – April 11, 2023
49	**Added** Appendix C – Interim Bonus Zoning Requirements for Applicable Plan Amendments, Schedule F – Lands Subject to Interim Bonus Zoning Requirements	Case 26403	RC- March 21, 2023	E – April 19, 2023
50	**Amended** Part 3(xxiv); Part 4 section 4.24; Part 6, section 6.1; Part 7 section 7.1; Part 8 section 8.1; Part 9 section 9.1; Part 12 section 12.1; Part 13 section 13.1; Part 15 section 15.1; Part 17 section 17.1; and Part 18 section 18.1. **Added** Part 2, section 2.69D and 2.69E; Part 4 section 4.1; subsection(d) iv & (v), section 4.37. **Repealed** Part 2, section 2.9; Part 6, section 6.5; Part 7 section 7.5; Part 8 section 8.5; Part 9 section 9.5; Part 12 section 12.6; Part 13 section 13.5	Case 24526(Short Term Rentals)	RC- February 21, 2023	E- September 01, 2023
51	**Amended:** By deleting the text – "Minimum Width of Main Building 20 feet (6.1 m) from: Part 6, Section 6.2; Part 8, Section 8.2 and 8.8; Part 11, Section 11.2; Part 12, Section 12.2; Part 13, Section 13.2; Part 14, Section 14.2	Case 24528 (Shared Housing Housekeeping Amendments)	RC – August 22, 2023	E – September 28, 2023
52	**Repealed** Part 24, Section24.7	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023
53	**Added** Section 1(ea**);** Section 5A; Subsection 10 **Repealed/Deleted** Section 5(b)Subsection 10(a)(b)	Case 2023-01049	NWCC – February 20, 2024	E – March 6, 2024
54	**Repealed:** Part 4, section 4.11, subclause (c)(ii), Part 4, clause 4.11B(v) **Added:** Part 2, section 2.74AA, Part 4, section 4.11, clause (c); Part 4, clause 4.11B(vi); Part 4, clause 4.11B(b) (iv) **Amended:** Part 2, section 2.71; Part 4, section 4.11(c)(i); Part 4, clause 4.11B(a); Part 4, clause 4.11B(b) (i) (iv) (vi) (viii); Part 4, section 4.24; Part 6, Section 6.1; Part 7, Section 7.1; Part 8, Section 8.1; Part 9, Section 9.1; Part 12, Section 12.1; Part 13, Section 13.1; Schedule F; Schedule A;	MINOREV 2023-01065 Housing Accelerator Fund (HAF)	RC – May 23, 2024	E – June 13, 2024

DRAFT

55	**Amended:** Schedule C, D, E & F	MINORREV 2024-01198	RC – March 18, 2025	E – April 23, 2025
56	**Amended:** Part 3.1, Section - Community Uses; Part 21 – Title; Section 21.1 – Open Space Uses; Subsection 23A.4(g); Schedule A – Zoning Map **Added:** Definitions – 2.26A Floodway, 2.26B Flood Fringe, 2.49A Off-site Fill; Subsection 3.6(a)(xxx); Part 3.8, 3.9; Section 4.8A; Section 4.28A; Section 21.1 – Existing Uses; Section 21.7; Part 21A, Sections 21A.1 to 21A.10; Part 21B, Sections 21B.1 to 21B.5; Schedule K - 1-in-100-year Flood Elevation Markers **Repealed:** Section 4.28, 4.29, Section 21.4	Case 21402 (Sackville Floodplains)	RC – April 29, 2025	E – May 26, 2025

DRAFT