

**HALIFAX REGIONAL  
MUNICIPALITY**

**LAND USE BY-LAW**

**PLANNING DISTRICTS 1 AND 3  
(ST. MARGARETS BAY)**

THIS COPY IS A  
REPRINT OF THE  
LAND USE BY-LAW  
WITH AMENDMENTS TO  
MAY 26, 2008

LAND USE BY-LAW  
FOR  
PLANNING DISTRICTS 1 AND 3

THIS IS TO CERTIFY THAT this is a true copy of the Land Use By-law for Planning Districts 1 and 3 which was passed by the majority vote of the whole of Municipal Council of Halifax County Municipality on the 3rd of April, 1995, A.D. and approved by the Minister of Municipal Affairs on the 23rd of May, 1995, A.D, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 26th day of May, 2008.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this \_\_\_ day of \_\_\_\_\_, 2008, A.D.

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Julia Horncastle  
Acting Municipal Clerk

HALIFAX COUNTY MUNICIPALITY

LAND USE BY-LAW

FOR

PLANNING DISTRICTS 1 AND 3

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

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

Metric Measurements are provided for comparison only and do not constitute a legal part of the original document. Metric area measurements have been rounded to the nearest square metre.

This document has been prepared for convenience only and incorporates amendments made by Municipal Council of Halifax County Municipality on the 3rd of April, 1995. No Ministerial modifications accompanied the approval of the Minister of Municipal Affairs on May 23, 1995. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

## TABLE OF CONTENTS

PART 1:	Title	8
PART 2:	Definitions	8
PART 3:	Zones and Zoning Maps	21
PART 4:	General Provisions for all Zones	26
PART 5:	Signs	41
PART 6:	R-1 (Single Unit Dwelling) Zone	44
PART 7:	R-A (Residential) Zone	47
PART 8:	R-A1 (General Residential) Zone	50
PART 9:	R-1E (Residential Estate) Zone	54
PART 10:	R-2 (Two Unit Dwelling) Zone	57
PART 11:	MRR-1 (Mixed Rural Residential) Zone	60
PART 12:	MU-1 (Mixed Use) Zone	65
PART 13:	MU-2 (Mixed Use) Zone	70
PART 14:	C-1 (Local Business) Zone	75
PART 15:	C-1A (Community Commercial) Zone	78
PART 16:	C-3 (Tourist Industry) Zone	81
PART 17:	MR-1 (Mixed Resource) Zone	83
PART 18:	MR-2 (Mixed Resource 2) Zone	86
PART 19:	I-1 (General Industrial) Zone	89
PART 20:	I-2 (Salvage Yard) Zone	91
PART 21:	I-3 (Mixed Industrial) Zone	93
<b>PART 22:</b>	<b>RPK (Regional Park) Zone (RC-June 27/06;E-Aug 26/06)</b>	<b>95</b>
<b>PART 23:</b>	<b>PWS (Public Water Supply) Zone (RC-June 27/06;E-Aug 26/06)</b>	<b>96</b>
<b>PART 23A:</b>	<b>CD-1 (C&amp;D MATERIALS TRANSFER STATIONS) ZONE</b>	<b>97</b>
<b>PART 23B:</b>	<b>CD-2 (C&amp;D MATERIALS PROCESSING FACILITIES (ZONE)</b>	<b>100</b>
<b>PART 23C:</b>	<b>CD-3 (C&amp;D MATERIALS DISPOSAL SITES) ZONE</b>	<b>102</b>
<b>PART 23D:</b>	<b>ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE</b>	<b>104</b>
<b>PART 23E:</b>	<b>PA (Protected Area)Zone (RC-June 27/06;E-Aug 26/06)</b>	<b>105</b>
<b>PART 23F:</b>	<b>CDD (Comprehensive Development District Zone (RC-June 27/06;E-Aug 26/06)</b>	<b>106</b>
PART 24:	Administration	107

APPENDIX “A” Non-Conforming Uses	109
APPENDIX “B” Existing Industrial Uses	110
APPENDIX “C” Existing Business Uses - Camelot Drive	111
APPENDIX “D” Non-Conforming Uses - Sections 83 & 87 of the Planning Act	112

Amendment Index	115
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## SCHEDULES

Schedules A-1, A-2, A-3, A-4, A-5, B-1, B-2, B-3, B-4, B-5, C-2, C-3, C-4, C-5, D-3, D-4, D-5, D-6, E-4, E-5, E-6, F-4, F-5, F-6, G-4, G-5, H-5 Zoning Maps	
Schedule I Areas of Elevated Archaeological Potential	
Schedule J Wetlands Map	

## LIST OF GENERAL PROVISIONS

4.1	Development Permits	26
4.2	Licences, Permits and Compliance with Other By-laws	26
4.3	Reduced Frontages	27
4.4	One Dwelling on a Lot	27
4.5	Existing Undersized Lots	27
4.6	Subdivision of Existing Lots	28
4.7	Road Entrances Reserves	28
4.8	Livestock	28
4.9	Existing Buildings	28
4.10	Existing Uses	28
4.11	Non-Conforming Uses	29
4.12	Accessory Uses and Buildings	29
4.13	Accessory Buildings	29
4.13A	Shipping Containers	31
4.14	Temporary Construction Uses Permitted	31
4.15	Vehicle Bodies	31
4.16	Restoration to a Safe Condition	31
4.17	Building to be moved	32
4.18	Height Regulations	32
4.19	<b>Watercourse Setbacks and Buffers (RC-June 27/06; E-Aug 26/06)</b>	32
<b>419A</b>	<b>Coastal Areas (RC-June 27/06; E-Aug 26/06)</b>	33
4.20	Reduced Frontage on a Curve	34
4.21	Daylighting Triangle	34
4.22	Permitted Encroachments	34
4.23	Yard Exception	35
4.24	Commercial Motor Vehicles	35
4.25	Separation Between Main Buildings	35
4.26	Illumination	35
4.27	Parking Requirements	35
4.28	Standards for Parking Lots	37
4.29	Composting Operations	39
4.30	Tourist Accommodations	39
<b>4.31</b>	<b>Schedule I - Areas of Elevated Archaeological Potential (RC-June 27/06;E-Aug 26/06)</b>	40
<b>4.32</b>	<b>Schedule J - Wetlands Map (RC-June 27/06;E-Aug 26/06)</b>	40

PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Planning Districts 1 and 3" within Halifax County Municipality.

PART 2: DEFINITIONS

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

- 2.1 **ACCESSORY BUILDING OR STRUCTURE means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law. (WRCC - June 26, 1995 / E - July 22, 1995)**
- 2.2 **ACCESSORY USE means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations.(WRCC - June 26, 1995 / E - July 22, 1995)**
- 2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals, but shall not include intensive agriculture uses.
- 2.4 AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry,turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughter house, a broiler plant, or land used as an animal feed lot managed to maximum production and output in a confined area.
- 2.5 ALTERATION means any change in the structural component or increase in the volume of a building or structure.
- 2.6 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

- 2.7 BED AND BREAKFAST means a dwelling which is occupied as a permanent residential unit and which contains rooms which are used to accommodate the travelling public for monetary gain by supplying travellers with sleeping accommodation with or without meals but shall exclude private cooking facilities.
- 2.8 BOATHOUSE means a building located on a waterfront lot used for the storage of boats and associated marine equipment for private non-commercial use, and specifically excludes human habitation.
- 2.9 BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel used for any of the foregoing purposes **(WRCC - November 22, 2004 / E - December 12, 2004)**.
- 2.10 BUSINESS USE means any occupation or business activity resulting in a product or service and which is conducted wholly within the principal operator's dwelling unit and which is subordinate to the residential use on the property, but shall not include adult entertainment or the retail sale of products other than those incidental to the business.
- 2.11 CAMPGROUND means the commercial, institutional or non-profit use of land on which accommodations for temporary occupancy are located or may be placed, including tents, tourist cabins, camper trailers, and recreational vehicles, and which is primarily seasonal in operation.
- 2.12 CEMETERY means the use of land or structures for the interment of human remains but shall not include the use of structures for crematorium.
- 2.13 COMMERCIAL ENTERTAINMENT USE means any building or part of a building used for a beverage room, nightclub, cabaret, or other similar use, and video arcades.
- 2.14 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation or sport purposes and without limiting the generality of the foregoing, may include animal or vehicle racing tracks, rifle ranges, golf courses, miniature golf courses, amusement parks and centres and drive-in theatres and may include a dwelling unit or dwelling units for maintenance or security personnel.
- 2.15 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of over three (3) tons.

- 2.15A COMPOSTING OPERATION** means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-February 26, 1996 / M-March 28, 1996)
- 2.15AA CONSERVATION USE** means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-June 27/06;E-Aug 26/06)
- 2.15B CONSTRUCTION AND DEMOLITION MATERIALS**, hereinafter referred to as **C&D Materials**, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.
- 2.15C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE**, hereinafter referred to as a **C&D Disposal Site**, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.
- 2.15D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY**, hereinafter referred to as a **C&D Processing Facility**, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a **Used Building Material Retail Outlet**, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.
- 2.15E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION**, hereinafter referred to as a **Transfer Station**, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-September 10, 2002 / E - November 9, 2002).
- 2.16 COUNCIL** means the Municipal Council of Halifax County Municipality.
- 2.17 CRAFT SHOP** means a building or part of a building which is used for the retailing or wholesaling of arts and handicrafts and shall include the fabrication of arts and handicrafts.

- 2.18 CREMATORIUM means a building or a part of the building fitted with the proper appliances for the purposes of the cremation of human or animal remains and includes everything incidental or ancillary thereto.
- 2.19 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.
- 2.20 DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, ply school or by any other name, the operator of which, for compensation or otherwise receives, enrolls for temporary care or custody, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three children and under ten 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 VIII.
- 2.21 DEVELOPMENT OFFICER means the officer of Halifax County Municipality, from time to time charged by the Municipality with the duty of administering the provisions of this By-law.
- 2.22 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 or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.
  - (c) Dwelling, Single Unit means a building which is a completely detached dwelling unit and having a minimum width between any main walls of not less than twenty (20) feet (6.1 m).
  - (d) Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling in which unrestricted access can be gained through the main dwelling unit, and which auxiliary unit comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.

- (e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m.).
- (f) Dwelling, Two Unit means a building containing two dwelling units.
- (g) Dwelling, Multiple Unit means a building containing three or more dwelling units.
- (h) Dwelling, Semi-Detached means a building that is divided vertically into two dwelling units by means of an above-grade common wall of at least eight (8) feet in height which constitutes at least fifty (50) percent of the horizontal axis between the two units.

- 2.23 ERECT means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.
- 2.24 ESTABLISHED GRADE means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment.
- 2.25 EXTRACTIVE USES 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.
- 2.26 EXISTING means in existence on the effective date of this By-law.
- 2.27 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.
- 2.28 FISH PROCESSING PLANT means a building or a part of a building which is used for the cleaning, filleting, icing, packing, canning, freezing, salting, cooking, pickling, drying or preparing fish for market in any other manner but does not include a smokehouse or an operation where a fisherman who himself, or his crew, processes his own catch.

- 2.29 FISHERY SUPPORT USE means any use which is designed to support the fishery and includes boat and equipment storage and maintenance buildings and yards and retail and wholesale outlets for fish and fish products, a smokehouse, and/or an operation where a fisherman who himself, or his crew, processes his own catch, but does not include a fish processing plant.
- 2.30 FISHERY USE means any use associated with a fishery use including fishery support uses and fish processing plants.
- 2.31 GROCERY STORE means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and records, housewares, toiletries, stationary, and tobacco products.
- 2.32 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.
- 2.33 HEIGHT means the vertical distance of a building between the established grade and the highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, provided that no roof space is used for human habitation.
- 2.34 HOTEL means a building or buildings or part thereof on the same lot used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities but not include tourist cabins.
- 2.35 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire, police station, public works, hospital, nursing home, public library, museum and gallery, community centre and hall, recreational use or open space use.
- 2.36 KENNEL means a building or structure used for the enclosure of more than two (2) dogs or cats which are kept for the purposes of commercial breeding or showing for commercial boarding with or without veterinary care.

- 2.37 LIMS means the Land Information Management Service whose property identification numbering system is used in Appendices "A and B" of this By-law to identify particular land parcels. The LIMS 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 LIVESTOCK means horses, cows, pigs, sheep, goats and fowl, whether or not they are kept for commercial purposes.
- 2.39 LOT
- (a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar or Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan and deed pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.
- (b) Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.
- (c) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.
- 2.40 LOT AREA means the total horizontal area within the lot lines of a lot.
- 2.41 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.
- 2.42 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.
- 2.43 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 a street or a private road; and
  - (i) in the case of a corner lot - the shorter boundary line abutting the street or private road shall be deemed to be the front lot line and the longer boundary line abutting the street or private road shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street or private road shall be deemed to be the front lot line; or
  - (ii) in the case of a lot which has as one of its boundaries the shore line of a lake, the sea or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
- (c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
- (d) Side Lot Line means a lot line other than a front or rear lot line.
- (e) Flankage Lot Line means a side lot line which abuts the street or private road on a corner lot.

- 2.44 **MAIN BUILDING** means the building in which is carried on the principal purpose or purposes for which the building lot is used.
- 2.45 **MAIN WALL** means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof.
- 2.46 **MARINA** means a commercial facility for storing, servicing, fuelling, berthing and securing of pleasure boats and which includes on-shore eating, sleeping or retail facilities principally for owners, crews and guests.
- 2.47 **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.
- 2.48 **MOBILE DWELLING** means any dwelling unit that is designed to be made mobile on a temporary basis and having a width greater than thirteen (13) feet but no more than nineteen and a half (19.5) feet and a length no less than thirty-three (33) feet but no more than sixty-nine (69) feet.

- 2.49 MOTEL means a hotel primarily for transients travelling by automobile with a parking space on the lot for each lodging unit and with access to each such unit directly from the outside.
- 2.50 MUNICIPALITY means Halifax County Municipality.
- 2.51 OBNOXIOUS USE means a use which, by its nature or by method of operation creates a nuisance or is offensive by creating noise or vibration, or by reason of emitting gas, fumes, dust, oil, objectionable odour, or airborne pollutants or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials and shall include operations which produce effluent which cannot be disposed of by means of an on-site sewage disposal system or which involves, as the primary function, the processing, production or warehousing of dangerous goods.
- 2.52 OPEN SPACE USE means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include camping grounds, golf courses or tracks for the racing of animals or of motorized vehicles.
- 2.53 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, motorcycle, swimming pools, decorative fountains and prefabricated cottages and homes.
- 2.54 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.
- 2.55 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or private road by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.
- 2.56 PARKING SPACE means an area of not less than one hundred sixty ( 160 ) square feet (15 sq.m.), measuring eight (8) feet (2.4 m.) by twenty (20) feet (6.1 m.), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of motor vehicles to and from a street or private road by means of driveways, aisles or manoeuvring areas.

- 2.57 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.
- 2.58 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.
- 2.59 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.
- 2.60 PRIVATE ROAD means any street or road which is not public which is shown as a private road on an approved plan of subdivision and the right-of-way, alignment and gradient is approved by the Department of Transportation and Communications.
- 2.61 **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-June 27/06; E-Aug 26/06)**
- 2.62 **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 - September 10, 2002 / E - November 9, 2002).**
- 2.63 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.
- 2.64 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

- 2.65 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.
- 2.66 RESTAURANT - TAKE-OUT means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 25% of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.
- 2.67 ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five (5) acres (2.0 ha) and which entrance has been approved by the Department of Transportation for the purposes of a public road or private road entrance reserve.
- 2.68 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 - September 10, 2002, / E - November 9, 2002).**
- 2.69 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens and operated and maintained by a public housing authority.
- 2.70 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided and, without limiting the generality of the foregoing, may include a public garage which includes an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, a plumbing shop, a sheet metal shop, a truck or heavy equipment depot, construction yard, any use which involves the manufacturing, processing and wholesaling of food items, and similar uses.
- 2.71 SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

- 2.72 SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automotive accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.
- 2.72A **SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck. (WRCC - November 22, 2004 / E - December 12, 2004).**
- 2.73 **SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door.**
- (a) **Ground Sign means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.**
  - (b) **Projecting Sign means a sign which projects from and is supported by, or which extends beyond a wall or the roof of a building. (RC-Sept 26/06; E-Nov 18/06)**
- 2.74 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or Halifax County Municipality.
- 2.75 STREET LINE means the boundary line of a street or a private road.
- 2.76 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.
- 2.77 TRADITIONAL USE means the use of a building or part of a building or a lot or part of a lot on which traditional crafts and activities are or are capable of being carried out and shall include weaving, sculpturing and moulding, furniture making and repair, woodworking, pottery making and small boat building and repair.
- 2.77A **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 - September 10, 2002 / E - November 9, 2002).**

- 2.78 VARIETY STORE means a retail establishment in which goods or materials such as soft drinks, confections, stationery supplies, reading materials, tobacco products and smokers supplies, patent medicines, first aid supplies, housewares and notions, souvenirs and similar goods are offered for sale to general public, and may include groceries, dairy products and video rental outlets and take-out restaurant as a secondary line.
- 2.79 VIDEO ARCADE means any commercial facility which contains more than three (3) amusement machines and, without limiting the generality of the foregoing, includes pinball machines and electronic and or mechanical game machines operated by depositing coins or tokens.
- 2.80 WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-June 27/06;E-Aug 26/06)**
- 2.81 WAREHOUSE means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities, for a wholesale or retail, commercial outlets, but shall not include facilities for a truck or transport terminal or yard.
- 2.82 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 sideyard or minimum side yard means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.
- (d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and required flankage yard or minimum flankage yard means the minimum side yard required by this By-law where such yard abuts a street or private road.

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, the Planning Districts 1 and 3 Plan Area is divided into the following zones by the zoning maps, the boundaries of which are shown on the attached zoning schedules. Such zones may be referred to by the appropriate symbols:

	<u>Symbol</u>	<u>Zone</u>
<u>Residential Zones</u>	R-1	Single Unit Dwelling Zone
	R-A	Residential Zone
	R-A1	General Residential Zone
	R-1E	Residential Estate Zone
	R-2	Two Unit Dwelling Zone
<u>Mixed Residential Zones</u>	MRR-1	Mixed Rural Residential Zone
<u>Mixed Use Zones</u>	MU-1	Mixed Use 1 Zone
	MU-2	Mixed Use 2 Zone
	<b>CDD</b>	<b>Comprehensive District Zone (RC-June 27/06; E-Aug 26/06)</b>
<u>Commercial Zones</u>	C-1	Local Business Zone
	C-1A	Community Commercial Zone
	C-3	Tourist Industry Zone
<u>Resource Zones</u>	MR-1	Mixed Resource 1 Zone
	MR-2	Mixed Resource 2 Zone
<u>Industrial Zones</u>	I-1	General Industrial Zone
	I-2	Salvage Yard Zone
	I-3	Industrial Zone
<u>Construction &amp; Demolition Zones</u>	<b>CD-1</b>	<b>(C&amp;D Materials Transfer Stations) Zone</b>
	<b>CD-2</b>	<b>(C&amp;D Materials Processing Facilities) Zone</b>
	<b>CD-3</b>	<b>(C&amp;D Materials Disposal) Zone</b>
<u>Infrastructure Charge Zone</u>	<b>ICH</b>	<b>Infrastructure Charge Holding Zone</b>
<u>Community Uses Zones</u>	<b>RPK</b>	<b>Regional Park Zone (RC-June 27/06; E-Aug 26/06)</b>
	<b>PWS</b>	<b>Protected Water Supply Zone (RC-June 27/06; E-Aug 26/06)</b>

3.2 ZONING MAPS

- (a) Schedules A-1 to A-5, B-1 to B-5, C-2 to C-6, D-2 to D-7, E-4 to E-6, F-4 to F-6, G-4 to G-5 and H-5, attached hereto, may be cited as the Planning Districts 1 and 3 Zoning Maps and are hereby declared to form part of this By-law.
- (b) The extent and boundaries of all zones are shown on Schedules A-1 to A-5, B-1 to B-5, C-2 to C-6, D-2 to D-7, E-4 to E-6, F-4 to F-6, G-4 to G-5 and H-5, and for all such zones the provisions of this By-law shall apply to all such zones.
- (c) The symbols used on Schedules A-1 to A-5, B-1 to B-5, C-2 to C-6, D-2 to D-7, E-4 to E-6, F-4 to F-6, G-4 to G-5, and H-5, refer to the appropriate zones established by Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

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

### 3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to use 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 requirements of the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Planning Districts 1 and 3.

### 3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

- (a) Any use not listed as a use permitted within any zone shall be deemed to be prohibited in that zone;
- (b) Notwithstanding 3.5 (a) above, unless a use is specifically prohibited within the Mixed Use 1 and Mixed Use 2 Zones, it shall be deemed to be a permitted use in that zone;
- (c) Any use listed as being subject to any special conditions or requirements, shall be permitted subject to the fulfilling of such conditions or requirements;
- (d) Where a use permitted within any zone is defined in Section 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use; and
- (e) Except where limited by Section 4.1, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot, as any other use permitted within that zone.

### 3.6 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 the Municipal Planning Strategy for Planning Districts 1 and 3, such uses are as follows:

- (a) Commercial recreation uses in the Resource Designation;
- (b) Campgrounds in the Resource, Mixed Rural Residential and Mixed Use A and B Designations;

- (c) All senior citizen housing in the Residential Designation, Hubley Mill Lake Designation, and Mixed Rural Residential Designation and senior citizen housing containing over twenty (20) units in the Mixed Use A and B Designations;
- (d) Institutional uses in the Residential Designation;
- (e) Home business over three hundred (300) square feet (28 m<sup>2</sup>) in the Residential Designation;
- (f) Multi-unit Dwellings in the Mixed Rural Residential and Mixed Use A and B Designations;
- (g) Marinas in the Mixed Rural Residential and Mixed Use A and B Designations;
- (h) Fish Processing Plants in the Mixed Use B Designation;
- (i) Extractive uses in the Mixed Use A and B Designations;
- (j) Intensive agricultural uses in the Mixed Use "A" and "B" Designations;
- (k) Mobile home parks and expansions to mobile home parks in the Mixed Use A and B Designations;
- (l) Commercial Entertainment Uses, including video arcades, in the Mixed Use "A" and Mixed Use "B" Designations;
- (m) Any expansion of the Kreft Mushroom Farm Ltd. (LIMS Index Number 40055766), formerly Ocean Mist Mushroom Farm, provided that it has not discontinued operations for a period of six months;
- (n) Crematoriums in the Mixed Use "A" and "B", Mixed Rural Residential, Hubley Mill Lake, Resource and Residential Designations; and
- (o) Residential development on lots with less than 100,000 square feet of area within the Resource Designation (north of Highway 103).

**As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:**

- (i) **a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;**

- (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy;**
- (iii) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy; and**
- (iv) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy. (RC-June 27/06; E-Aug 26/06)**

## PART 4: GENERAL PROVISIONS FOR ALL ZONES

### 4.1 DEVELOPMENT PERMITS

- (a) No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this By-law are satisfied;
- (b) Any development permit shall be in force for a period of one (1) year from the date of issue and any permit may be re-issued upon request, subject to review by the Development Officer provided that the request is received before the expiry date of the current permit.
- (c) Where any development permit is issued, such permit may include permission for any single development, or for more than one development, or for any or all elements related to any development, including signs permitted according to Section 5 provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot; and
- (d) Notwithstanding Subsection (a), no development permit shall be required for signs as listed in Section 5.4.

~~4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application, not pursuant to a completed concept plan application received between January 22, 2004 and the effective date of this section. (RC April 13, 2004 / E April 22, 2004). (Deleted RC-June 27/06; E-Aug 26/06)~~

**4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-June 27/06; E-Aug 26/06)**

### 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 more stringent requirements shall prevail.

4.3 (a) REDUCED FRONTAGES AND AREAS

Where a lot with reduced frontage is created pursuant to PART 14 of the Subdivision By-law, a development permit may **be issued** for residential or resource uses.

**(b) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on November 15, 2003 may be subdivided and a development permit issued provided that:**

- (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;**
- (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;**
- (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;**
- (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.13 of the this By-law; and**
- (v) the remaining lands meet the requirements of the applicable zone. (WRCC - November 24, 2003 / E - December 16, 2003)**

4.4 ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot.

4.5 EXISTING UNDERSIZED LOTS

- (a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, 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.
- (b) Further to Section 4.5(a) above, 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.

#### 4.6 SUBDIVISION OF EXISTING LOTS

- (a) Any lot approved pursuant to 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.

#### 4.7 ROAD ENTRANCE RESERVES

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

#### 4.8 LIVESTOCK

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

#### 4.9 EXISTING BUILDINGS

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

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side or rear yard that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

#### 4.10 EXISTING USES

Unless otherwise identified in Appendix "A", all existing uses are permitted uses and as such are permitted to resume operation if discontinued, or be replaced or rebuilt, if destroyed, on the lot which they occupied on the effective date of this By-law.

Furthermore unless otherwise provided for in the zone in which they are situated, or according to the provisions of Appendix "B" or Appendix C , existing uses may expand on the lot on which they occupied on the effective date of this By-law subject to the following:

- (a) existing commercial uses within the Mixed Rural Residential Designation according to the applicable provisions of the Mixed Use 1 Zone;
- (b) existing resource uses within the Mixed Rural Residential and Mixed Use Designations according to the applicable provisions of the Mixed Resource Zone;
- (c) existing industrial uses within the Mixed Use Designations according to the applicable provisions of the General Industrial Zone;

- (d) campgrounds in any designation according to the applicable provisions of the Mixed Use I Zone;
- (e) existing multiple unit dwellings within any designation according to the applicable provisions of the Single Unit Dwelling Zone;
- (f) existing institutional uses and mobile homes within any designation according to the applicable provisions of the MRR-1 Zone; and
- (g) existing commercial entertainment uses, including video arcades, within the Mixed Use Designations according to the applicable provisions of the Mixed Use 1 Zone.

#### 4.11 NON-CONFORMING USES

Unless otherwise provided for in Appendix "A", non-conforming uses shall be subject to the provisions of the Planning Act of Nova Scotia, which is included in this By-law as Appendix D". Additions or structural alterations to non-conforming uses shall be permitted if they do not result in any increase in the volume of space devoted to the non-conforming use itself.

#### 4.12 ACCESSORY USES AND BUILDINGS

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

- (a) **the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;**
- (b) **the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and**
- (c) **all other applicable conditions and requirements of this by-law are satisfied.**  
(WRCC - June 26, 1995 / E - July 22, 1995)

#### 4.13 ACCESSORY BUILDINGS

- (a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
  - (i) be used for human habitation except where a dwelling is a permitted accessory use;

- (ii) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than eight (8) feet (2.4 m) to any other lot line except that:
  - 1. common semi-detached garages may be centered on the mutual side lot line; and
  - 2. boat houses, boat docks, and fishery support uses may be built to the lot line when the line corresponds to the high water mark.
  - 3. **accessory buildings exceeding one thousand (1000) square feet of floor area may be built within eight (8) feet (2.4 m) or one half the height of the accessory building whichever is greater in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone. (WRCC - November 24, 2003 / E - December 16, 2003)**
- (iii) minimum separation distance between any accessory buildings on the lot no less than 4 feet (1.2 m); and
- (iv) exceed twenty five (25) feet (7.6 m) in height, or not higher than the main building in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone;
- (v) **exceed one thousand (1000) square feet (70 m<sup>2</sup>) at grade on lots less than 40,000 square feet in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone; (WRCC - November 24, 2003 / E - December 16, 2003)**
- (vi) be built within eight (8) feet (2.4 m.) of a dwelling or twelve (12) feet (3.7 m) of any other main building or one half the height of the higher abutting accessory building.
- (vii) be used for the keeping of livestock, except where agriculture is a permitted use.
- (ix) **notwithstanding Subsection 4.13 (a) (v) and the undersized lot provisions of Section 4.5, exceed a total floor area equivalent to 10% of the lot area on lots greater than 40,000 square feet; (WRCC - November 24, 2003 / E - December 16, 2003)**

- (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).

#### 4.13A SHIPPING CONTAINERS

- (a) **Shipping containers may not be used as accessory buildings on a property containing a residential use. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone.**
- (b) **Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.**
- (c) **Shipping containers may only be used for storage purposes related to the main use of land. No shipping container may be used in any zone as a dwelling or other form of accommodation, including offices.**
- d. **Notwithstanding the foregoing, shipping containers can be used temporarily for tool storage on construction sites as per the condition set out in Section 4.14. (WRCC - November 22, 2004 / E - December 12, 2004).**

#### 4.14 TEMPORARY CONSTRUCTION USES PERMITTED

Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is 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, provided that a development permit has been issued.

#### 4.15 VEHICLE BODIES

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

#### 4.16 RESTORATION TO A SAFE CONDITION

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

#### 4.17 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this By-law unless a development permit has been obtained from the Development Officer.

#### 4.18 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors.

#### 4.19 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) **No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.**
- (b) **Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.**
- (c) **Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.**
- (d) **Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding 20 m<sup>2</sup>, 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.**
- (e) **Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of any watercourse within the MR-2 (Mixed Resource 2) Zone north of Highway 103; 30.5m of the rim of Wright Lake; or 30.5m of the rim of Coon Lake within the MU-1 (Mixed Use 1) Zone. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.**
- (f) **Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.**

- (g) Within the buffer required pursuant to clause (f), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (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 the effective date of the Regional Municipal Planning Strategy, 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. (RC-June 27/06; E-Aug 26/06)

#### **4.19A COASTAL AREAS**

- (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 2.5m elevation above the ordinary high water mark.
- (2) Subsection (1) does not apply to any residential accessory structures, 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. (RC-June 27/06; E-Aug 26/06)**

#### 4.20 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, twenty (20) feet (6.1 m) from the front lot line.

#### 4.21 DAYLIGHTING TRIANGLE

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

#### 4.22 PERMITTED ENCROACHMENTS

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

- (a) Uncovered patios, stairways, sundecks, walkways or steps may be located in any yard.
- (b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than two (2) feet (.6 m) into any required yard.
- (c) Window bays and solar collectors may be permitted to project not more than three (3) feet (.9 m) from the main wall into a required front, rear or flankage yard.
- (d) Exterior enclosed staircases, balconies, porches, and verandas shall not be permitted to project into any required yard.
- (e) Ornamental planting and landscaping may be located in any yard unless otherwise indicated in this By-law.
- (f) Access ramps for the mobility disabled may be located in any yard.

4.23 YARD EXCEPTION

- (a) Where, in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, if such area is closer than the lot lines.
- (b) In any zone where two unit dwellings are permitted the minimum yard from the side being common with another dwelling unit shall be 0.0 feet (0.0 m).

4.24 COMMERCIAL MOTOR VEHICLES

No more than one (1) commercial vehicle shall be kept on any lot in any Residential Zone and no such commercial vehicle shall exceed a registered weight of five (5) tons (4.5 tonnes).

4.25 SEPARATION BETWEEN MAIN BUILDINGS

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

4.26 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.

4.27 PARKING REQUIREMENTS

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

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Any dwelling except as specified below	1 space per dwelling unit
Multiple unit dwellings (except for senior citizen apartments)	1.5 spaces per dwelling unit
Senior citizen apartment	1 space per dwelling unit
Boarding and rooming houses	1 space per bedroom

Retail stores, service and personal service shops:

- (a) exceeding 5,000 square feet (464.5 m<sup>2</sup>) of gross floor area 5.5 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area
- (b) not exceeding 5,000 square feet (464.5 m<sup>2</sup>) of gross floor area 3.3 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area

Banks, financial institutions and general offices 3.3 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area

USE PARKING REQUIREMENT

Motels and hotels 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<sup>2</sup>) of net floor area excluding washrooms, storage and food preparation areas

Restaurants - Full Service 20 spaces per 1000 square feet (92.9 m<sup>2</sup>) of net floor area excluding washrooms, storage and food preparation areas

Restaurants - Take-Out:

(a) exceeding 300 square feet (28 m<sup>2</sup>) of net floor area excluding washroom and storage areas 16 spaces per 1000 square feet (92.9 m<sup>2</sup>) of net floor area excluding washroom and storage areas

(b) not exceeding 300 square feet (28 m<sup>2</sup>) of net floor area excluding washroom and storage areas 5 spaces

Lounges, taverns and beverage rooms 20 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area

Theatres 1 space per 5 seats

Institutional uses except as specified below

where there are no fixed seats, the greater of 1 space per 4 or 1 space per 100 square feet (9.3 m<sup>2</sup>) of gross floor area

where there are no fixed seats, the greater of 1 space per 100 square feet (10 m<sup>2</sup>) of gross floor area or 1 space per 4 persons who can be accommodated at any one time.

Government offices

4.5 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area

USE

PARKING REQUIREMENT

Schools

3 spaces per classroom plus 1 space per 20 high school students

Hospitals

2 spaces per bed

Homes for the aged and nursing homes

2 spaces per 5 beds

Day care facilities

1.5 spaces per 400 square feet (37.2 m<sup>2</sup>) of gross floor area

Medical clinics and offices of any health practitioner

5 spaces per consulting room

Funeral homes

15 spaces

Warehouses, transport terminals and the greater of 2 spaces per 1,000 general industrial uses

square feet (92.9 m<sup>2</sup>) 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<sup>2</sup>) 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:

<u>USE</u>	<u>PARKING REQUIREMENT</u>
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.
Homes for the Aged/Nursing Homes	1 reserved parking space per 20 beds to a maximum of 10.
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10.
<u>USE</u>	<u>PARKING REQUIREMENT</u>
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

(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 measuring twelve (12) feet by twenty (20) feet (6.1 m);
- (ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet (90.5 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;
- (iv) each reserved parking space shall be clearly identified by a ground sign.

#### 4.28 STANDARDS FOR PARKING LOTS

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

- (a) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; and
- (b) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m).

#### 4.29 COMPOSTING OPERATIONS

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

- (a) **the use shall not be obnoxious or create a nuisance;**
- (b) **a composting operation shall meet the following separation distances:**
  - (i) **from any property line** **328 feet (100 m)**
  - (ii) **from the nearest:**
    - 1. **residential dwelling** **1,640 feet (500 m)**
    - 2. **community facility use** **1,640 feet (500 m)**
    - 3. **commercial or industrial building** **984 feet (300 m)**
  - (iii) **from a watercourse** **328 feet (100 m)**
- (c) **notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building; and**
- (d) **a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (R-1, R-A, R-A1, R-1E, and R-2 Zones). (MC-February 26, 1996 / M-March 28, 1996)**

#### 4.30 TOURIST ACCOMMODATIONS

**One dwelling unit per lot may be used as an accommodation for the travelling public, on a daily, weekly, or monthly basis, for gain or profit, pending all other requirements of the Land Use By-law are met. (WRCC-January 26, 2004 / E-February 15, 2004)**

**4.31 SCHEDULE I - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL**

**Where excavation is required for a development on any area identified on Schedule I attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements. (RC-June 2706; E-Aug 26/06)**

**4.32 SCHEDULE J - WETLANDS MAP**

**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 J 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. (RC-June 2706; E-Aug 26/06)**

## 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, the more restrictive regulations shall apply.
- (b) Except for signs permitted under Section 5.4, no person shall erect a sign except where a development permit has been issued and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

### 5.1A TEMPORARY SIGNAGE

- (a) **This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and**
- (b) **Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded. (RC-Sept 26/06; E-Nov 18/06)**

### 5.2 SAFETY

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

### 5.3 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.

### 5.4 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones:

- (a) Any sign which has an area of no more than four (4) square feet (.37 m<sup>2</sup>) and which identifies the name and address of a resident.
- (b) Any sign which has an area of no more than two (2) square feet (.2 m<sup>2</sup>) and which regulates the use of property, as do "no trespassing signs.

- (c) Any real estate sign which has an area of no more than eight (8) square feet (.7 m<sup>2</sup>) in any Residential Zone or twenty-four (24) square feet (2.2 m<sup>2</sup>) in any other zone.
- (d) Any sign which has an area of no more than five (5) square feet (.5 m<sup>2</sup>) 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<sup>2</sup>) and which is incidental to construction.
- (f) Any sign erected by, or under the direction of, a government body such as signs identifying public buildings, giving public information or regulating traffic or safety.
- (g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
- (h) Any memorial sign, plaque or tablet.

#### 5.5 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

- (a) Any sign or sign structure which constitutes a hazard to public safety or health.
- (b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on a public street or highway.
- (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 no longer advertises a bona fide business which no longer conducts business, or sells a product. Such signs are deemed to be obsolete and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.
- (g) Any sign painted on a tree, stone, cliff or other natural object.

- (h) Any sign which incorporates any flashing or any sign which has any visible moving part or a searchlight and any sign which has any visible part or mechanical movement whether achieved by natural or artificial means.

## 5.6 PROJECTING SIGNS

No projecting sign shall:

- (a) project over a public right-of-way daylighting triangle or lot line;
- (b) be erected below a height of ten (10) feet (3 m) or project above thirty-five (35) feet (10.7 m);
- (c) be permitted to swing freely on its supports;
- (d) project horizontally more than six (6) feet (1.8 m) from any wall to which is attached;  
or
- (e) exceed twenty (20) square feet (2 m<sup>2</sup>) in area.

## 5.7 GROUND SIGNS

No ground sign shall:

- (a) extend beyond a property line or project over a public right-of-way, daylighting triangle, or lot line;
- (b) be less than ten (10) feet (3 m) from any street line or abutting lot line;
- (c) exceed in height of twenty-five (25) feet (7.6 m); and
- (d) exceed twenty-five (25) square feet (2.3 m<sup>2</sup>) of sign area on a single face on fifty (50) square feet (4.6 m<sup>2</sup>) of sign area for both faces combined.

**5.7A No more than one (1) ground sign shall be permitted on any lot. (WRCC-May 26, 2008; E-June 14, 2008)**

## 5.8 FACIAL WALL SIGNS

**Facial wall signs shall have an aggregate area not exceeding one square foot for each lineal foot of wall to which they are attached, or six percent (6%) of the wall area to which they are attached, which ever is greatest. (WRCC-May 26, 2008; E-June 14, 2008)**

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

6.1 R-1 USES PERMITTED

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

Residential Uses

Single unit dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Bed and breakfasts in conjunction with permitted dwellings.

Community Uses

Open space uses

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: BUSINESS USES

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

- (a) Any business shall be wholly contained within the dwelling which shall be the principle residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area of any dwelling shall be devoted to any business use.

- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (d) No open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (g) One off-street parking space, other than that required for the dwelling, shall be provided for in accordance with Section 4.27.

#### 6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

#### 6.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfast is permitted in any R-1 Zone, the following shall apply:

- (a) Any bed and breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment;
- (b) Not more than three (3) rooms may be let;
- (c) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area; and
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.



PART 7: R-A (RESIDENTIAL) ZONE

7.1 R-A USES PERMITTED

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

Residential Uses

- Single unit dwellings
- One auxiliary dwelling unit
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings
- Bed and breakfasts in conjunction with permitted dwellings.

Community Uses

Open space uses

7.2 R-A ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

### 7.3 OTHER REQUIREMENTS: BUSINESS USES

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

- (a) Any business shall be wholly contained within the dwelling, which shall be the principle residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area of any dwelling shall be devoted to any business use.
- (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 open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (f) Off-street parking space, in addition to those required for the dwelling, shall be provided according to the provisions of Section 4.27.

### 7.4 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfast is permitted in any R-1 Zone, the following shall apply:

- (a) Any bed and breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment;
- (b) Not more than three (3) rooms may be let;
- (c) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area; and
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

### 7.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

7.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where auxiliary dwelling units are permitted in any R-A Zone the following shall apply:

- (a) No more than thirty-five (35) per cent of gross floor area of any dwelling shall be devoted to the auxiliary dwelling unit.
- (b) There shall be an unrestricted interior access between the dwelling units.
- (c) One off-street parking space shall be provided for each dwelling unit.

7.7 OTHER REQUIREMENTS: OPEN SPACE USES

In any R-A Zone where uses are permitted as Open Space Uses, 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)

7.8 EXEMPTION: OPEN SPACE USES

Notwithstanding the provision of Section 4.1(a) where uses are permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

PART 8: R-A1 (GENERAL RESIDENTIAL) ZONE

8.1 R-A1 USES PERMITTED

No development permit shall be issued in any R-A1 (General Residential) Zone except for the following:

Residential Uses

- Single unit dwellings
- One auxiliary dwelling unit
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings
- Bed and breakfasts in conjunction with permitted dwellings

Community Uses

- Open space uses
- Institutional uses

8.2 R-A1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-A1 Zone where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Weight of Main Building	35 feet (10.7 m)

### 8.3 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in any R-A1 Zone, the following shall apply:

- (a) Any dwelling which is used for such purposes shall be the principal residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area of any dwelling nor more than seven hundred (700) square feet (65 m<sup>2</sup>) of gross floor area of any other structure shall be devoted to any business use.
- (c) No mechanical equipment shall be used that is obnoxious and which creates a nuisance by virtue of noise, vibration, glare, odour, dust or air pollutants.
- (d) No open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business or facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (g) One off-street parking space, in addition to those required for the dwelling, shall be provided according to the provisions of Section 4.27.

### 8.4 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfast is permitted in any R-1 Zone, the following shall apply:

- (a) Any bed and breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment;
- (b) Not more than three (3) rooms may be let;
- (c) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area; and
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

## 8.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-A1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility;
- (b) No open storage or outdoor display shall be permitted;
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

## 8.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where auxiliary dwellings are permitted in any R-A1 Zone the following shall apply:

- (a) Deleted - (DMA).
- (b) No more than thirty-five (35) per cent of gross floor area of any dwelling shall be devoted to the auxiliary dwelling unit.
- (c) There shall be an unrestricted interior access between the dwelling units.
- (d) One off-street parking space shall be provided for each dwelling unit.

## 8.7 OTHER REQUIREMENTS: INSTITUTIONAL USES

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	The greater of ½ height of the main building, or 15 feet (4.6 m)
Maximum Lot Coverage	50 per cent



PART 9: R-1E (RESIDENTIAL ESTATE) ZONE

9.1 R-1E USES PERMITTED

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

Residential Uses

- Single unit dwelling
- Day care facilities for not more than fourteen (14) children In conjunction with permitted dwellings
- Business uses in conjunction with a permitted dwelling
- Bed and breakfasts in conjunction with permitted dwellings

Community Uses

- Open space uses

Agricultural Uses

- Stables for the keeping of certain hooved animals

9.2 R-1E ZONE REQUIREMENTS

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

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

### 9.3 OTHER REQUIREMENTS: DAY CARE USES

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

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (0.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

### 9.4 OTHER REQUIREMENTS: BUSINESS USES

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

- (a) Any business shall be wholly contained within the dwelling which shall be the principle residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area of any dwelling shall be devoted to any business use.
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (d) No open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (0.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (g) One off-street parking space, other than that required for the dwelling, shall be provided for in accordance with Section 4.27.

9.5 OTHER REQUIREMENTS: KEEPING OF UNGULATE (HOOFED ANIMALS) FOR PERSONAL USE

No development permit shall be issued for a stable for the keeping of ungulates (hoofed animals) for personal use except in conformity with the following:

- (a) A minimum lot size of 100,000 square feet shall be required.
- (b) No more than 750 square feet (69.7 m<sup>2</sup>) of any building shall be used for the keeping of ungulates, and no such building shall:
  - (i) be located less than 20 feet (6.2 m) from any rear or side lot line.
  - (ii) be located less than 100 feet (30.5 m) from any dwelling or potable water supply except a dwelling or potable water supply located on the same lot.
  - (iii) be located less than 300 feet (91.5 m) from any watercourse or waterbody.
- (c) Where an animal is to be sheltered in an existing accessory structure other than an existing accessory garage or vehicle shed, then the minimum rear or side yard required under clause (b)(i) may be reduced to eight (8) feet (2.4 m).
- (d) For the purposes of this Part, "hoofed animals" shall be limited to ungulates with non-cleft hooves, including, but not limited to, horses, donkeys and mules.

9.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfast is permitted in any R-1E Zone, the following shall apply:

- (a) Any bed and breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment.
- (b) Not more than three (3) rooms may be let.
- (c) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

9.7 EXEMPTION: OPEN SPACE USES

Notwithstanding the provision of Section 4.1(a) where uses are permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

PART 10: R-2 (TWO UNIT DWELLING) ZONE

10.1 R-2 USES PERMITTED

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

Residential Uses

Single unit dwellings

Two Unit Dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Community Uses

Open space uses

10.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

### 10.3 OTHER REQUIREMENTS: BUSINESS USES

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

- (a) Any business shall be wholly contained within the dwelling, which shall be the principal residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area of any dwelling shall be devoted to any business use.
- (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 open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business or facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (g) One off-street parking space, in addition to those required for the dwelling, shall be provided according to the provisions of Section 4.27.

### 10.4 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 day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.



PART 11: MRR-1 (MIXED RURAL RESIDENTIAL) 1 ZONE

11.1 MRR-1 USES PERMITTED

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

Residential Uses

Single unit dwellings  
Two unit dwellings  
Mobile dwellings skirted  
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings  
Business uses in conjunction with permitted dwellings  
Boat houses

Commercial Uses

Bed and breakfast establishments  
Craft shops  
Antique shops  
Local convenience stores  
Service and personal service shops  
Medical clinics  
Grocery store  
Variety store

Resource Uses

Agriculture uses  
Forestry uses (but for purposes of this Section shall not include permanent sawmills or industrial mills)  
Fishery support uses

Community Uses

Institutional uses  
Open space uses

## 11.2 MRR-1 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, where uses are permitted as Residential, Commercial and Resource uses in any MRR-1 Zone, no development permit shall be issued except in conformity with the following.

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

## 11.3 OTHER REQUIREMENTS: BUSINESS USES

Where business uses in conjunction with a dwelling are permitted in any MRR-1 Zone the following shall apply:

- (a) Any business shall be wholly contained within the dwelling or an accessory building to the dwelling.
- (b) No more than fifteen hundred (1,500) square feet (131.4 m<sup>2</sup>) of the combined gross floor area of any dwelling or accessory buildings shall be devoted to any business use.
- (c) No materials or equipment which are obnoxious or create a nuisance by virtue of noise, vibration, glare, odour or dust shall be used on the lot.
- (d) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (e) Off-street parking space, in addition to those required for the dwelling, shall be provided for according to the provisions of Section 4.27. No portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected.

#### 11.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities in conjunction with a dwelling are permitted in any MRR-1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

#### 11.5 OTHER REQUIREMENTS: COMMERCIAL USES

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

- (a) No more than fifteen hundred (1,500) square feet (139.4 m<sup>2</sup>) of the combined gross floor area of any structure shall be devoted to a commercial use, including any area devoted to a business use.
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (c) Except where any commercial use in any MRR-1 Zone abuts another commercial use, no portion of any parking space shall be permitted within any required side or rear yard except where a fence or other visual barrier is erected.

#### 11.6 OTHER REQUIREMENTS: MEDICAL CLINICS

Notwithstanding the provisions of Sections 11.2 and 11.5, where medical clinics are permitted in any MRR-1 Zone, the following shall apply:

- (a) No medical clinic shall be located less than thirty (30) feet (9.1 m) from any lot line nor less than fifty (50) feet (15.2 m) from any dwelling.
- (b) No medical clinic shall be greater than three thousand (3,000) square feet (278.7 m<sup>2</sup>) in gross floor area.

- (c) Except where any medical clinic abuts another commercial use, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected.

#### 11.7 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 11.2, where agricultural uses are permitted in any MRR-1 Zone, and where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is to be erected, no structure shall:
  - (i) Be less than fifty (50) feet (15.2 m) from any side lot line;
  - (ii) Be less than three hundred (300) feet (91.4 m) from any residential dwelling or potable water supply except a dwelling or water supply on the same lot or directly related to the agricultural use; and
  - (iii) Be less than three hundred (300) feet (91.4 m) from any watercourse or water body.
- (b) No more than fifteen hundred (1,500) square feet (139.4 m<sup>2</sup>) of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including a retail use accessory to an agricultural use or a business use.

#### 11.8 OTHER REQUIREMENTS: FORESTRY USES

Notwithstanding the provisions of Section 11.2, where forestry uses are permitted in any MRR-1 Zone, the following shall apply:

- (a) The combined gross floor area of all structures devoted to the forestry use shall not exceed 1,500 square feet (139.4 m<sup>2</sup>).
- (b) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) percent of the lot area.
- (c) No more than fifteen hundred (1,500) square feet (139.4 m<sup>2</sup>) of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including a retail use accessory to a forestry use or a business use.

#### 11.9 OTHER REQUIREMENTS: FISHERY SUPPORT USES

Notwithstanding the provisions of Section 11.2, where fishery support uses are permitted in any MRR-1 Zone, the following shall apply:

- (a) The total gross floor area of all structures devoted to the fishery support use shall not exceed 1,500 square feet (139.2 m<sup>2</sup>); and

- (b) No more than fifteen hundred (1,500) square feet (139.4 m<sup>2</sup>) of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including a retail use accessory to a fishery use or a business use.

#### 11.10 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where uses are permitted as Institutional Uses in any MRR-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	The greater of ½ height of the main building or 15 feet (4.6 m)
Maximum Lot Coverage	50 per cent

#### 11.11 MRR-1 ZONE REQUIREMENTS: OPEN SPACE USES

In any MRR-1 Zone where uses are permitted as Open Space Uses, 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)

#### 11.12 EXEMPTION: OPEN SPACE USES

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

PART 12: MU-1 (MIXED USE 1) ZONE

12.1 MU-1 USES PERMITTED

A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, except for the following:

Residential Uses Not Permitted

Mobile home parks  
Multi-unit dwellings  
Senior citizen housing over 20 units

Commercial Uses Not Permitted

Commercial entertainment uses  
Campgrounds  
Marinas

Resource Uses Not Permitted

Agricultural uses, Intensive  
Extractive facilities  
Sawmills and industrial mills related to forestry over 3,000 square feet

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries  
Salvage yards

**Construction and Demolition Materials Operations Not Permitted**

**C&D Materials Transfer Stations**

**C&D Materials Processing Facilities**

**C&D Materials Disposal Sites (RC - September 10, 2002 / E - November 9, 2002)**

## 12.2 MU-1 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any MU-1 Zone except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

## 12.3 OTHER REQUIREMENTS: COMMERCIAL USES INCLUDING COMMERCIAL USES ASSOCIATED WITH A RESIDENTIAL USE.

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

- (a) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (b) No portion of any parking space within the MU-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected.

## 12.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Notwithstanding the provisions of 12.2, where any portion of any lot in any MU-1 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor storage or outdoor display shall be permitted within any yard in an MU-1 Zone where such yard abuts any residential or institutional use, except where a fence or other visual and physical barrier is provided within the abutting yard.

## 12.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 12.2, where any service station is erected in any MU-1 Zone the following shall apply:

- (a) Minimum Lot Area 30,000 square feet (2,787 m<sub>2</sub>)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.
- (d) No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
- (e) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (f) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (g) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (h) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

## 12.6 OTHER REQUIREMENTS: AGRICULTURAL USES

In any MU-1 Zone where agricultural uses are permitted, and where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected, no such structure shall:

- (a) Be less than twenty five (25) feet (7.6 m) from any side lot line;
- (b) Be less than three hundred (300) feet (91.5 m) from potable water supply except a supply on the same lot or directly related to the agricultural use;
- (c) Be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
- (d) Be less than three hundred (300) feet (91.5 m) from any watercourse or water body.

12.7 OTHER REQUIREMENTS: FORESTRY USES

In any MU-1 Zone where forestry uses are permitted, the following shall apply:

- (a) No more than three thousand (3,000) square feet (278.7 m<sup>2</sup>) of gross floor area of all structures on any lot shall be used for a sawmill or other industrial mill related to forestry.
- (b) No sawmill or other industrial mill related to forestry shall be located less than twenty five (25) feet (7.6 m) from any lot line nor less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.

12.8 OTHER REQUIREMENTS: INSTITUTIONAL USES:

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	The greater of ½ height of the main building or 15 feet (4.6 m)
Maximum Lot Coverage	50 per cent

12.9 OTHER REQUIREMENTS: SERVICE INDUSTRIES, TRANSPORTATION FACILITIES AND MAINTENANCE AND CONSTRUCTION YARDS

Notwithstanding the provisions of Section 12.2 where uses are permitted as service industries, transportation facilities and maintenance and construction yards in any MU-1 Zone, the following shall apply:

Minimum Front Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m) except where any such use abuts another such use or a commercial use in which case the abutting side or rear yard requirement shall be fifteen (15) feet (4.6 m).
Minimum Separation Distance Between Accessory Buildings	15 feet (4.6 m)



PART 13: MU-2 (MIXED USE) ZONE

13.1 MU-2 USES PERMITTED

A development permit may be issued for all uses in any MU-2 (Mixed Use) Zone, except for the following:

Residential Uses Not Permitted

Mobile home parks  
Multi-unit dwellings  
Senior citizen housing over 20 units

Commercial Uses Not Permitted

Commercial entertainment uses  
Campgrounds  
Marinas

Resource Uses Not Permitted

Agricultural uses, intensive  
Extractive facilities  
Sawmills and industrial mills related to the forestry over 3,000 square feet  
Fish processing plants

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries  
Salvage yards

**Construction and Demolition Materials Operations Not Permitted**

**C&D Materials Transfer Stations**  
**C&D Materials Processing Facilities**  
**C&D Materials Disposal Sites**

### 13.2 MU-2 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any MU-2 Zone except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
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 per cent
Maximum Height of Main Building	35 feet (10.7 m)

### 13.3 OTHER REQUIREMENTS: COMMERCIAL USES INCLUDING COMMERCIAL USES ASSOCIATED WITH A RESIDENTIAL USE.

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

- (a) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (b) No portion of any parking space within the MU-2 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected.

### 13.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Notwithstanding the provisions of 13.2, where any portion of any lot in any MU-2 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor storage or outdoor display shall be permitted within any yard in an MU-2 Zone where such yard abuts any residential or institutional use, except where a fence or other visual and physical barrier is provided within the abutting yard.

### 13.5 OTHER REQUIREMENTS: SERVICE STATIONS

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

(a) Minimum Lot Area	30,000 square feet (2787 m <sup>2</sup> )
(b) Minimum Frontage	150 feet (45.7 m)

- (c) No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.
- (d) No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
- (e) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (f) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (g) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (h) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

### 13.6 OTHER REQUIREMENTS: AGRICULTURAL USES

In any MU-2 Zone, where agricultural uses are permitted and where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected, no such structure shall:

- (a) Be less than twenty five (25) feet (7.6 m) from any side lot line;
- (b) Be less than three hundred (300) feet (91.5 m) from a potable water supply except a supply on the same lot or directly related to the agricultural use;
- (c) Be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
- (d) Be less than three hundred (300) feet (91.5 m) from any watercourse or water body.

### 13.7 OTHER REQUIREMENTS: FORESTRY USES

In any MU-2 Zone, where forestry uses are permitted, the following shall apply:

- (a) No more than three thousand (3,000) square feet (278.7 m<sup>2</sup>) of gross floor or of all structures on any lot shall be used for a sawmill or other industrial mill related to forestry.
- (b) No sawmill or other industrial mill related to forestry shall be located less than twenty five (25) feet (7.6 m) from any lot line nor less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	The greater of ½ height of the main building or 15 feet (4.6 m)
Maximum Lot Coverage	50 per cent

13.9 OTHER REQUIREMENTS: SERVICE INDUSTRIES, TRANSPORTATION FACILITIES AND MAINTENANCE AND CONSTRUCTION YARDS

Notwithstanding the provisions of Section 13.2, where uses are permitted as service industries, transportation facilities and maintenance and construction yards in any MU-2 Zone, the following standards shall apply:

Minimum Front Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m) except where any such use abuts another such use or a commercial use in which case the abutting side or rear yard requirement shall be fifteen (15) feet (4.6 m).
Minimum Separation Distance Between Accessory Buildings	15 feet (4.6 m)

13.10 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

13.11 EXEMPTION: OPEN SPACE USES

Notwithstanding the provision of Section 4.1(a) where uses are permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

13.12 OTHER REQUIREMENTS: RECYCLING DEPOTS

In any MU-2 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.

13.13 OTHER REQUIREMENTS: GROCERY STORES

In any MU-2 zone, the roof of a grocery store, which has a main floor area of 60,000 square feet or greater, may exceed the permitted height provided that:

- a) such projection(s) above the permitted height occupies an area of not more than 10 percent, in total, of the area of the main floor area of the building.
- b) such projections shall be a maximum of 50 feet in height
- c) no additional habitable space is created.

PART 14: C-1 (LOCAL BUSINESS) ZONE

14.1 C-1 USES PERMITTED

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

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings

Commercial Uses

- Variety stores
- Grocery store
- Service and personal service shops

14.2 C-1 ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

#### 14.3 OTHER REQUIREMENTS: COMMERCIAL USES

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

- (a) The gross floor area of any commercial building in any C-1 Zone, including any floor area devoted to a permitted dwelling unit, shall not exceed fifteen hundred (1,500) square feet (139.9 m<sup>2</sup>).
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (c) Except where any lot in any C-1 Zone abuts another lot in a C-1 Zone, no portion of any parking space within the C-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.
- (d) No mechanical equipment shall be used which creates a nuisance by virtue of noise, vibration, glare or odour or which is obnoxious.
- (e) No outdoor storage shall be permitted.

#### 14.4 OTHER REQUIREMENTS: BUSINESS USES

Where business uses in conjunction with a dwelling are permitted in any C-1 Zone, the following shall apply:

- (a) Any business shall be wholly contained in the dwelling, which shall be the principal residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of floor area of any dwelling shall be devoted to any business use.
- (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 open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (3.7 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (f) One off-street parking space, in addition to those required for the dwelling, shall be provided for according to the provisions of Section 4.27.

#### 14.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities in conjunction with a dwelling are permitted in any C-1 Zone in conjunction with a dwelling, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

PART 15: C-1A (COMMUNITY COMMERCIAL) ZONE

15.1 C-1A USES PERMITTED

No development permit shall be issued in any C-1A (Community Commercial) Zone except for the following:

Commercial Uses

- Variety stores
- Grocery store
- Service and personal service shops
- Craft shops
- Antique shops

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Mobile homes skirted
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings

15.2 C-1A ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

### 15.3 OTHER REQUIREMENTS: COMMERCIAL USES

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

- (a) No more than three thousand (3,000) square feet (278 m<sup>2</sup>) of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including any that are devoted to a business use.
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (c) Except where any lot in any C-1A Zone abuts another lot in a C-1A Zone, no portion of any parking space within the C-1A 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.

### 15.4 OTHER REQUIREMENTS: BUSINESS USES

Where business uses in conjunction with a dwelling are permitted in any C-1A Zone the following shall apply:

- (a) Any business shall be wholly contained within the dwelling or an accessory building to the dwelling.
- (b) No more than fifteen hundred (1,500) square feet (131.4 m) of the combined gross floor area of any dwelling or accessory buildings shall be devoted to any business use.
- (c) No materials or equipment which are obnoxious or create a nuisance by virtue of noise, vibration, glare, odour or dust shall be used on the lot.
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (e) One (1) off-street parking space, in addition to those required for the dwelling, shall be provided for according to the provisions of Section 4.27. No portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected.

## 15.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities in conjunction with a dwelling are permitted in any C-1A Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of gross floor area devoted to any facility.

PART 16: C-3 (TOURIST INDUSTRY) ZONE

16.1 C-3 USES PERMITTED

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

All MRR-1 (Mixed Rural Residential) Uses

Tourist Industry Uses

Motels  
Hotels  
Restaurants, full-service, drive-in and takeout

16.2 C-3 ZONE REQUIREMENTS: TOURIST INDUSTRY USES

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

Minimum Lot Area	40,000 square feet (3716 m <sup>2</sup> )
Minimum Frontage	150 feet (45.7 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

16.3 OTHER REQUIREMENTS: TOURIST INDUSTRY USES

Where tourist industry uses are permitted in any C-3 Zone the following shall apply:

- (a) No structure shall be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the commercial use.
- (b) Except where any lot in a C-3 Zone abuts another lot in a commercial zone, no portion of any parking space within the C-3 Zone shall be permitted in 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 fifteen (15) feet (4.6 m) of the side or rear lot line.

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

16.4 OTHER REQUIREMENTS: MRR-1 USES

In any C-3 Zone, no development permit shall be issued for any MRR-1 use except in conformity with the provisions of the MRR-1 Zone.

PART 17: MR-1 (MIXED RESOURCE) ZONE

17.1 MR-1 USES PERMITTED

No development permit shall be issued in any MR-1 (Mixed Resource) Zone except for the following:

Residential Uses

Single unit dwellings  
Two unit dwellings  
Mobile dwellings  
Business uses in conjunction with permitted dwellings

Resource Uses

Agricultural uses  
Agricultural uses; intensive  
Forestry uses  
Fishery uses  
Extractive facilities and bulk storage facilities  
**Composting operations (see section 4.29) (MC-February 26, 1996 / M-March 28, 1996)**

Commercial Uses

Hunting lodges  
Fishing lodges

Community Uses

Recreational uses  
Private and public parks  
Open space uses

17.2 MR-1 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any MR-1 Zone except in conformity with the following:

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

17.3 OTHER REQUIREMENTS: EXTRACTIVE USES AND BULK STORAGE FACILITIES

In any MR-1 Zone, where extractive facilities and bulk storage facilities are permitted, no building, structure, plant, or product stockpile shall:

- (a) be located within one hundred (100) feet (30.5 m) of any property line;
- (b) be located within three hundred (300) feet (91.5 m) of any zone other than a Mixed Resource or Industrial Zone or within one half (.5) miles (.8 k) of a Residential Zone;
- (c) be located within one hundred (100) feet (30.5 m) of a public road; or
- (d) be located within three hundred (300) feet (91.5 m) of a watercourse.

17.4 OTHER REQUIREMENTS: AGRICULTURAL AND INTENSIVE AGRICULTURAL USES

In any MR-1 Zone where agricultural and intensive agricultural uses are permitted, the following shall apply:

- (a) No barn, stable, or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals shall be located:
  - (i) less than fifty (50) feet (15.2 m) from any side lot line;
  - (ii) less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; or
  - (iii) less than three hundred (300) (90.3 m) feet from any watercourse.
- (b) No intensive agricultural use shall be located less than one half (.5) miles (.8 km) from any residential zone.

17.5 OTHER REQUIREMENTS: FORESTRY USES

In any MR-1 Zone where forestry uses are permitted, the following shall apply:

- (a) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet (15.2 m) from any lot line or less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.
- (b) Where any sawmill or other industrial mill over two thousand (2,000) square feet (186 m<sup>2</sup>) related to forestry abuts any residential zone, a visual and physical barrier shall be provided.

17.6 OTHER REQUIREMENTS: BUSINESS USES

In any MR-1 Zone where business uses in conjunction with a dwelling are permitted, no more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of any dwelling or accessory building devoted to a business use exceed one thousand five hundred (1,500) square feet (134.4 m<sup>2</sup>).

17.7 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

17.8 EXEMPTION: OPEN SPACE USES

Notwithstanding the provision of Section 4.1(a) where uses are permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

PART 18: MR-2 (MIXED RESOURCE 2) ZONE

18.1 MR-2 USES PERMITTED

No development permit shall be issued in and MR-2 (Mixed Resource 2) Zone except for the following:

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Mobile dwelling units
- Businesses uses in conjunction with permitted dwellings

Resource Uses

- Forestry uses
- Fishery uses
- Extraction facilities and bulk storage
- Agricultural uses
- Composting operations (see section 4.29) (MC-February 26, 1996 / M-March 28, 1996)**

Commercial Uses

- Hunting lodges
- Fishing lodges

Community Uses

- Open space uses

18.2 MR-2 ZONE REQUIREMENTS

Except as otherwise provided for in this part, no development permit shall be issued in any MR-2 Zone except in conformity with the following:

Minimum lot area	100,000 square feet (9290.3 m <sup>2</sup> )
Minimum frontage	150 feet (46 m)
Minimum front and flankage yard	30 feet (9.1 m)
Minimum rear or side yard	30 feet (9.1 m)
Maximum height of the building	26 feet (8 m)

### 18.3 OTHER REQUIREMENTS: EXTRACTIVE USES AND BULK STORAGE FACILITIES

In any MR-2 Zone, where extractive facilities and bulk storage facilities are permitted, no building, structure, plant, or product stockpile shall:

- (a) be located within one hundred (100) feet (30.5 m) of any property line;
- (b) be located within three hundred (300) feet (91.5 m) of any zone other than a Mixed Resource or Industrial Zone or within one half (.5) miles (.8 km) of a Residential Zone;
- (c) be located within one hundred (100) feet (30.5 m) of a public road; or
- (d) be located within three hundred (300) feet (91.5 m) of a watercourse.

### 18.4 OTHER REQUIREMENTS: AGRICULTURAL USES

In any MR-1 Zone where agricultural uses are permitted, the following shall apply:

- (a) No barn, stable, or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals shall be located:
  - (i) less than fifty (50) feet (15.2 m) from any side lot line;
  - (ii) less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; or
  - (iii) less than three hundred (300) (90.3 m) feet from any watercourse.

### 18.5 OTHER REQUIREMENTS: FORESTRY USES

In any MR-2 Zone where forestry uses are permitted, the following shall apply:

- (a) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet (15.2 m) from any lot line or less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.
- (b) Where any sawmill or other industrial mill over two thousand (2,000) square feet (186 m<sup>2</sup>) related to forestry abuts any residential zone, a visual and physical barrier shall be provided.

18.6 OTHER REQUIREMENTS: BUSINESS USES

In any MR-2 Zone where business uses in conjunction with a dwelling are permitted, no more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of any dwelling or accessory building devoted to a business use exceed one thousand five hundred (1,500) square feet (134.4 m<sup>2</sup>).

18.7 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

PART 19: I-1 (GENERAL INDUSTRIAL) ZONE

19.1 I-1 USES PERMITTED

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

---

All MU-2 (Mixed Use 2) Uses

Industrial Uses

Any manufacturing, processing, or assembly operation which is not obnoxious Forestry industries over 3000 square feet  
Office or retail use accessory to any permitted use

Other Uses

**Composting operations (see section 4.29) (MC-February 26, 1996 / M-March 28, 1996)**

19.2 I-1 ZONE REQUIREMENTS: INDUSTRIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m)
Maximum Lot Coverage for Structures	50 per cent
Maximum Lot Coverage for Structures and Storage	75 per cent
Minimum Separation Distance Between Accessory Buildings	15 feet (4.6 m)

19.3 OTHER REQUIREMENTS: MU-2 USES

In any I-1 Zone, no development permit shall be issued for any MU-2 use except in conformity with the provisions of the MU-2 Zone.

#### 19.4 OTHER REQUIREMENTS: ABUTTING YARDS

Where any industrial use abuts another industrial use or a commercial use, the abutting side or rear yard requirement shall be fifteen (15) feet (4.6 m).

#### 19.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY AND PARKING

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

- (a) Any materials associated with the industrial use shall be contained within a building or enclosed by a fence, vegetation or other means which provides a visual and physical barrier.
- (b) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided in which case there will be no outdoor display within five (5) feet (1.5 m) of the abutting side or rear lot line.
- (c) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community use, except where a visual barrier is provided.

#### 19.6 OTHER REQUIREMENTS: SET BACK

Notwithstanding the provisions of Section 19.2, no industrial use in the I-1 Zone shall be less than one hundred (100) feet (30.3 m) from any watercourse. Notwithstanding this, any existing use within this setback distance shall be a permitted and conforming use.

#### 19.7 COMMERCIAL ENTERTAINMENT USES

Notwithstanding Section 12.1, commercial entertainment uses shall be permitted within the I-1 Zone on the properties in Hubbards identified by LIMS Property Numbers 40021768, 40021750, 40021743, 40227324, 40227316, 40021958, and 40021941. Notwithstanding anything else in this By-law, multi-unit dwellings and more than one dwelling on a lot may be permitted on properties in Hubbards identified by LIMS Property Numbers 40021768, 40021750, 40021743, 40227324, 40227316, 40021958, and 40021941.

PART 20: I-2 (SALVAGE YARD) ZONE

20.1 I-2 USES PERMITTED

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

All MU-2 (Mixed Use 2) uses

Salvage Yard Uses

Salvage and scrap yards  
Service stations  
Dwelling units accessory to any permitted use

20.2 I-2 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any I-2 Zone except in conformity with the following:

Minimum Lot Area	80,000 square feet (7.43 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear or Side Yard	50 feet (15.2 m)
Maximum Lot Coverage for Structures and Storage	75 per cent
Maximum Height of Main Building	35 feet (10.7 m)

20.3 OTHER REQUIREMENTS: SEPARATION AND BUFFERING

- (a) Any materials associated with any salvage yard operation shall be contained within a building or enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (b) No outdoor storage shall be located within any required yard.
- (c) No salvage yard operation shall be located within five hundred (500) feet (152.5 m) of a community facility use or a residential use.
- (d) No outdoor storage shall be located within three hundred (300) feet (91.5 m) of a watercourse or waterbody.

#### 20.4 OTHER REQUIREMENTS: MU-2 USES

In any I-2 Zone no development permit will be issued for any MU-2 Use except in conformity with the provisions of the MU-2 Zone.

#### 20.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 20.2, where any service station is erected in any I-2 Zone the following shall apply:

- (a) Minimum Frontage 150 feet (45.7 m)
- (b) No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.
- (c) No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
- (d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

PART 21: I-3 (MIXED INDUSTRIAL) ZONE

21.1 I-3 USES PERMITTED

No development permit shall be issued in any I-3 (Mixed Industrial) Zone except for the following:

All MR-1 (Mixed Resource) Uses

Industrial Uses

Any manufacturing, processing, assembly or warehousing operation which is not obnoxious and which is conducted and wholly contained within a building Service industries

Warehousing

Transport facilities and maintenance yards

Heavy machinery sales and service

Office or retail use accessory to any permitted use

**Composting operations (see section 4.29) (MC-February 26, 1996 / M-March 28, 1996)**

21.2 I-3 ZONE REQUIREMENTS: INDUSTRIAL USES

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, where uses are permitted as industrial uses in any I-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m)
Maximum Lot Coverage for Structures	50 per cent
Maximum Lot Coverage for Structures and Storage	75 per cent
Minimum Separation Distance Between Accessory Buildings	15 feet (4.6 m)

21.3 OTHER REQUIREMENTS: MR-1 USES

In any I-3 Zone, no development permit shall be issued for any MR-1 use except in conformity with the provisions of the MR-1 Zone.

21.4 OTHER REQUIREMENTS: ABUTTING YARDS

Where any industrial use abuts another industrial use or a commercial use, the abutting side or rear yard requirement shall be fifteen (15) feet (4.6 m)

21.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY AND PARKING

Where any portion of any lot in an I-3 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) No open storage shall be located less than fifty (50) feet (15.2 m) from any residential use.
- (b) Any materials associated with the industrial use shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier;
- (c) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided in which case there shall be no outdoor display within five (5) feet (1.5 m) of the abutting side or rear lot line;
- (d) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community use, except where a visual barrier is provided in which case there shall be no parking within five (5) feet (1.5 m<sup>2</sup>) of the abutting side or rear lot line.

**PART 22: P-3 (PROVINCIAL PARK) ZONE Deleted (RC-June 27/06;E-Aug 26/06)**

**PART 22: RPK (REGIONAL PARK) ZONE (RC-June 27/06;E-Aug 26/06)**

**22.1 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

Public Parks

Commercial uses accessory to public park use

**22.2 RPK ZONE REQUIREMENTS**

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

<b>Minimum Front or Flankage Yard:</b>	<b>20m</b>
<b>Minimum Side or Rear Yard:</b>	<b>20m</b>
<b>Maximum Lot Coverage:</b>	<b>50% for lots less than 4 ha in area, or 5% for lots 4 ha or more in area</b>
<b>Maximum Height of Main Building</b>	<b>10.7 m</b>

**PART 23: P-4 (CONSERVATION) ZONE (Deleted RC-June 27/06;E-Aug 26/06)**

**PART 23: PWS (PROTECTED WATER SUPPLY) ZONE (RC-June 27/06;E-Aug 26/06)**

**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**
- Conservation uses**
- Uses accessory to the foregoing uses**

**23.2 PWS ZONE REQUIREMENTS**

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

- Minimum Front or Flankage Yard: 9.1m**
- Minimum Rear or Side Yard: 4.6m**

**PART 23A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE**

**23A.1 CD -1 USES PERMITTED**

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

\_\_\_\_\_ **Construction and Demolition Materials Transfer Stations**  
Uses accessory to permitted use

**23A.2 CD-1 ZONE REQUIREMENTS**

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

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

**23A.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations**

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

- (a) any building or structure shall meet the following separation distances:
  - (ii) from any property line 30 metres (98.4 feet)
  - (ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
  - (iii) from a watercourse 30 metres (98.4 feet)
- (b) notwithstanding Section 23A.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).
- (c) notwithstanding Section 23A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

#### **23A.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 23A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;**
- (e) no portion of the operation shall be located within any side, rear, or front 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-A, R-A1, R-1E, R-2) or community use (P-3 and P-4); and**
- (g) no portion of the operation shall be located within a 1:100 year floodplain.**

### **23A.5 General Requirements: Site Plan Approval**

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

- a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;**
- b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;**
- c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;**
- d) a landscaping plan shall be prepared that protects and minimize land use 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.  
RC - September 10, 2002 / E - November 9, 2002)**

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

**23B.1 CD-2 USES PERMITTED**

- \_\_\_\_\_ No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:
- \_\_\_\_\_ Construction and Demolition Materials Processing Facilities
- \_\_\_\_\_ All CD-1 Zone uses
- \_\_\_\_\_ Uses Accessory to permitted uses, excluding construction and demolition disposal
- \_\_\_\_\_ Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

**23B.2 CD-2 ZONE REQUIREMENTS**

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

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

**23B.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations**

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

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

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

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

- (b) notwithstanding Section 23B.4(a), where a building or structure is not located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).
- (c) notwithstanding Section 23B.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

#### **23B.5 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) the operation complies with the general zone requirements as outlined in Section 23A.4.
- (b) notwithstanding Sections 23B.2 to 23B.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

#### **23B.6 General Requirements: Site Plan Approval**

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 23A.5.

(RC - September 10, 2002 / E - November 9, 2002)

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

**23C.1 CD-3 USES PERMITTED**

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

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

**23C.2 CD-3 ZONE REQUIREMENTS**

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

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

**23C.3 OTHER REQUIREMENTS: CD-1 and CD-2 Zone Uses**

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

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

**23C.4 OTHER REQUIREMENTS: C&D Materials Disposal Sites**

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

- (a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;

**(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:**

- |  |                  |                     |
|--|------------------|---------------------|
| <b>(i) from any property line</b>                                      | <b>50 metres</b> | <b>(164 feet)</b>   |
| <b>(ii) from the nearest residential dwelling or institutional use</b> | <b>90 metres</b> | <b>(295.3 feet)</b> |
| <b>(iii) from a watercourse</b>  | <b>60 metres</b> | <b>(196.8 feet)</b> |

#### **23C.5 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) the operation complies with the general zone requirements as outlined in Section 23A.4.**
- (b) Notwithstanding Sections 23C.2 to 23C.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.**

#### **23C.6 GENERAL REQUIREMENTS: Site Plan Approval**

**C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 23A.5".**

**(RC - September 10, 2002 / E - November 9, 2002)**

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

**23D.1 ICH USES PERMITTED**

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

**Single Unit Dwellings  
Open Space Uses**

**23D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone. (RC-July 2, 2002 / E-August 17, 2002)**

**PART 23E: PA (PROTECTED AREA) ZONE (RC-June 27/06;E-Aug 26/06)**

**23E.1 PA USES PERMITTED**

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

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

**23E.2 PA ZONE REQUIREMENTS**

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

<b>Minimum Lot Area:</b>	<b>930m<sup>2</sup></b>
<b>Minimum Frontage:</b>	<b>30.5m</b>
<b>Minimum Front or Flankage Yard:</b>	<b>20m</b>
<b>Minimum Side or Rear Yard:</b>	<b>20m</b>

**23E.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION  
REMOVAL**

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

**PART 23F: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-June 27/06;E-Aug 26/06)**

**23F.1 CDD USES PERMITTED**

**No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:**

- Residential uses**
- Commercial uses**
- Institutional uses**
- Recreation uses**
- Parking facilities and transit stations or transit stops**
- Existing uses**
- Uses accessory to the foregoing uses**

**23F.2 CDD REQUIREMENTS**

- (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Municipal Government Act*.**
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:**

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

## PART 24: ADMINISTRATION

### 24.1 ENFORCEMENT

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

### 24.2 SCOPE OF APPLICATION

- (a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:
  - (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
  - (ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the application is being made;
  - (iii) the location of every building or structure already erected on or partly on the lot, and the location of every building upon contiguous lots;
  - (vi) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
  - (v) other such information as may be necessary to determine whether or not every such building, or development, conforms with the requirements of this By-law.
- (b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws and regulations in force which affect the proposed development, he may require that the plans submitted under this section be based upon an actual survey by a Nova Scotia Land Surveyor.

### 24.3 SIGNATURE FOR APPLICATION

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

### 24.4 PENALTY

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

24.5 DATE OF BY-LAW

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

24.6 SCHEDULE OF FEES

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
Rezoning	\$100.00

24.7 PUBLIC HEARING NOTIFICATION

Where Council has scheduled a public hearing to consider an amendment to this By-law or a proposed development agreement or a proposed amendment to a development agreement, the following notification provisions shall apply:

- (a) all assessed property owners, based on LIMS records, located within two hundred and fifty (250) feet of the property boundary of the proposed site shall, where the site is located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (b) all assessed property owners, based on LIMS records, within five hundred (500) feet of the property boundary of the proposed site shall, where the site is not located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (c) the notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing.

APPENDIX "A"

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Notwithstanding anything else in this By-law, the following use shall be considered to be a non-conforming use to the extent that it shall not be permitted to re-commence operations if discontinued for a continuous period of six months.

<u>USE</u>	<u>LOCATION</u>	<u>LIMS INDEX NUMBER</u>
Kreft Mushroom Farm Ltd. formerly Ocean Mist Mushroom Farm	Highway 213	40055766

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APPENDIX "B"

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

<u>NAME</u>	<u>USE</u>	<u>LIMS INDEX NUMBER</u>	<u>ZONE</u>
Nifty Finers Crafts and Atlantic Home Design	Office and Craft Shop	40284960	MRR-1
Bowmaster Well Drilling	Well Drilling	40255580	MU-2
Terry (Kathy) Densmore	Cabinet Making	40044463	MRR-1

APPENDIX "C"

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

<u>NAME</u>	<u>USE</u>	<u>LIMS INDEX NUMBER</u>	<u>ZONE</u>
Barry W. Doucette and Company	Accounting Office in Dwelling	614354 or 40269037	RA RA

## APPENDIX "D"

### NON-CONFORMING USE

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

### EXISTING USE

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

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

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

### 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.

### 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 limits that the use occupies.

## CHANGE IN USE

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

## CHANGE OF OCCUPANT

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

## REPAIR OR MAINTENANCE

(5) Subject to Section 93, this Act does not preclude the repair or maintenance of a structure.

## 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 than 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.

## VARIATION IN SECTION 92 OR 93 RESTRICTIONS

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

## POLICIES

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

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

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

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

(d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.

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

## IMPLEMENTATION

(3) The policies adopted pursuant to this Section may be carried out through the land use by-law, or by development agreement, and where the council has provided for the latter, Sections 73 to 80 apply mutatis mutandis to any agreement entered into pursuant to this Section. R.S.N.S., c.346, s.1, 1989.

LAND USE BY-LAW AMENDMENTS  
IN CHRONOLOGICAL ORDER OF MINISTERIAL APPROVAL

<u>Amendment Number</u>	<u>Policies/Maps</u>	<u>Subject</u>	<u>Council Adoption</u>	<u>Effective Date</u>
1.	Part 2: 2.1, 4.12 (amended)	Accessory Buildings (Case ZA-ALL-21-94)	June 26/95	July 22/95
2.	2.15A, 4.29, 17.1, 18.1, 19.1, 21.1 (addition)	Composting Operation (Case ZA-ALL-31-95)	Feb 26/96	March 28/96
3.	Infrastructure Charge Zone (addition) Part 23D (addition)	Capital Cost Cont. (Case 00423)	July 2/02	Aug 17/02
4.	Part 13: MU-2 (Mixed Use) Zone 13.13 (added)	Grocery Stores (Case 00498)	Sept 23/02	Oct 13/02
5.	Part 2: 2.15B, 2.15C, 2.15D & 2.15E (addition); Part 2: 2.77A (amended); Part 2: 2.62 & 2.68 (replaced); Section 3.1 (amended); Part 4: Section 4.19 (addition); Part 23A.1 - 23C.6: (addition); Section 12.1 & Section 13.1 (amended)	C&D Waste Management (Project 00082)	Sept 10/02	Nov 9/02
6.	Part 4: 4.13(a)(3) (addition); 4.13(a)(v) (replaced); Subsection 4.13(a)(ix) (addition)	Accessory Buildings (Case 00604)	Nov 24/03	Dec 16/03
7.	Part 4: 4.3(a) amended; Part 4(b) (addition)	General Provisions (Case 00499)	Nov 24/03	Dec 16/03
8.	Part 4: 4.30 (addition)	General Provisions (Case 00616)	Jan 26/04	Feb 15/05
9.	Part 4: 4.1A (addition)	Interim Growth (Case 00664)	Apr 13/04	Apr 22/04
10.	Part 2: 2.9 (deletion); Part 2: 2.72A (addition); Part 4: 4.13A (addition)	Shipping Containers (Case 00679)	Nov 22/04	Dec 12/04
11.	Deleting P-3& P-4 Zones; Adding RPK, PWS &CDD Zones; Adding Schedules I&J; adding Conservation definition, new recreation use and watercourse definitions; Consideration of DA for lands designated Rural Commuter; new Watercourse Setbacks and buffers; new Coastal Area requirements	Regional planning	June 27/06	Aug 26/06
12.	Adding new section for Temporary Signage and revised sign definition	Project 00324	Sept 26/06	Nov 18/06
13.	Amending sign requirements	Case # 01110	May 26/08	June 14/08