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

HALIFAX

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LAND USE BY-LAW

COLE HARBOUR/WESTPHAL

THIS COPY IS A
REPRINT OF THE
COLE HARBOUR / WESTPHAL
LAND USE BY-LAW
WITH AMENDMENTS TO
APRIL 23, 2025

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LAND USE BY-LAW
FOR
COLE HARBOUR/WESTPHAL

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Cole Harbour/Westphal which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 30th day of November, 1992, and approved by the Minister of Municipal Affairs on the 3rd day of March, 1993, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 23rd day of April, 2025.

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

_____
Municipal Clerk

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LAND USE BY-LAW FOR

COLE HARBOUR/WESTPHAL - MARCH 1993

A By-law to regulate the use of land use and the erection and use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures within the Cole Harbour/Westphal Plan Area within the former Halifax County Municipality in the Province of Nova Scotia.

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

Furthermore, the Act provides in Section 83(1) that, "Where a Council has adopted a land use by-law, a municipal development permit shall be required before any development is undertaken."; and,

according to Section 3(e) of the Act, "development" includes, "any erection, construction, alteration replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structure".

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

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

This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on the 30th day of November 1992, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 3rd of March, 1993. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

DRAFT

Table of Contents

PART 1: TITLE 1

PART 2: DEFINITIONS 1

PART 3: ZONES AND ZONING MAPS 15

PART 4: GENERAL PROVISIONS FOR ALL ZONES 20

4.1 DEVELOPMENT PERMITS 20

4.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS.. 20

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS 21

4.4 FRONTAGE ON STREET 21

4.5 ONE MAIN BUILDING ON A LOT 21

4.6 EXISTING UNDERSIZED LOTS 21

4.7 REDUCED FRONTAGE OR AREA 21

4.8 EXISTING BUILDINGS 22

4.8A FORMER FOREST HILLS PUD (RC-Jul 5/11;E-Oct 8/11) 22

4.9 NON-CONFORMING USES 22

4.10 ACCESSORY USES AND BUILDINGS (CHWEPCBCC-Jul 20/95;E-Aug 10/95) 22

4.10A ACCESSORY HEN USE (RC- Oct 05/21;E-Jan 08/22) 23

4.11 ACCESSORY BUILDINGS 23

~~4.11A SHIPPING CONTAINERS~~ (HECC-Jun 6/02;E-Jun 30/02) **4.11AB SHIPPING CONTAINERS** 24

4.11B QUONSET HUTS (RC–Nov 8/11;E–Jan 14/12) 25

4.11C SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20) 25

4.12 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan20/09;E-Feb 7/09) 26

4.13 VEHICLE BODIES 27

4.14 RESTORATION TO A SAFE CONDITION 27

4.15 BUILDING TO BE MOVED 28

4.16 HEIGHT REGULATIONS 28

4.17 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14) 28

4.17A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14) 29

4.18 REDUCED FRONTAGE ON A CURVE 30

4.19 DAYLIGHTING TRIANGLE 30

4.20 PERMITTED ENCROACHMENTS 30

DRAFT

4.21 YARD EXCEPTION 30
4.22 ILLUMINATION 31
4.23 COMMERCIAL MOTOR VEHICLES 31
4.24 RESTRICTIONS ON OUTDOOR STORAGE AND DISPLAY 31
4.25 PARKING REQUIREMENTS 31
4.26 STANDARDS FOR PARKING LOTS 34
4.27 LOADING SPACE REQUIREMENTS 34
4.27A BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14) 35
4.27B LOCATION OF BICYCLE PARKING (RC-Jun 25/14;E-Oct 18/14) . 36
4.27C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS (RC-Jun 25/14;E-Oct 18/14) 36
4.28 ROAD ENTRANCE RESERVES 37
4.29 COMPOSTING OPERATIONS (MC-Feb 26/96;M-Mar 28/96) 37
4.30 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14) 37
4.31 SCHEDULE C – WETLANDS (RC-Jun 25/14;E-Oct 18/14) 37
4.32 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14) 38
4.33 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14) 42
4.34 CANNABIS-RELATED USES (RC-Sep18/18; E-Nov 3/18) 42
4.35 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sep 1/23) 42
PART 5: SIGNS 44
PART 6: R-la (SINGLE UNIT DWELLING) ZONE 47
PART 7: R-l (SINGLE UNIT DWELLING) ZONE 48
PART 8: R-2 (TWO UNIT DWELLING) ZONE 52
PART 9: R-3 (MOBILE DWELLING) ZONE 56
PART 10: R-4 (MULTIPLE UNIT DWELLING) ZONE 58
PART 11: R-5 (ROWHOUSE DWELLING) ZONE 60
PART 12: R-6a (RURAL RESIDENTIAL SINGLE UNIT DWELLING) ZONE 61
PART 13: R-6 (RURAL RESIDENTIAL) ZONE 63
PART 14: R-7 (RURAL ESTATE) ZONE 65
PART 15: R-8 (SPECIAL AREA) ZONE 67
Part 15A: MOD (Mixed Opportunity District) Zone 69
PART 16: C-1 (NEIGHBOURHOOD BUSINESS) ZONE (RC-May 11/99;E-Jun 26/99) 83
PART 17: C-2 (GENERAL BUSINESS) ZONE 86
PART 17A: C-3 (SHOPPING CENTRE) ZONE 90
PART 18: C-4 (HIGHWAY COMMERCIAL) ZONE 91

DRAFT

PART 19: I-l (LIGHT INDUSTRY) ZONE 95
PART 20: P-1 (OPEN SPACE) ZONE 96
PART 21: P-2 (COMMUNITY FACILITY) ZONE 97
PART 22: P-3 (PROVINCIAL PARK) ZONE 99
PART 22A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 101
PART 23: PWS (PROTECTED WATER SUPPLY) ZONE (RC-Jun 25/14;E-Oct 18/14) .. 103
PART 24: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) 104
PART 24A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02) 105
PART 24D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02) 108
PART 24E: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14) 109
PART 25: ADMINISTRATION 110
APPENDIX A: NON CONFORMING USES 112
APPENDIX B: EXISTING INDUSTRIAL USES 115
APPENDIX C: EXISTING SALVAGE YARDS 116
APPENDIX D: EXISTING PRIMARY INDUSTRIES 117
APPENDIX E: P-3 EXISTING USES 118
APPENDIX F: LANDS OF THE FORMER A.R. HEMMINGS BUILDING SYSTEMS LIMITED INDUSTRIAL SITE 119
APPENDIX G: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar 21/23; R-Apr 19/23) 120
Schedule A-1: Wind Energy Zoning (RC-Feb 15/22; E-Apr 9/22) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25) 128
Schedule B: Areas of Elevated Archaeological Potential (RC–Jun 25/14;E–Oct 18/14) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25) 129
Schedule C: Wetlands (RC-Jun 25/14;E–Oct 18/14) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25) 130
Schedule D: Mixed Form Residential Development in the C-4 (Highway Commercial) Zone (RC-Oct 7/14;E-Nov 8/14) 131
SCHEDULE E: SUB AREAS OF MOD (MIXED OPPORTUNITY DISTRICT) ZONE..... 132
SCHEDULE F: LANDS SUBJECT TO BONUS ZONING REQUIREMENTS (RC-MAR 21/23;E-APR 19/23) (RC-Mar 18/25; EFF Apr 23/25) 133

SCHEDULE A: Cole Harbour/Westphal Zoning Map (RC-Sep 22/20;E-Nov 14/20) (RC-Feb15/22;E-Apr9/22) ……Separate Map

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PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Cole Harbour/Westphal" 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. (CHWEPCBCC-Jul 20/95;E-Aug 10/95)**

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. (CHWEPCBCC-Jul 20/95;E-Aug 10/95)**

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

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

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

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

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

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

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(a) human genitals or human pubic region;
(b) human buttocks; or
(c) female breast below a point immediately above the top of the areola.

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

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

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

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

(a) <u>Common Amenity Area</u> means an amenity area for the common use and enjoyment of all occupants of a building or development. (RC-May 4/21; E-June 05/21)

(b) <u>Private Amenity Area</u> means an amenity area for the enjoyment of occupants of an individual dwelling unit. (RC-May 4/21; E-June 05/21)

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

2.8A AUTOMOTIVE REPAIR USE (MAJOR) means a building or part of a building used for major repairs of motor vehicles including paint and body repair, transmission repair and replacement, engine repair and replacement, and other customizing activities directly related to the repair or alteration of motor vehicles where a motor vehicle is generally required to remain at the repair facility for one or more days and may be stored outdoors, but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels. (RC-May 11/99;E-Jun 26/99)

2.8B AUTOMOTIVE REPAIR USE (MINOR) means a building or part of a building used for minor repairs of motor vehicles including muffler, brake, tire and glass replacement, wheel alignment, and other activities directly related to the minor repair or alteration of motor vehicles where a motor vehicle is generally required to remain at the repair facility for less than one day, but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels nor any automotive repair use considered to be major. (RC-May 11/99;E-Jun 26/99)

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2.8C 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)

2.8D 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)

2.8E 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)

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

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container (Deletion: HECC-Jun 6/02;E-Jun 30/02)** used for any of the foregoing purposes.

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

2.10B CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep18/18; E-Nov 3/18)

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

(a) including

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

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

(b) excluding

(i) industrial hemp, and

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

2.10D CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.

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

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

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

2.13 COMMUNITY COUNCIL means the Community Council of Cole Harbour/Westphal as established under the Halifax County Charter.

2.13A 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)

2.13B CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. (RC-Sep 10/92;E-Nov 9/02)

2.13C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia. (RC-Sep 10/92;E-Nov 9/02)

2.13D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings

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

2.13E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02, E-Nov 9/02)

2.14 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.

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

2.16 DEVELOPMENT OFFICER means the officer of Halifax County Municipality.

2.17 DWELLING

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

(b) Dwelling Unit means one (1) or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

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

(d) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and at the site

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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 (2) dwelling units.

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

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

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

2.18 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 tavern, licensed beverage room, an arcade or amusement centre, a pool or billiard hall, and an adult entertainment use, but does not include a massage parlour and a cabaret.

2.19 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.

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

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

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

2.22A FLAG LOT means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the "pole" portion of the lot contains the required lot frontage and lot access route. (HECC-Aug 3/06;E-Aug 05/06)

2.23 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.

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2.24 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.

2.25 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.

2.26 HEIGHT means the vertical distance of a building between the established grade and the highest peak of the roof surface. In the case of multi-units, 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(1/4) 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. (HECC-Jul 12/01;E-Aug 5/01)

2.26A 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).

2.27 HOME BUSINESS means the use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services and without limiting the generality of the foregoing does not include restaurants, take-outs, convenience stores, the keeping of animals, taxi stands, or any use deemed to be obnoxious.

2.27A HOME OFFICE means an occupation or business activity operated from within a permitted dwelling that does not require direct contact with clients or customers on the premises. (CHWEPCBCC-Mar 7/96;E-Mar 31/96)

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

2.29 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.

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

2.31 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.

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2.32 LOT

(a) Corner Lot means a lot situated at the intersection of, and abutting on, two (2) or more streets.
(b) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

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

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

2.35 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.

2.36 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.

2.37 LRIS means the Land Registration and Information Service whose property identification numbering system is used in Appendices "B", "C", "D" and "E" and Sections 3.6, 4.5, 8.6 and 18.8 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.

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

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2.39 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.

2.40 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.

2.41 MEDICAL CLINIC means a building or part of a building where two (2) or more practitioners provide human health services without overnight accommodation for patients.

2.41A MEZZANINE means an intermediate floor assembly between the floor and ceiling of a room or storey, and includes an interior balcony. For the purpose of height calculation, a storey with a mezzanine counts as two full storeys.

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

2.43 MUNICIPALITY means Halifax County Municipality.

2.44 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.

2.45 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.

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

2.47 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.

2.48 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.

2.49 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two (2) or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or

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

2.50 PARKING SPACE means an area of not less than one hundred and sixty (160) square feet (14.9 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.

2.51 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.

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

2.52A PRIVATE SHARED DRIVEWAY means a travelled way, located on private property and designed for vehicular travel, that leads from a public street to more than one main building or use. (RC-May 4/21; E-June 05/21)

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

2.53 A Quonset Hut means a building with a wall that is not vertical, with a roof that meets the foundation, or with a wall that is fluted or corrugated. ***(RC-Nov 8/11; E-Jan 14/12)***

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

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

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

2.57 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building

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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.

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

2.59 RESTAURANT - TAKE-OUT means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 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.

2.60 RETAIL GASOLINE OUTLET means a building or a part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines for motorized vehicles, and may include washing establishments, but shall not include the repair of motorized vehicles.

2.61 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.

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

2.63 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)

2.64 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided, and without limiting the generality of the foregoing, may include a public garage 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.

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

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

2.66A SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

(i) that are rented for remuneration as separate rooms for residential accommodation; or

(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act.

(RC-Aug 9/22;E-Sep 15/22)

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

2.66C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck. (HECC-Jun 6/02;E-Jun 30/02)

2.66D Short-term Bedroom Rental means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sep 1/23)

2.66E SHORT-TERM RENTAL means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sep 1/23)

2.67 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which 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 (1) or more uprights, poles or braces, placed in or upon the ground.

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

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

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

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

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

2.69 STREET LINE means the boundary line of a street.

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

2.70.5 SUITE

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

2.70.7 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)

2.70A USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)

2.70AA WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-Jun 25/14;E-Oct 18/14)

2.70AB 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

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devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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

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

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

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

	Symbol	Zone
Residential Zones	R-la	Single Unit Dwelling Zone
	R-1	Single Unit Dwelling Zone
	R-2	Two Unit Dwelling Zone
	R-3	Mobile Dwelling Zone
	R-4	Multi-unit Dwelling Zone
	R-5	Rowhouse Dwelling Zone
	R-6a	Rural Residential Single Unit Dwelling Zone
	R-6	Rural Residential Zone
	R-7	Rural Estate Zone
	R-8	**Special Area Zone FOR CONVENIENCE ONLY**
	MOD	**Mixed Opportunity District Zone (RC-May 4/21; E-June 5/21)**
	CDD	Comprehensive Development District
Neighbourhood Zones (RC-May 11/99;E-Jun 26/99)	**C-1**	**Local Business Zone**
	C-2	**General Business Zone**
	C-4	**Highway Commercial Zone**
Industrial Zones	I-1	Light Industry Zone
Construction & Demolition (C&D) Zone	**CD-1**	**C&D Materials Transfer Stations Zone (RC-Sep 10/02;E-Nov 9/02)**
Infrastructure Charge Zone	**ICH**	**Infrastructure Charge Holding Zone (RC-July 2/02;E-Aug 17/02)**
Community Uses Zones	P-1	Open Space Zone
	P-2	Community Facility Zone
	P-3	Provincial Park Zone
	P-4	**(Deleted: RC-Jun 27/06;E-Aug 26/06)**
	RPK	**Regional Park Zone**

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

3.2 ZONING MAPS

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

3.3 INTERPRETATION OF ZONING BOUNDARIES

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

3.4 ZONES NOT ON MAP

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

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.

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(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 Part 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 Part 4, Section 4.1, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot as, any other use permitted within that zone.

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

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with the development agreement provisions of the Planning Act. As provided for by Policy IM-9 of the Municipal Planning Strategy for Cole Harbour/Westphal such uses are as follow:

(a) townhouse dwellings where all units do not have access to a public street;

(b) multiple unit residential uses containing more than six (6) dwelling units within the Urban Residential Designation;

(c) commercial and commercial recreation uses in conjunction with recreational facilities operated by fraternal or service clubs within the Urban Residential Designation;

(d) neighbourhood business (RC-May 11/99;E-Jun 26/99) uses of no more than two thousand (2,000) square feet (185.8 m^2) of gross floor area within the Urban Residential Designation;

(e) expansion of existing light industrial uses onto abutting properties;

(f) expansion of existing light industrial uses identified in Appendix "B" of this by-law;

(g) expansion of existing resource uses identified in Appendix "C" of this by-law;

(h) certain commercial uses of no more than four thousand (4,000) square feet (371.6 m^2) of gross floor area within the unserviced portion of the Urban Residential Designation;

(i) general commercial and higher density residential uses on properties having frontage on Highway No. 107 between Old Miller Road and the Little Salmon River;

(j) garden markets and garden centres on lots which were zoned **C-1 (Neighbourhood Business) (RC-May 11/99;E-Jun 26/99**) on April 21, 1986;

(k) commercial development on lands located at the western corner of the intersection of Salmon River Drive and Highway No. 107 (LRIS No. 40168874); and commercial development on lands located south of Highway 107 and between the existing light industrial development and Chater Drive (LRIS No. 40194383);

(l) certain private and commercial recreation uses on unserviced lands;

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(m) commercial uses in excess of ten thousand (10,000) square feet (929 m^2) and no more than twenty thousand (20,000) square feet (1858.1 m^2) of gross floor area within the Community Commercial Designation.

(n) multiple unit residential uses containing more than twelve (12) dwelling units within the Community Commercial Designation;

(o) drive-in and take-out restaurants within the Community Commercial Designation;

(p) adult entertainment uses;

(q) retail gasoline outlets;

(r) beverage rooms and other entertainment uses located within buildings greater than ten thousand (10,000) square feet (929 m^2) of gross floor area;

(s) access to commercial and multiple unit residential uses other than to Cole Harbour Road, Cumberland Drive and Forest Hills Drive;

(t) commercial uses in excess of ten thousand (10,000) square feet (929 m^2) but not greater than fifty thousand (50,000) square feet (4645.2 m^2) of gross floor area within the Highway Commercial Designation;

(u) expansion of A.R. Hemmings manufacturing plant on lands adjacent to Highway No. 7 (LRIS No. 650589);

(v) automotive repair outlets;

(w) residential and agricultural uses in the Long Hill area;

(x) **shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)**

(y) Mixed residential development within the lands as shown on Schedule D in accordance with MPS policy HC-10. (RC-Oct 7/14;E-Nov 8/14)

(z) expansion on, or subdivision of, a building in the C-3 Zone. (RC–Jul 5/11;E–Oct 8/11)

(aa) As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, Conservation Design Developments may be considered by development agreement on lands designated Rural Commuter, 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)

(ab) multiple unit dwellings, including townhouse dwellings, that exceed the built form requirements of the MOD Zone on lands within Sub Area A or Sub Area B as identified on Schedule E;

(ac) mixed use buildings, containing residential units and any one or more of the following: commercial, institutional or community uses, that exceed the built form requirements of the MOD Zone on lands within Sub Area B as identified on Schedule E; and

(ad) multiple unit dwellings, except for townhouse dwellings, and residential care facilities on lands within Sub Area C of any MOD Zone as identified on Schedule E.

(ae) Pursuant to Policy IM-23, where there is enabling policy to consider the development, by development agreement, of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

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

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(RC-May 4/21; E-June 5/21)

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

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

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PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

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

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

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

(d) Notwithstanding 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 (27.9 m^2) of gross floor area; and

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

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

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

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

4.1C A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit. (RC-Feb 21/23;E-Sep 1/23)

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

4.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

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

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

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4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

(a) 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 and Fitness 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.

4.5 ONE MAIN BUILDING ON A LOT

No person shall erect more than one (1) main building on a lot within any zone except for buildings within an I-l (Light Industry) Zone, **MOD (Mixed Opportunity District) Zone** or a C-4 (Highway Commercial) Zone or LRIS Parcel Index 40124448.

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.

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

4.7 REDUCED FRONTAGE OR AREA

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

(b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than one hundred and twenty (120) feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is fifty (50) feet and the minimum lot area requirement is five thousand (5,000) square feet (454.5 m^2).

(c) Any lot created according to the provisions of subsection (b) 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. (C-Dec 13/93;M-Dec 22/93)

(e) 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.

4.8A FORMER FOREST HILLS PUD (RC-Jul 5/11;E-Oct 8/11)

Within the Forest Hills development as may be shown on a subdivision plan, all lots, buildings and uses of land for which approval was given under the former Forest Hills Planned Unit Development are considered to be legal and conforming lots, buildings or uses of land.

4.9 NON-CONFORMING USES

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

4.10 ACCESSORY USES AND BUILDINGS (CHWEPCBCC-Jul 20/95;E-Aug 10/95)

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

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

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

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

4.10A 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;**
- **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 in the Urban Service Area, 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); (HECC-Jul 7/11;E-Jul 30/11)**
  - **1.(a) in any residential zone located outside the Urban Service Area, buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than eight (8) feet (2.4 m) or one half the height of such accessory building or structure, whichever is greater." (HECC-Jul 7/11;E-Jul 30/11)**

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

(iii) no accessory building in any residential zone in the Urban Service Area shall be greater than **25 Feet (7.7 metres)** in height, from the established grade to the highest point of the roof surface, nor have a footprint greater than 750 square feet (69.68 square metres) in area. **(RC-May 23/24;E-Jun 13/24)**

(iii)(a) no accessory building in any residential zone *or a residential accessory building in the RPK (Regional Park) zone (RC-Jun 25/14;E-Oct 18/14)* located outside the Urban Service Area shall exceed **25 feet (7.7 metres)**, nor have a footprint that exceeds 80% of the footprint of the main dwelling up to a maximum of 1,250 square feet (116.13 square metres), or 750 square feet (69.68 square metres), whichever is the greater. (HECC-Jul 7/11;E-Jul 30/11) **(RC-May 23/24;E-Jun 13/24)**

(iii)(b) no accessory building in any residential zone located outside the Urban Service Area having a roof pitch of 4:12 or less shall exceed a maximum wall height of 16 feet (4.88 metres) measured from the established grade to the underside of the soffit; nor" (HECC-Jul 7/11;E-Jul 30/11)

(iv) deleted (HECC-Jul 7/11;E-Jul 30/11)

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

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

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

(viii) Quonset huts shall not be permitted as an accessory building within any residential zone serviced by municipal central sewer or water. *(RC-Nov 8/11; E-Jan 14/12)*

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

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

4.11A ~~SHIPPING CONTAINERS (HECC-Jun 6/02;E-Jun 30/02)~~

~~(a) Shipping containers:~~

~~(i) shall not be used as accessory buildings to a residential use with the exception of backyard suites (RC-Oct 11/22;E-Nov 16/22).~~

~~(ii) may be used as accessory buildings in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping.~~

~~(iii) intended for non-recreation or non-residential (RC-Oct 11/22;E-Nov 16/22) use on any property which abuts a residential, park or institutional zone shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.~~

~~(iv) shall not be stacked within 100' of any residential, park or institutional zone. (HECC-Feb 6/03;E-Mar 2/03)~~

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

4.11AB SHIPPING CONTAINERS

(a) 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 on any property which abuts a residential, park or institutional zone shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.

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

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

4.11B QUONSET HUTS (RC–Nov 8/11;E–Jan 14/12)

Quonset huts shall not be permitted as an accessory building, a main building, a dwelling, or as an addition to a main building or dwelling in any residential zone serviced with municipal central sewer or water.

4.11C 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 two unit dwelling,~~ mobile dwelling, a two-unit dwelling, a semi-detached dwelling or a rowhouse or townhouse dwelling subject to the following provisions:

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

(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 4.25, additional off-street parking shall not be required; and

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

(b) BACKYARD SUITES

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

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

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

(iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.10 and 4.11;

(iv) The gross floor area of a backyard suite shall not exceed 1,000 square feet (93 square metres); (RC-May 23/24;E-Jun 13/24)

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

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

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

(viii) Where A backyard suite shall have unobstructed access that

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

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

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

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

(ix) A non-conforming accessory building may be converted to a backyard suite if the gross floor area of the backyard suite does not exceed 1,000 square feet (93 square metres). (RC-May 23/24;E-Jun 13/24)

4.12 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan20/09;E-Feb 7/09)

(a) Nothing in this By-law shall prevent the use of land **on or near a worksite for** ~~or~~ the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including

a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.

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

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

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

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

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

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

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

4.13 VEHICLE BODIES

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

4.14 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 the Planning Act shall prevail.

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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 attached to the principal structures.

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

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

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

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

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

(e) Notwithstanding clause (a), the required buffer shall not be less than 15.2m of the Little Salmon River, 76.2m from Lake Major, or 30.5m from any tributary within the Lake Major Watershed as designated by the Minister of the Environment on April 8, 1996.

(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 by 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.

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(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 then the existing main building.**

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

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

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

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

4.17A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

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

(2) **Subsection (1) does not apply to any residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.**

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

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

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4.18 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 By-law. For the purpose of this Section, the chord of the curved line shall be a straight line joining the two points where the side lot lines intersect the front lot line.

4.19 DAYLIGHTING TRIANGLE

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

4.20 PERMITTED ENCROACHMENTS

(a) 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:

- (i) Uncovered patios, walkways wheelchair ramps, lifting devices or steps may be located in any yard;
- (ii) 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;
- (iii) 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; and
- (iv) Exterior staircases, balconies, porches, verandas and sundecks shall not be permitted to project into any required yard;
- (v) 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.

4.21 YARD EXCEPTION

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

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4.22 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.

4.23 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle shall be kept on any lot in any 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.

4.24 RESTRICTIONS ON OUTDOOR STORAGE AND DISPLAY

No outdoor storage or display of any materials, goods or vehicles which are not normally accessory to the principal use of any R-1, R-1a and R-2 zoned lots as a residence shall be permitted. For the purposes of this Section, outdoor storage and display shall include the storage and display of construction vehicles, excluding commercial vehicles permitted pursuant to Section 4.23, equipment and materials, more than one (1) unlicensed, non-derelict vehicle, or more than one (1) motor home.

4.25 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 **(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)**
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

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Motels, hotels **and short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)**	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
Restaurants - Drive-In	27 spaces per 1000 square feet (92.9 m^2) of gross floor area
Restaurants - Full Service	20 spaces per 1000 square feet (92.9 m^2) of gross floor area
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m^2) of gross floor area	16 spaces per 1000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 300 square feet (28 m^2) of gross floorarea	5 spaces
Theatres	1 space per 5 seats
Institutional uses except as **otherwise (RC-Aug 9/22;E-Sep 15/22)** specified	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m^2) of gross floor area 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
Shared Housing (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
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	the greater of 2 spaces per 1,000

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general industrial uses	square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) Reserved Spaces for the Mobility Disabled

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

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

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

(c) Standards for Mobility Disabled Parking Spaces

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

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

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

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

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4.26 STANDARDS FOR PARKING LOTS

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

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

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

(c) A structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (4.6 m^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).

4.27 LOADING SPACE REQUIREMENTS

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

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

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4.27A BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14)

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

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

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

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washes, cemeteries and funeral homes.

(3) Notwithstanding subsection (1), the bicycle parking requirements may be reduced by 50% where each unit of a Multiple Unit Dwelling contains a storage room with a minimum dimension of 1.5m by 2m.

(4) 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.

(5) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.5m in width, to be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.

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

4.27B 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.

4.27C 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.

4.28 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.

4.29 COMPOSTING OPERATIONS (MC-Feb 26/96;M-Mar 28/96)

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

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

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

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

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

(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-1a, R-1, R-2, R-3, R-4, R-5 and R-8 Zones).

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

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

4.31 SCHEDULE C – 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 C attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

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

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

I DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

DRAFT

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

II ZONES

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

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

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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 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.

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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; or**
- **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 Cole Harbour/Westphal Land Use By-law:**

- **i) RPK (Regional Park) Zone;**
- **ii) P4 (Conservation) Zone.**

VII INSTALLATION AND DESIGN

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

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

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

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

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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 A-1 – Wind Energy Zoning

4.33 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. (RC-Oct 11/22;E-Nov 16/22)

4.34 CANNABIS-RELATED USES (RC-Sep18/18; E-Nov 3/18)

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

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

a) Short-term Rentals accessory to a residential use shall be permitted in all zones provided that the dwelling unit is the primary residence of the short-term rental operator.
b) Short-term Bedroom Rentals accessory to a residential use shall be permitted in all zones, subject to the following additional provisions:
   i) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;
   ii) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;
   iii) The operator of the short-term bedroom rental resides on site while any bedrooms are rented;

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iv) **No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and**

v) **One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.**

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PART 5: SIGNS

5.1 GENERAL

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

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

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

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

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

5.2 SAFETY AND MAINTENANCE

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

5.3 NUMBER OF SIGNS

(a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one (1) business, each business shall be considered to be a separate premises.

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

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

5.4 SIGN AREA

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

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5.5 SIGNS PERMITTED IN ALL ZONES

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

(a) Any sign which has an area of no more than two (2) square feet (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) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.
(g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.
(h) Any sign painted on a tree, stone, cliff or other natural object.

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(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 FACIAL WALL SIGNS

No facial wall sign shall cover more than one (1) square foot (0.1 m^2) per lineal foot of the wall on which the sign is affixed, such coverage to be allocated proportionally for each business premises in the case of multiple occupancy buildings. In no case however, shall the total area of the facial wall sign for any business premises exceed one hundred (100) square feet (9.3 m^2).

5.8 PROJECTING SIGNS

No projecting sign shall:

(a) exceed twenty (20) square feet (1.9 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.

5.9 GROUND SIGNS

No ground Sign shall:

(a) exceed twenty-five (25) square feet (2.3 m^2) of sign area on a single face or fifty (50) square feet (4.6 m^2) of sign area for both faces combined, except for:
    (i) signs within the C-4 (Highway Commercial) Zone where such signs shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face or two hundred (200) square feet (18.6 m^2) of sign area of both faces combined; or
    (ii) signs accessory to existing service stations any existing building supply outlets within the C-2 (General Business) Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face or two hundred (200) square feet (1 .6 m^2) of sign area of both faces combined.
(b) exceed a height of twenty-five (25) feet (7.6 m); or
(c) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.

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

6.1 R-la USES PERMITTED

No development permit shall be issued in any R-la (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)

Community Uses
Open space uses

6.2 R-l ZONE REQUIREMENTS: RESIDENTIAL USES (HECC-Aug 3/06;E-Aug 05/06)

In any R-la 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 (557.4 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)	

The creation of flag lots is prohibited in the R-1a zone.

6.3 R-la ZONE REQUIREMENTS: COMMUNITY USES

In any R-la Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 20.

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PART 7: R-l (SINGLE UNIT DWELLING) ZONE

7.1 R-l USES PERMITTED

No development permit shall be issued in any R-l (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)
Home business uses in conjunction with permitted dwellings;
Daycare facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses
Open space uses.

7.1A OTHER REQUIREMENTS: R-2 USES

Notwithstanding Section 7.1, where uses are permitted as Two-Unit Dwellings, no development permit shall be issued except in conformity with the provisions of Section 8.2. (RC-May 23/24;E-Jun 13/24)

7.1B OTHER REQUIREMENTS: R-4 USES

Notwithstanding Section 7.1, where uses are permitted as Multiple-Unit Dwellings, no development permit shall be issued except in conformity with the provisions of Section 10.2. (RC-May 23/24;E-Jun 13/24)

7.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-l 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 (557.4 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)	

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7.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home 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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) 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) gross floor area.
(d) 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 or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(f) No more than one (1) sign, which shall be affixed to the main dwelling, 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 (13.9 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.

7.4 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 20.

7.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-l 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 off-street parking space, other than that required for the dwelling, shall be provided.

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7.6 R-1 ZONE REQUIREMENTS - MORRIS LAKE ESTATES (HECC-Aug 4/05;E-May 2/06)

(a) For houses located in Morris Lake Estates on the zoning map, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	**4,000 square feet (372m^2)**
Minimum Frontage:	**40 feet (12.2m)**
Minimum Front Yard	**15 feet (4.6m) on Westfield Cres. and 20 feet (6.1m) on Southampton and Morris Lake Estates Drives.**
Minimum Rear Yar	**15 feet (4.6m)**
Minimum Side Yard	**4 feet (1.2m) on one side and 10 feet (3m) on opposite side subject to 7.6b**
Minimum Flankage Yard	**15 feet (4.6m)**
Maximum Lot Coverage	**35 percent**
Max. Height of Main Building	**30 feet (9.1m), as measured from established grade on front facade**

(b) Where a dwelling includes an attached garage, both minimum side yards may be reduced to 4 feet (1.2m).

(c) Architectural design of the dwellings shall be varied. Similar house plans, (those with similar roof lines, facade articulation, fenestration, primary exterior wall and roof colour) shall not be repeated within a three lot radius on the same side of the street.

(d) The front facade of all dwellings shall contain trim detailing including minimum 6 inch corner boards and 4 inch window moldings.

(e) All house designs shall include a covered verandah or porch (minimum depth from building wall to outside edge of decking: 5 feet) on the front facade, with railings extending the full length of the facade. The Development Officer may approve a shorter verandah or porch if the such length is deemed to conflict with other architectural features.

(f) The elevation of the front entrance to any dwelling shall be a maximum of 2 feet 6 inches above finished grade, unless otherwise permitted in writing by the Development Officer.

(g) Accessory buildings shall not exceed 300 square feet in floor area and 15 feet in height. They shall not be permitted in the front or flankage yard nor shall they be situated less than 4 feet from side or rear lot lines, nor less than 8 feet from the dwelling unit.

7.7 R-1 ZONE REQUIREMENTS, FOREST HILLS (RC-Jul 5/11;E-Oct 8/11)

(a) For existing properties developed with single unit dwellings on lots of 40 foot frontage in Forest Hills as shown on a subdivision plan, and for any new lots to be created on the west side of Broom Road, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	**4,000 square feet (372m2)**
Minimum Frontage:	**40 feet (12.2m)**

Minimum Front Yard	**20 feet (6.1m)**
Minimum Rear Yard	**15 feet (4.6m)**
Minimum Side Yard	**4 feet (1.2m) on one side and 8 feet (2.4m) on the other to maintain a minimum separation of 12 feet (3.7m) between houses**
Minimum Flankage Yard	**20 feet (4.6m)**
Maximum Lot Coverage	**35 percent**
Max. Height of Main Building:	**30 feet (9.1m), as measured from established grade on front façade."**

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

8.1 R-2 USES PERMITTED

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

Residential Uses
Single unit dwellings;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
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)
Home business uses in conjunction with permitted single unit dwellings
Day care facilities for not more than five (5) children and in conjunction with permitted two unit dwellings
Home offices in conjunction with permitted two unit dwellings (CHWEPCBCC-Mar 7/96;E-Mar 31/96)

Community Uses
Open space uses

8.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

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

	Single Unit Dwelling	Two Unit Dwelling **and Multiple Unit Dwelling (RC-May 23/24;E-Jun 13/24)**
Minimum Lot Area	6,000 square feet (557.4 m^2) where central services are available; otherwise 20,000 square feet **(1858.1 m^2) (RC-May23/24;E-Jun13/24)**	7,000 square feet (650.3 m^2) or 3,500 square feet (325.2 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available; otherwise 20,000 square feet (1858.1 **m^2) (RC-May 23/24;E-Jun 13/24)**
Minimum Frontage	60 feet (18.3 m) where central services are available; otherwise 100 feet	70 feet (21.3 m), or 35 feet (10.7 m) per unit where each dwelling unit is located on a separate lot and where

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	(30.5 m)	central services are available; otherwise 100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)	30 feet (9.1 m)
	Single Unit Dwelling	Two Unit Dwelling
Minimum Rear or Side Yard	8 feet (2.4 m)	10 feet (3 m), and the side yard shall be reduced to zero (0) on the side being common with another dwelling unit
Maximum Lot Coverage	35 percent	35 percent
Maximum Height of Main Building	35 feet (10.7 m)	35 feet (10.7 m)

8.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home 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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) 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) gross floor area.
(d) 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 or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(f) No more than one (1) sign, which shall be affixed to the main dwelling, 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 (13.9 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.

8.3A OTHER REQUIREMENTS: HOME OFFICES
(CHWEPCBCC-Mar 7/96;E-Mar 31/96)

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

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(a) Any home office shall be wholly operated within the dwelling which is the principal residence of the operator of the home office;
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the home office;
(c) No more than twenty-five (25) percent of the gross floor area shall be devoted to any home office, and in no case shall any home office occupy more than three hundred (300) square feet (27.9 m^2) of gross floor area;
(d) No mechanical equipment shall be permitted;
(e) No outdoor storage or display shall be permitted;
(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any home office 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;
(h) No exterior alterations to the dwelling related to the home office shall be permitted except to meet fire safety, structural safety, or health regulations; and
(i) No retailing shall be permitted.

8.4 R-2 ZONE REQUIREMENTS: COMMUNITY USES

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

8.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
(b) 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 off-street parking space, other than that required for the dwelling, shall be provided.

8.6 EXISTING 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 No.	Maximum Number of Dwelling Units
156 Atholea Drive	40059958	3
29 Beaver Crescent	40059842	9

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8.7 <u>EXEMPTION: EXISTING R-2 ZONED LOTS</u> (HECC-Jun 4/98;E-Jul 5/98)

(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 8.7(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 of the Subdivision By-law, prior to the date of the first publication of the notices of the intention to adopt this by-law.

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PART 9: R-3 (MOBILE DWELLING) ZONE

9.1 R-3 USES PERMITTED

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

Residential Uses
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)
Home business uses in conjunction with permitted dwellings;
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses
Open space uses;

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	20,000 square feet (1858.1 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

9.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home 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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) 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) gross floor area.
(d) 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 or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.

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(f) No more than one (1) sign, which shall be affixed to the main dwelling, 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 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.

9.4 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 20.

9.5 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.

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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
Multiple unit dwellings containing up to six (6) dwelling units;
Shared housing use with 15 or fewer bedrooms; (RC-Aug 9/22;E-Sep 15/22)
Day care facilities in conjunction with permitted dwellings;
Existing multiple unit dwellings containing more than six (6) dwelling units.

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	1/2 the height of the main building
Maximum Lot Coverage	50 percent
Maximum Height of Main Building	~~35 feet (10.7 m)~~ **3 storeys**

10.2A R-4 ZONE REQUIREMENTS – PID 40568933 (RC-Sep 22/20;E-Nov 14/20)

Notwithstanding Section 10.2, where R-4 uses are permitted on the lands at PID 40568933, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	**7,000 square feet (650.3 m2)**
Minimum Frontage:	**60 feet (18.3m)**
Minimum Front Yard:	**23 feet (7m) on Auburn Drive**
Minimum Rear Yard:	**7.8 feet (2.4m)**
Minimum Side Yard:	**9 feet (2.7m)**
Minimum Flankage Yard:	**13 feet (4m) on Quindora Crescent**
Maximum Lot Coverage:	**35% percent**
Max. Height of Main Building:	~~**35 feet (10.7m)**~~ **3 storeys**

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10.3 OTHER REQUIREMENTS: MULTIPLE UNIT DWELLINGS **AND SHARED HOUSING USES (RC-Aug 9/22;E-Sep 15/22)**

Where multiple unit dwellings **and shared housing uses (RC-Aug 9/22;E-Sep 15/22)** 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 **or 100 square feet per bedroom in a shared housing use, whichever is greater, (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.
(c) Where any R-4 Zone abuts any other residential zone, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within five (5) feet (1.5 m) of the side or rear lot line.

10.3A OTHER REQUIREMENTS - PID 40568933 (RC-Sep 22/20;E-Nov 14/20)

Notwithstanding Section 10.3, at PID 40568933, where a multiple unit dwelling is erected in the R-4 Zone, the following shall apply:

(a) Parking may be located in the front yard along Auburn Drive and in the flankage yard along Quindora Crescent.
(b) Notwithstanding Section 4.25, minimum number of required parking spaces: 1 space per unit.
(c) Where the R-4 Zone abuts any other residential zone, no portion of any parking space shall be located within any required rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within five (5) feet (1.5 m) of the rear lot line.
(d) No amenity area shall be required.

10.4 R-4 ZONE REQUIREMENTS: COMMUNITY USES

In any R-4 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 20.

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PART 11: R-5 (ROWHOUSE DWELLING) ZONE

11.1 R-5 USES PERMITTED

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

Residential Uses
Rowhouse 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 (1858.1 m^2) per dwelling unit where each dwelling unit of a rowhouse 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 rowhouse 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: ROWHOUSE DWELLINGS

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

(a) include more than eight (8) dwelling units;
(b) be designed so that more than two (2) dwelling units are constructed to a building line which is less than two (2) feet (0.2 m) in variation from the building line of any unit abutting either of the two units; and
(c) undergo any exterior alteration to individual units after construction.

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 20.

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PART 12: R-6a (RURAL RESIDENTIAL SINGLE UNIT DWELLING) ZONE

12.1 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;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
Home business uses in conjunction with permitted dwellings;
Existing two unit dwellings.

Community Uses
Open space uses

12.2 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	20,000 square feet (1858.1 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: HOME 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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any home business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m^2) gross floor area.
(d) 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 or which is obnoxious.
(e) no outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the home business use shall be permitted.

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(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any home 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 to any home business.

(h) No exterior alterations to the dwelling related to the home 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 home business use which involves the production of goods or crafts or the provision of a service.

12.4 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 20.

12.5 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.

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PART 13: R-6 (RURAL RESIDENTIAL) ZONE

13.1 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;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Two unit dwellings;
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
Home business uses in conjunction with permitted dwellings.

Community Uses
Open space uses

13.2 R-6 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858.1 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

13.3 OTHER REQUIREMENTS: HOME BUSINESS USES

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

(a) Any home business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) 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) gross floor area.
(d) 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 or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.

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(f) No more than one (1) sign, which shall be affixed to the main dwelling, 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 (13.9 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.

13.4 OTHER 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 Part 20.

13.5 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.

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PART 14: R-7 (RURAL ESTATE) ZONE

14.1 R-7 USES PERMITTED

No development permit shall be issued in any R-7 (Rural Estate) 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)
Home business uses in conjunction with permitted dwellings;
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses
Open space uses

14.2 R-7 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-7 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7432.2 m^2)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

14.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-7 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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) 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) gross floor area.
(d) 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 or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.

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(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 (13.9 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.

14.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-7 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 20.

14.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-7 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.

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NOTE: THIS ZONE HAS BEEN INCLUDED FOR CONVENIENCE ONLY AND DOES NOT FORM A LEGAL PART OF THIS DOCUMENT. FOR ACCURACY, REFERENCE SHOULD BE MADE TO THE DOCUMENT APPROVED BY THE MINISTER IN 1982

PART 15: R-8 (SPECIAL AREA) ZONE

15.1 R-8 USES PERMITTED

No development permit shall be issued in any R-8 (Special Area) Zone except for the following:

Residential Uses
Existing dwellings;
Uses accessory to permitted dwellings;
Home business uses in conjunction with permitted dwellings;
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Resource Uses
Existing agricultural uses
Uses accessory to permitted agricultural uses

Community Uses
Open space uses

15.2 R-8 ZONE REQUIREMENTS: RESIDENTIAL AND RESOURCE USES

In any R-8 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

15.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-8 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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to (300) square feet (27.9 m^2) gross floor area.

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(d) 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 or which is obnoxious.

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

(f) No more than one (1) sign, which shall be affixed to the main dwelling, 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 (13.9 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.

15.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-8 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

15.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-8 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.

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Part 15A: MOD (Mixed Opportunity District) Zone

15A.1 USES PERMITTED

15A.1.1 No development permit shall be issued within Sub Area A of any MOD Zone, as shown on Schedule E, except for the following:

Low-Rise 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)
Daycare facilities in conjunction with permitted dwellings
Home business or home office uses in conjunction with permitted dwellings

Mid-Rise Residential Uses
Multiple unit dwellings

Commercial Uses
Food stores
Personal service shops
Retail stores
Offices
Restaurants except drive-through restaurants

Institutional Uses
Educational institutions and uses
Daycare facilities
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)
Medical clinics
Museums and galleries

Community Uses
Community centres and halls
Recreation uses
Commercial recreation uses
Open space uses

15A.1.2 No development permit shall be issued within Sub Area B of any MOD Zone, as shown on Schedule E, except for the following:

Low-Rise Residential Uses
Single unit dwellings
Two unit dwellings
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)
Daycare facilities in conjunction with permitted dwellings
Home business or home office uses in conjunction with permitted dwellings

DRAFT

<u>Mid-rise Residential Uses</u>
Multiple unit dwellings

<u>Commercial Uses</u>
Food stores
Personal service shops
Retail stores
Offices
Restaurants
Hotels
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

<u>Institutional Uses</u>
Educational institutions and uses
Daycare facilities
Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)
Medical clinics
Museums and galleries

<u>Community Uses</u>
Community centres and halls
Recreation uses
Commercial recreation uses
Open space uses

<u>Mixed Use Buildings</u>
Mixed use buildings containing residential units and one or more of the following: commercial, institutional or community uses

15A.1.3 No development permit shall be issued within Sub Area C of any MOD Zone, as shown on Schedule E, except for the following:

<u>Low-Rise Residential Uses</u>
Single unit dwellings
Two unit dwellings
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)
Daycare facilities in conjunction with permitted dwellings
Home business or home office uses in conjunction with permitted dwellings

<u>Community Uses</u>
Open Space Uses

15A.1.4 Prior to issuing a development permit, the following uses shall be subject to the Site Plan Approval process:

DRAFT

<u>Within Sub Area A of Schedule E</u>
Townhouse dwellings
Multiple unit dwellings
Food stores
Personal service shops
Retail stores
Offices
Restaurants except drive-through restaurants
Shared housing use with greater than 10 bedrooms (RC-Aug 9/22;E-Sep 15/22)
Commercial recreation uses

<u>Within Sub Area B of Schedule E</u>
Townhouse dwellings
Multiple unit dwellings
Food stores
Personal service shops
Retail stores
Offices
Restaurants
Hotels
Educational institutions and uses
Daycare facilities
Shared housing use with greater than 10 bedrooms (RC-Aug 9/22;E-Sep 15/22)
Medical clinics
Commercial recreation uses
Mixed use buildings containing residential units and any one or more of the following: commercial, institutional or community uses
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

<u>Within Sub Area C of Schedule E</u>
Townhouse dwellings

15A.1.5 Notwithstanding Sections 15A.1.1, 15A.1.2 and 15A.1.3, driveway access to a use permitted in a specific Sub Area of the MOD Zone shall be permitted within any Sub Area of the MOD Zone.

15A.2 <u>MOD ZONE GENERAL REQUIREMENTS</u>

15A.2.1 More than one main use or building may be allowed on a lot zoned MOD provided that a development permit or site plan application includes a plan showing each building on its own potential lot. A potential lot shall meet all the requirements of the MOD Zone. For any building located behind another main building, no lot frontage on a public street shall be required.

15A.2.2 <u>Streets and Driveways Network</u>

15A.2.2.1 Prior to the issuance of a development permit for any new building or use within, or partially within, Sub Areas B and C, a traffic impact study prepared by a

Professional Engineer shall be required that meets the most current edition of the Municipal Design Guidelines and Municipal Traffic Impact Guidelines and that includes analysis of the following:

(a) The proposed land uses and density for all lands zoned MOD;
(b) The proposed transportation network on all lands zoned MOD including proposed public streets, private shared driveways, active transportation connections, and allowances for future connections;
(c) Lands reserved for future connections to adjacent lands;
(d) Phasing for construction of proposed transportation network including when a second access to an existing public street will be constructed;
(e) Site access including a sightline assessment, access dimensions and intersection controls like lane usage and traffic signals;
(f) The conditions of the existing intersections adjacent to the site including the signalised intersection at Highway 7 and Westphal Way; and
(g) If upgrades to existing infrastructure are required, and when required upgrades will be undertaken.

15A.2.2.2 Access to a Public Street:

(a) In any MOD Zone, one access to a public street shall serve no more than the equivalent of 250 residential units.
(b) For the purpose of subsection (a), 1 residential unit shall be equivalent to 74.3 sq. m. (800 sq. ft.) of any other permitted use.

15A.2.2.3 In any MOD Zone, more than one main use or building may share access to a public street over a private shared driveway.

15A.2.2.4 Private shared driveways within the MOD Zone shall meet the following standards:

(a) Private shared driveways shall be designed and constructed with a paved asphalt surface or other stable ground, in consultation with the HRM Development Engineer and HRM Fire Services, to adequately support the loads produced by emergency and fire equipment.
(b) Private shared driveways shall be designed in accordance with the following:

Minimum clear width	**27 m (88.6 ft.)**
Minimum width of travel lane in each direction	**3 m (9.8 ft.)**
Minimum clearance width (shoulders) on both sides of travel lanes	**1.5 m (4.9 ft.)**
Minimum centre line radius to the edge of asphalt	**13 m (42.6 ft.)**
Minimum centre line radius to the outside of shoulder	**15 m (49.2 ft.)**
Minimum overhead clearance	**5 m (16.4 ft.)**
Maximum change in gradient	**1 in 12.5 over a minimum distance of 15 m (49.2 ft.)**

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(c) The minimum width requirements of subsection (b) shall not include required parking.

(d) Driveway accesses shall provide clear unobstructed access for firefighting and emergency response equipment.

15A.2.3 <u>Parking and Loading</u>

(a) Required off-street parking may be permitted in a shared parking lot where multiple buildings are located on the same lot or where buildings are located on abutting lots or potential lots zoned MOD.

(b) Off-street loading space shall not be counted as off-street parking and off-street parking shall not be counted as off-street loading space.

(c) All parking lots including driveways and manoeuvring areas shall be maintained with a permanent hard surface and shall be defined by a concrete curb, ornamental brick, planting or other landscaped feature.

15A.3 MOD ZONE REQUIREMENTS: RESIDENTIAL USES

15A.3.1 In any MOD Zone, no development permit shall be issued for any residential use except in conformity with the following:

	Single Unit Dwellings	Two Unit Dwellings	Townhouse Dwellings	Multiple Unit Dwellings / Mixed Use Buildings
Minimum Lot Area	1,858 sq. m (20,000 sq. ft.) where each dwelling is serviced by an individual septic system or as required for on-site septic approval, whichever is greater; or 929 sq. m (10,000 sq. ft.) per unit where dwellings are serviced by a shared septic system or as required for on-site septic approval,	929 sq. m (10,000 sq. ft.) per unit or as required for on-site septic approval, whichever is greater	929 sq. m (10,000 sq. ft.) per unit or as required for on-site septic approval, whichever is greater	11,613 sq. m (125,000 sq. ft.) or as required for on-site septic approval, whichever is greater

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	whichever is greater			
Minimum Lot Frontage	**30.5 m (100 ft.)**	**30.5 m (100 ft.)**	**30.5 m (100 ft.)**	**30.5 m (100 ft.)**
Minimum Frontage per Unit		**15.25 m (50 ft.)**	**6.1 m (20 ft.)**	**-**
Minimum Front or Flankage Yard	**6.1 m (20 ft.)**			**9.1 m (30 ft.)**
Minimum Rear or Side Yard	**2.4 m (8 ft.)**	**3 m (10 ft.) or 0.0 ft. (0.0 m) from the side being common with another dwelling unit**		**½ the height of the building**
Minimum Separation Distance Between Dwellings	**4.8 m (16 ft.)**	**6.1 m (20 ft.)**		**The height of the building or as required under the National Building Code, whichever is greater**
Maximum Lot Coverage	**35 percent of the lot or potential lot required under Section 15A.2.1**			
Maximum Height	**10.7 m (35 ft.)**		**See Section 15A.3.2**	**See Section 15A.3.3**

15A.3.2 <u>OTHER REQUIREMENTS: TOWNHOUSE DWELLINGS</u>

Where townhouse dwellings are erected in any MOD Zone, the following shall apply:

<u>Building Form</u>

(a) Notwithstanding Section 2.17 (g), more than one townhouse dwelling unit may be located on a lot or potential lot.

(b) No building shall include more than 6 townhouse dwelling units.

(c) No building containing a townhouse shall exceed 10.7 m (35 ft.) in height.

<u>Building Design</u>

(d) Townhouse dwellings shall incorporate at least 2 of the following design elements:

(i) covered entrance — **with a canopy, awning, recess or similar design feature to provide weather protection;**

(ii) projecting or recessed — **such as wall projections and indentations, offsets balconies, bay windows, cantilevered floors, cupolas, or dormers;**

(iii) varying roof planes — **using gables, turrets, roof projections,**

DRAFT

		variations in cornice lines, dormers, cupolas, belvederes or similar architectural features; or
(iv)	mixed architectural	including varied cladding materials and features textures, window treatments, or changes in colour.

Amenity Area

(e) A minimum of 12 sq. m (129 sq. ft.) of private amenity area shall be provided for each dwelling unit for private use by occupants of the individual dwelling unit.

(f) Any required private amenity area shall be located on the potential lot containing the townhouse dwelling that the private amenity area serves.

(g) Driveways and front yards of abutting units may be twinned to provide larger front yards suitable for landscaping and planting.

15A.3.3 OTHER REQUIREMENTS: MULTIPLE UNIT DWELLINGS, EXCEPT FOR TOWNHOUSE DWELLINGS, AND MIXED USE BUILDINGS

Where multiple unit dwellings or mixed use buildings, except for townhouse dwellings, are erected in any MOD Zone, the following shall apply:

Building Form

(a) No building footprint shall exceed 929 sq. m (10,000 sq. ft.);

(b) No building shall exceed 13.7 m (45 ft.) in height;

(ba) Notwithstanding clause (b), the height of a mid-rise multiple unit building with more than 4 units shall not exceed 4 storeys;

(c) Non-residential uses shall only be permitted on the ground floor of any mixed use building;

Building Design

(d) Main entrances shall be covered with a canopy, awning, recess or similar design feature to provide weather protection;

(e) To mitigate the actual and perceived bulk of building massing, any street-facing or private-shared-driveway-facing facades shall be designed through architectural elements to be visually broken into smaller parts using any 2 of the following:

(i)	projecting or recessed offsets	such as wall projections and indentations, balconies, bay windows, cantilevered floors, cupolas, or dormers;
(ii)	varying roof planes	using gables, turrets, roof projections, variations in cornice lines, dormers, cupolas, belvederes or similar architectural features; or
(iii)	varied architectural	including varied cladding

DRAFT

features	**materials and textures, window treatments, or changes in colour.**

(f) All rooftop equipment, including satellite and other telecommunication equipment for private use, air handling units, elevator equipment, cooling towers and exhaust fans, shall be visually screened from the street or private shared driveway.

<u>Amenity Areas</u>

(g) An average of 2 sq. m (21.5 sq. ft.) of private amenity area per unit shall be provided for a multiple unit dwelling or mixed use building. Where provided, private amenity areas shall have a minimum depth of 1.8 m;

(h) Indoor or outdoor common amenity areas shall be provided for use by all residents of a development in accordance with the following:

Multiple unit dwelling or mixed use building with 8 residential units or more	**the greater of 100 sq. m or 5 sq. m per 1 bedroom unit, 10 sq. m per 2 bedroom unit, 15 sq. m per 3+ bedroom unit, and 5 sq. m per bedroom in a shared housing use (RC-Aug 9/22;E-Sep 15/22)**

(i) Common amenity areas shall be located on the same lot or potential lot as the building or use it is intended to serve or shall be located on an abutting lot or potential lot zoned MOD.

<u>Access, Parking and Loading Space</u>

(j) Notwithstanding Section 4.25, the parking requirements for multiple unit dwellings within the MOD Zone shall be a minimum of 1 space per dwelling unit.

(k) Entryways to below-grade parking shall be recessed into the structure;

(l) Loading docks, overhead doors and other service entries shall be screened and shall not be located on public street facing facades;

<u>Buffering</u>

(m) Where a building is within 15.2 m (50 ft.) of a low-rise residential use, the area between the building and the low-rise residential use shall be buffered. For the purpose of this section, buffering shall consist of a grassed landscaped area a minimum 6.1 m (20 ft.) in depth with trees, shrubs or a combination.

15A.3.4 <u>OTHER REQUIREMENTS: DAYCARE FACILITIES IN CONJUNCTION WITH PERMITTED DWELLINGS</u>

Where day care facilities in conjunction with permitted dwellings are permitted in any MOD 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 1 sign shall be permitted for any facility and no such sign shall exceed 0.2 sq. m (2 sq. ft.) in area.**

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

15A.3.5 **<u>OTHER REQUIREMENTS: HOME BUSINESS AND HOME OFFICE USES</u>**

Where home business or home office uses are permitted in any MOD Zone, the following shall apply:

(a) **Any home business or home office use shall be operated within the dwelling unit which is the principal residence of the operator of the home business or office;**

(b) **No more than 25 percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than 27.9 sq. m (300 sq. ft.) of gross floor area;**

(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 or which is obnoxious;**

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

(e) **No more than 1 sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed 0.2 sq. m (2 sq. ft.) in area;**

(f) **At least 1 off-street parking space, other than that required for the dwelling, shall be provided for every 13.9 sq. m (150 sq. ft.) of floor area devoted to any business; and,**

(g) **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.**

15A.4 **<u>MOD ZONE REQUIREMENTS: COMMERCIAL AND INSTITUTIONAL USES</u>**

15A.4.1 **In any MOD Zone, no development permit shall be issued for any commercial or institutional use except in conformity with the following:**

Minimum Lot Area	**1858.1 sq. m (20,000 sq. ft.) or as required for on-site septic approval, whichever is greater**
Minimum Frontage	**30.5 m (100 ft.)**
Minimum Front or Flankage Yard	**7.6 m (25 ft.)**
Minimum Rear or Side Yard	**4.6 m (15 ft.)**
Maximum Lot Coverage	**50 percent**
Maximum Height	**10.7 m (35 ft.)**
Maximum Building Footprint	**929 sq. m (10,000 sq. ft.)**

15A.4.2 **Where a building is within 15.2 m (50 ft.) of a low-rise residential use, the area between the building and the low-rise residential use shall be buffered. For the**

DRAFT

purpose of this section, buffering shall consist of a grassed landscaped area a minimum 6.1 m (20 ft.) in depth with trees, shrubs or a combination.

15A.4.3 <u>OTHER REQUIREMENTS: HOTELS AND SHARED HOUSING WITH SPECIAL CARE</u> (RC-Aug 9/22;E-Sep 15/22)

Where hotels or shared housing with special care (RC-Aug 9/22;E-Sep 15/22) are erected in any MOD Zone, the following shall apply:

<u>Building Form</u>

(a) No building footprint shall exceed 929 sq. m (10,000 sq. ft.);

(b) No building shall exceed 13.7 m (45 ft.) in height;

<u>Building Design</u>

(c) Main entrances shall be covered with a canopy, awning, recess or similar design feature to provide weather protection;

(d) To mitigate the actual and perceived bulk of building massing, any street-facing or private-shared-driveway-facing facades shall be designed through architectural elements and be visually broken into smaller parts using any 2 of the following:

(i)	**projecting or recessed offsets**	**such as wall projections and indentations, balconies, bay windows, cantilevered floors, cupolas, or dormers;**
(ii)	**varying roof planes**	**using gables, turrets, roof projections, variations in cornice lines, dormers, cupolas, belvederes or similar architectural features; or**
(iii)	**varied architectural features**	**including varied cladding materials and textures, window treatments, or changes in colour.**

(e) All rooftop equipment, including satellite and other telecommunication equipment for private use, air handling units, elevator equipment, cooling towers and exhaust fans, shall be visually screened from the street by the roof structure.

<u>Amenity Area</u>

(f) The greater of 100 sq. m or 5 sq. m of indoor or outdoor common amenity area shall be provided for every 92.9 sq. m (1,000 sq. ft.) of gross floor area of a shared housing with special care use. (RC-Aug 9/22;E-Sep 15/22)

(g) Common amenity areas shall be located on the same lot or potential lot as the shared housing with special care use (RC-Aug 9/22;E-Sep 15/22) it is intended to serve.

<u>Access, Parking and Loading Space</u>

(h) Entryways to below-grade parking shall be recessed into the structure; and

DRAFT

(i) Loading docks, overhead doors and other service entries shall be screened and shall not be located on public street facing facades;

15A.5 MOD ZONE REQUIREMENTS: COMMUNITY USES

15A.5.1 In any MOD Zone, where community uses are permitted, no development permit shall be issued except in conformity with the provisions of Part 21 apart from the requirements for frontage.

15A.6 MOD ZONE REQUIREMENTS: ACCESSORY BUILDINGS AND STRUCTURES

15A.6.1 Notwithstanding Section 4.11 (a), accessory uses, buildings and structures in any MOD Zone shall be permitted but shall not:

- **(a) be built closer to the public street or private shared driveway than the minimum required for the main building or use;**
- **(b) be built closer than 2.4 m (8 ft.) of any lot or potential lot line;**
- **(c) be built within 2.4 m (8 ft.) of a residential use or 3.7 m (12 ft.) of any other use;**
- **(d) be built within 2.4 m (8 ft.) of any other accessory building or structure;**
- **(e) be greater than 4.57 m (15 ft.) in height; and**
- **(f) have a footprint greater than 70 sq. m (750 sq. ft.).**

15A.7 MOD ZONE REQUIREMENTS: SITE PLAN APPROVAL

15A.7.1 Provisions of the MOD Zone shall not be varied by site plan approval.

15A.7.2 An application for a use subject to site plan approval shall include the following:

- **(a) Dimensions and area of the development site;**
- **(b) A description of the proposed development including the following:**
  - **(i) proposed and surrounding land uses;**
  - **(ii) number, size and type of dwelling units including an indication of the number of bedrooms in each unit;**
  - **(iii) septic systems proposed to service the development including features associated with such system;**
  - **(iv) measures proposed for the effective drainage of stormwater; and**
  - **(v) details on how private shared infrastructure including private shared driveways will be maintained in terms of ongoing repairs and snow clearance.**
- **(c) A site plan drawn to scale showing the following:**
  - **(vi) location of all existing and proposed buildings and structures on the lot including their respective uses;**
  - **(vii) location and width of all existing and proposed driveway accesses to public streets;**
  - **(viii) location of all existing and proposed parking including bicycle parking facilities and loading space;**
  - **(ix) location of all existing and proposed on-site services;**

DRAFT

(x) type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping;
(xi) location of common or public outdoor amenity areas;
(xii) any existing vegetation to be retained;
(xiii) location of all existing and proposed walkways and sidewalks;
(xiv) location of facilities for the storage of solid waste;
(xv) location of areas that are unsuitable for development as determined by a land suitability study;
(xvi) location and type of any existing and proposed easements on and abutting the site;
(xvii) type, location and size of existing sign structures;
(xviii) type and location of lighting in all parking facilities, driveways and walkways; and
(xix) an overlay of the sub area boundaries shown on Schedule E.

(d) Front, side and rear building elevations;
(e) A letter provided by the applicant indicating the owner agrees to maintain the terms of the site plan;
(f) Stormwater Management and Erosion and Sedimentation Control Plans showing the sequence of construction, erosion and sedimentation control measures, and interim stormwater management measures to be put in place prior to and during construction;
(g) A plan showing the sequence of construction including private shared driveway connections, any upgrades to existing public infrastructure, and the land uses the driveways are intended to serve;
(h) A traffic impact study as required under Section 15A.2.2.1. An addendum to the traffic study may be required at the discretion of the Development Engineer. Any required addendum to the traffic study shall be prepared by a Professional Engineer and shall address all matters detailed in Section 15A.2.2.1;
(i) Design of any private shared driveway prepared by a Qualified Professional;
(j) Land suitability study prepared by a Qualified Professional that identifies areas suitable for development and areas that shall be avoided with consideration of access to the site, soil conditions, steepness of grades, geological conditions, locations of watercourses, on-site services, marshes or bogs, and susceptibility to flooding; and
(k) Any other information the Development Officer deems necessary to evaluate the proposal.

15A.7.4 The notification distance for a site plan approval application in the MOD Zone shall be increased to 100 m (328 ft.) from the property boundary of the lot that is the subject of the application.

15A.7.5 The Development Officer shall approve a site plan application where the following matters have been addressed by the applicant:

(a) <u>Location of Structures on a Lot:</u>
(i) Buildings shall be located in a matter such that main entrances of a building shall be parallel to a public street or private shared

driveway unless the areas unsuitable for development, as determined by a land suitability study, do not permit.

(ii) The location of buildings shall avoid areas unsuitable for development as determined by a land suitability study.

(iii) Buildings that are accessed by the same driveway from a public street shall be clustered where possible.

(b) <u>Location of Driveway Accesses</u>

(i) Where more than one access to a public street is required, the accesses shall be located at opposite ends of the development.

(c) <u>Retention of Existing Vegetation and Landscaping Elements</u>

(i) Existing vegetation shall be retained, except for the development of permitted uses, amenity areas, landscaped areas, parking, walkways, public streets or driveway accesses, to buffer the development from adjacent uses.

(ii) Outdoor private amenity areas shall include balconies, decks, landscaped yards, or similar area.

(iii) Outdoor common amenity area shall include courtyards, walkways, community gardens, outdoor landscaped gathering spaces with furniture, or similar area.

(iv) Landscaped areas shall consist of shrubs, trees, perennials, annuals, other plantings, grass, mulch, gravel, pavers, natural ground covers such as water features, stone (washed or flat), mulch, or combination. Existing trees and shrubs may be incorporated into the landscaped area.

(v) Where a parking lot for a medium-rise residential, commercial, or mixed use building abuts existing residential uses, such parking facilities shall be screened by a vegetated buffer or fence.

(vi) Parking lots with 20 or more parking spaces shall have 10 percent of their area landscaped such that the parking lots do not have groups of parking spaces greater than 20 in an uninterrupted lot.

(d) <u>Location of Walkways:</u>

(i) Walkways shall be provided between the following to develop an active transportation network on lands zoned MOD:

i. Medium-rise residential uses and non-residential uses;

ii. parking lots and the main entrance of a building;

iii. buildings and the Municipal pedestrian network; and

iv. buildings and a transit stop.

(ii) Pedestrian walkways shall be located between pedestrian and vehicular movements in all parking lots that have greater than 20 parking stalls.

(iii) Walkways shall be clearly delineated and separate from vehicular circulation areas by using landscaping, curb, crusher dust, painted line or a hard surface such as asphalt, pavers, or concrete.

(iv) Crossing distances of walkways or active transportation connections over vehicular circulation areas shall be minimised by

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crossing at the narrowest part of a parking lot or private shared driveway.

(v) Walkways shall be able to accommodate mobility devices such as walkers, wheelchairs and scooters.

(e) <u>Type and Location of Outdoor Lighting:</u>

(i) All lighting devices shall be designed to direct light to driveways, parking facilities and loading space, building entrances and walkways, and arranged to divert the light away from streets, adjacent lots, and buildings.

(ii) Different types of lighting shall be provided, such as flush mount lighting for building accent, or ground-oriented lighting along walkways.

(iii) Lighting shall comprise full cut-off fixtures that are properly shielded to reduce the spillover of lighting onto adjacent properties.

(f) <u>Location of Facilities for the Storage of Solid Waste</u>

(i) Solid waste storage shall be located so they are not visible from adjacent uses, surrounding properties, or the public street.

15A.7.6 <u>Provisions for Maintenance</u>

All matters considered by site plan approval shall be adequately maintained. Parking lots shall make provisions for the stockpiling of snow to prevent the reduction in the number of parking spaces and obstruction of loading areas.

15A.7.7 The following shall be exempt from site plan approval:

(a) Temporary construction uses;

(b) Exterior renovations and additions provided that:

(i) the street facing or private shared driveway facing facades are not changed; and

(ii) the addition has a gross floor area of 75 sq. m (807.3 sq. ft) or less;

(c) Interior renovations;

(d) Signs;

(e) Steps, stairs or other building entrance features;

(f) Accessory structures;

(g) Change of use or tenancy; and

(h) Commercial uses within the existing buildings within Sub Area A.

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PART 16: C-1 (NEIGHBOURHOOD BUSINESS) ZONE (RC-May 11/99;E-Jun 26/99)

16.1 C-1 USES PERMITTED

No development permit shall be issued in any C-1 **(Neighbourhood** Business**) (RC-May 11/99;E-Jun 26/99) Zone except for the following:**

Commercial Uses
Existing variety stores;
Existing food stores;
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)

Additional Neighbourhood Business Uses Permitted on Properties Described as 363 Caldwell Road (PID# 403311), 369 Caldwell Road (PID#40714818), and 404 Caldwell Road (PID#40124745)

- **professional / business offices (e.g. legal, insurance, real estate)**
- **personal service shops (e.g. tailor, hair salon)**
- **specialty retail (e.g. bakery, deli, gifts)**
- **cafe / coffee shops (may include drive-thru window)**
- **medical / veterinary offices (RC-May 11/99;E-Jun 26/99)**

Additional Neighbourhood Business Uses permitted on PID 40143646:

- **professional / business offices (e.g. legal, insurance, real estate);**
- **personal service shops (e.g. tailor, hair salon), which shall not include tattoo parlours or massage parlours;**
- **specialty retail (e.g. bakery, deli, gifts), which shall not include pawn shops;**
- **medical offices; and**
- **veterinary offices, which shall not include the boarding of any animal, whether daily or overnight, except for animals that require boarding for medical purposes.**

(HECC–Dec 2/10;E–Dec 25/10)

16.2 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 (557.4 m^2)
	on-site services	20,000 square feet (1858.1 m^2)
Minimum Frontage:	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		25 feet (7.6 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)

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16.3 OTHER REQUIREMENTS: **NEIGHBOURHOOD BUSINESS USES (RC-May 11/99;E-Jun 26/99)**

Where uses are permitted as **Neighbourhood Business Uses (RC-May 11/99;Jun 26/99)** in any C-1 Zone, the following shall apply:

(a) The gross floor area of any permitted commercial building in any C-l Zone, including any floor area devoted to a permitted dwelling unit, shall not exceed three thousand (3,000) square feet (278.7 m^2).
(b) The maximum gross floor area of any permitted commercial use in any C-l Zone shall not exceed fifteen hundred (1,500) square feet (139.4 m^2).
(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(d) Except where any lot in any C-1 Zone abuts another lot in a C-1 Zone, no portion of any parking space within the C-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.
(e) No open storage or outdoor display shall be permitted.

16.3A SIGNAGE REQUIREMENTS: NEIGHBOURHOOD BUSINESS USES (RC-May 11/99;E-Jun 26/99)

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

(a) one ground sign shall be permitted on a lot containing a maximum of two (2) sign faces, a maximum sign face area of 25 square feet per sign face, and with a maximum overall sign height of 15 feet;
(b) facia and/or awning signage shall be permitted;
(c) no roof signs shall be permitted;
(d) moveable letter signage shall be permitted within the ground sign provided the overall sign area is not exceeded; and
(e) no portable or moveable signs shall be permitted.

16.3B PARKING REQUIREMENTS: NEIGHBOURHOOD BUSINESS USES (RC-May 11/99;E-Jun 26/99)

Notwithstanding Section 4.25, where uses are permitted as Neighbourhood Business Uses in any C-1 Zone, the minimum number of off-street parking spaces required for a neighbourhood business use shall be the sum-total number determined by application of the following standards:

(a) two spaces / dwelling unit;
(b) two spaces / person performing a personal service;
(c) five spaces / patient oriented professional service;
(d) one space / two employees not including persons covered by (b) and (c);

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(e) one space / two hundred square feet of floor space devoted to a non-residential uses not included in (b), or (c) excluding areas used for such things as storage or bathrooms; and

(f) in no case shall less than three off-street spaces be provided for each non-residential use.

16.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any C-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 accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.

(c) 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) gross floor area.

(d) 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 or which is obnoxious.

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

(f) No more than one (1) sign, which shall be affixed to the main dwelling, 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 (13.9 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.

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PART 17: C-2 (GENERAL BUSINESS) ZONE

17.1 C-2 USES PERMITTED

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

Commercial Uses
Retail stores;
Food stores;
Service and personal service shops;
Offices;
Commercial schools;
Banks and financial institutions;
Restaurants except drive-in or take-out restaurants;
Theatres and cinemas except drive-in theatres;
Motels, hotels and motor inns;
Funeral establishments;
Taxi and bus depots;
Parking lots;
Veterinary hospitals and indoor kennels;
Existing service stations;
Existing building supply outlets.
Automotive repair uses (minor) (RC-May 11/99;E-Jun 26/99)
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

Residential Uses
Existing dwellings;
Shared housing use with 30 or fewer bedrooms; (RC-Aug 9/22;E-Sep 15/22)
Multiple unit dwellings containing no more than twelve (12) dwelling units.

Community Uses
Open space uses;
Institutional uses;
Fraternal centres and halls.

17.2 C-2 ZONE REQUIREMENTS: COMMERCIAL

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

Minimum Lot Area:	6,000 square feet ($557.4\ m^2$)
Minimum Frontage:	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m)

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Minimum Width of Main Building 20 feet (6.1 m)

17.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

Notwithstanding the provisions of Section 17.1, no commercial building within any C-2 Zone shall exceed ten thousand (10,000) square feet (929 m^2) of gross floor area.

17.4 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-2 Zone, the following shall apply:

(a) No outdoor storage shall be permitted and outdoor display shall be restricted to the temporary or seasonal display of plant materials or perishable goods normally associated with retail uses permitted under the provisions of Section 17.1 provided that no such display area is located within any parking area required pursuant to Part 4 of this by-law. (CHWEPCBCC-Mar 28/96;E-Apr 25/96)

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

(c) No portion of any parking space shall be located in any required rear yard.

(d) Notwithstanding subsection (a), in the case of existing building supply outlets:

(i) No open storage or outdoor display shall be permitted in any required front yard or flankage yard;

(ii) Where any side or rear property line abuts any Residential Zone, no open storage shall be permitted in any side yard or rear yard except where an opaque fence, measuring at least eight (8) feet (2.4 m) has been erected; and

(iii) No open storage shall be permitted within six (6) feet (1.8 m) of any side or rear property line or be permitted to exceed eight (8) feet (2.4 m) in height within fifteen (15) feet (4.6 m) of any side or rear property line.

(e) Access to a lot shall only be from Cole Harbour Road, Cumberland Drive or Forest Hills Drive.

(f) For any new or expanded commercial use which is adjacent to property that is zoned for or used for residential or community uses, a visual screen shall be provided in accordance with the following:

(i) <u>Materials</u> - shall contain either a vegetative screen, an opaque fence, or a combination of both natural and manmade materials which will form an effective year-round screen.

(ii) <u>Height</u> - screening shall be at least five (5) feet in height. Plant materials, when planted, shall not be less than three and one-half (3 1/2) feet in height if of a species or variety which shall attain the required height within three (3) years of planting. Height shall be measured from the finished grade.

(iii) <u>Width</u> - screening shall be in a strip of landscaped open space a minimum of four (4) feet in depth running the entire length of the adjacent property line.

(iv) <u>Maintenance</u> - all required plant materials shall be maintained and planting areas kept free of litter. All required fences shall be maintained in good repair and appearance and repaired or replaced when necessary. (RC-May 11/99;E-Jun 26/99)

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(g) For any new or expanded commercial use, the following landscaping provisions shall apply:

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

(ii) Landscaping shall consist of grass and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width. All landscaping materials shall be maintained. (RC-May 11/99;E-Jun 26/99)

(h) Automotive repair uses, (minor) and (major), shall be wholly contained within a building. (RC-May 11/99;E-Jun 26/99)

17.5 C-2 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	6,000 square feet (557.4 m^2) plus 1,500 square feet (139.4 m) per dwelling 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**

17.6 OTHER REQUIREMENTS: MULTIPLE UNIT DWELLINGS **AND SHARED HOUSING USE (RC-Aug 9/22;E-Sep 15/22)**

Where multiple unit dwellings **or shared housing use (RC-Aug 9/22;E-Sep 15/22)** are erected in any C-2 Zone, the following shall apply:

(a) An amenity area of not less than one hundred (100) square feet (30.5 m) per dwelling unit **or per bedroom in a shared housing use (RC-Aug 9/22;E-Sep 15/22)** shall be provided.

(b) Where any multiple unit dwelling **or shared housing use (RC-Aug 9/22;E-Sep 15/22)** is to be erected in a C-2 Zone on lands which abut any residential zone except an R-4 (Multiple Unit Dwelling) Zone, no portion of any parking space shall be provided within the **yard which abuts the residential zone (RC-Aug 9/22;E-Sep 15/22)** except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within five (5) feet (1.5 m) of the abutting residential zone.

(c) Access to a lot shall only be from Cole Harbour Road, Cumberland Drive or Forest Hills Drive.

(d) Notwithstanding 17.6 (a) through (c), a shared housing use may be located within an existing dwelling subject only to the requirements which apply to the existing dwelling. (RC-Aug 9/22;E-Sep 15/22)

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17.7 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 21 as are applicable.

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PART 17A: C-3 (SHOPPING CENTRE) ZONE

17A.1 <u>C-3 USES PERMITTED</u> (RC-Jul 5/11;E-Oct 8/11)

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

Commercial Uses:
Retail stores;
Food stores;
Service and personal service shops;
Offices;
Commercial schools;
Banks and financial institutions;
Restaurants except drive in or take out restaurants;
Theatres and cinemas;
Veterinary hospitals and accessory indoor kennels.

17A.2 <u>OTHER REQUIREMENTS: ADDITIONAL FLOOR AREA AND LOTS</u> (RC-Jul 5/11;E-Oct 8/11)

No additions to existing buildings, or the subdivision of parcels to accommodate smaller freestanding uses or buildings, shall be considered except through the development agreement process.

17A.3 <u>OTHER REQUIREMENTS: COMMERCIAL USES</u> (RC-Jul 5/11; E-Oct 8/11)

Where uses are permitted as Commercial Uses in any C-3 Zone, the following shall apply:

(a) No outdoor storage shall be permitted and outdoor display shall be restricted to the temporary or seasonal display of plant materials or perishable goods normally associated with retail uses permitted under the provisions of Section 17A.1 provided that no such display area is located within any parking area required pursuant to Part 4 of this by-law.
(b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened from view from adjacent residential properties or public roads.
(c) No portion of any parking or loading space shall be located in any required rear yard.
(d) Access to a lot shall only be from Cole Harbour Road or Forest Hills Parkway.
(e) Signs on buildings shall comply with the requirements of Part 5 of this bylaw. No new ground signs are permitted, except incidental signs as specified by Section 5.5.

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PART 18: C-4 (HIGHWAY COMMERCIAL) ZONE

18.1 C-4 USES PERMITTED

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

Commercial Uses
Retail stores;
Food stores;
Service and personal service shops;
Banks and financial institutions;
Restaurants;
Outdoor display courts;
Hotels, motels and motor inns;
Indoor commercial recreation uses;
Funeral establishments;
Service stations;
Taxi and bus depots;
Parking lots;
Greenhouses and nurseries;
Veterinary hospitals and kennels;
Re-cycling depots.
Car Washes (HEMCC-Oct. 2/14; E-Nov 1/14)
Offices (RC-Aug 14/18; E-Sep 15/18)
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

Commercial Uses permitted only on lands identified in Appendix "F"
Automotive Repair
Self-storage facility
Warehousing, displaying, wholesaling and retailing of building materials, products or related machinery and equipment
(RC-Aug 14/18; E-Sep 15/18)

Community Uses
Open space uses;
Institutional uses;
Fraternal centres and halls.

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

18.2 C-4 ZONE REQUIREMENTS: COMMERCIAL USES

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

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Minimum Lot Area:	central services - 10,000 square feet (929.0 m^2) on-site services - 20,000 square feet (1858.1 m^2)
Minimum Frontage:	150 feet (45.7 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Lot Coverage	50 percent

18.2A <u>C-4 ZONE REQUIREMENTS: APPENDIX "F" (RC-Aug 14/18; E-Sep 15/18)</u>

Notwithstanding Section 18.2, where C-4 uses are permitted on lands identified in Appendix "F", no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard	**9.1 metres (30 feet)**
Minimum Rear or Side Yard	**6.1 metres (20 feet)**
Minimum Distance Between Buildings	**3.6 metres (12 feet)**
Maximum Building Height	**10.7 metres (35 feet)**
Maximum Lot Coverage	**50 percent**

18.3 <u>OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA</u>

(a) No commercial buildings in any C-4 Zone shall exceed ten thousand (10,000) square feet (929 m^2) of gross floor area.

(b) Notwithstanding Subsection 18.3 (a), commercial buildings located on lands identified in Appendix "F" may exceed 929 square metres (10,000 square feet) of gross floor area, provided that the development meets the requirements of Section 18.2A. (RC-Aug 14/18; E-Sep 15/18)

18.4 <u>OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY</u>

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

(a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
(b) No open storage shall be permitted within any required front yard.
(c) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential zone or community uses zone, except where a fence or other visual barrier is provided.

18.5 <u>OTHER REQUIREMENTS: SERVICE STATIONS</u>

Notwithstanding the provisions of Sections 18.2 and 18.7, where a service station is erected in any C-4 Zone, the following shall apply:

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Minimum Lot Area:	30,000 square feet (2787.0 m^2)
Minimum Frontage:	150 feet (45.7 m)
No portion of a pump island shall be located closer that:	20 feet (6.1 m) from any street line
Minimum distance between ramps or driveways	30 feet (9.1 m)
Minimum distance from a ramp or drive-way to a road intersection	50 feet (15.2 m)
Minimum angle of intersection of a ramp to a road line	45 degrees
Width of a ramp:	minimum 20 feet (6.1 m) Maximum 26 feet (7.9 m)

18.6 C-4 ZONE REQUIREMENTS: COMMUNITY USES

In any C-4 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 21 as are applicable.

18.7 OTHER REQUIREMENTS: COMMERCIAL ACCESS

Unless otherwise required by the Provincial Department of Transportation and Communications, all uses which are permitted uses in any C-4 Zone with the exception of service stations, shall be permitted not more than one (1) access onto Provincial Highway No. 7 for each lot.

18.8 EXISTING MULTIPLE UNIT DWELLINGS

Notwithstanding Section 18.1, existing multiple unit dwellings shall be a permitted use within the C-4 Zone. Subject to the requirements of Section 18.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

Civic Address	LRIS No.	Maximum Number of Dwelling Units
662 Preston Road	619171	3

18.9 OTHER REQUIREMENTS: BUFFERING AND SCREENING
(C-Oct 30/97;E-Nov 29/97)

(a) In any C-4 Zone where commercial uses, including buildings, parking, outdoor display, or open storage are to be expanded, constructed or located on a lot which is adjacent to property that is zoned or used for residential or community uses, a buffer shall be provided. The buffer shall consist of a grassed landscaped area that is:

(i) a minimum of twenty (20) feet in depth running the entire length of the adjacent property line and shall contain a vegetation screen consisting of at least two staggered rows of coniferous trees which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;

(ii) notwithstanding Subsection 18.9(a) (i), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6)

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feet in height is provided along the common property boundary and the grassed landscaped area shall contain of a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing;

(iii) the landscaped area shall be properly maintained and kept free of litter; and

(iv) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.

(b) Notwithstanding Subsection 18.9(a), for any expansion or construction of a C-4 Zone use which is located adjacent to Loon Lake, the buffer shall consist of a grassed landscaped area that is:

(i) a minimum of ten (10) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge and shall contain either a mix of balled and burlapped shrubs that are a minimum of 40 cm in height and planted at a maximum spacing of four (4) feet on centre, or a single row of coniferous trees which are at least four (4) feet in height and at a maximum spacing of eight (8) feet on centre, or a combination of coniferous trees and shrubs at the required spacing;

(ii) the landscaped area shall be properly maintained and kept free of litter; and

(iii) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.

(c) Notwithstanding Subsection 18.9(a) and (b), for any expansion or construction of a C-4 Zone use which is located on lands identified as PID 00638460, PID 00619775, PID 00619627, and PID 00619502 which are adjacent to Loon Lake, the buffer shall consist of the retention of existing vegetation that is:

(i) a minimum of fifty (50) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge;

(ii) no structures, parking, storage or open display shall be permitted within the buffer area.

(d) Notwithstanding Subsection 18.9(a) or (b), a buffer shall not be required under the following conditions:

(i) where a change in occupancy does not increase the amount of parking, or open storage, or outdoor display within the commercial lot; or

(ii) where an addition to a commercial building does not increase its square footage more than five (5) percent of the total gross floor area, and provided there is no increase in the amount of parking, or open storage, or outdoor display within the commercial lot as a result of this addition.

(e) Notwithstanding Subsections 18.9(a), for any expansion or construction of a use permitted on lands identified in Appendix "F", the developer shall maintain a fence of at least 1.8 metres (6 feet) in height parallel to the property lines and within the required yard, where the property abuts residential development. (RC-Aug 14/18; E-Sep 15/18)

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PART 19: I-l (LIGHT INDUSTRY) ZONE

19.1 I-l USES PERMITTED

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

Nurseries and greenhouses;
Truck terminals;
Warehousing;
Construction storage yards;
Service industries;
Light manufacturing operations.
Composting operations (refer to Section 4.29) (MC-Feb 26/96;M-Mar 28/96)

19.2 I-l ZONE REQUIREMENTS:

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

Minimum Lot Area:	central services - 6,000 square feet (557.4 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 (7.6 m)
Minimum Rear or Side Yard	25 feet (4.6 m)
Maximum Lot Coverage	50 percent

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PART 20: P-1 (OPEN SPACE) ZONE

20.1 P-1 USES PERMITTED

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

Open Space Uses
Public and private parks and playgrounds; Cemeteries; Historic sites and monuments.

20.2 P-1 ZONE REQUIREMENTS

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

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

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NOTE: WHERE IT HAS BEEN DETERMINED THAT A PROPERTY IS ZONED "P-2*", AS IDENTIFIED ON THE ZONING MAP - SCHEDULE A, REFERENCE SHOULD BE MADE TO THE DOCUMENT APPROVED BY THE MINISTER IN 1982

PART 21: P-2 (COMMUNITY FACILITY) ZONE

21.1 P-2 USES PERMITTED

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

Institutional Uses
Educational institutions and uses;
Denominational institutions and uses;
Day care facilities;
A single dwelling unit in conjunction with a denominational institution or day care facility;
Fire and police stations;
Shared housing use with 10 or fewer bedrooms; (RC-Aug 9/22;E-Sep 15/22)
Government offices and public works;
Hospitals and medical clinics;
Public libraries, museums and galleries;
Community centres and halls;
Recreation uses;
Funeral establishments in conjunction with a cemetery (CHWEPCBCC-Aug 19/96;E-Sep 15/96)
Existing shared housing with special care (RC-Aug 9/22;E-Sep 15/22)

Open Space Uses
Public and private parks and playgrounds;
Cemeteries;
Historic sites and monuments.

21.2 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 - 10,000 square feet (929.0 m^2) on-site services - 20,000 square feet (1858.1 m^2)
Minimum Frontage:	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	1/2 the height of the main building
Maximum Lot Coverage	50 percent

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21.2A <u>OTHER REQUIREMENTS: FUNERAL ESTABLISHMENTS AND CEMETERIES</u> (CHWEPCBCC-Aug 19/96;E-Sep 15/96)

Where funeral establishments and cemeteries are permitted in any P-2 Zone, the following shall apply:

(a) The funeral establishments shall be located on the same lot as a cemetery, and the gross floor area of the building shall not exceed ten (10) percent of the lot area;

(b) Vehicle access to any property which is to contain a funeral establishment shall be from a designated collector or arterial street only;

(c) Any building used for the purposes of a funeral establishment or cemetery maintenance (including an equipment or storage area) shall be located a minimum or fifty (50) feet from any abutting residentially zoned property;

(d) Where a funeral establishment or a parking lot (inclusive of driveways and driving aisles) for a funeral establishment is to be located on a lot which is adjacent to property which is zoned for residential use, a landscaped yard of at least thirty (30) feet in width shall be provided, except where an opaque fence of at least six (6) feet in height is provided along the common property boundary the landscaped yard may be reduced to fifteen (15) feet. For the purposes of this section, landscaping shall consist of either the retention of existing tree cover, or the planting of a mix of nursery-stock trees and shrubs.

21.3 <u>P-2 ZONE REQUIREMENTS: OPEN SPACE USES</u>

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 20.

21.4 <u>SHARED HOUSING WITH SPECIAL CARE</u> (RC-Aug 9/22;E-Sep 15/22)

Additions which create no extra beds shall be permitted for existing shared housing with special care (RC-Aug 9/22;E-Sep 15/22) located on Circassion Drive and Chameau Crescent, subject to the requirements of the P-2 Zone.

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PART 22: P-3 (PROVINCIAL PARK) ZONE

22.1 P-3 USES PERMITTED

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

Park Uses
Conservation related uses;
Recreation uses;
Public and private parks and playgrounds.

Other Uses
Existing dwellings and recreational uses identified in Appendix "E";
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Home business uses in conjunction with permitted dwellings;
Uses accessory to permitted dwellings and recreational uses.

22.2 P-3 ZONE REQUIREMENTS

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

Minimum Lot Area:	20,000 square feet (1858.1 m^2)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Height of Main Building	35 feet (10.7 m)

22.3 OTHER REQUIREMENTS: HOME BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling which is the principle residence of the operator of the business;
(b) No more that twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business occupy more than three hundred (300) square feet (27.9 m^2).
(c) No open storage or outdoor display shall be permitted.
(d) 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.
(e) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.
(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 business.

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22.4 <u>CONDITION: DEVELOPMENT PERMIT</u> (Deleted: RC-Aug 9/22;E-Sep 15/22)

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

22A.1 RPK USES PERMITTED

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

Park Uses
Recreation uses
Conservation uses
Uses accessory to the foregoing uses

Other Uses
Existing dwellings and recreational uses identified in Appendix "E"
Home business uses in conjunction with permitted dwellings
Uses accessory to permitted dwellings and recreational uses

22A.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	**9.14 m**
Minimum Side or Rear Yard:	**6.1 m**
Maximum Lot Coverage:	**50% for lots less than 4 ha in area,** **or** **5% for lots 4ha or more in area**
Maximum Height of Main Building:	**10.7 m**
Maximum Building Size:	**305m^2**

22A.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any RPK Zone, the following shall apply:

(a) Any business shall be wholly contained within the dwelling which is the principle residence of the operator of the business;
(b) No more that twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business occupy more than three hundred (300) square feet (27.9 m^2).
(c) No open storage or outdoor display shall be permitted.
(d) 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.
(e) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.

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(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 business.

22A.4 <u>CONDITION: DEVELOPMENT PERMIT</u>

Notwithstanding anything else in this By-law, no development permit shall be issued in any RPK Zone except where a Regional Development Permit has been issued.

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PART 23: PWS (PROTECTED WATER SUPPLY) ZONE (RC-Jun 25/14;E-Oct 18/14)

23.1 PWS USES PERMITTED

No Development Permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Municipal water distribution or purification facilities
Public parks involving no buildings
Conservation uses
Uses accessory to the foregoing uses
Single unit dwellings

23.2 PWS ZONE REQUIREMENTS

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

Minimum Lot Area:	**7432.2 m^2**
Minimum Frontage:	**61 m**
Minimum Front or Flankage Yard:	**6.1 m**
Minimum Rear or Side Yard:	**2.4 m**
Maximum Lot Coverage:	**35%**
Minimum Height of Main Building:	**10.7 m**

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PART 24: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)

24.1 CDD USES PERMITTED

No development permit shall be issued in any CDD (Comprehensive Development District) except for residential uses, or **neighbourhood business (RC-May 11/99;E-Jun 26/99)** uses, community facilities and/or parks in association with residential uses, which comprise a comprehensive development of five (5) or more acres (2 hectares). Major commercial uses and general industrial uses are specifically prohibited within any CDD, except according to Policies HC-7 and HC-8 of the Municipal Planning Strategy for Cole Harbour/Westphal.

24.2 CDD REQUIREMENTS

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

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PART 24A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

24A.1 <u>CD -1 USES PERMITTED</u>

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

24A.2 <u>CD-1 ZONE REQUIREMENTS</u>

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

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

24A.3 <u>OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS</u>

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

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

(b) notwithstanding Section 24A.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 24A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

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24A.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

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

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

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

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

(d) notwithstanding Section 24A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

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

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

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

24A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

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

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

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

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

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

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

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

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

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

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

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

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

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PART 24D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

24D.1 <u>ICH USES PERMITTED</u>

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
Open Space Uses

24D.2 <u>ICH ZONE REQUIREMENTS</u>

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

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PART 24E: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

21E.1 <u>UR USES PERMITTED</u>

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

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
Passive recreation uses
Uses accessory to the foregoing uses

21E.2 <u>UR ZONE REQUIREMENTS</u>

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

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

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PART 25: ADMINISTRATION

25.1 ENFORCEMENT

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

25.2 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 permit is applied for;
   - (iii) The location of every building or structure already erected on or partly on such lots, and the location of every building upon contiguous lots;
   - (vi) The proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
   - (v) Other such information as may be necessary to determine whether or not every such building, development, re-construction or redevelopment conforms with the requirements of this By-law.

(b) Where the Development Officer is unable to determine whether the proposed 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.

25.3 SIGNATURE FOR APPLICATION

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

25.4 PENALTY

Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Sections 120, 121 and 122 of the Planning Act.

25.5 DATE OF BY-LAW

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

25.6 SCHEDULE OF FEES

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

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

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Rezoning	$100.00

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

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APPENDIX A: NON CONFORMING USES

NON-CONFORMING USE

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

EXISTING USE

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

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

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

CANCELLATION OF PERMIT

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

ARBITRATION

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

ARBITRATOR

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

RESTRICTION ON NON-CONFORMING USE

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

NO EXTENSION OF NON-CONFORMING USE

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

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CHANGE IN USE

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

CHANGE OF OCCUPANT

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

REPAIR OR MAINTENANCE

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

DESTRUCTION OR DAMAGE

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

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

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

DISCONTINUANCE

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

VARIATION IN SECTION 92 OR 93 RESTRICTIONS

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

POLICIES

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

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

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

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

(d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.

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

IMPLEMENTATION

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

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APPENDIX B: EXISTING INDUSTRIAL USES

Notwithstanding anything else in this By-law, the following uses shall be permitted uses to the extent to which they are in existence on the effective date of this By-law, and any expansion or alteration may be considered in accordance with the Municipal Planning Strategy for Cole Harbour/ Westphal and with the development agreement provisions of the Planning Act.

	CIVIC ADDRESS	LRIS INDEX NUMBER
Tartan Drywall Limited	Caldwell Road	403634
Robert Jordan Wholesale Outlet	12 Barbara Drive	622464
Jessie C. Beck Welding Shop	263 Astral Drive	405092
Sutherland's Home Improvements	1284 Highway No. 7	40166373
Ednah Conrod Consumer Glass Services	Montague Mines Road	462481
Eagles & Radcliffe Printing	32 Bissett Road	402578 402560
A.R. Hemming Building Systems Limited	Highway No. 7	650689
Handy Builders Limited General Contracting	154 Salmon River Drive	40187361
Harold S. Cooper Wood Fuel	134 Richardson Drive	40335846
J & D Repair Auto Repair	37 Chris Evan Drive	40144610

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APPENDIX C: EXISTING SALVAGE YARDS

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

	CIVIC ADDRESS	LRIS INDEX NUMBER
Maurice Robitaille	Ross Road	458307
Ralph Burton Ruggles	Lorne Drive	653956

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APPENDIX D: EXISTING PRIMARY INDUSTRIES

Notwithstanding anything else in this By-law, the following uses shall be permitted uses to the extent to which they are in existence on the effective date of this By-law, and any expansion or alteration may be considered in accordance with the Municipal Planning Strategy for Cole Harbour/ Westphal and with the development agreement provisions of the Planning Act.

	CIVIC ADDRESS	LRIS INDEX NUMBER
Agricultural Uses		
George S. Turner	No. 7 Highway	40166308
Stewart M. Bissett	Bissett Road	40295826 40154106
Frank Conrad	Bissett Road	40099707
Melvin Harris	Bissett Road	402669
Fraser Conrad	Bissett Lake Road	40085136
Douglas Eisener	Bissett Lake Road	40085169
Howard Laurie	Bissett Lake Road	40085193
Scotia Poultry Farms	Bissett Lake Road	400850606
Extractive Uses		
Scotia Valley Land Company Limited	Old Lawrencetown Road	407601
Ella B. Shaw	Old Lawrencetown Road	40161218
George Morash	Old Lawrencetown Road	40162737

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APPENDIX E: P-3 EXISTING USES

Notwithstanding anything else in this By-law, the following uses shall be permitted uses within the P-3 (Provincial Park) Zone, and shall be permitted to be expanded, altered, repaired or replaced.

	CIVIC ADDRESS	LRIS INDEX NUMBER
Dwellings		
Michael and Rosemary Eaton	Bissett Road	402586
Robert and Lourdes T. Heber	Bissett Road	402677
Gerald Strum	Cole Harbour	407676
Recreational Uses		
Edward Matthews (Cottages)	Long Hill	40162679

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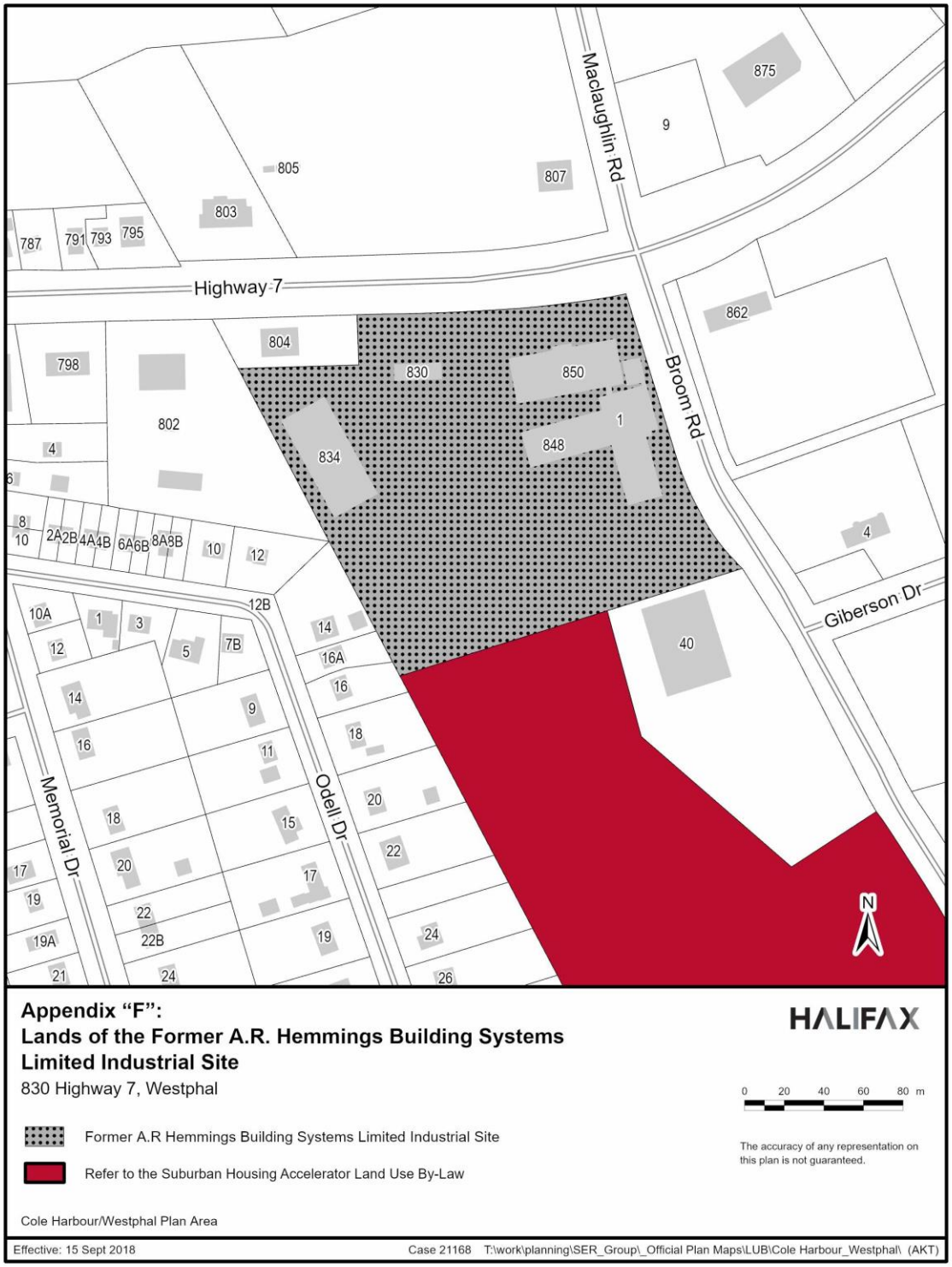
APPENDIX F: LANDS OF THE FORMER A.R. HEMMINGS BUILDING SYSTEMS LIMITED INDUSTRIAL SITE



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

Definitions

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

(a) ACCESSORY STRUCTURE means a structure that is:
- **(i) subordinate, incidental, and devoted to a main use or structure, and**
- **(ii) not attached to any main building;**

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

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

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

(e) BUILDING means every continuous enclosed area with exterior walls on a lot that:
- **(i) is built, erected, and framed of a combination of materials,**
- **(ii) is either portable or fixed,**
- **(iii) has a roof,**
- **(iv) forms a structure for the shelter of persons, animals, or property, and**
- **(v) is located, in whole or in part, above or below grade;**

(f) FLOOR AREA means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
- **(i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,**
- **(ii) any floor area below a ground floor of a building or parking structure,**
- **(iii) elevator shafts,**
- **(iv) accessory structures,**
- **(v) rooftop greenhouses,**
- **(vi) any space open to a floor below, and**
- **(vii) pedways;**

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

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

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

(j) NOT-FOR-PROFIT ORGANIZATION MEANS:

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

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

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

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

(n) PROFESSIONAL ARTIST means an artist who:

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

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

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

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

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

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

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

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

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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:

(a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or

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

<u>Public Benefit Value</u>

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

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

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

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

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(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:

(a) for any money-in-lieu, prior to the development permit being issued; or

(b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

<u>Bonus Zoning Rate</u>

11. The bonus zoning rate for the area identified on Schedule F is $150/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

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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.

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;

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(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 for affordable housing.

18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:

(a) be located on the site of the development, and allow direct public access or viewing of the public art;

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(b) be designed by a professional artist; and
(c) have a minimum cost of $100,000.

20. The following items shall not qualify as public art under Clause 16(h):

(a) interpretive, wayfinding, or other functional signage;
(b) branding or promotional projects;
(c) plaques and supporting infrastructure;
(d) stock and mass-produced items;
(e) memorials, where:
(i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
(ii) the memorial has not been designed and created by a professional artist, or
(iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
(f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

<u>Incentive or Bonus Zoning Agreement</u>

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:

(a) the identification of the development site;
(b) design drawings, provided by the applicant, for any required or provided public benefit;
(c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
(d) the identification of any conditions required by the Municipality before the public benefit is accepted;
(e) where required, provisions for the auditing and reporting of public benefits; and
(f) any other terms or conditions the Development Officer requires.

22. An incentive or bonus zoning agreement shall be signed by the owner.

23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

(a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;

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(b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and

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

24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.

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

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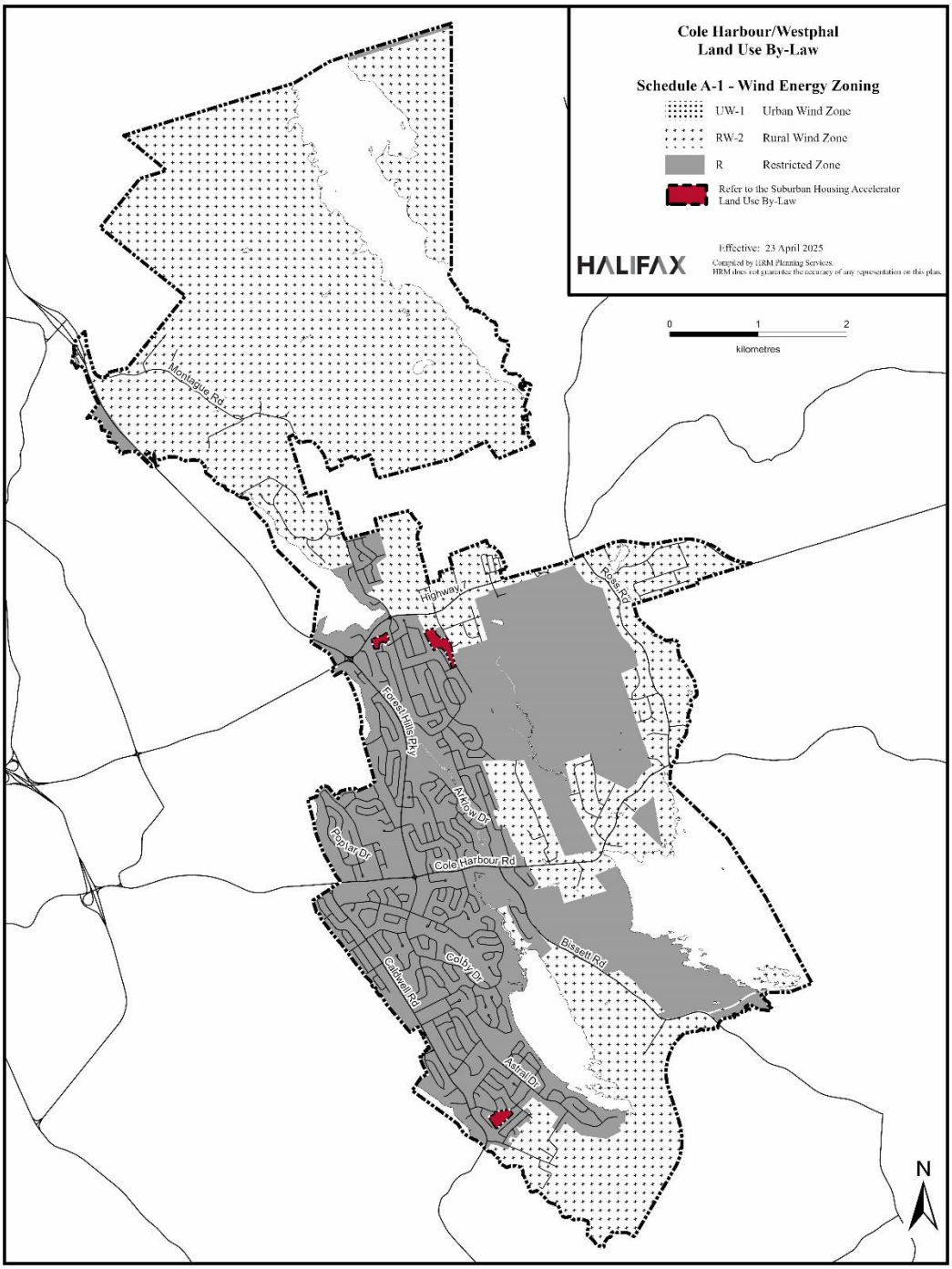
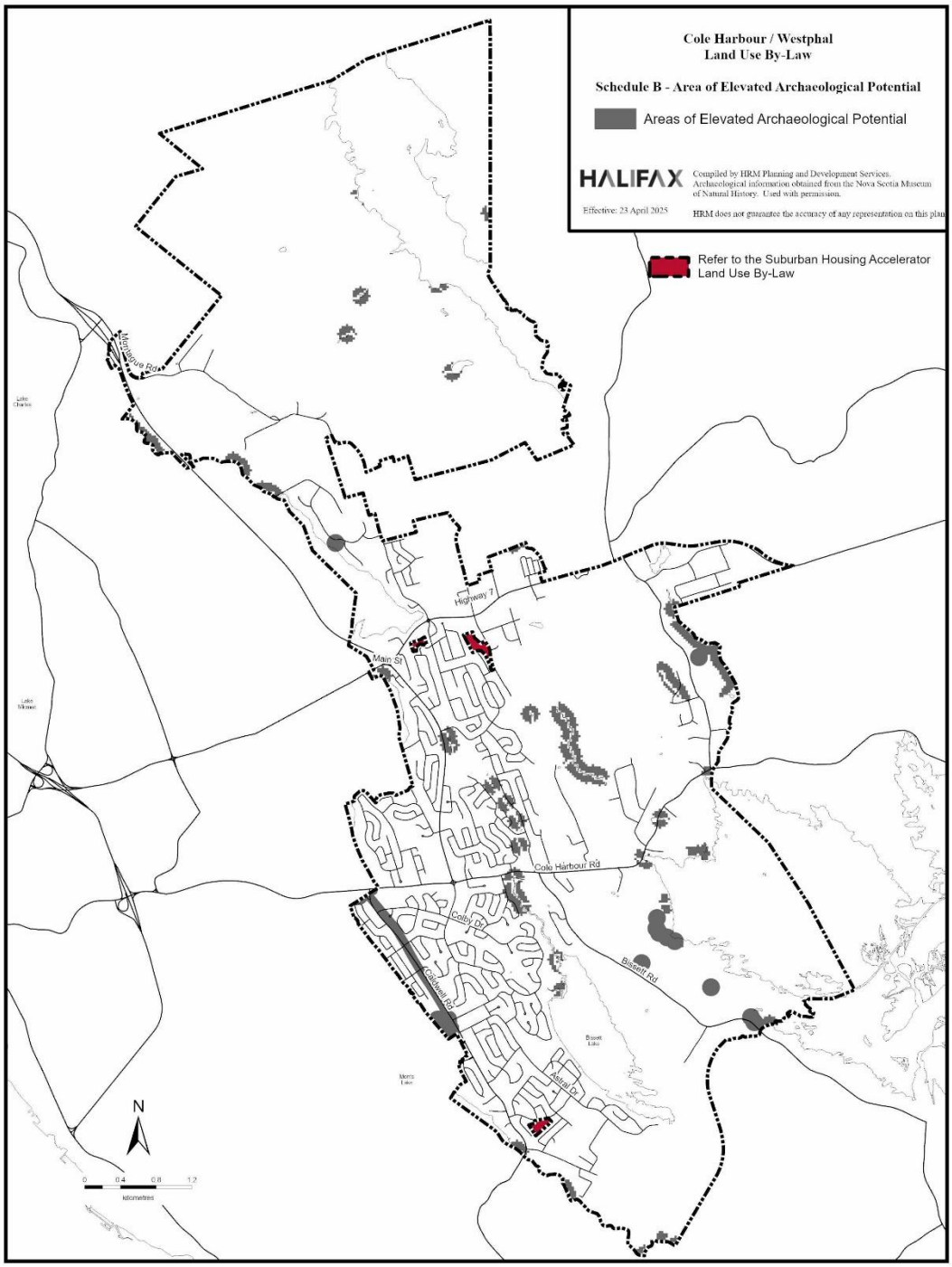
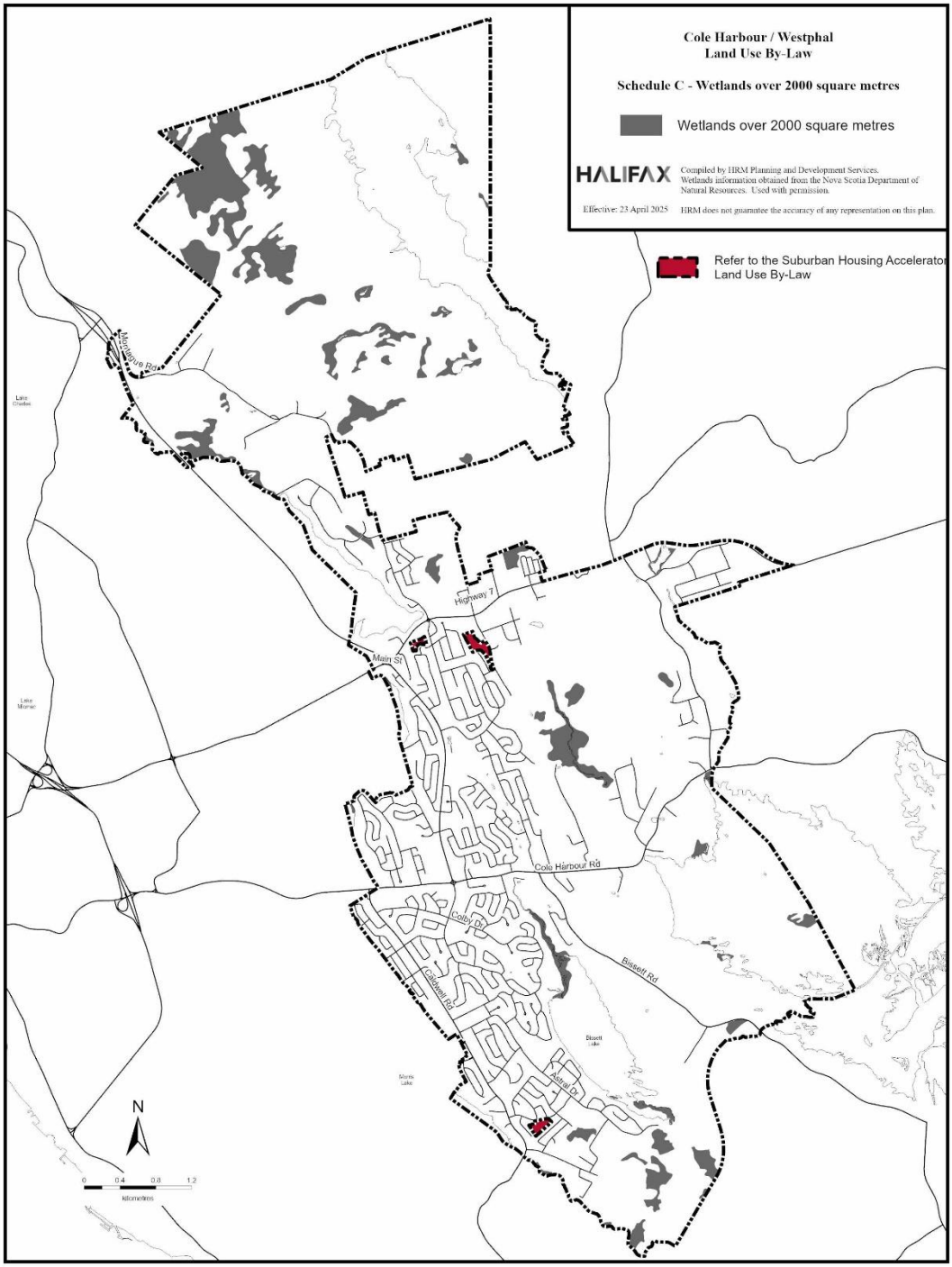
Schedule A-1: Wind Energy Zoning (RC-Feb 15/22; E-Apr 9/22) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25)



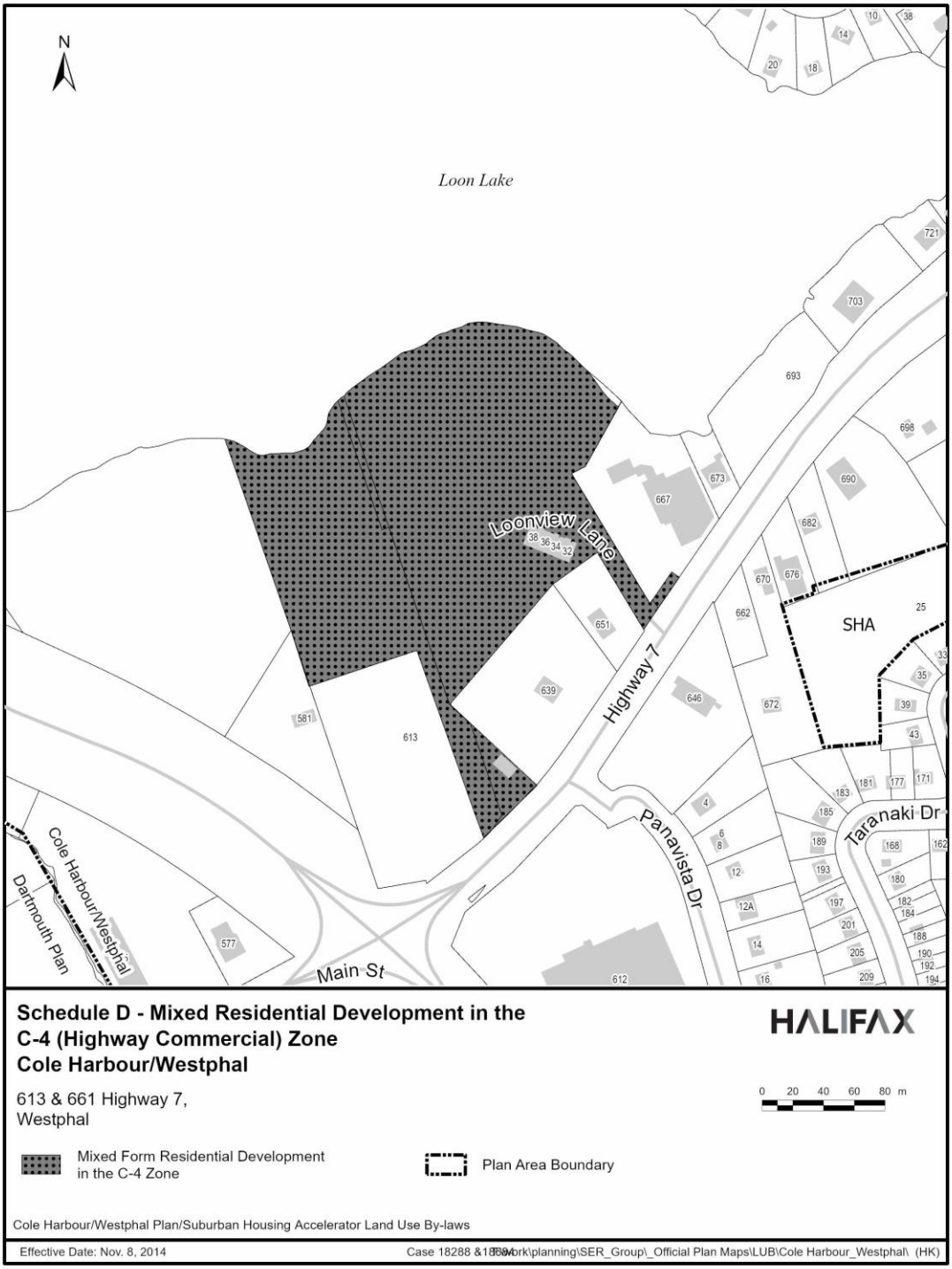
Schedule B: Areas of Elevated Archaeological Potential (RC–Jun 25/14;E–Oct 18/14) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25)



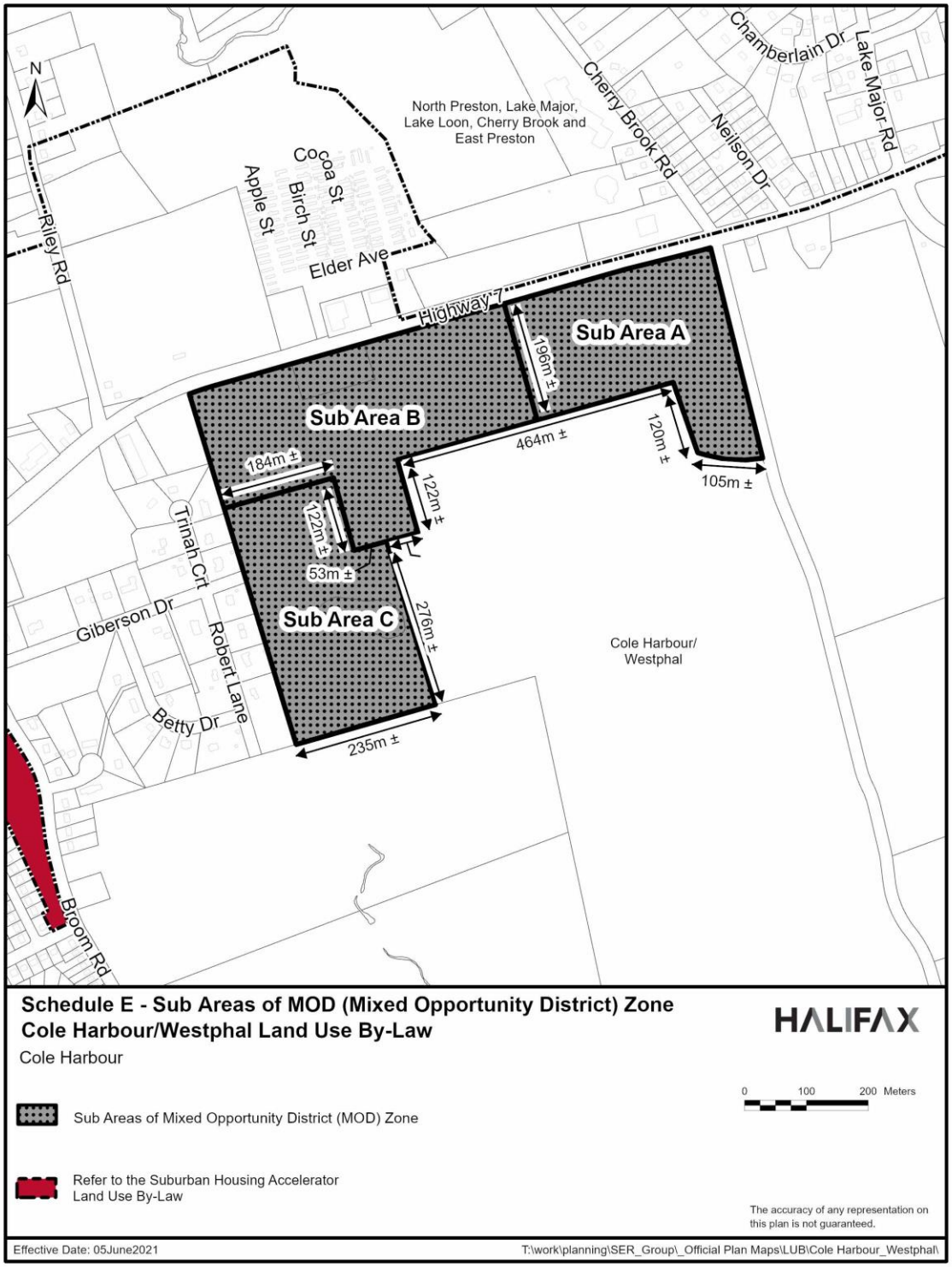
Schedule C: Wetlands (RC-Jun 25/14;E–Oct 18/14) (Special Area Task Force-Jan 26/23;E-Feb 3/23) (RC-Mar 18/25; EFF Apr 23/25)



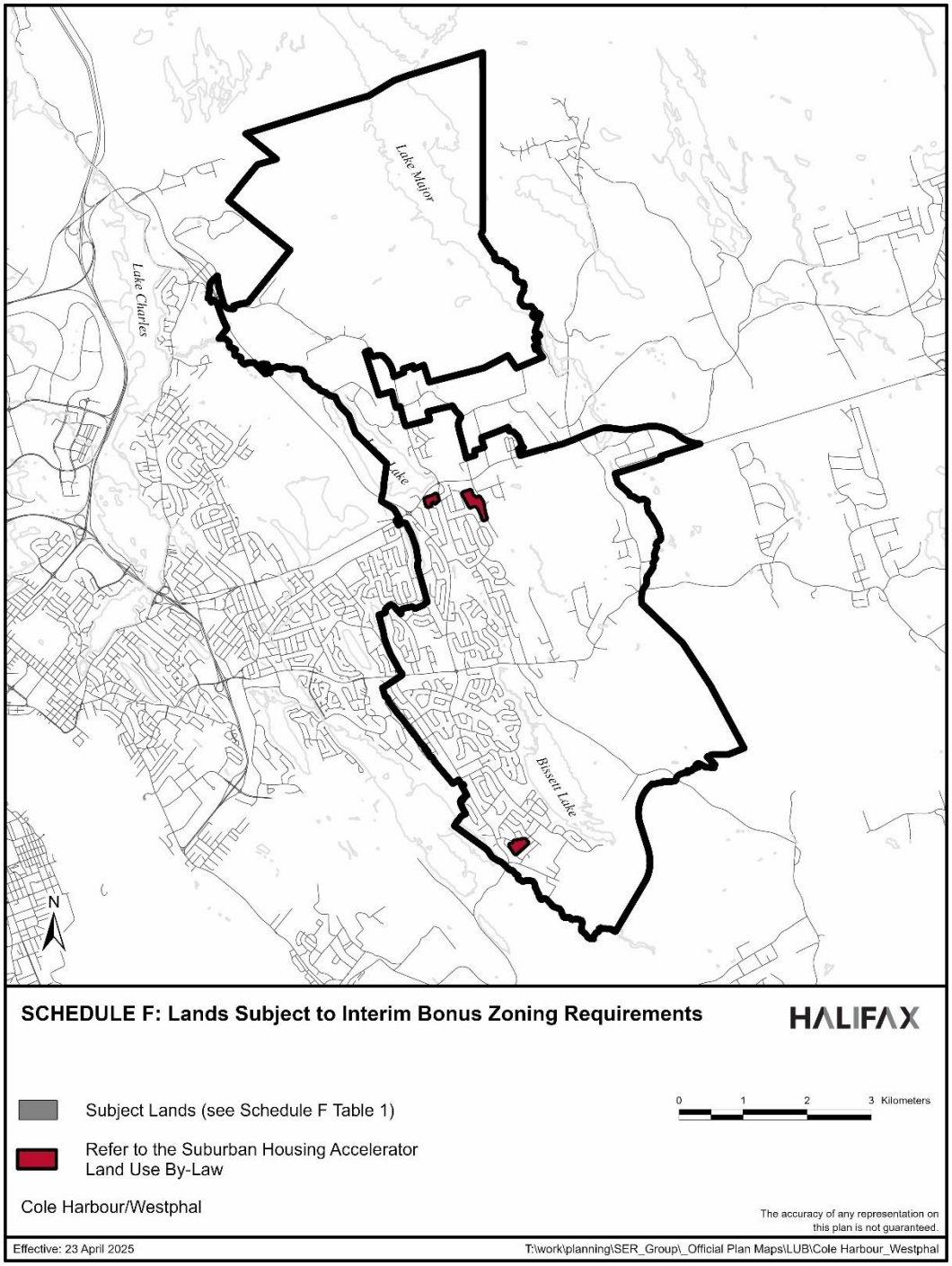
Schedule D: Mixed Form Residential Development in the C-4 (Highway Commercial) Zone (RC-Oct 7/14;E-Nov 8/14)



SCHEDULE E: SUB AREAS OF MOD (MIXED OPPORTUNITY DISTRICT) ZONE



SCHEDULE F: LANDS SUBJECT TO 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

LAND USE BY-LAW - COLE HARBOUR/WESTPHAL AMENDMENTS

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	4.7(d)	Reduced lot frontages (ZA-CHW-15-93)	December 13, 1993	December 22, 1993
2	2.1., 2.2, 4.10	Add definition of accessory buildings and provisions (ZA-ALL-21-94)	July 20, 1995	August 10, 1995
3	2.13A, 4.29, 19.1	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
4	2.27A, 8.1, 8.3A	Amend home business provisions (ZA-CHW-11-95)	March 7, 1996	March 31, 1996
5	17.4	Permit outdoor display of plants (ZA-CHW-25-95)	March 28, 1996	April 25, 1996
6	21.1, 21.2A	Funeral establishments in conjunction with a cemetery	August 19, 1996	September 15, 1996
7	18.9	Buffer and screening for abutting residential and community use zones (ZA-CHW-01-97)	October 30, 1997	November 29, 1997
8	8.7	Exemption: Existing R-2 zoned lots (Case No. 00002)	June 4, 1998	July 5, 1998
9	3.1, 3.6(d), 3.6(j), 16.1, 16.3, 16.3A, 16.3B, 24.1	Neighbourhood Zones	May 11, 1999	June 26, 1999
10	2.8A, 2.8B, 17.1, 17.4(f)(g)(h)	Add definition of automotive repair uses (Case No. 00234)	May 11, 1999	June 26, 1999
11	2.26, 4.11(iii), 4.11(vii)	Standardize height and location of an accessory building (Case No. 00319)	July 12, 2001	August 5, 2001
12	2.10, 2.66A, 4.11A	Shipping containers as accessory buildings (Case No. 00434)	June 6, 2002	June 30, 2002
13	3.1, 24D	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
14	Definitions, 24D	Construction and Demolition Waste Management (Project No. 00082)	September 10, 2002	November 9, 2002

15	4.11(a), 4.12	Shipping containers as accessory buildings (Case No. 00434)	February 6, 2003	March 2, 2003
16	4.1A	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
17	Map 2 (R-1 to CDD)	Morris-Russell Lake Secondary Planning Strategy (Case 00586)	March 22, 2005	April 23, 2005
18	Part 7 R-1 Zone	Morris Lake Estates (Case 00777)	August 4, 2005	May 02, 2006
19	Definitions & Part 6.2	Flag Lots (Case 00865)	August 03, 2006	August 21, 2006
20	Table of Contents, Part 22A,23,24E, General Provisions, Adding 2.11AA, 2.70AA, RPK zone UR zone, adding clause to sec 3.6, deleting sec 4.1A, replacing sec 4.17, adding sec 4.17A, 4.27A to C, adding sec 4.30, 4.31	Regional Plan	June 27, 2006	August 26, 2006
21	Replace Section 2.67 a) and b); Add Section 5.1A.	Case 00327	RC: September 26, 2006	E: November 18, 2006
22	Amend Zoning Map: two parcels of land on Broom Road in Forest Hills from R1/PUD to P2 Zone to permit a gymnastics club	Case 01016	HECC July 5, 2007	E: July 23, 2007
23	Amend zoning map: 791 Highway #7 from R1 to C4	Case 01017	MDVCCC: April 23, 2008	May 11, 2008
23	Amend Section 4.25 (Parking Requirements)	Case 01119	Regional Council Aug 5, 2008	E - Aug 23, 2008
25	Replaced section 2.15 Definition of Day Care	Case 01074	HECC - March 3, 2009	E - March 21, 2009
26	Personal Service uses; medical/dental/ veterinary offices, professional offices and specialty retail	Case 16161	HECC – December 2, 2010	E – December 25, 2010
27	Larger Accessory Buildings	Case 16568	HECC – July 7, 2011	E – July 30, 2011
28	Forest Hills PUD	Case 15940	RC- July 5, 2011	E – Oct 8, 2011
29	Deleted the word “windmills” in Section 4.16; Added Section 4.32 Wind Energy Facilities in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Zoning Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
30	Amend Part 4, Section 32 IV by adding b) and c) after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011

31	Quonset Huts Added: 2.53A; 4311(a)(viii); 4.11B)	16570	RC – November 8, 2011	E – January 14, 2012
32	Phase II Colby South	17443	HECC – April 5, 2012	E – April 28, 2012
33	**Repeal/Readopt** Section 2.8C, 2.8D, 2.8E, 2.11AA, 2.54, 2.70AA; Parts of Section 3.1, 3.6; Part 4.1B, 4.17, 4.17A, 4.27A, 4.27B, 4.27C, 4.30, 4.31, 4.32; Part 22A, 23, 24E, Schedule A, A-1, B, C; **Add** Section 2.10A, 2.70AB, 3.6(z), 4.33; **Amend** Parts of Section 3.1, 3.6, 4.11, 4.17, 4.17A; Schedule A-1, B, C.	RP+5	RC-June 25, 2014	E-October 18, 2014
34	Section 18.1, (C-4 (Highway Commercial) USES PERMITTED), amended to add the words "Car Washes" after the words "Re-cycling depots" and before the words "Community Uses":	Car Wash as a permitted use (Case No. 19092)	HEMCC – Oct 2, 2014	E-November 1, 2014
35	**Add** Schedule D – Mixed Form Residential Development in the C-4 (Highway Commercial) Zone; Section 3.6(y).	Case 18288/18684	RC – October 7, 2014	E – November 8, 2014
36	Rezoning portions of PID #s 41357237 and 41397738 from the R-7 (Rural Estate) Zone to the R-6 (Rural Residential) Zone as shown on Schedule A	Case 19468	HEMDCC – April 11, 2016	E – April 30, 2016
37	Rezone 26 Bissett Rd from R-2 to R-4 to permit a multiple unit dwelling containing a minimum of 4 units to a maximum of six units	Case 20136	HEMDCC – January 5, 2017	E – January 28, 2017
38	**Add** Section 4.7(e) – Reduced Frontage or Area	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
39	Rezoning a portion of PID 00407601 on Old Miller Road from the UR (Urban Reserve) Zone to the R-1 (Single Unit Dwelling) Zone	Case 19602	HEMDCC – June 8, 2017	E – June 24, 2017
40	Amend Schedule "A" - rezoning a portion of PID 00650689 from R-1 to C-4, Added Appendix "F"; Section 18.1 added "Offices" as a permitted use and, amended by adding a list of additional uses identified in Appendix "F"; Added Section 18.2A, Amend Section 18.3, Adding Section 18.9 (e)	Case 21168	RC – August 14, 2018	E – September 15, 2018
41	**Amend** several sections to add Cannabis related uses	Case 21331	RC – September 18, 2018	E - November 3, 2018

42	**Amend** Schedule "A" - rezoning a portion of 206 Ross Road from l-1 to the CD-1.	Case 21440	HEMDCC – October 3, 2019	E – October 19, 2019
43	**Add** Part 2 – Definitions: Secondary and Backyard Suites, Part 4, Section 4.11C; **Amend** Part 4.17A(2).	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
44	**Amend:** Schedule A **–** rezone PID 40568933 From C-1 to R-4 **Add:** Section 10.2A & 10.3A	Case 22367	RC – September 22, 2020	E – November 14, 2020
45	**Amend –** Schedule "A", Table of Contents, Definitions – Section 2.6, 2.17, 2.52A; Part 3Zones and Zoning Maps, Section 3.6 **Insert –** Schedule "E", Part 4.5, Part 15A – 15A.7.7	Case 21875 – AKOMA Lands	RC – May 4, 2021	E – June 5, 2021
46	**Amend** Part 2 and 4 to include definitions of ACCESSORY HEN USE	Case 22227 – Accessory Hen Use	RC - October 5, 2021	E – January 8, 2022
47	**Amended:** Schedule A; Schedule A-1, Wind Energy Zoning	Case 22670 – HRM Initiated Conrad Quarry Lands	RC – February 15, 2022	E – April 9, 2022
48	**Amended** Part 2, renumbered Section 2.66A to 2.66C; Part 3, Zones and Zoning Maps – Section 3.6(w), 3.6(x), 3.6(ac); Part 4, General Provisions for all Zones – Section 4.25(a), 4.32I(a); Part 6, R-1a Zone – Section 6.1; Part 7, R-1 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-6a Zone – Section 12.1; Part 13, R-6 Zone – Section 13.1; Part 14, R-7 Zone – Section 14.1; Part 15A, MOD Zone – Section 15A.1.1, 15A.1.2, 15A.1.3, 15A.1.4, 15A.3.3, 15A.4.3; Part 16, C-1 Zone – Section 16.1; Part 17, C-2 Zone – Section 17.1, 17.6; Part 18, C-4 Zone – Section 18.1; Part 21, P-2 Zone – Section 21.1, 21.4; Part 22, P-3 Zone – Section 22.1 **Deleted** Part 2, Section 2.9, 2.56; Part 22, P-3 Zone – Section 22.4 **Added** Part 2, Section 2.66A, 2.66B; Part 3, Zones and Zoning Maps – Section 3.6(ae)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022

49	**Amended** Clause 2.17(c) – Dwelling, Single Unit; Clause 3.6(aa); Section 4.11A, Shipping Containers; Section 4.33 – Public Transit Facilities; Section 9.1 **Added** Part 3, Clause 3.7 – Development Agreements for Registered Heritage Properties	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022
50	**Amend** Schedule A – Zoning, A-1 – Wind Energy Zoning, B – Areas of Elevated Archaeological Potential, C – Wetlands: Lands to be removed	Case 22384 (Port Wallace Special Plan Area)	Special Area Task Force – January 26, 2023	E – February 3, 2023
51	**Added** Appendix G, Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications; Schedule F, Lands Subject to Bonus Zoning Requirements	Case 24063	RC - March 21, 2023	E – April 19, 2023
52	**Added:** Part 2, Definitions, 2.66D - Short-Term Bedroom Rentals, 2.66E – Short-Term Rentals; Part 4, Section 4.1C, 4.1D, 4.35; **Amended:** Part 4, Section 4.25; Part 15A, Section 15A.1.2, Section 15A.1.4; Part 17, Section 17.1; Part 18, Section 18.1	Case 24526 (Short Term Rentals)	RC - February 21, 2023	E – September 1, 2023
53	**Amended:** By deleting the text – "Minimum Width of Main Building 20 feet (6.1 m) from: Part 6, Section 6.2; Part 7, Section 7.2; Part 8, Section 8.7; Part 11, Section 11.2; Part 12, Section 12.2; Part 13, Section 13.2; Part 14, Section 14.2; Part 16, Section 16.2; Part 23, Section 23.2	Case 24528 (Shared Housing Housekeeping Amendments)	RC – August 22, 2023	E – September 28, 2023
54	**Repealed:** Part 25, Section 25.7	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023
55	**Added:** Part 2, Section 2.70.7; Part 4, Section 4.11 (c); Part 4, clause 4.11C(b) (ix); Part 7, 7.1A, 7.1B **Amended:** Part 4, clause 4.11(a) (iii), (iii)(a), (vii); Part 4, clause 4.11C(a) (i), (v); Part 4, clause 4.11C(b) (i), (iv), (vi), (vii), (viii); Part 4, section 4.25; Part 6, section 6.1; Part 7, section 7.1; Part 8, section 8.1; Part 9, section 9.1; Schedule A - Zoning Map	MINOREV 2023-01065 Housing Accelerator Fund (HAF)	RC – May 23, 2024	E – June 13, 2024
56	**Amended:** Appendix F, Schedule A-1, B, C, E, F	MINORREV 2024-01198	RC – March 18, 2025	E – April 23, 2025

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