HALIFAX

LAND USE BY-LAW

PLANNING DISTRICTS

14/17

(SHUBENACADIE LAKES)

THIS COPY IS A

REPRINT OF PLANNING DISTRICTS 14/17

LAND USE BY-LAW

WITH AMENDMENTS TO

MARCH 3, 2018

LAND USE BY-LAW

FOR

PLANNING DISTRICTS 14/17

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Planning Districts 14 and17 which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 2nd day of May, 1989, and approved by the Minister of Municipal Affairs on the 19th day of July, 1989, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 3RD day of March, 2018.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this _____ day of _____, 201__.

_____
Municipal Clerk

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PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Planning Districts 14 and 17" 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. (MC/SCC-Jun 26/95;E-Jul 22/95)**

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. (MC/SCC-Jun 26/95;E-Jul 22/95)**

2.2A ADULT ENTERTAINMENT USE means any premises or part thereof which is to provide services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes adult cabarets and massage parlours.
When used in relation to adult entertainment use, the following shall apply:

- **(i) "Services" means activities that are designed to appeal to erotic or sexual appetites or inclination" and includes:**
  - **1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall include less than completely covered or opaquely covered:**
    - **(a) human genitals or human pubic region;**
    - **(b) human buttocks; or**
    - **(c) female breast below a point immediately above the top of the areola.**
  - **2. Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement. (RC-Oct 23/12;E-Jan 12/13)**

2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market

outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel.

2.4 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 slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area. (C-Apr 8/91;E-May 3/93)

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

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

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

2.8 AUTOMOBILE RACE TRACK means the use of land and buildings related to the racing of automobiles, including grandstand facilities, administration buildings, and buildings related to the sale of food and drink during racing activities.

2.8A BED AND BREAKFAST - means a home where not more than four sleeping rooms are rented to the traveling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms. (RC-Oct 23/12;E-Jan 12/13)

2.9 BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain, to more than three but not more than six persons, exclusive of the owner of the building or members of the family, and which building is not open to the general public.

2.9A 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. (RC-Jun 25/14;E-Oct 18/14)

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.

2.10A BUILDING WIDTH means the total horizontal distance between the outermost edges of the building wall or walls facing a street or public open space. (RC-Oct 23/12;E-Jan 12/13)

2.10B CANADIAN GEODETIC VERTICAL DATUM (CGVD28) - means the vertical datum for Canada officially adopted by an Order in Council in 1935. CGVD28 is a

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

2.11 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, animal or vehicle racing tracks, rifle ranges, marinas, bowling alleys, golf courses, bingo halls, roller skating rinks, drive-in theatres, and may include a dwelling unit or dwelling units for maintenance or security personnel.

2.12 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.

2.12A COMMUNITY COUNCIL means the council of a community established pursuant to the Halifax Regional Municipality Charter. (RC-Oct 23/12;E-Jan 12/13)

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

2.13A CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

2.14 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.

2.15 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~~.16 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.

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

2.18 COUNCIL means the Regional Council of Halifax Regional Municipality established pursuant to the *Halifax Regional Municipality Charter*. (RC-Oct 23/12;E-Jan 12/13)

2.19 CRAFT SHOP means a building or part of a building which is used for the retailing or wholesaling of arts and handicrafts and shall include the fabrication of arts and handicrafts <u>but shall not include an obnoxious use</u>. (MC-Jul 26/93/SCC-Aug 10/93;E-Sep 4/93)

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

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

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

2.23 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, vats motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

2.24 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 a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit.

(d) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and at the site 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 aud modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).

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

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

(g) Dwelling, Townhouse means a building that is divided vertically into three or more dwelling units, each of which must have an independent entrance to a front and rear yard immediately abutting the front and rear walls of the unit, and each of which may be located on a separate lot. (RC-Oct 23/12;E-Jan 12/13)

(h) Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling, in which access can be gained through the main dwelling, unit and which comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.

2.25 ENTERTAINMENT USE means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, lounge or other beverage room, an arcade or amusement centre and a pool or billiard hall, but specifically excludes a massage parlour or cabaret.

2.26 ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

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

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

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

2.30 FIREWOOD MILL means an area of land and/or buildings set aside for the storage and milling of logs for either wholesale or retail sale for domestic heating purposes.

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

2.31A GARDEN CENTRES within the VC-CDD, VMS and VG Zones means a structure erected on a lot on a seasonal basis and includes any outdoor storage building or outdoor display space for the purpose of selling garden plants, produce and other related horticultural items but does not include any outdoor storage or outdoor display of tractor trailer, construction trailers, travel trailers, converted mobile homes and automobiles. (RC-Oct 23/12;E-Jan 12/13)

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

2.33 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.

2.34 HARNESS RACING TRACK means the use of land and buildings related to the racing of horses, including grandstand facilities, administration buildings, stables, and buildings related to the sale of food and drink during racing activities.

2.35 HEALTH and WELLNESS CENTRE means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists. (RC-Jun 17/03;E-Jun 20/03)

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

2.36A HOME BUSINESS USES means the accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services excluding any adult entertainment use, restaurants, take-outs, convenience stores, the keeping of animals, taxi stands, or any use deemed to be obnoxious. (RC-Oct 23/12;E-Jan 12/13)

2.36B A HUMAN HABITATION means the act of occupying a structure or part thereof by persons as a dwelling or sleeping place, whether intermittently or as a residence. (HE/MDVCC-Nov 2/06;E-Nov 18/06)

2.36C IMPERVIOUS SURFACE means the surface of the lot covered with building(s), non-porous pavement, concrete or other materials into which surface water cannot penetrate into the subsurface layers of soil. (RC-Oct 23/12;E-Jan 12/13)

2.36D INDOOR RIDING BARN, PRIVATE – Means a building used by the owners of the site on which the building is located for the sole training and exercising of their horses and is not used for commercial purpose, horse shows, rodeos or similar events to which there is a fee to participate in or use the facilities. (MDVCCC-Jan 25/12;E-Feb 11/12)

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

2.38 KENNEL means a building or structure used for:

- **a) the keeping of more than two dogs or cats which are kept for the purposes of commercial breeding or showing;**
- **b) the boarding, with or without veterinary care, of more than twelve dogs or cats. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)**

2.38A LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural

elements, all of which are designed to enhance the visual amenity of a property or to provide a screen. (RC-Oct 23/12;E-Jan 12/13)

2.39 LIVESTOCK means horses, cows, pigs, sheep, goats and fowl, whether or not they are kept for commercial purposes. (C-Aug 27/90;E-Sep 22/90)

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

2.41 LOT

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

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

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

2.43 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.

2.44 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.

2.45 LOT LINE

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

(b) Front Lot Line means the line dividing the lot from the street or private road, or road listed in Schedule "A" of the Subdivision By-law; and

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

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

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

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

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

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

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

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

2.48A MAINSTREET means the Fall River Road, Highway #2, McPherson Road, Cobequid Road, Ingram Drive, Lockview Road, Miller Lake Road, Perrin Drive and Falls Run within the River-lakes Secondary Plan. (RC-Oct 23/12;E-Jan 12/13)

2.48B MASSAGE PARLOUR - includes any premises or a part thereof, by whatever name designated where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised, or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapy and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, under the laws of the Province of Nova Scotia. (RC-Oct 23/12;E-Jan 12/13)

2.49 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.

2.50 MUNICIPALITY means the Municipality of the County of Halifax.

2.51 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials. (MDVCCC-Jul 25/07;E-Aug 11/07)

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

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

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 highway by means of driveways, aisles or manoeuvre 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 m^2), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or 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 USE means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the forgoing; barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, and doctors' or dentists' offices. (RC-Jun 17/03;E-Jun 20/03)

2.58A PET CARE FACILITY means a facility for the temporary care or boarding of not more than twelve dogs or cats for gain or profit, but shall not include the breeding or sale of such animals. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

2.59 PRIVATE ROAD means any street or road which is not public where:

(a) the right-of-way, alignment, and gradient of the road are approved by the Department of Transportation pursuant to **Section 108 of the Planning Act, R.S., c. 346, s.1**; and **(MC-Mar 14/94/SCC-Apr 12/94;E-May 7/94)**

(b) the road extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for access which has been clearly granted to the subdivider by deed, registered in the Office of the Registrar of Deeds for the County of Halifax.

2.59A PUB within the VC-CDD, VMS, VG and FRB Zones means an entity that is licensed under the Liquor Control Act as a Lounge, Tavern, or Beverage Room and excludes

a Club license, Caberet license, Special Premises license, and Special Occasion license as defined in the Liquor Control Act. (RC-Oct 23/12;E-Jan 12/13)

2.60 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 or of the Government of Canada.

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-Jun 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-Sep 10/02;E-Nov 9/02)

2.63 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place having no more than six (6) bedrooms and 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 n 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 any 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, any provide a home delivery service. (C-Feb 10/92;E-Mar 7/92)

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

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

2.69 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sep 10/02;E-Nov 9/02)

2.70 SENIOR CITIZEN HOUSING means housing designed for occupation by senior citizens and operated by a public housing authority or fraternal organization.

2.71 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 manor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided, and without limiting the generality of the foregoing, may include a public garage including an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

2.72 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.

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

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

(a) 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-Sep 26/06;E-Nov 18/06)

2.75 STREET LINE means the boundary line of a street.

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

2.77 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.

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

2.78A WATER CONTROL STRUCTURE - means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

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

2.80 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.

PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, Planning Districts 14 and 17 Is divided into the following zones, the boundaries of which are shown on the attached zoning schedule. Such zones may be referred to by the appropriate symbols:

	Symbols	Zone
Residential Zones		
	R-1A	Single Unit Dwelling Zone
	R-1B	Suburban Residential Zone
	R-1C	Waterfront Residential Zone
		R-1DAuxiliary Dwelling Zone
		R-1E Residential Estate Zone (C-Jun 29/92;M-Aug 6/92)
		R-6 Rural Residential Zone
		R-7 Rural Estate Zone
Commercial Zones		
	C-1	Local Business Zone
	C-2	Community Commercial Zone
	C-4	Highway Commercial Zone
	AE-3	Aerotech Commercial Zone
River-lakes Village Centre Zones (RC-Oct 23/12;E-Jan 12/13)		
	CC	**Canal Court Zone**
	VC - CDD	**Village Core Comprehensive Development District Zone**
	VMS	**Village Main street Zone**
	VG	**Village Gateway Zone**
	FRB	**Fall River Business Zone**
	RCDD	**Residential Comprehensive Development District Zone**
Industrial Zones		
	I-3	Light Industrial Zone
	AE-1	Aerotech Core Zone
	AE-2	General Airport Zone
	AE-4	Aerotech Business Zone
	AE-H	Holding Zone
	H-1	Hazard Zone
Construction & Demolition (C&D) Zones	**CD-1**	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone (RC-Sep 10/02;E-Nov 9/02)**

Infrastructure Charge Zone	**ICH**	**Infrastructure Charge Holding Zone (RC-Jul 2/02;E-Aug 17/02)**
Community Uses Zones		
	P-2	Community Facility Zone
	P-3	Park Zone
	RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
	PWS	**Protected Water Supply Zone (RC-Jun 25/14;E-Oct 18/14)**
	PA	**Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)**
Resource Zone		
	MR	Mixed Resource Zone

3.2 ZONING MAPS

(a) Schedules ~~Al, A2, B1, B2, B3, C1, C2, C3, D1, D2, D3, E1, E2, F1 and F2~~ **A and B (RC-Oct 23/12;E-Jan 12/13)**, attached hereto, may be cited as the "Planning Districts 14 and 17 Zoning Maps" and are hereby declared to form part of this By-law.

(b) The extent and boundaries of all zones are shown on the Schedules ~~Al through F-2, inclusive~~ **A and B (RC-Oct 23/12;E-Jan 12/13)**, and for all such zones the provisions of this By-law shall respectively apply.

(c) The symbols used on Schedules ~~Al through F-2 inclusive~~ **A and B (RC-Oct 23/12;E-Jan 12/13)** refer to the appropriate zones established Ln Section 3.l 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 Ln the zone of the adjoining property on either side thereof; and

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

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

3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with Sections 60 and 61 of the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Districts 14 and 17.

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited Ln that zone.

(b) If any use Is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

(c) Where a use permitted within any zone is defined Ln Part 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.

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

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

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with Sections 55, 66 and 67 of the Planning Act.

As provided for by Policy P-150 of the Municipal Planning Strategy for Planning Districts 14 and 17, such uses are as follows:

(a) Development in the flood danger area according to Policy P-50.

(b) Multiple unit residential uses utilizing existing oversize on-site sewerage systems or existing private sewerage treatment plants according to Policy P-68.

(c***a***) Expansion of existing salvage operations according to Policy P-120.

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter(RC-Jun 25/14;E-Oct 18/14), ***except within the NEF30 Contour (Map 3) of the Planning Districts 14 & 17 MPS*****: (RC-Jan 26/16;E-Apr 2/16)**

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

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

(i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy; and (RC-Jun 25/14;E-Oct 18/14)

(ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural 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. (RC-Jun 25/14;E-Oct 18/14)

(d) Special need higher density housing within the Residential, Mixed Residential, and Community Centre Designations according to Policy P-69.

(e) The expansion of existing mobile home parks within the Residential designation according to Policy P-71.

(f) The expansion or change of use of existing commercial and industrial uses within the Residential Designation according to Policy P-75.

(g) Development of a construction yard on the lands of Mr. Webbink according to Policy P-77.

(h) The expansion of existing dwellings within the waterfront residential zone according to Policy P-82,

(i) Commercial recreation uses in the Residential and Mixed Residential Designations according to Policy P-91.

(j) Expansion of existing business uses in the Mixed Residential Designation according to Policy P-93.

(k) Larger community commercial zone uses, in the Community Centre Designation according to Policy P-97.

(l) The change of use or expansion of existing heavy commercial or industrial uses within the Community Centre Designation according to Policy P-100.

(m) Commercial recreation uses within the Airport Industrial Designation according to Policy P-114.

(n) Extractive facilities within the Resource Designation according to Policy P-136.

(o) Uses permitted by the zone on the abutting property within the abutting designation according to Policy P-151.

(p) Commercial uses on the properties of Gordon and Shirley Taylor and Irving Oil Company Ltd., according to Policy P-78.

(q) Kennels within the Community Centre Designation according to Policy P-98.

(r) Golf courses on the lands of Brightwood Golf and Country Club, according to Policy P-143.

(s) Commercial recreation uses within the Watershed Designation according to Policy P-145. **(C-Apr 30/90;M-Jun 9/90)**

(t) Bed and breakfast uses in **accordance with Policy P-74A. (C-May 27/97;M-Jul 2/97)**

(u) Larger scale mixed commercial and residential development may be considered, within the River-lakes Village Centre Designation, over the portion of the lands shown on Schedule H, according to Policy RL-4. (RC-Oct 23/12;E-Jan 12/13)

(v) Large commercial and medium density residential uses, within the Village Core Comprehensive Development District Zone, according to Policy RL-5. (RC-Oct 23/12;E-Jan 12/13)

(x) Low scale multiple unit dwellings up to 3 units per acre, with or without a ground floor commercial component, townhouses, single or two unit dwellings within areas zoned Village Mainstreet, according to Policy RL-11. (RC-Oct 23/12;E-Jan 12/13)

(y) Low scale multiple unit dwellings and townhouses up to 4 units per acre where no central water service are provided, and up to 8 units per acre when central water services are provided, on Site A shown on Map RL-3 of the River-lakes Secondary Planning Strategy according to Policies RL-11 and RL-12. (RC-Oct 23/12;E-Jan 12/13)

(z) Low scale multiple unit dwellings, townhouses, single unit dwellings or two unit dwellings up to 4 units per acre on Site B shown on Map RL-3 of the River-lakes Secondary Planning Strategy, according to Policy RL-13. (RC-Oct 23/12;E-Jan 12/13)

(aa) Low scale multiple unit dwellings, townhouses, single or two unit dwellings up to 4 units per acre or local commercial use and self-storage facility in conjunction with the housing component, within the RCDD Residential Comprehensive Development District Zone, according to Policy RL-14. (RC-Oct 23/12;E-Jan 12/13)

(bb) Townhouses up to a maximum density of 2 units per acre on Site D shown on Map RL-3 of the River-lakes Secondary Planning Strategy, according to Policy RL-15. (RC-Oct 23/12;E-Jan 12/13)

3.7 VARIANCE Of REQUIREMENTS BY DEVELOPMENT AGREEMENT

Notwithstanding the provisions of Part 4 and Parts 16, 17, 18, 19 and 20, the specific requirements of the AE-1, AE-2, AE-3, AE-4 and AE-H Zones may be varied in accordance with Sections 55, 66 and 67 of the Planning Act and the provision of Policy P-108A of the Municipal Planning Strategy for Planning Districts 14 and 17. (C-Apr 30/90;M-May 18/90)

3.7A DIAGRAMS

Diagrams form no part of this By-law and shall be deemed to have been inserted for illustrative purposes only. (RC-Oct 23/12;E-Jan 12/13)

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

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

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

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

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

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

4.2 LICENSES, 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 license, permission, permit, authority or approval required by any other by-law of the Municipality or statute and regulation of the Province of Nova Scotia or the Government of Canada.

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

(c) Deleted - (C-Dec 18/89;E-Jan 13/90)

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank **and disposal field (RC-Oct 23/12;E-Jan 13/12)**, the regulations of the Department of Health shall prevail.

4.4 ONE MAIN BUILDING ON A LOT

Not more than one (1) main building shall be permitted on a lot within any zone except that, provided the use is permitted by the zone, the following shall be exempt:

(a) any building within a C-4, I-3, AE-1, AE-2, AE-3, AE-4 or AE-H Zone *or on the property shown on Schedule K (RC-Oct 23/12;E-Jan 12/13)*;
(b) a building for a business use in conjunction with a dwelling;
(c) a building for the keeping of animals;
(d) a building for resource uses; and
(e) a building for park and conservation uses. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)

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. (C-Dec 18/89;E-Jan 13/90).**

4.6 EXISTING USES

Except as may be stated elsewhere ln this By-law, the uses listed below shall be permitted as existing uses within any zone, **or as specified (RC-Oct 23/12;E-Jan 12/13)** subject to the following:

(a) Existing mobile dwelling units may be altered or replaced.

(b) Existing mobile home parks shall be permitted to the extent that they are described within any license issued pursuant to the Mobile dome Park By-law.

(c) Existing two unit dwellings may be replaced, altered, or enlarged provided that there is no increase in the number of dwelling units and any change to the dimensions or location of the building conforms with the requirements of Section 7.2 of this by-law. Any accessory building or structure shall conform with the requirements of Section 4.11. (MC-Dec 19/94;SCC-Jan 10/95;E-Feb 4/95)

(d) Existing industrial and commercial uses are permitted to the extent that they presently exist and may be rebuilt or altered but no alteration shall be permitted which would increase the area of any building devoted to the use.

(e) Existing accessory business office, **(deletion MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)** and forestry uses may be altered or replaced with a similar use except that no such alteration or replacement shall provide more than a ten (10) percent increase in the area of any building occupied by the use.

(f) Existing scrap and salvage operations shall be permitted to the extent of the area defined in any licence issued by the Public Utilities Board and any additions, alterations or structures normal and incidental to the operation of the scrap or yard shall be permitted within the area defined by the license.

(g) **Existing commercial recreation uses are permitted to the extent that they presently exist and no expansion or enlargement to any main building or area of land devoted to the use shall be permitted. New accessory buildings, or the expansion or replacement of existing accessory buildings, shall be permitted subject to the requirements of Section 4.11. (MC-Mar 14/94;SCC-Apr 12/94;E-May 7/94)**

(h) **Existing agricultural uses are permitted to expand subject to compliance with the requirements for agricultural uses under Part 10. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)**

(i) **Existing multiple unit dwellings may be replaced, altered, renovated, and the number of dwelling units increased, provided that there are is no enlargement, or increase to the gross floor area of the existing building. Any accessory building or structure shall conform with the requirements of Section 4.11. (MC-Dec 19/94;SCC-Jan 10/95;E-Feb 4/95)**

(j) **Existing service stations that were lawfully constructed prior to the first notice of the intention to adopt the Canal Court, Village Mainstreet or Village Gateway Zones are a permitted use within those zones. (RC-Oct 23/12;E-Jan 12/13)**

(k) **The Existing Multiple Unit Dwelling situated at 21 MacPherson Road and identified on Schedule L may be expanded for the creation of a maximum of 5 additional residential units or may contain a maximum of 2000 square feet (185.8 m^2) of floor space for commercial uses on the ground floor of the Dwelling. (RC-Oct 23/12;E-Jan 12/13)**

4.6A REDUCED FRONTAGE OR AREA

(a) Any lot created pursuant to Section 98 of the Planning Act and any lot created pursuant to **PART 14 (C-Dec 18/89;E-Jan 13/90)** of the Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

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

4.7 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 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this By-law, on A lot having less than the minimum frontage, area, or depth, or having less than the minimum

setback or side yard or rear yard required by this By-law, the building Day be enlarged, reconstructed, repaired or renovated provided that:

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

4.9 NON CONFORMING USES (RC-Oct 23/12;E-Jan 12/13)

Non-conforming uses shall be subject to the applicable provisions of the *Halifax Regional Municipality Charter*.

4.9A Notwithstanding section 4.9, where a self storage facility has been established on the property shown on Schedule M pursuant to the provisions of the *HRM Charter*, the facility may not be expanded or altered so as to increase the volume of the facility capable of being occupied, except as required by another Act of the Legislature but it may be repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent that it existed before being destroyed or damaged, provided all other requirements of this by-law are satisfied. (RC-Oct 23/12;E-Jan 12/13)

4.10 **ACCESSORY USES AND BUILDINGS**

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

(a) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;
(b) the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and
(c) all other applicable conditions and requirements of this by-law are satisfied. (MC/SCC-Jun 26/95;E-Jul 22/95)

4.11 ACCESSORY BUILDINGS

(a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
    (i) be used for human habitation except where a dwelling is a permitted accessory use;
    (ii) be built closer to the front lot line than the minimum distance required for the main building or be built closer than eight (8) feet (2.4 m) to any other lot line except that:
        1. in any Residential Zone, garages which are accessory to dwellings shall be a minimum of four (4) feet (1.2 m) from any side or rear lot line;

2. common semi-detached garages Day be centred on the mutual side lot line;
3. boat houses, boat docks and float plane hangars may be built to the lot line when the line corresponds to the high water Dark;
4. accessory buildings and structures in a P-2 (Community Facility) Zone shall not be built closer to any side or rear lot line than ten (10) feet (3.0 m) or one half (½) the height of such building or structure, whichever is the greater; and
5. accessory structures shall be permitted to be constructed within the front yard of an AE-1 (AeroTech Core) Zone and AE-2 (General Airport) Zone, but shall not be permitted within the minimum required front yard.

(iii) Exceed a height of:

1. twenty five (25) feet (7.62 m) in any R-1A zone or the height of the main building, whichever is less; **(MDVCCC-Dec 6/07;E-Dec 22/07)**

2. twenty five (25) feet (7.6 m) in any R-1B, R-IC, R-1D, **CC, VMS, or VG (RC-Oct 23/12;E-Jan 12/13)** zone;
3. thirty five (35) feet (10.7 m) in any R-6 or R-7 zone;

(iv) Exceed a gross floor area of:

1. seven hundred and fifty (750) square feet (70 m^2) in any R-1A, R-1B, R-1C or R-1D zone; or
2. one thousand (1,000) square feet in any R-6 or **R-1E zone**. **(C-Jun 29/93;M-Aug 6/92)**

3. Four hundred (400) square feet or (37.1 m) in any CC Zone; (RC-Oct 23/12;E-Jan 12/13)

4. Eight hundred square feet or (74.3 m) in the VMS Zone; (RC-Oct 23/12;E-Jan 12/13)

(v) **(deletion - MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)**

(vi) Be built within eight (8) feet (2.4 m) of the main building within any Residential Zone **or CC Zone (RC-Oct 23/12;E-Jan 12/13)** or twelve (12) feet (3.7 D) in any other zone.

(vii) be used for the keeping of livestock, except where agriculture is a permitted use. (C-Aug 27/90;E-Sep 22/90)

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

4.12 TEMPORARY CONSTRUCTION USES PERMITTED

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

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

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

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

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

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

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

(RC-Jan 20/09;E-Feb 7/09)

4.13 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.

4.14 RESTORATION TO A SAFE CONDITION

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

4.15 BUILDING TO BE MOVED

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

4.16 HEIGHT REGULATIONS

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

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

(1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse, except on lots zoned R-1C.

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

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

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

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

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

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

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

the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

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

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

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

4.18 REDUCED FRONTAGE ON A CURVE

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

4.19 DAYLIGHTING TRIANGLE

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

4.20 PERMITTED ENCROACHMENTS

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

(a) Uncovered patios, walkways or steps may be located in any yard.
(b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural

features, provided that no such structure or feature shall project more than two (2) feet (.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 staircases, balconies, porches, verandas and sundecks shall not be permitted to project into any required yard.

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

4.21 YARD EXCEPTION

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

4.22 ZERO LOT LINE

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).

4.23 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.

4.24 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle other than a school bus shall be kept on any lot in any Residential Zone other than the R-6 and R-7 Zones, and no such vehicle shall exceed a registered vehicle weight of five (5) tons nor be kept less than ten (10) feet (3 m) from any front lot line.

4.25 PARKING REQUIREMENTS

(a) The provisions of Sections 4.25, 4.26 and 4.27 shall not apply within any AE-1 (AeroTech Core), AE-2 (General Airport), AE-3 (AeroTech Commercial) or the AE-H (AeroTech Holding) Zone.

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

total spaces required by this Section or by other specific sections shall be the next largest whole number.

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit
Multiple unit dwellings (except for senior citizen apartments)	1.5 spaces per dwelling unit
Senior Citizen Multiple Use Dwelling	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^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(aa) exceeding 5,000 square feet (464.5 m^2) of gross floor area in the CC, VC CDD, VM, VG and RCDD Zones (RC-Oct 23/12;E-Jan 12/13)	**5.0 spaces per 1,000 square feet (92.9 m^2) of gross floor area**
(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(bb) not exceeding 5,000 square feet (464.5 m^2) of gross floor area in the CC, VC CDD, VM, VG and RCDD Zones (RC-Oct 23/12;E-Jan 12/13)	**3.0 spaces per 1,000 square feet (92.9 m^2) of gross floor area**
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices in CC, VC CDD, VM, VG and RCDD Zones (RC-Oct 23/12;E-Jan 12/13)	**3.0 spaces per 1,000 square feet (92.9 m^2) of gross floor area**
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^2) of gross floor area**
Restaurants - Full Service	**20 spaces per 1000 square feet (92.9 m^2) of gross floor area**
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m^2) of gross floor area	**16 spaces per 1000 square feet (92.9 m^2) of gross floor area**
(b) not exceeding 300 square feet (28 m^2) of gross floor area (C-Feb 10/93;E-Mar 7/92)	**5 spaces**
Lounges, taverns and beverage rooms **(Deletion -Feb 10/93;E-Mar 7/92)**	the greater of one space per 3 seats or 1 space per 100 square feet (10 **m^2) of gross floor area**

USE	PARKING REQUIREMENT
Theatres	1 space per 5 seats
Institutional uses except as specified below	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m^2) of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Schools	3 spaces per classroom plus space per 20 high school students
Hospitals	2 spaces per bed
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^2) of gross floor area
Medical clinics and offices of any health practitioner	**3 spaces per consulting room (MDVCCC&HECC-Jan 10/08;E-Jan 26/08)**
Funeral homes	15 spaces
Warehouses, transport terminals or general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Health and wellness centres: (RC-Jun 17/03;E-Jun 20/03)	
(a) exceeding 2,000 square feet (464.5 m^2) of gross floor area	**5 spaces per 1,000 square feet (92.9 $m^{2)}$) of gross floor area**
(b) not exceeding 2,000 square feet (464.5 m^2) of gross floor area	**3.3 spaces per 1,000 square feet (92.9 $m^{2)}$) of gross floor area**
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(c) Reserved Spaces for the Mobility Disabled

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

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

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
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 a retail function	1 reserved parking space for the mobility disabled per 15-100 parking industrial use which does not have spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(d) 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;

(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 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.

4.26 STANDARDS FOR PARKING LOTS

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

(a) **Subject to subsection (2) of this Section (RC-Oct 23/12;E-Jan 12/13),** the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

(b) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings and no lighting standard shall exceed twenty five (25) feet in height.

(c) a structure, not more than fifteen (15) feet (4.6 m) Ln height and not more than fifty (50) square feet (5 m) Ln area may be erected Ln the lot for the use of attendants;

(d) **Subject to clause (dd) (RC-Oct 23/12;E-Jan 12/13),** the lot shall be within three hundred (300) feet (91.4 m) of the location which it is Indented to serve and shall be situated in the same zone;

(dd) Notwithstanding clause (d), within the CC Zone, the lot shall be within four hundred (400) feet (121.9 m) of the location which it is intended to serve and shall be situated in the CC Zone; (RC-Oct 23/12;E-Jan 12/13)

(e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;

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

(g) where an approach or driveway within a commercial zone is intended to serve a business use, the driveway surface shall be set the same grade as the road within the public road right of way and shall be lower than any side walk;

(h) 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

(i) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle Ln 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 thirty (30) feet (9.1 m).

(2) Notwithstanding Section 4.26 (1) (a), all parking areas in the CC, VMS, VC-CDD, VG and RCDD zones including driveways and maneuvering areas shall:

(a) be maintained with a permanent hard surface;

(b) be defined by a concrete curb, ornamental brick, or paint; and

(c) provide maneuvering areas to permit vehicles to leave the property in a forward motion.

(RC-Oct 23/12;E-Jan 12/13)

(3) Where a parking lot for more than ten (10) but less than twenty-one (21) vehicles is required or permitted in the CC, VMS, VC-CDD, VG and RCDD zones the following provisions shall apply in addition to the provisions outlined in Sections 4.26 (1) and (2):

(a) Curbs, decorative stone, paint or other appropriate methods of delineating a pedestrian right of way shall be provided to ensure safety between pedestrian and vehicular movements in all parking lots, and

(b) Curbs, decorative stone, paint or other appropriate methods of delineating landscaping areas shall be provided to prevent damage from vehicles, to separate planting areas from pedestrian pathways, and to prevent soil and other landscape material from spreading over adjacent surfaces.

(RC-Oct 23/12;E-Jan 12/13)

(4) Where a parking lot for more than twenty (20) vehicles is required or permitted in the CC, VMS, VC-CDD, VG and RCDD zones, in addition to the provisions outlined in Sections 4.26 (1) (2) and (3), the following provisions shall apply:

(a) Parking lots shall have ten (10) percent of their area landscaped with vegetation;

(b) Shrubs and one tree for every five parking spaces shall be incorporated within the parking lot in consolidated planting areas such as landscaped islands, medians, and bio-retention areas and vegetated islands; and

(c) Landscaped islands shall be installed within the parking lot at a rate of one island for every 20 parking spaces. Each island shall contain shall contain at least one (1) high-branching deciduous shade and include non-invasive shrubs, perennials, ornamental grasses and/or groundcover.

(RC-Oct 23/12;E-Jan 12/13)

4.27 LOADING SPACE REQUIREMENTS

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

(b) The provisions of a loading space for any building with less than fifteen hundred (1,500) square feet (139.3 m^2) shall be optional.

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

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

4.28 ACCESS REQUIREMENTS

(a) Within the C-2 (Community Centre), **CC (Canal Court), VMS (Village Main street), VG (Village Gateway), and FRB (Fall River Business) Zones** (RC-Oct 23/12;E-Jan 12/13) no driveway access shall be permitted from any commercial use to any road other than:

(i) Fall River Road;
(ii) Highway #2;
(iii) McPherson Road;
(iv) Highway #318;
(v) Cobequid Road;
(vii) Lockview Road;
(vii) Miller Lake Road;
(viii) Old School Road;
(ix) Church Street;
(x) Perrin Drive; and (RC-Oct 23/12;E-Jan 12/13)
(xi) Falls Run (RC-Oct 23/12;E-Jan 12/13)

(b) Notwithstanding Subsection (a), where a corner lot is located within the C-2 (Community Centre), **CC (Canal Court), VMS (Village Main Street), VG (Village Gateway), FRB (Fall River Business), or VC-CDD (Village Core Comprehensive Development District) Zones (RC-Oct 23/12;E-Jan 12/13)** one access may be permitted from the side street and no such access shall be located any closer than fifty (50) feet (15.2 m) from the intersection nor shall the driveway be any wider than twenty-five (25) feet (7.6 m);

(c) No commercial access shall be wider than thirty (30) feet (9.1 m) and no more than one driveway shall be permitted for any commercial lot except where there is more than one hundred (100) feet (30.5 m) of frontage, in which case one additional access may be permitted for each additional two hundred (200) feet (61 m) of frontage.

4.29 FRONTAGE ON A STREET

No development permit shall be issued unless the lot or parcel intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or highway, a private road for which a tentative application had been submitted prior to the effective date of this by-law, or a road listed in Schedule "A" of the Subdivision By-law for Halifax County.

4.30 USES PERMITTED ON PRIVATE ROADS AND SCHEDULE 'A ROADS

Notwithstanding anything else in this By-law, development on private roads, and roads listed ln Schedule "A" of the Subdivision By-law, shall be restricted to residential, open space, and resource uses.

4.31 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-1A, R-1B, R-1C, R-1D, and R-1E Zones). (MC-Feb 26/96;M-Mar 28/96)

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

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

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

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

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

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

I DEFINITIONS

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

a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.

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

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

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

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

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

g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted

turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

- **i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.**
- **ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.**
- **iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.**
- **iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.**

II ZONES

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

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

a) URBAN WIND ZONE (UW-1)

- **i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).**
- **ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.**
- **iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,**
- **iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.**
- **v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.**

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

b) RURAL WIND ZONE (RW-2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) RESTRICTED ZONE (R)

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

III PERMIT APPLICATION REQUIREMENTS

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

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

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

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

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

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

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

IV ADDITIONAL PERMIT REQUIREMENTS

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

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

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

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

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

- **i) a site plan that includes property boundaries and the location of the proposed wind energy facility;**
- **ii) a description of the type of wind energy facility; and**
- **iii) the applicant's contact information which shall include a mailing address.**

V EXCEPTIONS

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

a) Wind Energy Facilities shall not be permitted in the following zones of the Planning Districts 14/17 Land Use By-law:

i) RPK (Regional Park) Zone;

ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

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

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

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

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

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

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

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

VIII MISCELLANEOUS

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

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

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

IX SCHEDULES

a) Schedule E – Wind Energy Zoning

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

Public transit facilities shall be permitted in all zones with frontage on minor and major collector roads, arterial roads and expressways and shall not be required to conform to any zone requirements.

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

(c) The provisions of Part 5 shall not apply within any AE-l (AeroTech Core), AE-3 (AeroTech Commercial) or AE-H (AeroTech Holding) Zone.

(d) The provisions of Section 5.1AA shall apply, in addition to all other provisions of this Part, within any CC (Canal Court), VMS (Village Main Street), VG (Village Gateway), or FRB (Fall River Business) Zones. (RC-Oct 23/12;E-Jan 12/13)

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-Sep 26/06;E-Nov 18/06)

5.1AA GENERAL REQUIREMENTS - FALL RIVER ZONES
(RC-Oct 23/12;E-Jan 12/13)

Within the CC or VMS Zones materials used for signs shall have matte or dull finishes. Gloss finish and backlit signage is prohibited in CC or VMS Zones. Multi-tenant signage shall begin with the civic address, followed by building name, if applicable, and then followed by the name of any tenant.

5.2 SAFETY AND MAINTENANCE

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

5.3 NUMBER OF SIGNS

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

(b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and

three-faced signs shall be counted as single signs. Where latter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.

(c) No more than two (2) signs shall be erected on any premises at any one time. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

5.4 SIGN AREA

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

5.5 SIGNS PERMITTED IN ALL ZONES

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

(a) Any sign which has an area of no more than four (4) square feet (.8 m^2) and which identifies the name and address of a resident.

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

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

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

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

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

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

(h) Any memorial sign, plaque or tablet.

5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted ln any zone:

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

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

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

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

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

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

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

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

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

5.7 FACIAL WALL SIGNS

(1) a) No facial wall sign shall cover:

i) more than ten percent of the area of the wall which it is attached; or

ii) more than two (2) square feet (.19 m^2) per lineal foot of the wall on which the sign is affixed, whichever is greater.

b) The total areas of all facial wall signs shall not exceed fifteen percent of the area of the wall which it is attached or an area of more than two (2) square feet (.19 m^2) per lineal foot of the wall it is attached, whichever is greater.

c) Notwithstanding Section 5.3, all facial wall signs combined shall count as one sign and sign coverage shall be allocated proportionally for each business premises in the case of multiple occupancy buildings. (MDVCCC-Jul 25/07;E-Aug 11/07)

(2) Notwithstanding Section 5.7 (1), within the CC, VMS, VG or FRB Zone, no facial wall sign shall:

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

(b) Project or extend beyond the extremities of the wall on which it is attached;

(c) Include more than one message for each business premise in the building on which it is affixed; or

(d) Have an area which exceeds five (5) percent of the area of the wall on which it is attached.

(RC-Oct 23/12;E-Jan 12/13)

(3) W**ithin the CC, VMS, VG or FRB Zone, canopies and awnings attached to**

walls shall:

(a) Not project over a public right-of-way unless permitted pursuant to the Encroachment By-law;

(b) Be self-supporting;

(c) Be placed a minimum height of 9 feet (2.7m) above a sidewalk or walkway; and

(d) Any advertising affixed to a canopy or awning shall be limited to a business logo, business name or civic address and shall not exceed fifty (50) percent of the canopy or awning.

(RC-Oct 23/12;E-Jan 12/13)

5.8 PROJECTING SIGNS (RC-Oct 23/12;E-Jan 12/13)

Projecting signs are prohibited except in the CC, VMS, VG or FRB Zone. Within the CC, VMS, VG or FRB Zone, no projecting wall sign shall:

(a) Project over a public right-of-way unless permitted pursuant to the Encroachment By-law;

(b) Project more than six (6) feet (1.8 metres) from the wall on which it is attached;

(c) Project above the eaves, parapet or roof line of a building;

(d) Be erected below a height of nine (9) feet (2.7 metres) above grade; or

(e) Exceed sixteen (16) square feet (1.5 square metres) per sign area.

5.8A ROOF SIGNS (RC-Oct 23/12;E-Jan 12/13)

Signs mounted on the roof of any building within the CC, VC-CDD, VMS, VG, FRB and RCDD Zones are prohibited.

5.9 GROUND SIGNS

(1) Ground signs are prohibited in the CC Zone, except for ground signs on the corner lots at the intersection of Fall River Road and MacPherson Road and ground signs on the corner lots at the intersection of Fall River Road and Highway 2. (RC-Oct 23/12;E-Jan 12/13)

(2) (a) No ground sign shall exceed thirty-two (32) square feet (3 m^2) of sign area on a single face or sixty-four (64) square feet (6 m^2) of sign area for both faces combined, except for:

(i) signs within the C-4 (Highway Commercial) and AE-4 (AeroTech Business) Zones where such signs shall not exceed two hundred-fifty (250) square feet (23.2 m^2) square feet of sign area on a single face or five hundred (500) square feet (46.4 m^2) of sign area of both faces combined; or (MDVCCC-Jul 25/07;E-Aug 11/07)

(ii) signs accessory to existing commercial or industrial uses within the C-2 (Community Commercial) Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a

single face or two hundred (200) square feet (18.6 m^2) of sign area of both faces combined.

(iii) Signs for multi-tenant buildings within the VMS Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face or two hundred (200) square feet (18.6 m^2) of sign area of both faces combined. (RC-Oct 23/12;E-Jan 12/13)

(iv) All signs within the FRB Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face or two hundred (200) square feet (18.6 m^2) of sign area of both faces combined. (RC-Oct 23/12;E-Jan 12/13)

(v) All signs within the VG Zone, where such sign shall not exceed two hundred and fifty (250) square feet (23.2 m^2) of sign area on a single sign face or five hundred (500) square feet (46.5 m^2) of sign area of both faces combined. (RC-Oct 23/12;E-Jan 12/13)

(vi) Signs where permitted for multi tenant buildings within the CC Zone pursuant to Section 5.9 (1), shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face or two hundred (200) square feet (18.6 m^2) of sign area of both faces combined. (RC-Oct 23/12;E-Jan 12/13)

(b) No ground sign shall exceed a height of:

(i) twenty-five (25) feet (7.6 m) in the C-2 (Community Commercial) Zone;

(ii) fifty (50) feet (15.2 m) in the C-4 (Highway Commercial) Zone;

(iii) one hundred (100) feet (30.5 m) in the AE-4 (AeroTech Business) Zone,

(iv) Twelve (12) feet (3.6 m) for a single story building and twenty (20) feet (6 m) for a multi story building in the VMS Zone (RC-Oct 23/12;E-Jan 12/13);

(v) Fifty (50) feet (15.2 m) in the VG or FRB Zone (RC-Oct 23/12;E-Jan 12/13); or

(vi) Fifteen (15) feet (4.5 m) where permitted in section 5.9 in the CC Zone. (RC-Oct 23/12;E-Jan 12/13)

(bb) No ground sign shall exceed a width of:

(i) Ten (10) feet (3 m) in the CC, VMS, VG and FRB zones. (RC-Oct 23/12;E-Jan 12/13)

(c) No ground sign shall extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.

(d) No ground sign shall share a sign supporting structure with any other sign.

(e) No ground sign shall be located within fifteen feet (4.6 m) of any property line.

(ee) Notwithstanding clause (e), no ground sign shall be located within five (5) feet (1.5 m) from any street line in the CC, VMS, VG or FRB Zone. (RC-Oct 23/12;E-Jan 12/13)

(f) No more than one ground sign shall be permitted on any lot.

(3) Within the CC, VMS, VG and FRB zones, the following additional conditions to Section 5.9 (1) shall apply (RC-Oct 23/12;E-Jan 12/13):

(a) Only one ground sign shall be permitted per multi-tenant building (RC-Oct 23/12;E-Jan 12/13);

(b) Landscaping shall be provided at the base of a ground sign. Landscaping shall consist of planter boxes, shrubs, or flower beds or a combination thereof. If landscape planters are used, the planters shall be constructed of a natural material and shall be a minimum of 3 feet (0.9m) wide and 3 feet (0.9m) high (RC-Oct 23/12;E-Jan 12/13);

(c) A ground sign and the required landscaping as described above may be placed within the required landscaping setback as specified in Sections 14A.10 (a), 14C.11 (a), 14D.9 (a) and 14E.5 (1) (a) (RC-Oct 23/12;E-Jan 12/13); or

(d) The maximum number of sign faces shall be two, which shall be affixed back to back. (RC-Oct 23/12;E-Jan 12/13)

5.10 ARCHITECTURE REQUIREMENTS (RC-Oct 23/12;E-Jan 12/13)

The following provisions shall apply only to the CC, VCCDD, VMS, VG, FRB and RCDD zones created for the River-lakes Secondary Plan Area.

5.10.1 ENTRANCES and FACADES

(a) No building shall have less than one clearly defined entrance that is facing a street and which is unobstructed for pedestrians.



(b) On corner lots the main entrance shall be situated on the portion of the building facing the Mainstreet or situated at the corner of the building, facing the intersecting streets.

(c) Notwithstanding subsection 5.10.1(b), where the building is situated on a corner lot at the intersection of two roads, the main entrance may face the corner of the building facing the intersecting streets.

(d) At least three of the following architectural elements shall be incorporated in all walls facing a street for every ten (10) feet (3 m) within the CC Zone, twenty (20) feet (6 m) within the VMS Zone, or fifty (50) feet (15.2 m) within the VG, VCCDD, FRB or RCDD Zones:



(i) canopies or porticos;

(ii) awnings,

(iii) open colonnades,

(iv) overhanging rooflines,

(v) raised corniced parapets over the door,

(vi) gabled peaked roof forms,
(vii) outdoor patios,
(viii) display windows
(ix) architectural details such as moldings or stone,
(x) planters or wing walls that incorporate landscaped areas and seating places; and/or
(xi) any other similar architectural treatment as deemed by the Development Officer to be an acceptable equivalent.

(e) Buildings with multiple storefronts shall have either a gabled entry way or separate entrances for each store.

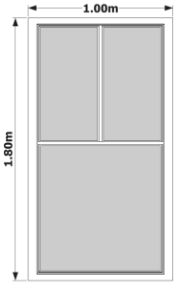
(f) Buildings with multiple storefronts shall have features along the façade such as covered walkways or open colonnades.

(g) The façade facing the Mainstreet shall be designed as the front of the building, containing a main entrance door, and window or display case.

Gable **Entryway**



5.10.2 WINDOWS and DOORS



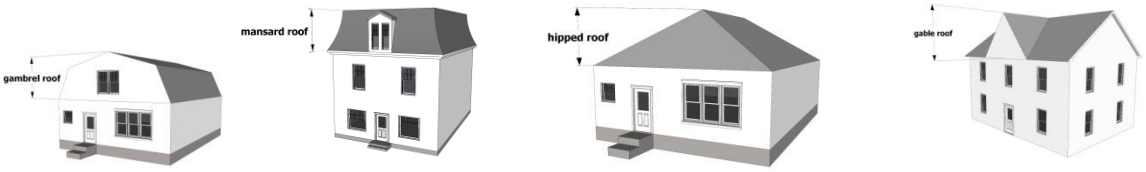
(a) All windows shall:
(i) have a minimum height to width ratio of 1.8 to 1 and a maximum height to width ratio of 2 to 1;
(ii) be placed vertically in the wall space so building facades are visually well balanced; and
(iii) be accentuated by design details such as arches, hoods, mouldings, decorative lintels, pediments or sills.

(b) All doors and corners shall be accentuated by design details such as arches, hoods, mouldings, decorative lintels, pediments or sills.

(c) Notwithstanding clauses 5.10.2(a) and (b), continuous bands of horizontal glazing may be permitted on the first floor of commercial buildings permitted in the CC Zone if:
(i) the glazing is not more than seventy-five (75) percent of the building face;
(ii) the building contains vertical windows on the second floor having a height to width ratio of 1.8 to 1; and
(iii) the storefront entries are recessed.

5.10.3 ROOF LINES

(a) Roof styles shall be gable, gambrel, mansard or hipped.



(b) Notwithstanding 5.10.3(a), flat roofs shall be permitted where the building footprint is less than 2500 square feet (232.2 sq. m) or on a building, except for a service station that is greater than 2500 square feet (232.2 sq. m) provided that the flat roof portion of the roof is not visible from any street.

(c) The minimum roof pitch on all buildings shall be 4:12 except where flat roofs are permitted pursuant to clause 5.10.3(b) or where mansard or gambrel roofs are used.

(d) For buildings that are fifty (50) feet (15.2 m) in length or greater, multiple roof planes, cornices, cross gables, cupolas, belvederes, dormers or other architectural treatment shall be incorporated into the roof structure.

Multiple Roof Planes



5.10.4 CLADDING AND ROOF MATERIALS

(a) Exterior cladding for new commercial, institutional, multiple unit and townhouse buildings shall consist of bricks, stone, wood shingles, wood siding, wood clapboard, vinyl siding or a combination thereof or other acceptable equivalent as determined by the Development Officer.

(b) The following highly reflective materials are prohibited:
- **(i) sheet metal;**
- **(ii) plastic panels;**
- **(iii) brushed aluminum;**
- **(iv) reflective glass;**

(c) The following materials are prohibited:
- **(i) Concrete block;**
- **(ii) Untreated plywood;**
- **(iii) Particle board;**
- **(iv) Tilt-up concrete panels;**
- **(v) Painted brick.**

(d) Notwithstanding subsections 5.10.4(c) and (d), materials required for solar heating, such as solar panels, shall be permitted.

(e) Any exposed foundation in excess of twenty (20) square feet (1.8 sq. m) including any parking garage or parking entrance, shall be architecturally detailed or veneered with stone or brick.

5.10.5 ROOFTOP EQUIPMENT

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

5.10.6 ADDITIONAL REQUIREMENTS FOR SERVICE STATIONS

(a) Where canopies are used over gasoline pumps and garden centres, the canopy shall:
- **(i) be constructed to match the main structure in terms of roof pitch, architectural detailing, materials and colour;**
- **(ii) have a pitched roof and fascia trim;**
- **(iii) not have a brightly coloured metal roof or roof sign; and**
- **(iv) not be illuminated.**

5.10.7 EXEMPTIONS

(a) Notwithstanding section 5.10, the Architectural provisions of this section shall not apply to any one or all of the following:
- **(i) a change in use or occupancy within an existing building;**
- **(ii) internal renovations with no external renovation or modification to an existing building;**
- **(iii) the replacement of windows to an existing building; or**
- **(iv) the replacement of any signage as a result of a change in use or occupancy.**

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

6.1 R-1A USES PERMITTED

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

Residential Uses
Single unit dwellings
Office uses in conjunction with permitted dwellings
Bed and Breakfasts (C-May 27/97;M-Jul 2/97)
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Community Uses
Educational institutions and uses
Denominational institutions
Parks and playgrounds
Public works (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

6.2 R-1A ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	
Central water and sewer services	10,000 square feet (929 m^2)
Other	40,000 square feet (3,716 m^2)
Minimum Frontage:	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)	**200 feet (60.9m)**
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: OFFICE AND DAY CARE USES

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

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

(b) No more than twenty five (25) per cent of the floor area shall be devoted to any office and in no case shall any office occupy more than one hundred and fifty (150) square feet (13.9 m^2).
(c) No open storage or outdoor display shall be permitted.
(d) No sign shall be permitted for any office and 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^2) in area.
(e) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m^2) of floor area devoted to any day care facility.

6.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-1A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1A Zone. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

6.5 OTHER REQUIREMENTS: BED AND BREAKFASTS (C-May 27/97;M-Jul 2/97)

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

(a) No dwelling shall be used for the rental of more than three (3) rooms for sleeping accommodation, with or without meals to the travelling public.
(b) No more than one (1) sign shall be permitted for any bed and breakfast and no such sign shall exceed four (4) square feet (.37 m^2) in area.
(c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

PART 7: R-1B (SUBURBAN RESIDENTIAL) ZONE

7.1 R-1B USES PERMITTED

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

Residential Uses

Single unit dwellings
Two unit dwellings
Offices in conjunction with permitted dwellings
Bed and Breakfasts (C-May 27/97;Jul 2/97)
Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings

Community Uses

Parks and open space uses except cemeteries
Recreation uses
Denominational institutions
Educational institutions and uses
Nursing homes except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Residential care facilities except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Government offices
Public works (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

7.2 R-1B ZONE REQUIREMENTS

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

Minimum Lot Area:	
Central water and sewer services	10,000 square feet (929 m^2) per dwelling unit
Other	40,000 square feet (3716 m^2) per dwelling unit
Minimum Frontage:	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)	**200 feet (60.9m)**
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)

7.3 OTHER REQUIREMENTS: OFFICE AND DAY CARE USES

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

(a) Any office or daycare facility, with the exception of outdoor play space, shall be wholly contained within the dwelling which is the principal residence of the operator of the office or facility.
(b) No more than thirty-three (33) per cent of the floor area shall be devoted to any office and in no case shall any office occupy more than three hundred (300) square feet (27.9 m).
(c) No open storage or outdoor display shall be permitted.
(d) No more than one (1) non self-illuminated sign shall be permitted for any office or day care facility and no such sign shall exceed four (4) square feet (.37 m^2) in area.
(e) Three (3) off-street parking spaces, other than that required for the dwelling, shall be provided.
(f) No office use shall involve the direct sale of goods stored on the premises.

7.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-1B Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1B Zone. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

7.5 OTHER REQUIREMENTS: BED AND BREAKFASTS (C-May 27/97;M-Jul 2/97)

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

(a) No dwelling shall be used for the rental of more than three (3) rooms for sleeping accommodation, with or without meals to the travelling public.
(b) No more than one (1) sign shall be permitted for any bed and breakfast and no such sign shall exceed four (4) square feet (.37 m^2) in area.
(c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

PART 8: R-1C (WATERFRONT RESIDENTIAL) ZONE

8.1 R-1C USES PERMITTED

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

Residential Uses
Existing residential dwellings

Recreational Uses
Boat houses
Float-plane hangars
Wharves
Swimming pools

8.2 R-1C ZONE REQUIREMENTS

In any R-1C Zone, where uses are permitted, no permit shall be issued except for the following:

Existing Residential Uses
Existing residential dwellings may be altered, improved or renovated provided that any alteration, improvement or renovation does not result in any increase in habitable space.

Recreational Uses

(a) No boat houses, float-plane hangars, wharves or swimming pools shall be permitted where washroom or toilet facilities are to be included;
(b) No boat houses, float-plane hangars, or wharves shall be constructed within ten (10) feet of any side or front lot line, nor shall any swimming pool be constructed within twenty (20) feet of any lot line.

PART 9: R-1D (RESIDENTIAL AUXILIARY DWELLING UNIT) ZONE

9.1 R-1D USES PERMITTED

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

Residential Uses
Single unit dwellings
Auxiliary dwelling unit
Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings
Office uses in conjunction with permitted dwellings

Community Uses
Parks and open space uses except cemeteries
Recreation uses
Denominational institutions
Educational institutions and uses
Nursing homes except where located within Schedule N, Airport Noise Contour (RC-Jan 26/16;E-Apr 2/16)
Overlay Residential care facilities except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Government offices
Public works (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

9.2 R-1D ZONE REQUIREMENTS

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

Minimum Lot Area	
Central sewerage and water	10,000 square feet (929 m^2)
Other	40,000 square feet (3,716 m^2)
Minimum Frontage	
Central sewerage and water	75 feet (22.9 m)
Other	100 feet (30.5 m)
Within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)	**200 feet (60.9m)**
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: OFFICE AND DAY CARE USES

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

(a) Any office or day care facility, with the exception of outdoor play space, shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
(b) No more than thirty-three (33) per cent of the floor area shall be devoted to any office and in no case shall any office occupy more than three hundred (300) square feet (27.9 m^2).
(c) No open storage or outdoor display shall be permitted.
(d) No more than one (l) non self-illuminated sign shall be permitted for any office or facility and no such sign shall exceed four (4) square feet (.37 m^2) in area.
(e) Three (3) off-street parking spaces, other than that required for the dwelling, shall be provided.
(f) No office use shall involve the direct sale of goods stored on the premises.

9.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where auxiliary dwelling units are permitted in any R-1D Zone, the following shall apply:

(a) No auxiliary dwelling unit shall encompass more than thirty five (35) per cent of the gross floor area of the dwelling and in no case shall any auxiliary dwelling unit occupy more than six hundred (600) square feet.
(b) No separate exterior access to the auxiliary dwelling unit shall be permitted, on that side of the dwelling abutting the front yard.
(c) One off-street parking space shall be provided for any auxiliary dwelling unit and such space shall be located contiguous to any parking area set aside for the principle dwelling unit.

9.5 OTHER REQUIREMENTS: COMMUNITY USES

In any R-1D Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1D Zone. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

PART 9A: R-1E (RESIDENTIAL ESTATE) ZONE (C-Jun 29/92;M-Aug 6/92)

9.1A 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
Two unit dwellings
Business uses and the keeping of certain hoofed animals in conjunction with permitted dwelling
Day care facilities for not more than fourteen (14) children In conjunction with permitted dwellings

Community Uses
Parks and open space uses except cemeteries
Recreation uses
Denominational institutions
Educational institutions and uses
Nursing homes except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Residential care facilities except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Government offices

9.2A R-1E ZONE REQUIREMENTS

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

Minimum Lot Area	
Central water and sewer services	**10,000 square feet (929 m^2) per dwelling unit**
Other	**40,000 square feet (3716 m^2) per dwelling unit**
Minimum Frontage	
Central water and sewer services	**75 feet (22.9m)**
Other	**100 feet (30 5m)**
Within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)	**200 feet (60.9m)**
Minimum Front or Flankage Yard	**30 feet (9.1m)**
Minimum Rear or Side Yard	**8 feet (2.4m)**
Maximum Lot Coverage	**35 percent**
Maximum Height of Main Building	**35 feet (10.7m)**

9.2B (1) Notwithstanding the "Minimum Lot Frontage" 200 feet (60.9m) for the zone and subject to subsection 2, for the lands of Oakfield Estate Limited shown as

PIDs 41189077, 41189085, and 41189093 on the approved tentative plans of subdivision dated June 13, 2014 and June 25, 2014, on file with the Municipality as File #18634 and #19193, the Minimum Lot Frontage shall be 100 feet. (RC-Jan 26/16;E-Apr 2/16)

(2) Subsection 1 of this section shall come into force on December 31, 2026. (RC-Jan 26/16;E-Apr 2/16)

9.3A OTHER REQUIREMENTS DAY CARE USES

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

(a) Any daycare facility, with the exception of outdoor play space, shall be wholly contained within the dwelling which is the principal residence of the operator of the facility

(b) No more than one (1) one self-illuminated sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (0.87 m^2) in area.

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

9.4A OTHER REQUIREMENTS BUSINESS USES

Where a business use is permitted in any R-1E 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 ore than one thousand (1,000) square feet (92.9 m^2) of the combined gross floor area of any dwelling and all accessory structures shall be devoted to any business use and in no case shall any business use occupy more than fifty (50) percent of the gross floor area of the dwelling;

(c) No mechanical equipment shall be used outside of any fully enclosed structure;

(d) No outdoor storage or display shall be permitted;

(e) 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 (1.39m^2) of gross floor area devoted to any business use;

(f) No business use shall be obnoxious as defined in Part 2.42 of this By-law; and

(g) On any lot which does not have frontage on a public road or private road, business uses shall be restricted to office uses and the applicable requirements of Section 6.3 shall apply. (MC-Mar 14/94, SCC-Apr 12/94, E-May 7/94)

9.5A OTHER REQUIREMENTS KEEPING OF UNGULAE (HOOFED ANIMALS) FOR PERSONAL USE

No development permit shall be issued for any residential use which involves the keeping of ungulates (hoofed animals) for personal use except in conformity with the following

(a) A minimum lot size of 40,000 square feet shall be required.

(b) An enclosed structure for sheltering the ungulate(s) shall be constructed, located or otherwise placed on the same lot as the main dwelling.

(c) No more than 1,000 square feet (92.9 m^2) 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.**

(d) 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 (c)(i) nay be reduced to eight (8) feet (2.4 m); and

(e) 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.

9.6A OTHER REQUIREMENTS COMMUNITY USES

In any R-1E Zone, where uses are permitted as Community Uses, no development per it shall be issued except in conformity with the provisions of Part 22.

PART 10: R-6 (RURAL RESIDENTIAL) ZONE

10.1 R-6 USES PERMITTED

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

Residential Uses
Single unit dwellings
Two unit dwellings
CSA approved mobile dwellings **except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)**
Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings
Existing industrial uses
Pet care facilities in conjunction with a permitted dwelling (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

Community Uses
Parks and open space
Recreation uses
Denominational institutions
Educational institutions and uses
Nursing homes except where located within Schedule N, Airport Noise Contour Overlay Residential care facilities except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Government offices
Public works (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

Resource Uses
Agriculture uses
Firewood mills
Existing forestry uses (C-Aug 17/92;M-Oct 2/92)
Indoor riding barn, private (MDVCCC-Jan 25/12;E-Feb 11/12)

10.2 R-6 ZONE REQUIREMENTS

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

Minimum Lot Area:

Central water and sewer services	10,000 square feet (929 m^2) per dwelling unit
Other	40,000 square feet (3716 m^2 per dwelling unit

Minimum Frontage	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)	**200 feet (60.9m)**
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)

10.2A (1) Notwithstanding the "Minimum Lot Frontage" 200 feet (60.9m) for the zone and subject to subsection 2, for the lands of Oakfield Estate Limited shown as PIDs 41189077, 41189085, and 41189093 on the approved tentative plans of subdivision dated June 13, 2014 and June 25, 2014, on file with the Municipality as File #18634 and #19193, the Minimum Lot Frontage shall be 100 feet. (RC-Jan 26/16;E-Apr 2/16)

(2) Subsection 1 of this section shall come into force on December 31, 2026. (RC-Jan 26/16;E-Apr 2/16)

10.3 OTHER REQUIREMENTS: BUSINESS USES

Where a business use is permitted in any R-6 Zone, the following shall apply:

(a) Any dwelling which is used for such purposes shall be the principle residence of the operator of the business;
(b) No more than one thousand (1,000) square feet (92.9 m^2) of the combined gross floor area of any dwelling and all accessory structure shall be devoted to any business use;
(c) No mechanical equipment shall be used outside of any fully enclosed structure;
(d) No outdoor display shall be permitted;
(e) No outdoor storage shall be permitted unless a fence or visual barrier is provided so that no portion of the materials stored are visible from either adjacent lots or from any abutting road;
(f) No more than one thousand (1,000) square feet (92.9 m^2) of the lot area shall be devoted to outdoor storage;
(g) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of gross floor area devoted to any business use and in no case shall less than three additional parking spaces be provided;
(h) No business use shall be obnoxious as defined in Part 2.42 of this By-law;
(i) No more than one (1) non-illuminated sign consisting of no more than two sides shall be permitted for any business use and no such sign shall exceed six (6) square feet (0.56 m^2) in area per side; and
(j) On any lot which does not have frontage on a public road or private road, business uses shall be restricted to office uses and the applicable requirements of Section 6.3 shall apply. (MC-Mar 14/94;SCC-Apr 12/94;E-May 7/94)

10.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-6 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

Notwithstanding the previous statement, public works uses shall meet the requirements of the R-6 Zone. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

10.5 OTHER REQUIREMENTS: AGRICULTURAL USES
(Sub-section c-h: MDVCCC-Jan 25/12;E-Feb 11/12)

(a) No building intended for any agricultural use shall be permitted unless the following requirements are satisfied:
- **(i) minimum lot area: 40,000 square feet (3716 m^2)**
- **(ii) minimum frontage: 100 feet (30.5 m)**

(b) On a lot area of less than 120,000 square feet (11,148 m^2), any building intended for the keeping of livestock shall conform to the following requirements:
- **(i) maximum floor area: 1,000 square feet (92.9 m^2)**
- **(ii) minimum front or flankage yard: 100 feet (30.5 m)**
- **(iii) minimum side or rear yard: 50 feet (15.2 m)**
- **(iv) a minimum distance of 100 feet (30.5 m) shall be maintained from any dwelling or potable water supply that is not located on the same lot.**
- **(v) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse.**

(c) On a lot area equal to or greater than 120,000 square feet (11,148 m^2) and less than 435,600 square feet (40,467 m^2), any building intended for the keeping of livestock shall conform to the following requirements:
- **(i) maximum floor area: 2,000 square feet (92.9 m^2)**
- **(ii) maximum front, flankage side or rear yard: 150 feet (45.7 m)**
- **(iii) a minimum distance of 300 feet (91.4 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.**
- **(iv) Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m^2), the requirements of clause (b) shall apply**

(d) On a lot area equal to or greater than 435,600 square feet (40,467 m^2), any building intended for the keeping of livestock shall conform to the following requirements:
- **(i) maximum floor area: 5,000 square feet (464.5m^2)**
- **(ii) minimum front, flankage side or rear yard: 300 feet (91.4 m)**
- **(iii) a minimum distance of 300 feet (91.4 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.**

(e) **Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m2), the requirements of clause (b) shall apply.**

(f) **Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 5,000 square feet (92.9 m^2) but more than 1,000 square feet (92.9 m^2), the requirements of clause (c) shall apply.**

(g) **Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.**

(h) **For any building that is not intended for the keeping of livestock, the requirements of Section 10.2 shall apply.**

10.6 OTHER REQUIREMENTS: FIREWOOD MILLS

(a) **No firewood mill shall be permitted on any lot unless the following requirements are satisfied:**

minimum lot area:	**120,000 square feet (11,148 m^2)**
minimum frontage:	**100 feet (30.5 m)**

(b) **Any building intended for a firewood mill shall conform to the following requirements:**

minimum front, flankage side or rear yard:	**150 feet (45.7 m)**
maximum height:	**35 feet (10.7 m)**

(c) **No area for the preparation or storage of logs or the disposal of waste materials shall be located less than 150 feet (45.7 m) from any dwelling, except a dwelling that is located on the same lot. (MC-Mar 28/94;SCC-Apr 12/94;May 7/94)**

10.7 OTHER REQUIREMENTS: EXISTING FORESTRY USES

Notwithstanding the provisions of Sections 4.4, 10.2 and 10.5, existing forestry uses in any R-6 Zone shall be permitted subject to the requirements of Section 25.4. (C-Aug 18/92;M-Oct 2/92)

10.8 OTHER REQUIREMENTS: PET CARE FACILITIES

(HE/MDVCCC-Aug 6/09;E-Aug 22/09)

(a) **Notwithstanding the provisions of Section 4.5, no pet care facility shall be permitted unless the following requirements are satisfied:**

(i)	**minimum lot area:**	**80,000 square feet (7432 m^2)**
(ii)	**minimum frontage:**	**100 feet (30.5 m)**

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

(i)	**maximum gross floor area:**	**1,000 square feet (92.9 m^2)**
(ii)	**minimum front or flankage yard:**	**100 feet (30.5 m)**
(iii)	**minimum side and rear yard:**	**50 feet (15.2 m)**

(iv) a minimum distance of 200 feet (61 m) shall be maintained for any outdoor pet run from any dwelling or potable water supply that is not located on the same lot.

(v) a minimum distance of 200 feet (61 m) shall be maintained for any outdoor pet run from any watercourse.

(vi) Any outdoor pet run or area where pets are permitted to roam shall meet all requirements of this section.

10.9 OTHER REQUIREMENTS: INDOOR RIDING ARENA, PRIVATE

(MDVCCC-Jan 25/12;E-Feb 11/12)

(a) No building intended for use as a Private Indoor Riding Arena shall be permitted unless the following requirements are satisfied:

- **(i) minimum lot area: 20 hectares (50 acres)**
- **(ii) minimum frontage: 100 feet (30.5 m)**

(b) Any building intended for use as a Private Riding Arena shall conform to the following requirements:

- **(i) maximum floor area: 20,000 square feet (92.9 m2)**
- **(ii) minimum front, side or flankage yard: 300 feet (30.5 m)**
- **(iii) a minimum separation distance of 1,500 feet (457.2 m) is maintained from any lot zoned R-1A or R-1B.**
- **(iv) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.**

(c) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

PART 11: R-7 (RURAL ESTATE) ZONE

11.1 R-7 USES PERMITTED

No development permit shall be issued in any R-7 (Rural Estate) Zone except for the following:

Residential Uses
Single unit dwellings
Two unit dwellings
CSA approved mobile dwellings **except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)**
Day care facilities for not more than fourteen (14) children in conjunction with a dwelling
Business uses in conjunction with permitted dwellings
Pet care facilities in conjunction with a permitted dwelling (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

Community Uses
Open space uses
Institutional uses
Fraternal halls
Nursing homes except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)
Residential care facilities except where located within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)

Resource Uses
Forestry uses
Agricultural uses
Intensive agricultural uses (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)
Indoor riding barn, private (MDVCCC-Jan 25/12;E-Feb 11/12)

11.2 R-7 ZONE REQUIREMENTS

In any R-7 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7,432 m^2)
Minimum Frontage	200 feet (61 m)
Within Schedule N, Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)	**200 feet (60.9m)**
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)

11.3 OTHER REQUIREMENTS: BUSINESS USES

Where a business use is permitted in any R-7 Zone, the following shall apply:

(a) Any dwelling which is used for such purposes shall be the principle residence of the operator of the business;
(b) No more than one thousand (1,000) square feet (92.9 m^2) of the floor area of any dwelling or any accessory structure shall be devoted to any business use;
(c) No mechanical equipment shall be used outside of any fully enclosed structure;
(d) No outdoor display shall be permitted;
(e) No outdoor storage shall be permitted unless a fence or visual barrier is provided so that no portion of the materials stored are visible from either adjacent lots nor from any abutting road;
(f) No more than one thousand (1,000) square feet (92.9 m^2) of the lot area shall be devoted to outdoor storage;
(g) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any business use and in no case shall less than three additional parking spaces be provided;
(h) No business use shall be obnoxious as defined Ln Part 2.42 of this by-law;
(i) No more than one (1) non-illuminated sign consisting of no more than two sides shall be permitted for any business use and no such sign shall exceed six (6) square feet (0.56 m^2) in area per side; and
(j) On any lot which does not have frontage on a public road or private road, business uses shall be restricted to office uses and the applicable requirements of Section 6.3 shall apply. (MC-Mar 14/94;SCC-Apr 12/94;E-May 7/94)

11.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-7 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

11.5 OTHER REQUIREMENTS: AGRICULTURAL USES
(Sub-section c-h: MDVCCC-Jan 25/12;E-Feb 11/12)

(a) No building intended for any agricultural use shall be permitted unless the following requirements are satisfied:
- **(i) minimum lot area: 80,000 square feet (3716 m^2)**
- **(ii) minimum frontage: 200 feet (30.5 m)**

(b) On a lot area of less than 120,000 square feet (11,148 m^2), any building intended for the keeping of livestock shall conform to the following requirements:
- **(i) maximum floor area: 1,000 square feet (92.9 m^2)**
- **(ii) minimum front or flankage yard 100 feet (30.5 m)**
- **(iii) minimum side or rear yard 50 feet (15.2 m)**

(iv) a minimum distance of 100 feet (30.5 m) shall be maintained from any dwelling or potable water supply that is not located on the same lot.

(v) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse.

(c) On a lot area equal to or greater than 120,000 square feet (11,148 m^2) and less than 435,600 square feet (40,467 m^2), any building intended for the keeping of livestock shall conform to the following requirements:

(i) maximum floor area: 2,000 square feet (92.9 m^2)

(ii) maximum front, flankage side or rear yard: 150 feet (45.7 m)

(iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(iv) Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m^2), the requirements of clause (b) shall apply

(d) On a lot area equal to or greater than 435,600 square feet (40,467 m^2), any building intended for the keeping of livestock shall conform to the following requirements:

(i) maximum floor area: 5,000 square feet (464.5m^2)

(ii) minimum front, flankage side or rear yard: 300 feet (60.9 m)

(iii) a minimum distance of 300 feet (91.4 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(e) Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m2), the requirements of clause (b) shall apply.

(f) Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 5,000 square feet (92.9 m^2) but more than 1,000 square feet (92.9 m^2), the requirements of clause (c) shall apply.

(g) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(h) For any building that is not intended for the keeping of livestock, the requirements of Section 10.2 shall apply.

11.6 OTHER REQUIREMENTS: INTENSIVE AGRICULTURAL USES

(a) No intensive agricultural use shall be permitted on any lot unless the following requirements are satisfied:

(i) minimum lot area: 200,000 square feet (18,587 m^2)

(ii) minimum frontage: 200 feet (61 m)

(iii) a minimum separation distance of 1,500 feet (457.2 m) is maintained from any lot zoned R-1A or R-1B.

(iv) no access is obtained through a residential zone, except where no other access can be granted by the Department of Transportation and Communications.

(b) Any building intended for an intensive agricultural use shall conform to the following requirements:

(i) minimum front, flankage side or rear yard: 150 feet

(ii) a minimum separation distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

11.7 OTHER REQUIREMENTS: FIREWOOD MILLS

(a) No firewood mill shall be permitted on any lot unless the following requirements are satisfied:

minimum lot area: 120,000 square feet (11,148 m^2)
minimum frontage: 200 feet (30.5 m)

(b) Any building intended for a firewood mill shall conform to the following requirements:

minimum front, flankage side or rear yard: 150 feet (45.7 m)
maximum height: 35 feet (10.7 m)

(c) No area for the preparation or storage of logs or the disposal of waste materials shall be located less than 150 feet (45.7 m) from any dwelling, except a dwelling that is located on the same lot. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)

11.8 OTHER REQUIREMENTS: PET CARE FACILITIES

(HE/MDVCCC-Aug 6/09;E-Aug 22/09)

(a) Notwithstanding the provisions of Section 4.5, no pet care facility shall be permitted unless the following requirements are satisfied:

(i) minimum lot area: 80,000 square feet (7432 m^2)
(ii) minimum frontage: 100 feet (30.5 m)

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

(i) maximum gross floor area: 1,000 square feet (92.9 m^2)
(ii) minimum front or flankage yard: 100 feet (30.5 m)
(iii) minimum side and rear yard: 50 feet (15.2 m)

(iv) a minimum distance of 200 feet (61 m) shall be maintained for any outdoor pet run from any dwelling or potable water supply that is not located on the same lot.

(v) a minimum distance of 200 feet (61 m) shall be maintained for any outdoor pet run from any watercourse.

(vi) Any outdoor pet run or area where pets are permitted to roam shall meet all requirements of this section.

11.9 <u>OTHER REQUIREMENTS: INDOOR RIDING ARENA, PRIVATE</u>
(MDVCCC-Jan 25/12;E-Feb 11/12)

(a) No building intended for use as a Private Indoor Riding Arena shall be permitted unless the following requirements are satisfied:

(i)	**minimum lot area:**	**20 hectares (50 acres)**
(ii)	**minimum frontage:**	**200 feet (30.5 m)**

(b) Any building intended for use as a Private Riding Arena shall conform to the following requirements:

(i)	**maximum floor area:**	**20,000 square feet (92.9 m^2)**
(ii)	**minimum front, side or flankage yard:**	**300 feet (91.4 m)**

(iii) a minimum separation distance of 1,500 feet (457.2 m) is maintained from any lot zoned R-1A or R-1B.

(iv) a minimum distance of 300 feet (91.4 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(c) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

PART 12: C-1 (LOCAL BUSINESS) ZONE

12.1 C-1 USES PERMITTED

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

Commercial Uses
Variety stores
Food stores
Offices
Medical and dental offices and clinics
Service and **Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)**

Residential Uses
Single unit dwellings
Two unit dwellings

12.2 C-1 ZONE REQUIREMENTS

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

Minimum Lot Area:	
Central water and sewer service	10,000 square feet (929 m^2) per dwelling unit
Other	40,000 square feet (3716 m^2) per dwelling unit
Minimum Frontage:	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard:	
Central Sewerage Water Services	8 feet (2.4 m)
Other	20 feet (6.1 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: COMMERCIAL USES

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

(a) The gross floor area of all commercial uses in any C-l Zone shall not exceed **three thousand five hundred (3,500) square feet (325 m^2)**. **(MDVCCC-Jul 4/12;E-Jul 21/12)**
(b) No open storage or outdoor display shall be permitted.
(c) No portion of any parking space shall be located within any required side or rear yard.

12.4 C-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any C-l Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with Part 7.

PART 13: C-2 (COMMUNITY COMMERCIAL) ZONE

13.1 C-2 USES PERMITTED

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

Commercial Uses

Retail stores
Food stores
Service and **Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)**
Offices
Banks and financial institutions
Restaurants
Funeral establishments
Greenhouses and nurseries
Guest homes
Taxi depots
Medical, dental, and veterinary offices and clinics
Existing service stations
Craft shops (MC-Jul 26/93;SCC-Aug 10/93;E-Sep 4/93)

Residential Uses
Single unit dwellings
Two unit dwellings

Community Uses
Open space uses
Institutional uses
Fraternal centres and halls

13.2 C-2 ZONE REQUIREMENTS: COMMERCIAL USES

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

Minimum Lot Area:	
Central water and sewer services	10,000 square feet (929 m^2)
Other	40,000 square feet (3,716 m^2)
Minimum Frontage:	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet 30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m) 30 feet (9.1 m) where front or flankage yard is abutting Highway #2

Minimum Rear or Side Yard	
Central water and sewer services	8 feet (2.4 m)
Other	20 feet (6.1 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

Notwithstanding the provisions of Part 13.2, no commercial building within any C-2 Zone shall exceed ten thousand (10,000) square feet (930 m^2) of gross floor area.

13.4 OTHER REQUIREMENTS: COMMERCIAL USES

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

(a) No open storage or outdoor display other than the display of plants shall be permitted.
(b) No portion of any lot shall be used for the collection or storage of refuse unless the refuse containers are screened.

13.5 OTHER REQUIREMENTS: ABUTTING YARDS

Where the rear or side yard of any commercial use in any C-2 Zone abuts any Residential or Community Facility Zone, the minimum rear or side yard shall be 30 feet (9.1 m) and no parking, loading or accessory structures shall be permitted within the required yards unless a visual barrier is provided, in which case the minimum rear or side yard shall be 20 feet (6.1 m).

13.6 OTHER REQUIREMENTS: REDUCED FRONT YARD

Notwithstanding the provisions of Part 13.2, the minimum front yard may be reduced to fifteen (15) feet where no parking or loading facilities are located within the required front yard.

13.7 OTHER REQUIREMENTS: REDUCED PARKING REQUIREMENTS

Notwithstanding Part 4.25 where the main building is constructed within fifteen (15) feet of the road right-of-way in accordance with the provisions of Part 13.6, the overall parking requirements for commercial uses within the structure may be reduced by a maximum of fifteen (15) per cent.

13.8 C-2 ZONE REQUIREMENTS: COMMUNITY USES

In any C-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conforming with Part 22.

13.9 C-2 ZONE REQUIREMENTS: RESIDENTIAL USES

In any C-2 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with Part 7.

PART 14: C-4 (HIGHWAY COMMERCIAL) ZONE

14.1 C-4 USES PERMITTED

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

Commercial Uses
Retail stores
Food stores
Service and **Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)**
Offices
Banks and financial institutions
Restaurants
Outdoor display courts
Hotels, motels and motor inns
Commercial recreation uses
Funeral establishments
Automotive sales
Service stations
Parking lots
Greenhouses and nurseries
Medical, dental and veterinary offices and clinics
Building supply outlets
Warehouses
Construction storage yards
Transportation terminals
Taverns and lounges
Single unit dwelling accessory to any permitted use
Craft shops (MC-Jul 26/93;SCC-Aug 10/93;E-Sep 4/93)

Community Uses
Open space uses
Institutional uses
Fraternal centres and halls

14.2 C-4 ZONE REQUIREMENTS: COMMERCIAL USES

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

Minimum Lot Area	
Central water and sewer services	10,000 square feet (929 m^2)
Other	40,000 square feet (3,716 m^2)
Minimum Frontage	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)

Minimum Rear or Side Yard	
Central water and sewer services	8 feet (2.4 m)
Other	20 feet (6.1 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

14.3 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

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

(a) The combination of any permitted buildings and any area devoted to open storage or outdoor display shall not exceed seventy-five (75) per cent of the lot area.
(b) No open storage shall be permitted within any required front yard.
(c) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any Residential or Community Facility Zone, except where a fence or other visual barrier is provided.

14.4 OTHER REQUIREMENTS: SERVICE STATIONS

(a) Minimum Lot Area: 50,000 square feet (4645 m^2)
(b) Minimum Lot Frontage: 150 feet (45.7 m)
(c) No portion of any pump island shall be located closer than fifty (50) feet (15.2 m) from any street line;
(d) The minimum distance between ramps or driveways shall be thirty (30) feet (9.1 m);
(e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m);
(f) The minimum angle of intersection of a ramp to a road line shall be between forty-five (45) and one hundred thirty-five (135) degrees; and
(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).

14.5 OTHER REQUIREMENTS: VEHICLE HOLDING AREAS

Where any permitted use within the C-4 Zone involves a holding area for the storage of vehicles for repair or salvage, the following shall apply:

(a) No vehicle holding area shall exceed three thousand (3,000) square feet (278.7 m^2) and shall be screened from public view.
(b) No vehicle holding area shall be permitted within any required yard.

14.6 OTHER REQUIREMENTS: ABUTTING YARDS

Where any C-4 (Highway Commercial) Zone abuts any Residential or Community Facility Zone, a minimum side or rear yard of thirty (30) feet (9.1 m) shall be required and any such yard shall be landscaped so as to provide a visual buffer.

14.7 OTHER REQUIREMENTS: RESIDENTIAL USES

In any C-4 Zone, where accessory dwelling units are permitted, any such unit shall be located to the rear of the building line formed by the front of the main structure on the lot.

14.8 C-4 ZONE REQUIREMENTS: COMMUNITY USES

In any C-4 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

PART 14A: CC (CANAL COURT) ZONE (RC-Oct 23/12;E-Jan 12/13)

14A.1 USES PERMITTED

No development permit shall be issued in any CC (Canal Court) Zone except for the following:

Commercial Uses
Retail Stores
Service and Personal Service Uses
Offices
Banks and Financial Institutions
Restaurants -Full Service and Take-out
Existing Service Stations pursuant to Section 4.6 (j)
Craft Shops

Residential and Commercial Uses
Single unit dwellings
Two unit dwellings
Bed and Breakfast
Home Businesses
Existing Multiple Unit Dwellings pursuant to Section 4.6 (k)

Community Uses
Public and private parks and playgrounds
Cemeteries
Historic sites and monuments
Museums as an educational institution

14A.2 CC ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	**10,000 square feet (929 m^2) where central sewer services are provided** **40,000 square feet (3716 m^2) where no central sewer services are provided**
Minimum Frontage:	**75 feet (22.9 m) where central sewer services are provided** **100 feet (30.4 m^2) where no central sewer services are provided**
Maximum Front or Flankage Yard	**3 feet (0.9 m^2)**
Minimum Side Yard:	**8 feet (2.4 m^2) where central sewer services are provided** **15 feet (4.5 m^2) where no central sewer services are provided**
Minimum Rear Yard	**25 feet (7.6 m^2)**

Maximum Lot Coverage (Building)	**35 percent**
Maximum Impervious Surface Coverage	**50 percent**
Maximum Height of Main Building	**35 feet (10.7 m^2)**
Minimum Height of Main Building	**35 feet (7.6 m^2)**
Maximum Building Width	**60 feet (18.2 m)**
Minimum Landscaped Area	**25 percent**

14A.3 CC ZONE REQUIREMENTS: COMMERCIAL USES

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

Minimum Lot Area:	**10,000 square feet (929 m^2) where central sewer services are provided** **40,000 square feet (3716 m^2) where no central sewer services are provided**
Minimum Frontage:	**75 feet (22.9 m)** **100 feet (30.4 m) where no central sewer services are provided**
Maximum Front or Flankage Yard:	**3 feet (0.9 m)**
Minimum Side Yard:	**8 feet (2.4 m) where central sewer services are provided** **15 (4.5 m) where no central sewer services are provided**
Minimum Rear Yard	**25 feet (7.6 m)**
Maximum Lot Coverage (Building)	**35 per cent**
Maximum Impervious Surface Coverage	**50 percent**
Maximum Height of Main Building	**35 feet (10.7 m)**
Minimum Height of Main Building	**25 feet (7.6 m)**
Maximum Building Width	**60 feet (18.2 m)**
Minimum Landscaped Area	**25 percent**

14A.4 OTHER REQUIREMENTS - FLOOR AREA

(a) The gross floor area of the main building on a lot in any CC Zone, shall not exceed 4,000 square feet (371.6 m^2). No main building footprint shall exceed 2,000 square feet (185.8 m^2).

14A.5 OTHER REQUIREMENTS – INCREASED FLOOR AREA

(a) Notwithstanding Section 14A.4 (a), where uses are permitted as Commercial Uses situated at 1480 Fall River Road, as illustrated in Schedule F, the following shall apply:

(i) gross floor area of the building may be increased to 6,000 square feet (557.4 m^2),

(ii) no main building footprint shall exceed 2,000 square feet (185.8 m^2); and

(iii) all uses permitted as Commercial Uses, except Existing Service Stations or Exiting Multiple Unit Dwellings, in any CC Zone can be extended throughout the entire building.

(b) Notwithstanding Sections 14.3 and 14A.4 (a), where uses are permitted as Commercial Uses situated at 1470 Fall River Road, as illustrated on Schedule G, the following shall apply:

(i) the gross floor area of the main building may be increased to 9,000 square feet (836.1 m^2);

(ii) no main building footprint shall exceed 6,000 square feet (557.4 m^2);

(iii) the width of the main building maybe increased to a maximum of 141 feet (42.9 m); and

(iv) all uses permitted as Commercial Uses, except Existing Service Stations or Existing Multiple Unit Dwellings, in any CC Zone may be extended throughout the entire building.

14A.6 OTHER REQUIREMENTS - BED AND BREAKFAST ESTABLISHMENTS

The following requirements shall apply for all bed and breakfast uses:

(a) The Business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.

(b) Not more than four (4) rooms may be let;

(c) No more than one (1) sign advertising the bed and breakfast shall be permitted and no such sign shall exceed two (2) square feet (0.2 m^2) in area;

(d) One (1) off-street parking space, in addition to that required for the dwelling, shall be provided for every two rooms to be let or part thereof; and

(e) Where parking is located in any required yard abutting a residential use, an opaque fence of 5 feet (1.52 m) in height or a Landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.

14A.7 OTHER REQUIREMENTS - HOME BUSINESS USES

The following requirements shall apply for all home business uses:

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.

(b) No more than 500 square feet (46.5 m^2) of the building or accessory building shall be devoted to any business use.

(c) Notwithstanding subsection (b), day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.

(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious.

(e) Excluding out play areas associated with a daycare facility, no storage or display of materials, goods, supplies, or equipment related to the operation of

the business use shall be permitted outside on the property.

(f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 2 square feet (0.2 m^2) in area.

(g) One off-street parking space shall be required for every 150 square feet (13.9 m^2) of floor space devoted to the Home Business.

14A.8 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the CC Zone, parking shall be located at the side and/or in the rear of the building. Where parking is located in any required yard abutting a residential use, a wood fence of 5 feet (1.52 m) in height or a landscaped buffer, shall be constructed along all property boundaries abutting the residential use. The landscaped buffer may contain evergreen trees, earth berms, fences, or shrubs provided it screens the parking lot from the abutting residential property.

14A.9 OTHER REQUIREMENTS - STORAGE AND UTILITIES

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

(a) No storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property;

(b) HVAC equipment, refuse containers, electrical equipment excluding metres, propane tanks, oil tanks and other similar equipment shall not face the street or shall be screened with a fence, berm or Landscaping that creates a visual barrier.

14A.10 OTHER REQUIREMENTS: LANDSCAPING

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

(a) A 15 foot (4.6 m) wide landscape strip shall be provided along all street lines, exclusive of buildings, driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm calliper) and three (3) shrubs per 15 feet (4.6 m) of street lines. The required landscape strip, may be installed in the form of groupings.

(b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.

(c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.

(d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm in calliper, measured 150 mm above grade, shall be retained in the

landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.

14A.11 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any CC Zone, all lighting shall be designed to meet the following requirements:

(a) **all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;**

(b) **have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and**

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

PART 14B: VC -CDD (VILLAGE CORE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Oct 23/12;E-Jan 12/13)

14B.1 VC -CDD DEVELOPMENT AGREEMENT REQUIREMENTS

No development permit shall be issued for a development in a VC-CDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

14B.2 USES PERMITTED

The following uses maybe permitted in any VC-CDD (Village Core Comprehensive Development District Zone) Zone:

Commercial Uses
Retail Stores
Food stores
Service and Personal Service Uses
Offices
Health and Wellness Centres
Banks and Financial Institutions
Restaurants -Full Service and Take-out
Funeral Establishments, excluding crematoriums
Greenhouses and Nurseries
Medical, Dental and Veterinarian Clinics, outdoor kennels associated with veterinary clinics are prohibited
Garden Centre
Pub, tavern, lounge
Craft Shops

Residential Uses
Multiple Unit Dwellings no greater than 3 units per gross acre

Community Uses
Open space uses
Institutional uses
Fraternal Halls and Centres
Transit Facilities

PART 14C: VMS (VILLAGE MAIN STREET) ZONE (RC-Oct 23/12;E-Jan 12/13)

14C.1 USES PERMITTED

No development permit shall be issued in any VMS (Village Mainstreet) Zone except for the following:

Commercial Uses
Retail Stores
Service and Personal Service Uses
Offices
Wellness Centres
Banks and Financial Institutions,
Restaurants -Full Service, Take-out and Drive-in
Existing Service Stations pursuant to Section 4.6 (j)
Funeral Establishments, excluding crematoriums
Greenhouses and Nurseries
Medical, Dental and Veterinarian Clinics, outdoor kennels associated with veterinary clinics are prohibited
Garden Centre
Pub, Tavern, lounge
Craft Shops

Residential Uses
Single unit dwellings
Two unit dwellings
Bed and Breakfast
Home Businesses

Community Uses
Open space uses
Institutional uses
Fraternal Halls and Centres
Transit Facilities

14C.2 VMS ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	**10,000 square feet (929 m^2) where central sewer services are provided** **40,000 square feet (3716 m^2) where no central sewer services are provided**

Minimum Frontage:	**75 feet (22.9 m) where central services are provided 100 feet (30.4 m) where no central sewer services are provided**
Minimum Front or Flankage Yard:	**30 feet (9.1 m)**
Minimum Side Yard:	**8 feet (2.4 m) where central sewer services are provided 8 feet (4.5 m) where no central sewer services are provided**
Minimum Rear Yard:	**15 feet (4.5 m)**
Maximum Lot Coverage:	**35 per cent**
Maximum Impervious Surface Coverage:	**50 percent**
Maximum Height of Main Building:	**10.7 metres (35 ft.)**
Maximum Building Width:	**60 feet (18.2 m)**
Minimum Landscaped Area:	**25 percent**

14C.3 <u>OTHER REQUIREMENTS: COMMERCIAL USES</u>

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

Minimum Lot Area:	**10,000 square feet (929 m^2) where central sewer services are provided 40,000 square feet (3716 m^2) where no central sewer services are provided**
Minimum Frontage:	**75 feet (22.9 m) where central services are provided 100 feet (30.4 m) where no central sewer services are provided**
Minimum Front or Flankage Yard:	**30 feet (9.1 m)**
Minimum Side Yard:	**15 feet (4.5 m) where no central sewer services are provided 8 feet (2.4 m) where central sewer services are provided**
Minimum Rear Yard:	**15 feet (4.5 m)**
Maximum Lot Coverage:	**35 per cent**
Maximum Impervious Surface Coverage:	**50 percent**
Maximum Height of Main Building:	**10.7 metres (35 ft.)**
Maximum Building Width:	**60 feet (18.2 m)**
Minimum Landscaped Area:	**25 percent**

14C.4 <u>OTHER REQUIREMENTS - FLOOR AREA</u>

(a) The gross floor area of the main building on a lot in any VMS Zone, shall not exceed 8,000 square feet (743.2 m^2). In addition, no main building footprint shall exceed 4,000 square feet (371.6 m^2).

14C.5 OTHER REQUIREMENTS – INCREASED FLOOR AREA AND BUILDING WIDTH

(a) Notwithstanding Section 14C.3 (a), where uses are permitted as Commercial or Community uses situated at 3182 Highway 2, as illustrated on Schedule I, the following shall apply:

(i) the gross floor area of the main building may be increased to 20,000 square feet (1858 m²);

(ii) no main building footprint shall exceed 10,000 square feet (929 m²);

(iii) all uses permitted as Commercial or Community uses, except Existing Service Stations, in any VMS Zone may be extended throughout the entirety of the building; and

(iv) the width of the main building maybe increased to a maximum of 120 feet (36.5 m).

14C.6 OTHER REQUIREMENTS - BED AND BREAKFAST ESTABLISHMENTS

The following requirements shall apply for all bed and breakfast uses:

(a) The Business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.

(b) Not more than four (4) rooms may be let;

(c) No more than one (1) sign advertising the bed and breakfast shall be permitted and no such sign shall exceed two (2) square feet (0.2 m^2) in area;

(d) One (1) off-street parking space, in addition to that required for the dwelling, shall be provided for every two rooms to be let or part thereof;

(e) Where parking is located in any required yard abutting a residential use, an opaque fence of 5 feet (1.52 m) in height or a Landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.

14C.7 OTHER REQUIREMENTS - HOME BUSINESS USES

The following requirements shall apply for all home business uses:

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.

(b) No more than 500 square feet (46.5 m^2) of the building or accessory building shall be devoted to any business use.

(c) Notwithstanding subsection (b), day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.

(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious.

(e) Excluding out play areas associated with a daycare facility, no storage or display of materials, goods, supplies, or equipment related to the operation of

the business use shall be permitted outside on the property.

(f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 2 square feet (0.2 m^2) in area.

(g) One off-street parking space shall be required for every 150 square feet (13.9 m^2) of floor space devoted to the Home Business.

14C.8 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the VMS Zone, parking shall be located at the side and/or in the rear of the building. Where parking is located in any required yard abutting a residential use, an opaque fence of 5 feet (1.52 m) in height or a landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use. The landscaped buffer may contain evergreen trees, earth berms, fences, or shrubs provided it provided an effective screen of the parking lot from the abutting residential property.

14C.9 OTHER REQUIREMENTS - STORAGE

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

(a) Except for Garden Centres, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property; and

(b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence, berm or Landscaping that creates a visual barrier.

14C.10 COMMUNITY USES - ZONE REQUIREMENTS

In any VMS Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

14C.11 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial or Community uses in any VMS Zone, the following requirements shall apply:

(a) A 30 foot (9.1 m) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 15 foot (4.6 m) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 15 feet (4.6 m) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 15 feet (4.6 m) of street frontage.

(b) **In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.**

(c) **Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.**

(d) **Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.**

14C.12 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VMS Zone, all lighting shall be designed to meet the following requirements:

(a) **all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;**

(b) **have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and**

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

PART 14D: VG (VILLAGE GATEWAY) ZONE (RC-Oct 23/12;E-Jan 12/13)

14D.1 USES PERMITTED

No development permit shall be issued in any VG (Village Gateway) Zone except for the following:

Commercial Uses
Retail Stores
Service and Personal Service Uses,
Offices
Health and Wellness Centres
Banks and Financial Institutions
Restaurants Full-Service, Take-out and Drive-in
Existing Service Stations pursuant to Section 4.6 (j)
Greenhouses and Nurseries
Funeral Establishments, excluding crematoriums
Medical, Dental and Veterinarian Clinics
Garden Centre
Pub, Tavern, lounge
Hotels, motels and motor-inns
Parking lots
Craft Shops

Residential Uses
Single unit dwellings

Community Uses
Open space uses
Institutional uses
Fraternal Halls and Centres
Transit Facilities

14D.2 VG ZONE REQUIREMENTS: ALL PERMITTED USES

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

Minimum Lot Area:	**40,000 square feet (3716 m^2)**
Minimum Frontage:	**100 feet (30.4 m)**
Minimum Front or Flankage Yard:	**30 feet (9.1 m)**
Minimum Side Yard:	**15 feet (4.5 m)**
Minimum Rear Yard:	**15 feet (4.5 m)**
Maximum Lot Coverage:	**35 per cent**
Maximum Impervious Surface Coverage:	**50 percent**
Maximum Height of Main Building:	**35 feet (10.7 m)**

14D.3 VG ZONE REQUIREMENTS - COMMERCIAL FLOOR AREA

The gross floor area of the main buildings on a lot in any VG Zone, shall not exceed 20,000 square feet (1858 m²). In addition, no main building footprint shall exceed 10,000 square feet (929 m²).

14D.4 OTHER REQUIREMENTS – INCREASED FLOOR AREA

Notwithstanding Section 14D.3 (a), where uses are permitted as Commercial Uses at 3009 Highway 2, as illustrated on Schedule J, the following shall apply:

- **(i) the gross floor area of the main building may be increased to 32,000 square feet (2972 m²);**
- **(ii) no main building footprint shall exceed 16,000 square feet (1486 m²); and**
- **(iii) all uses permitted as Commercial Uses in any VG Zone, except existing Service Stations, may be extended throughout the entirety of the building.**

14D.5 OTHER REQUIREMENTS – INCREASED FLOOR AREA

Notwithstanding Section 14D.3 (a), where uses are permitted as Commercial Uses at 2998 Highway 2, as illustrated on Schedule K, the maximum gross floor area of all buildings on the four lots combined shall be limited to 32,000 square feet (2972 $m^{2)}$ with no building footprint exceeding 8,000 square feet (743.2 m^2). The maximum number of buildings permitted in the area shown on Schedule K shall be limited to 3.

14D.6 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the VG Zone, parking lots shall be located at the side, rear or in a combination of the side and rear of the building.

14D.7 OTHER REQUIREMENTS - STORAGE AND UTILITIES

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

- **(a) Except for Garden Centres, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property; and**
- **(b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence; berm or landscaping that creates a visual barrier.**

14D.8 COMMUNITY USES - ZONE REQUIREMENTS

In any VG Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with Part 22.

14D.9 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial or Community uses in any VG Zone, the following requirements shall apply:

(a) A 30 foot (9.1 m) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 15 foot (4.6 m) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 15 feet (4.6 m) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided 15 feet (4.6 m) of street frontage.

(b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.

(c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs 15 foot (4.6 m) requirement.

(d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.

14D.10 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VG Zone, all lighting shall be designed to meet the following requirements:

(a) all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;

(b) have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and

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

PART 14E FRB (FALL RIVER BUSINESS) ZONE (RC-Oct 23/12;E-Jan 12/13)

14E.1 USES PERMITTED

No development permit shall be issued in any FRB (Fall River Business) Zone except for the following:

Commercial Uses

Light Manufacturing that is not obnoxious and is wholly contained and conducted within a building
Offices
Health and Wellness Centres
Banks and Financial Institutions
Greenhouses and Nurseries
Commercial recreation uses
Funeral Establishments
Medical, Dental and Veterinarian Clinics
Existing Service Stations pursuant to Section 4.6 (j)
Building supply outlets
Pub, Tavern, lounge
Hotels, motels and motor-inns
Parking lots
Transportation terminals
Construction storage yards
Warehousing and wholesaling

Residential Uses
Single unit dwellings accessory to any permitted use

Community Uses
Open space uses
Institutional uses
Fraternal Halls and Centres
Transit Facilities

14E.2 FRB ZONE REQUIREMENTS: ALL PERMITTED USES

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

Minimum Lot Area:	**40,000 square feet (3716 m^2)**
Minimum Frontage:	**100 feet (30.4 m)**
Minimum Front or Flankage Yard:	**30 feet (9.1 m)**
Minimum Side Yard:	**15 feet (4.5 m)**
Minimum Rear Yard:	**15 feet (4.5 m)**
Maximum Lot Coverage:	**35 per cent**
Maximum Height of Main Building:	**35 feet (10.7 m)**

14E.3 FRB ZONE REQUIREMENTS - COMMERCIAL FLOOR AREA

The gross floor area of any building supply outlet on a lot in any FRB Zone, shall not exceed 20,000 square feet (1858 m²).

14E.4 COMMUNITY USES - ZONE REQUIREMENTS

In any FRB Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with Part 22.

14E.5 OTHER REQUIREMENTS: LANDSCAPING

(1) Where uses are permitted as Commercial or Community uses in any FRB Zone, the following requirements shall apply:

- **(a) A 30 foot (9.1 m) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 15 foot (4.6 m) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 15 feet (4.6 m) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 15 feet (4.6 m) of street frontage.**
- **(b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.**
- **(c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.**
- **(d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.**

(2) Where any FRB Zone abuts any Residential or Community Facility Zone, the abutting yard shall be landscaped so as to provide a visual buffer.

14E.6 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any FRB Zone, all lighting shall be designed to meet the following requirements:

- **(a) all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;**
- **(b) have different purpose oriented lighting such as flush mount lighting for**

building accent, ground-oriented lighting along pathways, shall be provided; and

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

PART 14F: RCDD (RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Oct 23/12;E-Jan 12/13)

14F.1 RCDD DEVELOPMENT AGREEMENT REQUIREMENTS

No development permit shall be issued for a development in a RCDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

14F.2 USES PERMITTED

The following uses maybe permitted in any RCDD (Village Core Comprehensive Development District Zone) Zone:

Local Commercial Uses
Variety Stores
Restaurant - Take-out
Food Stores
Offices
Medical and dental offices and clinics
Service and Personal Uses
Craft Shops

Commercial Uses
Self Storage Facility

Residential Uses
Multiple Unit Dwellings
Townhouses
Single unit dwellings
Two unit dwellings

14F.3 RCDD REQUIREMENTS – LOCAL COMMERCIAL FLOOR AREA

The gross floor area of any local commercial floor space on a lot in any RCDD Zone, shall not exceed 371 square metres (4000 ft²) and the gross floor area of any self storage facility shall not exceed 929 square metres (10,000 ft^2)

PART 15: I-3 (LIGHT INDUSTRIAL) ZONE

15.1 I-3 USES PERMITTED

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

Warehousing
Transportation terminals
Service industries
Building materials outlets
Light manufacturing, assembly or processing operations which are not obnoxious and which are conducted and wholly contained within a building
Greenhouses and nurseries Wholesale operations
Office or retail uses accessory to any permitted use Existing residential uses
Composting operations (see section 4.31) (MC-Feb 26/96;M-Mar 28/96)

15.2 I-3 ZONE REQUIREMENTS

Minimum Lot Area	40,000 square feet (3716 m^2)
Minimum Frontage	120 feet (36.6 m)
Minimum Front Yard	50 feet (15.2 m)
Minimum Rear or Side Yard	25 feet (7.6 m)
Maximum Lot Coverage	50 per cent including Accessory buildings and outdoor display areas Outdoor storage - 25 per cent

15.3 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 or outdoor display shall be permitted in any required yard;
(b) No open storage shall be permitted except where a fence or other visual barrier is provided;
(c) No open storage of scrap or other waste materials shall be permitted;
(d) No materials shall be stored in any area set aside for open storage so as to exceed the height of any fence or visual barrier;
(e) No parking or loading area shall be permitted in any yard which abuts any Residential or Community Facility Zone.

15.4 OTHER REQUIREMENTS: ENVIRONMENTAL

Notwithstanding Section 15.1, no person shall use any building in whole or in part, or use any land in any I-3 Zone for any use which would be obnoxious as defined in Part 2.42 of this By-law.

15.5 OTHER REQUIREMENTS: LANDSCAPING

The following landscaping provisions shall be required as conditions of any development permit issued in any I-3 Zone:

(a) where an I-3 Zone abuts either a public road or a Residential or Community Facility Zone, a landscaped area of twenty (20) feet (6.1 m) in width shall be provided along the property line abutting the public road or Residential or Community Facility Zone;

(b) lands within the required landscaped area shall be grassed and trees and/or shrubs shall be planted at the rate of one (1) plant per each ten (10) feet (3.1 m) of the length of the required yard;

(c) where an I-3 Zone abuts a Residential or Community Facility Zone, no portion of any driveway shall be located within any required landscaped area.

PART 16: AE-1 (AEROTECH CORE) ZONE

16.1 AE-l USES PERMITTED

No development permit shall be issued in any AE-l (AeroTech Core) Zone except for the following:

Industrial Uses
Aircraft and aerospace industries Research and development facilities and related manufacturing
Scientific and professional equipment and products manufacturing and related uses
Electrical and electronic products manufacturing and related uses
Communications and information products manufacturing and related uses Industrial malls

Business Uses
Information processing and storage facilities
Communications facilities
Educational and training centres
All AE-3 permitted uses

16.2 AE-1 ZONE REQUIREMENTS

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

Minimum Lot Area	120,000 square feet (11,148 m^2)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	75 feet (22.9 m)
Minimum Rear Yard	35 feet (10.7 m)
Minimum Side Yard	
- where structure is 35 feet or less in height	35 feet
- where structure is greater than 35 feet in height	50 feet
Minimum Setback from any lot line which is within 100 feet of Highway #102 Right-of-way	75 feet (22.9 m)
Minimum Landscaped Area Exclusive of Required Yards	15 per cent of the area of the lot devoted to impervious surfaces

16.3 **Deleted - DMA**

16.4 OTHER REQUIREMENTS: ACCESSORY STRUCTURES

Within any AE-1 Zone, no accessory structure shall be located within any required yard other than a security structure not exceeding 200 square feet (18.6 m^2).

16.5 OTHER REQUIREMENTS: OUTDOOR STORAGE AND DISPLAY

Within any AE-1 Zone no outdoor storage or outdoor display area shall:

(a) be located within any front or side yard;
(b) be located within any yard which abuts lands abutting on Highway 102; or
(c) be located except where a fence or other visual barrier is provided to completely screen the use.

16.6 OTHER REQUIREMENTS: PARKING AND LOADING FACILITIES

Parking and loading areas within any AE-1 Zone shall be provided according to the following:

(a) General
  (i) No gasoline pumps or other service station equipment shall be located or maintained on any parking area;
  (ii) No parking or loading space shall be located within any required yard;
  (iii) The minimum distance from a driveway to the limits of the rights-of-way at any street intersection shall be seventy-five (75 feet) (22.9 m).
  (iv) On any lot where more than one access/egress is to be constructed, a minimum separation of one hundred (100) feet (30.5 m) shall be maintained between any two accesses/egresses;
(b) Parking Areas
  (i) Parking areas shall be surfaced with asphalt and/or concrete and shall be defined by a concrete curb, ornamental brick, planting or other landscape feature;
  (ii) All parking areas shall be enhanced by means of trees, landscaped strips or islands, or other features to provide visual relief and demarcate component of the parking area;
  (iii) Parking areas shall be accessed/egressed by no more than two (2) driveways and each driveway shall have a width of no less than sixteen (16) feet (4.9 m) and no wider than fifty (50) feet (15.2 m);
  (iv) A structure of not more than twenty (20) feet (6.1 m) in height and not more than two hundred (200) square feet (18.6 m^2) in area may be erected in the parking area for the use of attendants and security personnel;
  (v) Lighting fixtures used for illumination of the parking area shall be so arranged that no part of any fixture is more than thirty (30) feet (9.1 m) above the finished grade of the parking area. Fixtures shall be designed and installed so as to divert the light away from streets and adjacent lots and buildings;
  (vi) No parking space shall be immediately adjacent to doors or passageways from buildings;
  (vii) Notwithstanding Part 16.2, a minimum landscaped buffer of eight (8) feet (2.4 m) shall be provided between the front or side wall of any main building and an adjacent parking area or approach. The buffer may incorporate into it a sidewalk, path or similar pedestrian feature in

combination with landscaping elements such as grass and plantings, and such area shall form a part of the minimum required landscaped area;

(viii) Each parking space shall be clearly demarcated and shall measure at least eight (8) feet (2.4 m) by twenty (20) feet (6.1 m) or, in the case of spaces provided for parallel parking, shall measure eight and one half (8.5) feet (2.6 m) by twenty-two (22) feet (6.7 m); and

(ix) The width of any driving aisle within the parking area shall be a minimum width of ten (10) feet (3.5 m) for one-way traffic, and a minimum of twenty (20) feet (6.1 m) for two-way traffic.

(c) Loading and Docking Areas

(i) No loading space shall be located in any required front or side yard nor in any yard which abuts lands with frontage on Highway 102;

(ii) Notwithstanding subsection (i), loading or docking areas may be located within a side yard if concealed from view from a public road by means of continuous screening which consists of plantings, masonry or wood/wood-like products which are consistent with the design of the main building and sufficient to screen the loading area;

(iii) Access to loading spaces shall be by means of an unobstructed private approach at least twelve (12) feet (3.6 m) in width if for one-way traffic and twenty (20) feet (6.1 m) in width if for two-way traffic;

(iv) Each loading space shall measure a minimum of twelve (12) feet (3.6 m) by thirty (30) feet (9.1 m); and

(v) Space shall be provided for standing vehicles awaiting access to loading spaces.

16.7 OTHER REQUIREMENTS: ENVIRONMENTAL

(a) No development permit shall be issued for any main building except where municipal water, sewerage and storm drainage services are available.

(b) No development shall be permitted which is obnoxious as defined in Part 2.42 of this By-law.

16.8 OTHER REQUIREMENTS: AE-3 USES

In any AE-1 Zone, where uses are permitted as AE-3 uses, no development permit shall be issued except in conformity with the provisions of Part 18.

PART 17: AE-2 (GENERAL AIRPORT) ZONE

17.1 AE-2 USES PERMITTED

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

Airports and general airport facilities and services
Manufacturing, except primary processing warehousing and wholesaling
Construction industries
All AE -3 permitted uses
Outdoor display courts in conjunction with car rental services, a general airport service (NWCC-Feb 12/18; E-March 3/18)

17.2 AE-2 ZONE REQUIREMENTS

Minimum Lot Area	80,000 square feet (45.7 m^2)
Minimum Frontage	150 feet (45.7 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear and Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	40 percent
Minimum Separation (any two buildings)	15 feet (4.6 m)
Minimum Yard Abutting Guysborough Road or Highway #102	75 feet (22.9 m)

17.3 OTHER REQUIREMENTS: ACCESSORY STRUCTURES

Within any AE-2 Zone, no accessory structure except those provided for the purposes of security or maintenance shall be located in any required yard nor built closer to the front lot line than the main building.

17.4 OTHER REQUIREMENTS: LANDSCAPING

On any lot within any AE-2 Zone, landscaping shall be required as follows:

(a) Where any AE-2 Zone abuts a public road or where it abuts any Residential, Commercial, or Community Facility Zone, a landscaping area of thirty (30) feet (9.1 m) in depth shall be provided along the property line abutting the public road, Residential, Commercial, or Community Facility Zone;
(b) Where any AE-2 Zone abuts Highway 102, lands within the abutting minimum rear or side yard shall be maintained in the existing tree cover;
(c) Where any AE-2 Zone abuts a Residential or Community Facility Zone, no portion of any driveway or access shall be located within any landscaping area; and
(d) Lands within any required landscaped area shall be grassed, and trees and/or shrubs shall be planted or existing trees and/or shrubs shall be maintained at the

minimum rate of one (1) plant per each ten (10) feet (3.5 m) of the length of the required yard.

17.5 OTHER REQUIREMENTS: AE-3 USES

In any AE-2 Zone, where uses are permitted as AE-3 uses, no development permit shall be issued except in conformity with the provisions of Part 18.

17.6 OTHER REQUIREMENTS: OUTDOOR DISPLAY COURT

Within any AE-2 Zone, no outdoor display shall:

(a) be located within any front or side yard;
(b) be located within any yard abutting Highway 102; or
(c) occupy more than 10 percent of the area used to store rental cars.
(NWCC-Feb 12/18; E-March 3/18)

PART 18: AE-3 (AEROTECH COMMERCIAL) ZONE

18.1 AE-3 USES PERMITTED

No development permit shall be issued in any AE-3 (Aerotech Commercial) Zone except for the following:

Accommodation Uses
Hotels
Executive suites and guest facilities
Dwelling units for management and security personnel

Business Uses
Multi-use centres
Retail Stores
Restaurants and general food services
Financial institutions
Entertainment uses
Service stations
Commercial schools and training centres
Offices
Manufacturing and service uses
Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)

Institutional Uses
Hospitals and medical clinics
Emergency and protective services
Daycare facilities
Parks, plazas and open space uses
Government facilities
Utilities
Recreation uses

18.2 AE-3 ZONE REQUIREMENTS

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

Minimum Lot Area	120,000 square feet (11,148 m^2)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	75 feet (22.9 m)
Minimum Rear Yard	35 feet (10.7 m)
Minimum Side Yard	
- where structure is 35 feet or less in height	35 feet (10.7 m)
- where structure is greater than 35 feet in height	50 feet (15.2 m)

Minimum Setback from Highway 102 Right-of-Way	75 feet (22.9 m)
Minimum Landscaped Area Exclusive of Required Yards	15 per cent

18.3 Deleted - DMA

18.4 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Bart 18.2, where any service station is to be erected in an AE-3 Zone, the following shall apply:

(a) Minimum Lot Area: 60,000 square feet 5574 m^2)
Minimum Lot Frontage: 200 feet (61 m)

(b) No portion of any pump island shall be located closer than seventy-five (15) feet (22.9 m) from any street line;

(c) The minimum distance between ramps or driveways shall be thirty (30) feet (9.1 m);

(d) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m);

(e) The minimum angle of intersection of a ramp to a road line shall be between forty-five (45) and one hundred thirty-five (135) degrees;

(f) 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); and

(g) No service bay door shall face any public street.

18.5 OTHER REQUIREMENTS: VEHICLE HOLDING AREAS

Where any permitted use within the AE-3 Zone involves a holding area for the storage of vehicles, the following shall apply:

(a) No vehicle holding area shall exceed three thousand (3,000) square feet (78.7 m) and the perimeter of each such area shall be screened from public view; and

(b) No vehicle holding area shall be permitted within any required yard.

18.6 OTHER REQUIREMENTS: **PERSONAL SERVICE USES (RC-Jun 17/03;E-Jun 20/03)**

Notwithstanding the provisions of Part 18.2, no development permit shall be issued for a **Personal Service Use (RC-Jun 17/03;E-Jun 20/03)** except where such is an accessory use to accommodation uses permitted, or is located within a multi-use centre, or is located within a commercial or industrial building in conjunction with other uses.

PART 19: AE-4 (AEROTECH BUSINESS) ZONE

19.1 AE-4 USES PERMITTED

No development permit shall be issued in any AE-4 (Aerotech Business) Zone except for the following:

General Business Uses
Retail stores
Manufacturing
Service and **Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)**
Offices
Banks and financial institutions
Restaurants
Outdoor display courts
Indoor commercial recreation uses
Service stations and automotive repair
Parking lots
Building supply outlets
Warehousing and wholesaling
Construction industries and contractors
Transportation terminals
Motels and hotels
All AE-1 and AE-3 permitted uses
Automobile race tracks
Harness racing tracks

19.2 AE-4 ZONE REQUIREMENTS

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

Minimum Lot Area	40,000 square feet (3716 m^2)
Minimum Frontage	150 feet (45.7 m)
Minimum Front or Flankage Yard	75 feet (22.9 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Minimum Rear or Side Yard abutting Highway 102	50 feet (15.2 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building excepting offices and hotels	35 feet (10.7 m)

19.3 OTHER REQUIREMENTS: ABUTTING YARDS

Where any AE-4 Zone abuts any Residential, Community Use or Resource Zone or the right-of-way of Highway #102, a minimum side or rear yard of thirty (30) feet (9.1 m) shall be required.

19.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

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

(a) No open storage or outdoor display shall be permitted in any required yard.
(b) No open storage shall be permitted in any front yard.
(c) No open storage or outdoor display shall be permitted to the rear of any main building where that building is located on a lot abutting Highway 102.
(d) No open storage or outdoor display shall be permitted in any side yard of any lot abutting Highway 102 except where a visual barrier is maintained.

19.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Part 19.2, where any service station is to be erected in the AE-4 Zone, the following shall apply:

(a) Minimum Lot Area 60,000 square feet (5574 m^2)
Minimum Lot Frontage 150 feet (45.7 m)
(b) No portion of any pump island shall be located closer than fifty (50) feet (15.2 m) from any street line;
(c) The minimum distance between ramps or driveways shall be thirty (30) feet (9.1 m);
(d) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m);
(e) The minimum angle of intersection of a ramp to a road line shall be between forty-five (45) and one hundred thirty-five (135) degrees;
(f) 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).

19.6 OTHER REQUIREMENTS: VEHICLE HOLDING AREAS

Where any permitted use within the AE-4 Zone involves a holding area for the storage of vehicles, the following shall apply:

(a) No vehicle holding area shall exceed three thousand (3,000) square feet (278.7 m)and the perimeter of each such area shall be screened from public view; and
(b) No vehicle holding area shall be permitted within any required yard.

19.7 OTHER REQUIREMENTS: LANDSCAPING

On any lot within any AE-4 Zone, landscaping shall be required as follows:

(a) Where any AE-4 Zone abuts a public road except highway 102 or where it abuts any Residential, Commercial, or Community Use Zone, a landscaping area of thirty (30 feet (9.1 m) in depth shall be provided along the property line abutting the public road, Residential, Commercial, or Community Use Zone; and

(b) Where any AE-4 Zone abuts Highway #102, lands within the abutting minimum rear or side yard shall be maintained in the existing tree cover and/or shall be landscaped when the site is developed;

(c) Where any AE-4 Zone abuts a Residential or Community Use Zone, no portion of any driveway or access shall be located within any landscaping area; and

(d) Lands within any required landscaping area shall be grassed, and treed and/or shrubs shall be planted or existing trees and/or shrubs shall be maintained at the minimum rate of one (1) plant per each ten (10) feet (3.1 m) of the length of the required yard.

19.8 OTHER REQUIREMENTS: AE-l AND AE-3 USES

In any AE-4 Zone, where uses are permitted as either AE-1 or AE-3 uses, no development permit shall be issued except in conformity with the provisions of Part 16 or Pert 18, respectively.

19.9 OTHER USES PERMITTED: RACE TRACKS

Notwithstanding the provisions of Section 19.1, harness and automobile racing tracks may be used for entertainment, retail and other temporary purposes and special events, including markets, concerts and assembly.

19.10 AE-4 USES WITHIN THE BENNERY LAKE WATERSHED
(C-Apr 30/90;M-Jun 29/90)

The Development Officer shall forward a copy of all development per it applications for any use located within the Bennery Lake Watershed Designation, to the Nova Scotia Department of the Environment, Environment Canada, the Department of Fisheries and Oceans, and any other department or agency deemed appropriate.

PART 20: AE-H (HOLDING) ZONE

20.1 No development permit shall be issued in any AE-H (Holding) Zone except for the following:

Government facilities;
Educational and training centres; and
Utilities

20.2 AE-H ZONE REQUIREMENTS

Minimum Lot Area	200,000 square feet (18,580 m^2)
Minimum Frontage	250 feet (76.2 m)
Minimum Front or Flankage Yard	75 feet (22.9 m)
Minimum Rear Yard	35 feet (10.7 m)
Minimum Side Yard	50 feet (15.2 m)

PART 21: H-1 (HAZARD) ZONE

21.1 H-1 USES PERMITTED

No development permit shall be issued in any H-1 (Hazard) Zone except for the following:

Explosive storage facilities and related office, security and transportation facilities

21.2 H-1 ZONE REQUIREMENTS

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

Minimum Lot Area	80,000 square feet (7,432 m^2)
Minimum Frontage	120 feet (36.6 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear Yard	50 feet (15.2 m)
Minimum Side Yard	50 feet (15.2 m)
Maximum Height of Main Building	35 feet (16.7 m)

21.3 OTHER REQUIREMENTS: EXPLOSIVES STORAGE

Where any structure is to be used for the storage of explosives in any H-l Zone, the following shall apply:

Weight of Blasting Explosives And Related Explosive Accessories		Required Front, Rear and Side Yards	
Pound	(Kilograms)	Feet	(Metres)
110.23	(50)	75.46	(23)
220.46	(100)	75.46	(23)
440.92	(200)	85.30	(26)
551.15	(250)	98.43	(30)
661.38	(300)	111.55	(34)
881.83	(400)	134.51	(41)
1102.29	(500)	154.20	(47)
1322.75	(600)	173.88	(53)
1763.67	(800)	213.25	(65)
2204.59	(1000)	246.06	(75)
4409.17	(2000)	393.70	(120)
8818.34	(4000)	574.15	(175)
11022.93	(5000)	623.36	(190)
13227.51	(6000)	656.17	(200)
15432.10	(7000)	688.98	(210)
22045.86	(10000)	787.40	(240)
44091.71	(20000)	984.25	(300)

55114.64	(25000)	1049.87	(320)
66137.57	(30000)	1115.49	(340)
88183.42	(40000)	1246.72	(380)
110229.27	(50000)	1345.14	(410)
220458.55	(100000)	1722.44	(525)
330687.83	(150000)	1929.13	(588)

PART 22: P-2 (COMMUNITY FACILITY) ZONE

22.1 P-2 USES PERMITTED

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

Institutional Uses
Educational institutions and uses
Denominational institutions and uses
Day care facilities
A single dwelling unit in conjunction with a day care facility
Fire and police stations
Government offices and public works
Hospitals and medical clinics public libraries, museums and galleries
Community centres and halls
Recreation uses
Nursing homes
Residential care facilities

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

22.2 P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES

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

Minimum Lot Area:	
Central Sewerage & Water Services	10,000 square feet (929 m^2)
Other	40,000 square feet (3,716 m^2)
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	50 per cent

22.3 P-2 ZONE REQUIREMENTS: OPEN SPACE USES

In any P-2 Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the provisions of Part 23.

PART 23: P-3 (PARK) ZONE

23.1 P-3 USES PERMITTED

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

Park Uses
Conservation uses
Recreation uses Public and private parks and playgrounds
Campgrounds

Commercial Uses
Restaurants
Guest homes
Inns
Retail outlets
Lodges
Craft shops (MC-Jul 26/93;SCC-Aug 10/93;E-Sep 4/93)

Resource Uses
Agricultural uses
Forestry uses

23.2 P-3 ZONE REQUIREMENTS

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

Minimum Lot Area	40,000 square feet (3716 m^2)
Minimum Front or Flankage Yard	30 feet (9.14 m)
Minimum Rear and Side Yard	20 feet (6.1 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Building Size	3,000 square feet (278.7 m^2)

23.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any P-3 Zone where commercial uses are permitted, no open storage or outdoor display of goods shall be permitted.

PART 23A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

23A.1 RPK USES PERMITTED

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

Park Uses
Recreation uses
Campgrounds
Conservation uses

Commercial Uses
Restaurants
Guest homes
Inns
Retail outlets
Lodges
Craft shops

Resource Uses
Agricultural uses
Forestry uses

23A.2 RPK ZONE REQUIREMENTS

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

Minimum Lot Area	**3716m2**
Minimum Front or Flankage Yard:	**9.14m**
Minimum Side or Rear Yard:	**6.1m**
Maximum Lot Coverage:	**35%**
Maximum Height of Main Building	**10.7 m**
Maximum Building Size	**278.7m2**

23A.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any RPK Zone where commercial uses are permitted, no open storage or outdoor display of goods shall be permitted.

PART 24: PWS (PROTECTED WATER SUPPLY) ZONE
(RC-Jun 25/14;E-Oct 18/14)

24.1 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
Public Parks
Uses accessory to the foregoing uses
Single Unit Dwellings

24.2 PWS ZONE REQUIREMENTS

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

Minimum Lot Area	**7432 m2**
Minimum Frontage:	**61 m**
Minimum Front or Flankage Yard:	**6.1 m**
Minimum Side or Rear Yard:	**2.4 m**
Maximum Lot Coverage:	**35%**
Maximum Height of Main Building	**10.7 m**

24.3 OTHER REQUIREMENTS: SETBACKS FROM WATER SUPPLY SOURCES

(a) **No development permit shall be issued for any dwelling or accessory structure within 30.5 metres of any lake or other watercourse within the PWS (Protected Water Supply) Zone.**

(b) **Nothwithstanding Section 4.17, water distribution or purification uses may be built to the lot line where the line corresponds to the shore line.**

PART 25: MR (MIXED RESOURCE) ZONE

25.1 MR USES PERMITTED

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

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

Residential Uses
Single unit dwellings
Two unit dwellings

25.2 MR ZONE REQUIREMENTS: RESOURCE USES

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

Minimum Lot Area	200,000 square feet (18,580 m^2)
Minimum Lot Frontage	100 feet (30.5 m)
Minimum Yards	50 feet (15.2 m)
Maximum Lot Coverage	35 per cent

25.3 MR ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	40,000 square feet (3716 m^2) per dwelling unit
Minimum Lot Frontage	100 feet (30.5 m)
Minimum Front Yard	30 feet (9.1 m)
Minimum Rear Yard	10 feet (3.1 m)
Minimum Side Yard	10 feet (3.1 m)
Maximum Lot Coverage	35 per cent
Maximum Building Height	35 feet (10.7 m)

25.4 OTHER REQUIREMENTS: RESOURCE USES

Where uses are permitted as resource uses in any MR Zone, the following shall apply:

(a) No sawmill or intensive livestock operation shall be located within two hundred (200) feet (61 m) of any dwelling other than a permitted accessory dwelling.

(b) No sawmill or Intensive livestock operation shall be located within one hundred (100) feet (3.5 m) of any lake or watercourse.

25.5 OTHER REQUIREMENTS: ACCESSORY USES

Where residential or retail uses are permitted as uses accessory to resource uses within any MR Zone, the following shall apply:

(a) No more than two (Z) residential structures shall be permitted on any lot.
(b) No retail use shall exceed two thousand (2,000) square feet (185.8 m^2) of gross floor area.

PART 25A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE
(RC-Sep 10/02;E-Nov 9/02)

25A.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

25A.2 CD-1 ZONE REQUIREMENTS

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

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

25A.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations

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

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

(b) notwithstanding Section 25A.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 25A.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).

25A.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 25A.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-1A, R-1B, R-1C, R-1D, R-1E, R-6 and R-7) or community use (P-2, P-3 and P-4); and

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

25A.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 view from adjacent properties and streets;

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

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

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

PART 25B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

25B.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

25B.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)**

25B.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.

25B.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 25B.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the

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

(c) notwithstanding Section 25B.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).

25B.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 25A.4.

(b) notwithstanding Sections 25B.2 to 25B.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.

25B.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 25A.5.

PART 25C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE
(RC-Sep 10/02; E-Nov 9/02)

25C.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

25C.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)**

25C.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.

25C.4 OTHER REQUIREMENTS: C&D Materials Disposal Sites

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

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

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

25C.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 25A.4.

(b) Notwithstanding Sections 25C.2 to 25C.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.

25C.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 25A.5.

PART 25D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE
(RC-Jul 2/02;E-Aug 17/02)

25D.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

25D.2 ICH ZONE REQUIREMENTS

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

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

25E.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

25E.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area:	**930m^2**
Minimum Frontage:	**30.5m**
Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**

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

25F.1 UR USES PERMITTED

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

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

25F.2 UR ZONE REQUIREMENTS

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

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

PART 26: ADMINISTRATION

26.1 ENFORCEMENT

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

26.2 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.

26.3 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 get 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.

26.4 PENALTY

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

26.5 DATE OF BY-LAW

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

26.6 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**
(C-May 28/90;E-Jun 23/90)	

26.7 PUBLIC HEARING NOTIFICATION (C-Dec 7/93;E-Feb 13/93)

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 LRIS 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 LRIS 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" - NON CONFORMING USES

NON-CONFORMING USE

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

EXISTING USE

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

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

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

CANCELLATION OF PERMIT

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

ARBITRATION

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

ARBITRATOR

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

RESTRICTION ON NON-CONFORMING USE

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

NO EXTENSION OF NON-CONFORMING USE

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

CHANGE IN USE

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

CHANGE OF OCCUPANT

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

REPAIR OR MAINTENANCE

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

DESTRUCTION OR DAMAGE

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

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

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

DISCONTINUANCE

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

VARIATION IN SECTION 92 OR 93 RESTRICTIONS

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

POLICIES

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

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

the extension of a non-conforming use of land;

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

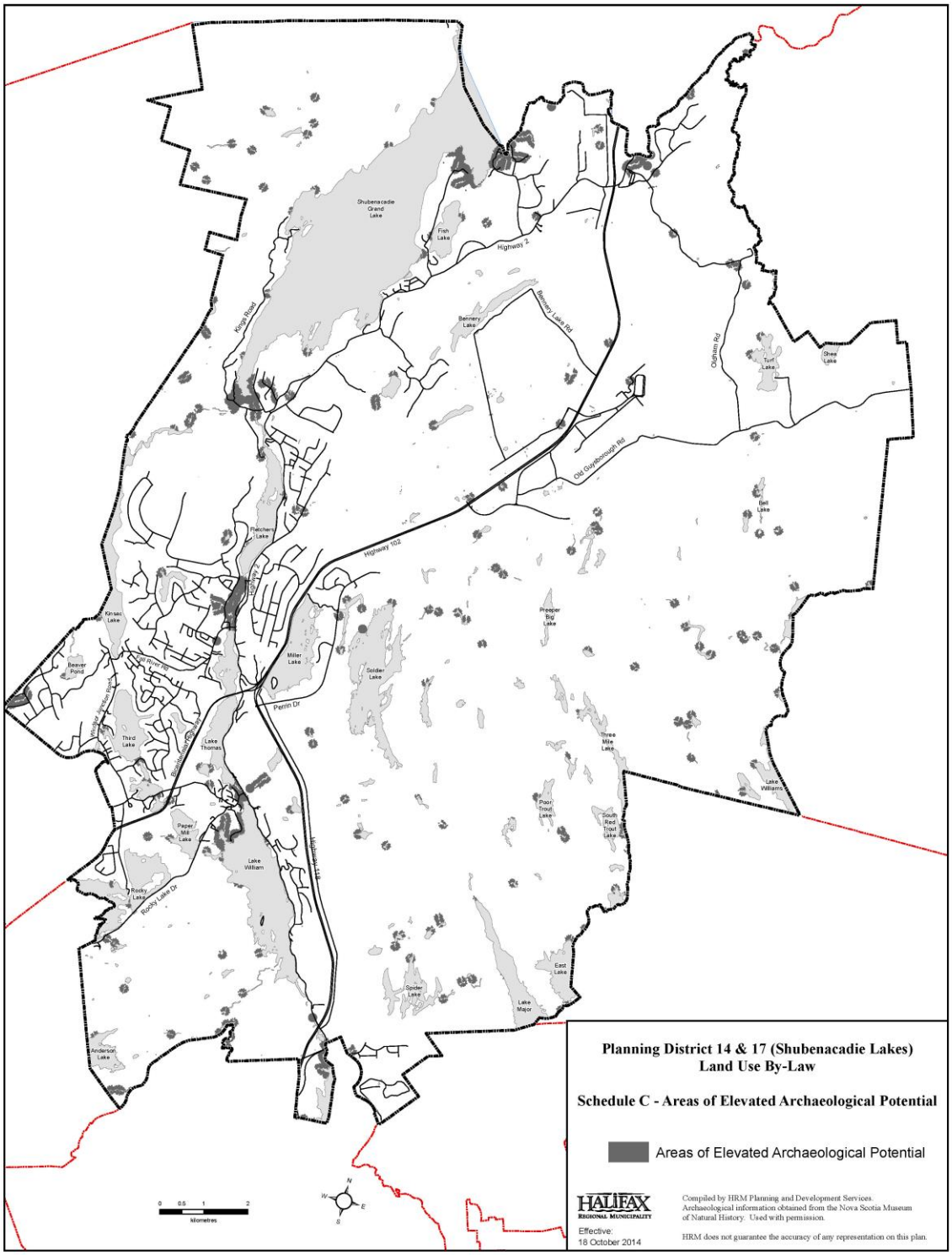
(d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.

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

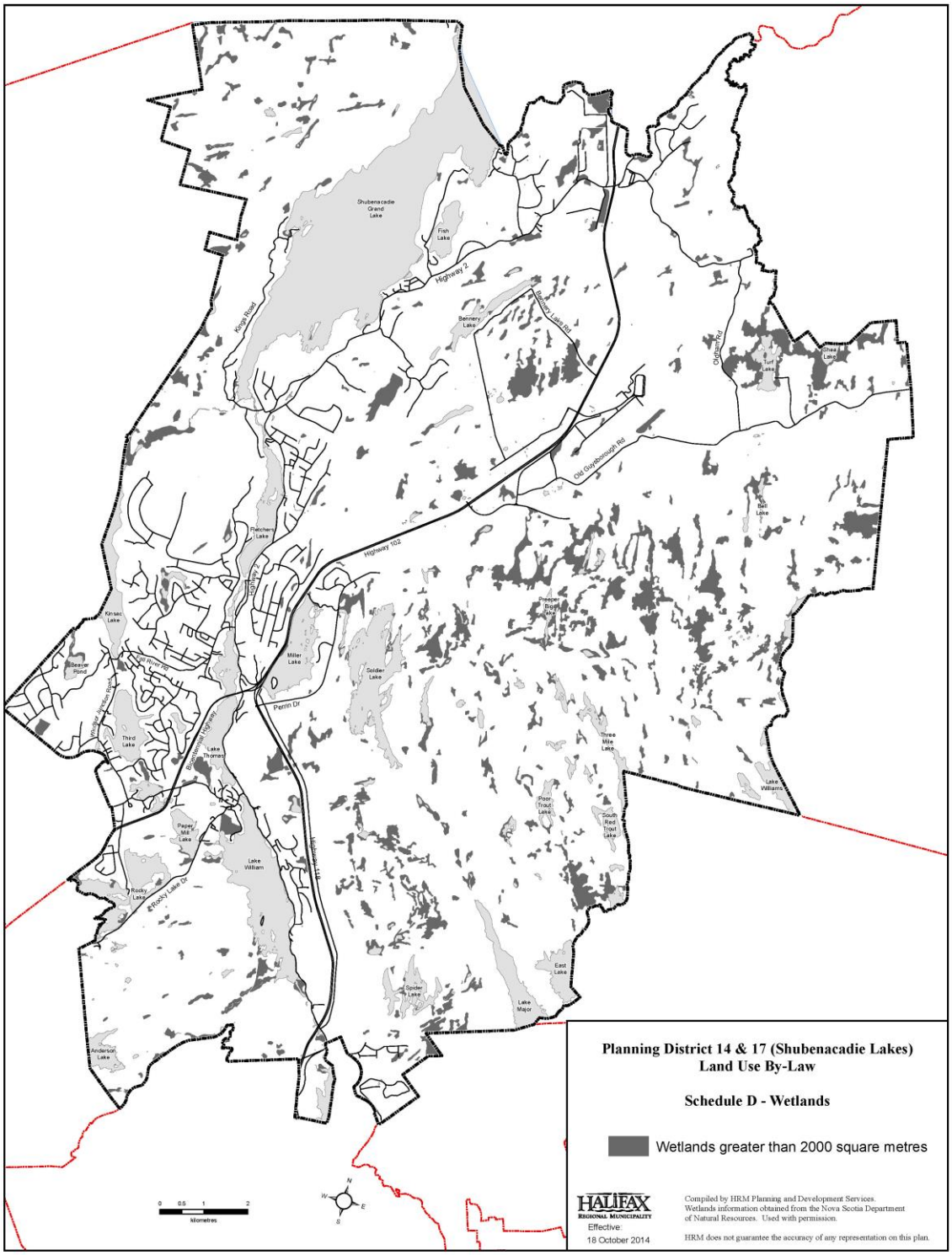
IMPLEMENTATION

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

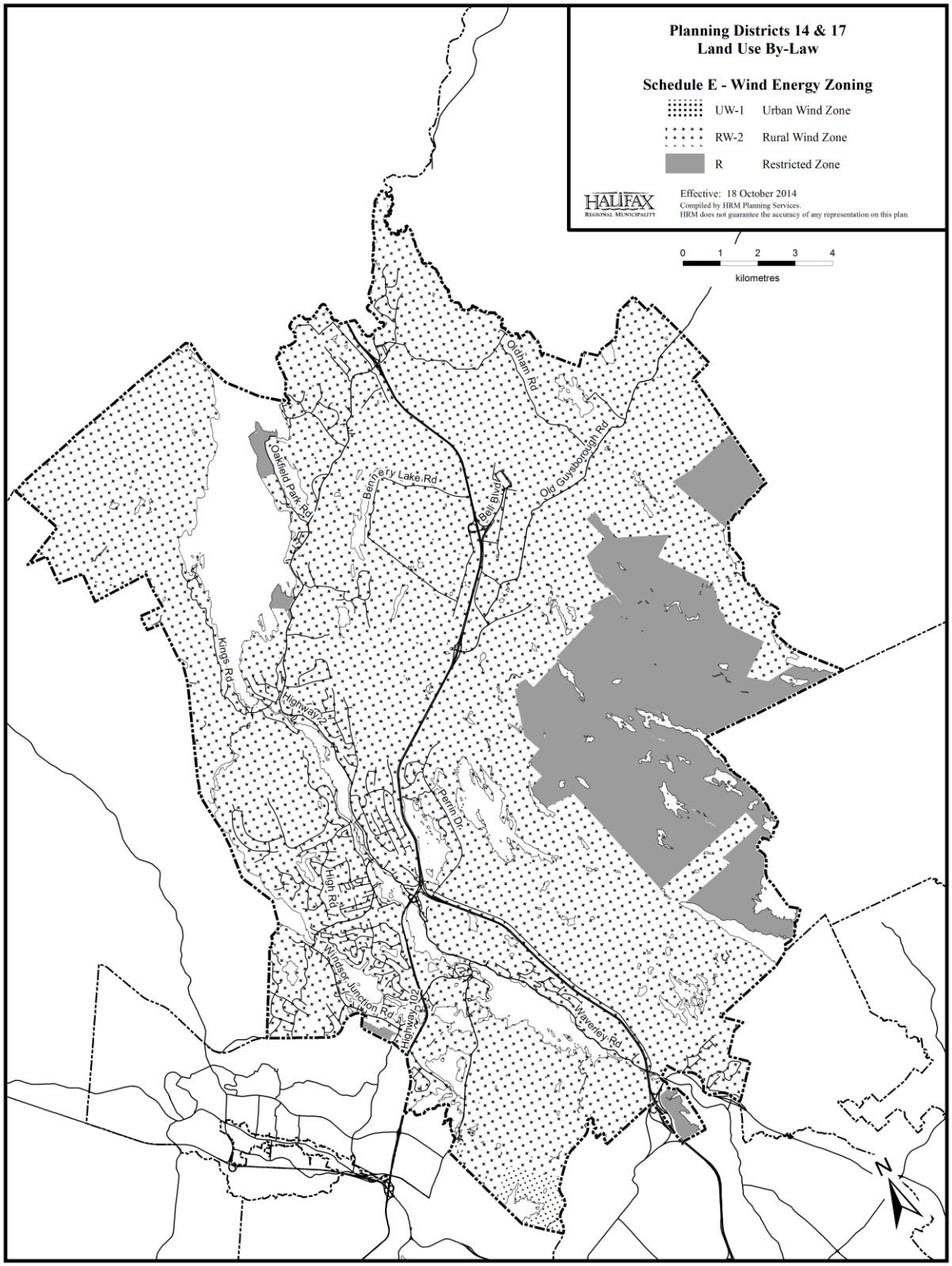
SCHEDULE C - Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



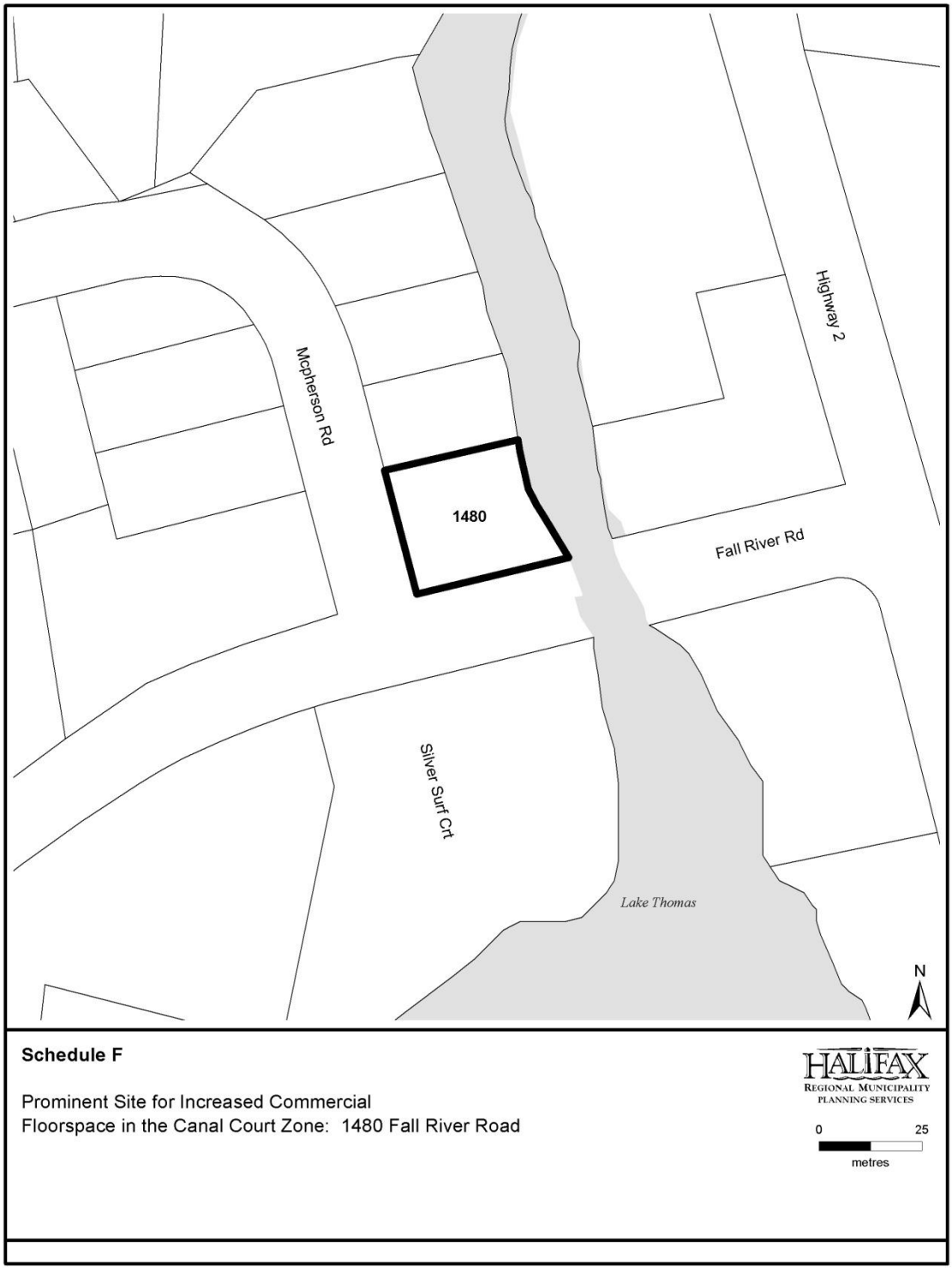
SCHEDULE D - Wetlands (RC-Jun 25/14;E-Oct 18/14)



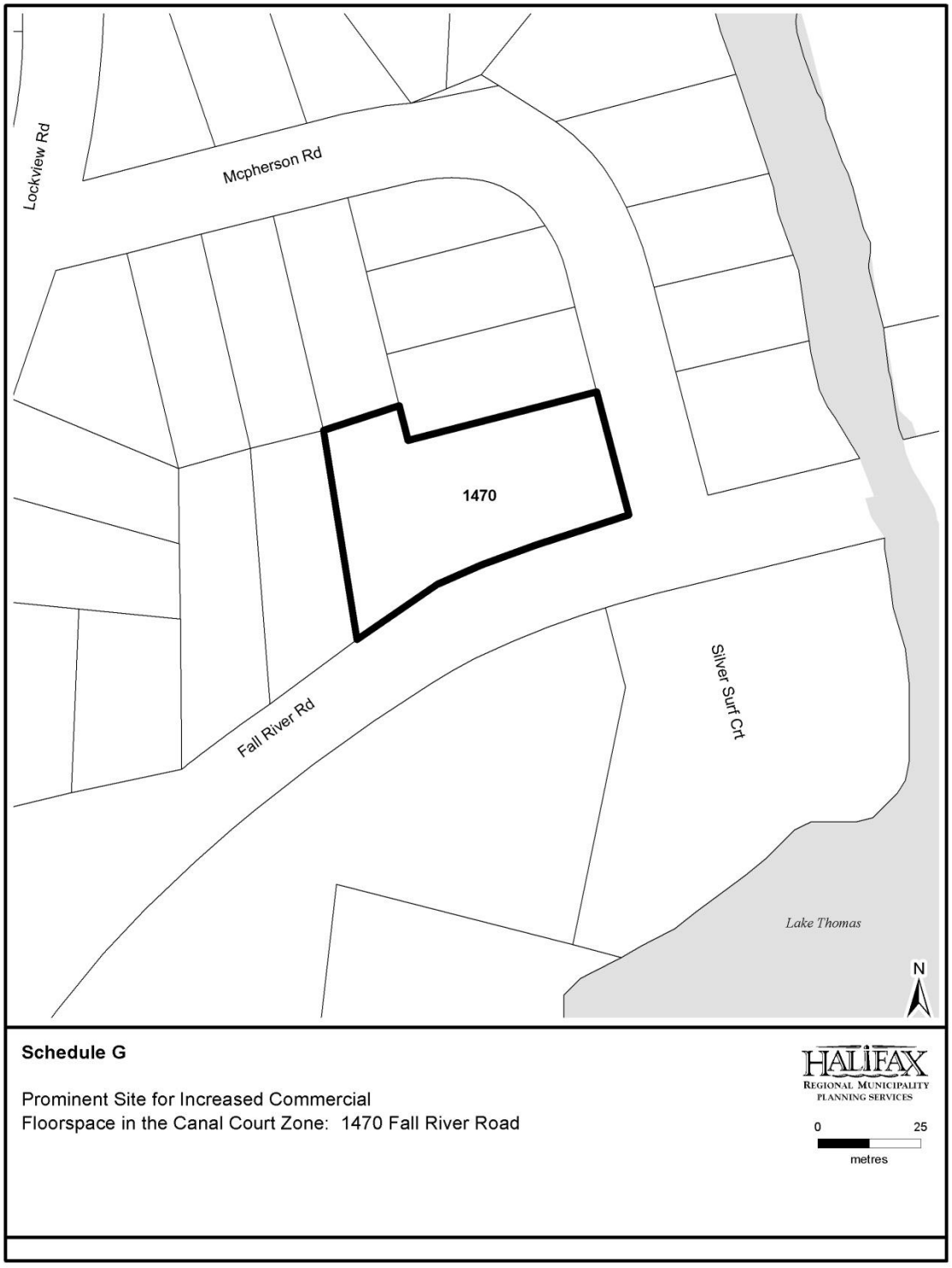
Schedule E– Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



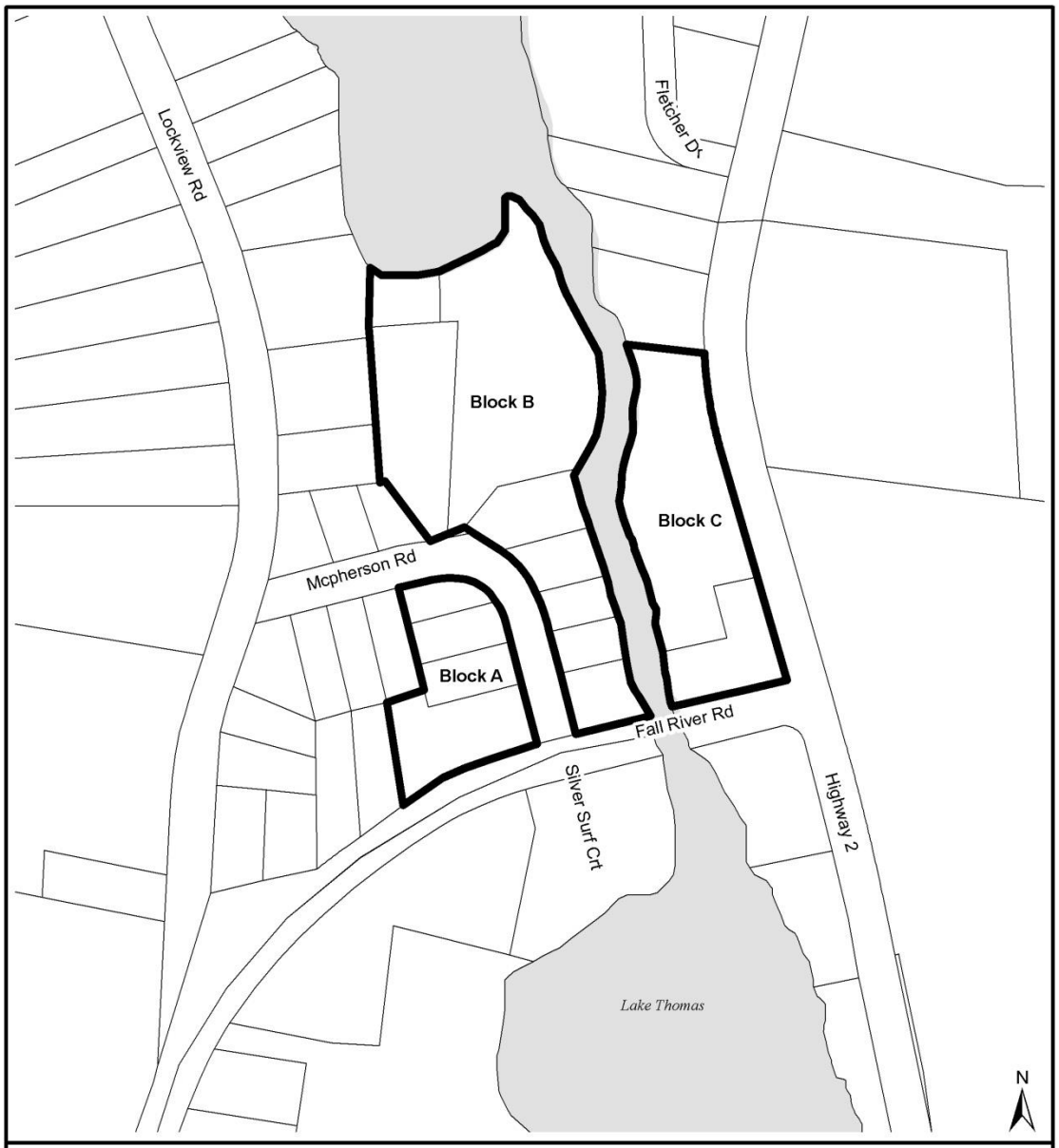
SCHEDULE F: Prominent Site for Increased Commercial – Floorspace in the Canal Court Zone (1480 Fall River Road) (RC-Oct 23/12;E-Jan 12/13)



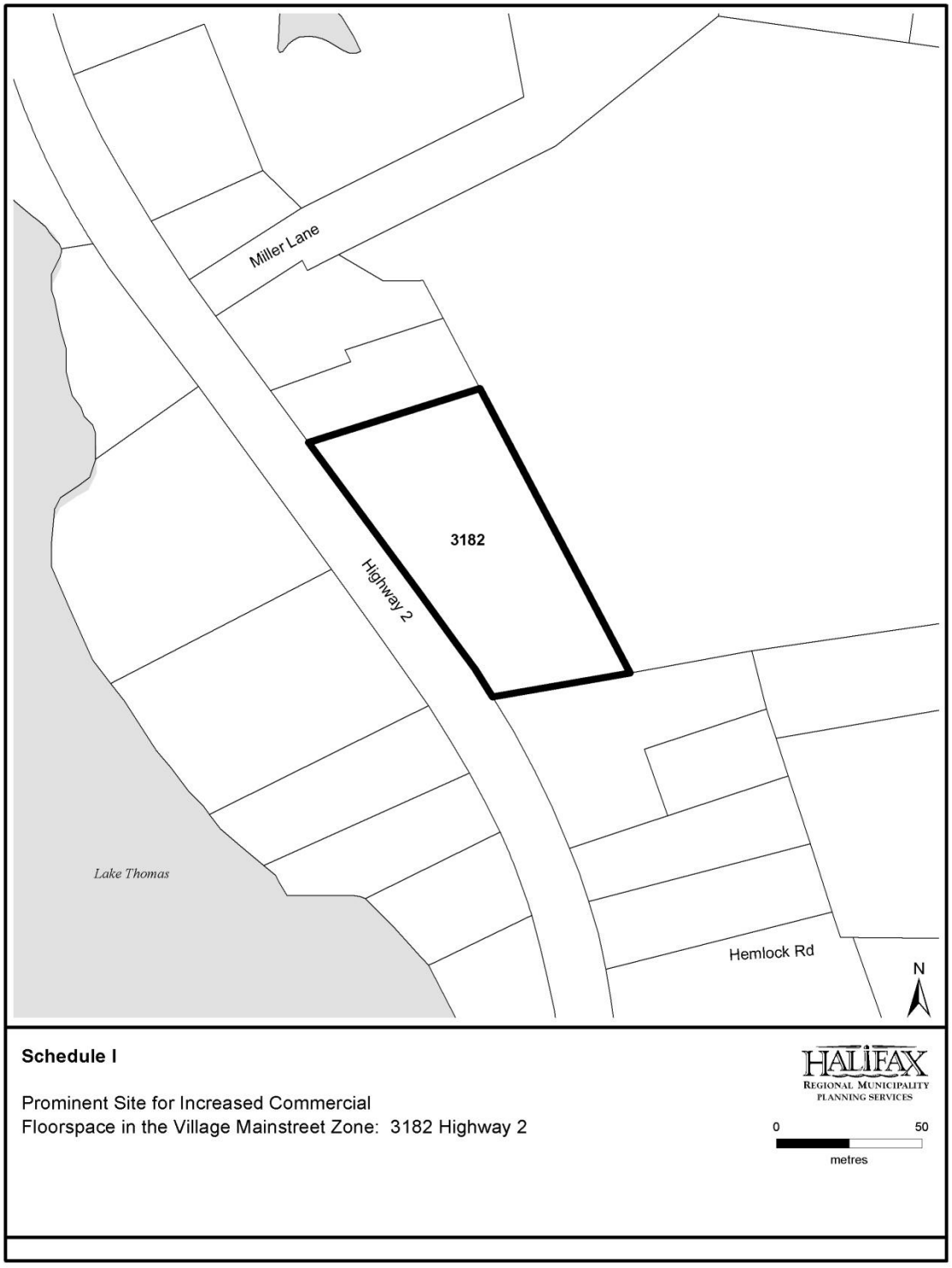
SCHEDULE G: Prominent Site for Increased Commercial – Floorspace in the Canal Court Zone (1470 Fall River Road) (RC-Oct 23/12;E-Jan 12/13)



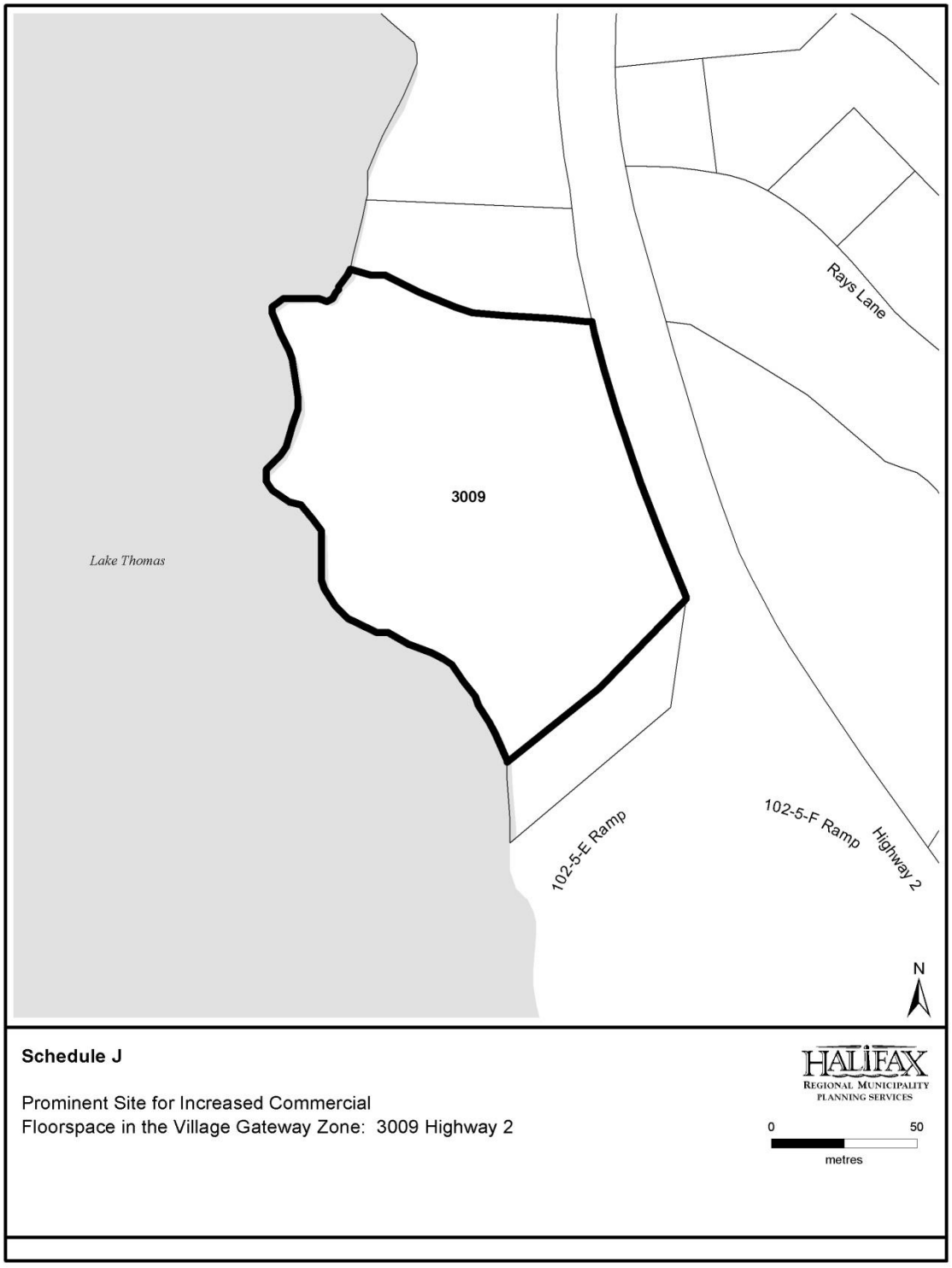
SCHEDULE H – Canal Court Development (Oct 23/12;E-Jan 12/13)



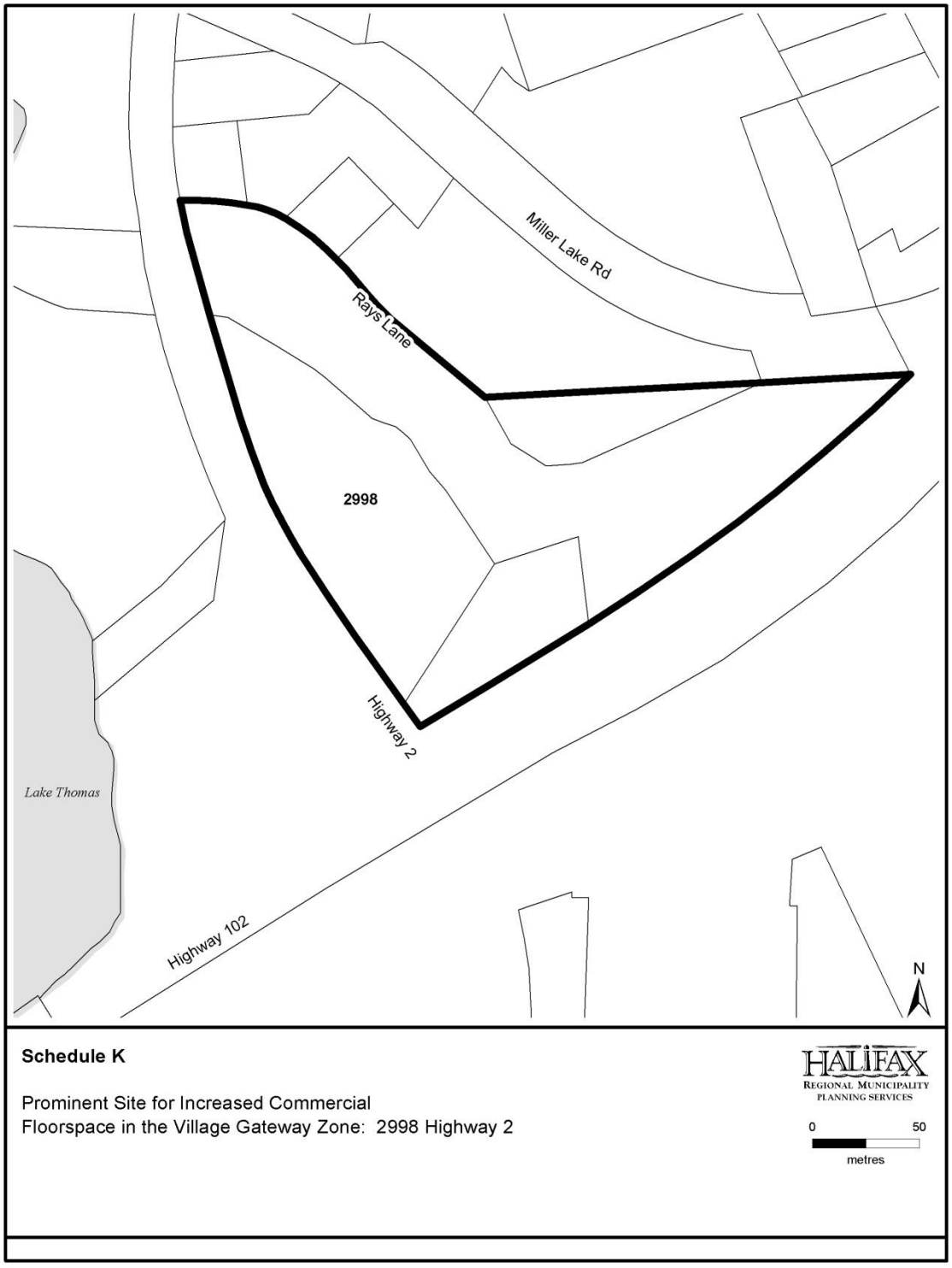
SCHEDULE I: Prominent Site for Increased Commercial – Floorspace in the Village Mainstreet Zone (3182 Highway 2) (RC-Oct 23/12;E-Jan 12/13)



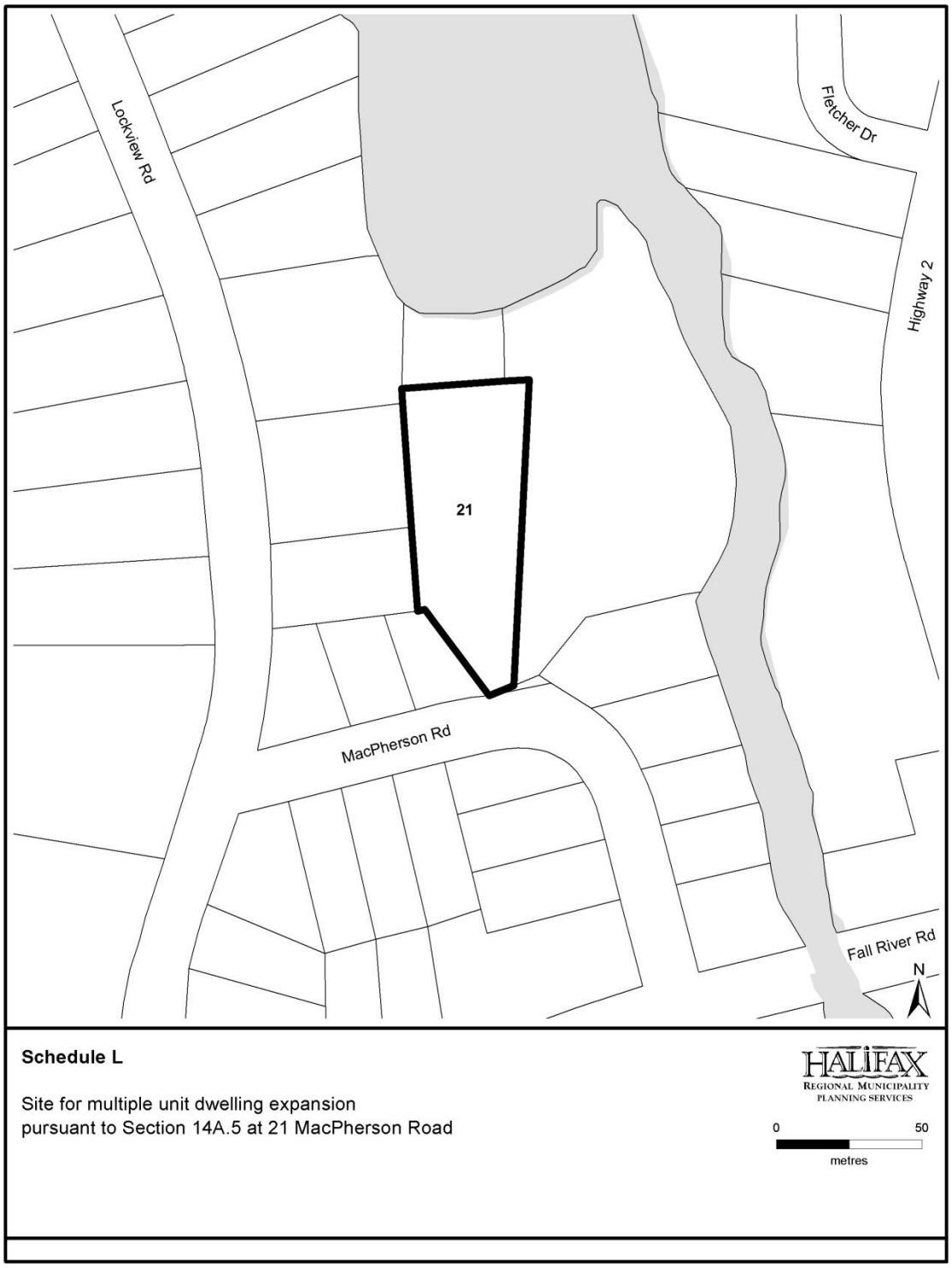
SCHEDULE J: Prominent Site for Increased Commercial – Floorspace in the Village Gateway Zone (3009 Highway 2) (RC-Oct 23/12;E-Jan 12/13)



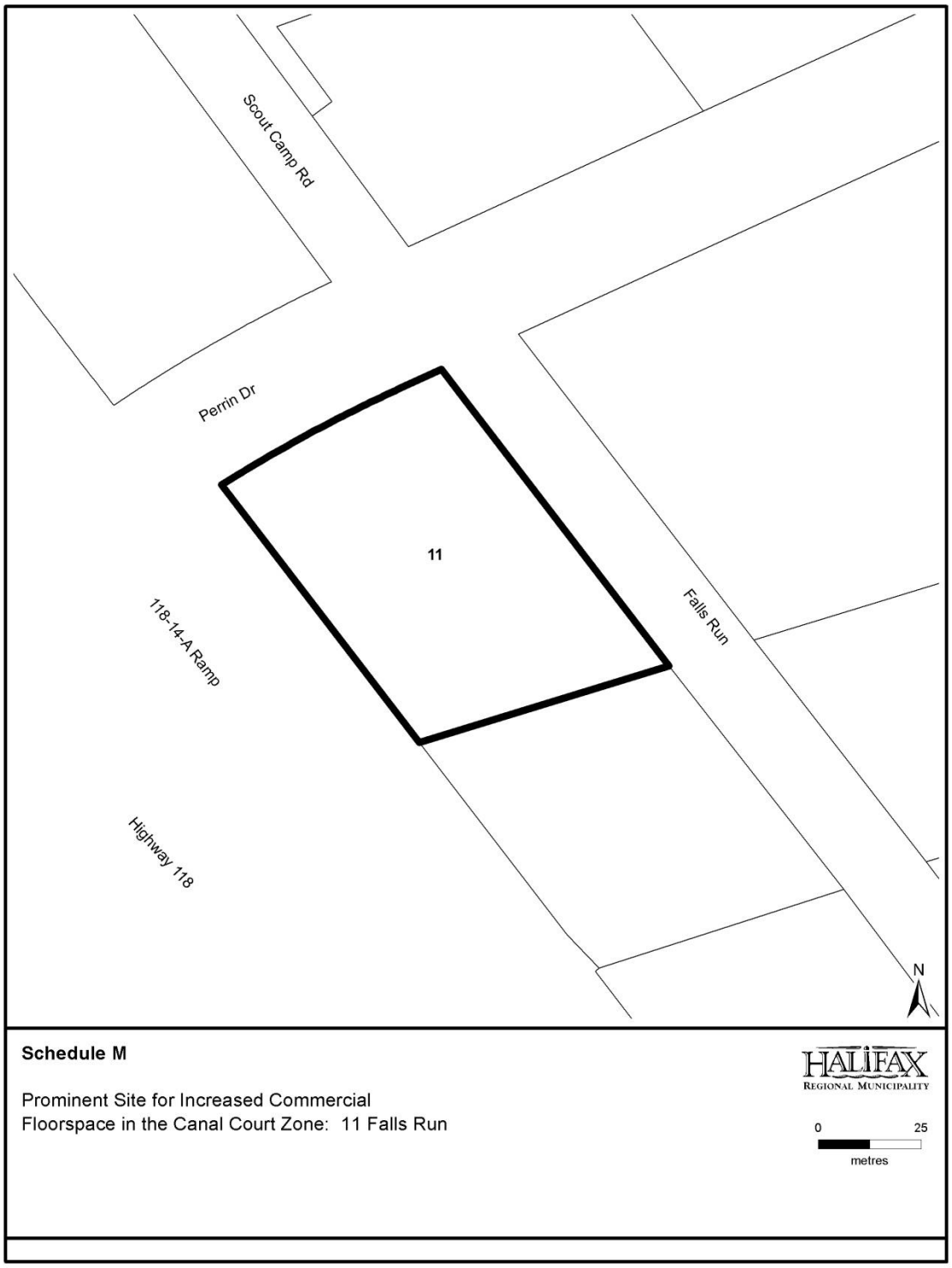
SCHEDULE K: Prominent Site for Increased Commercial – Floorspace in the Village Gateway Zone (2998 Highway 2) (RC-Oct 23/12;E-Jan 12/13)



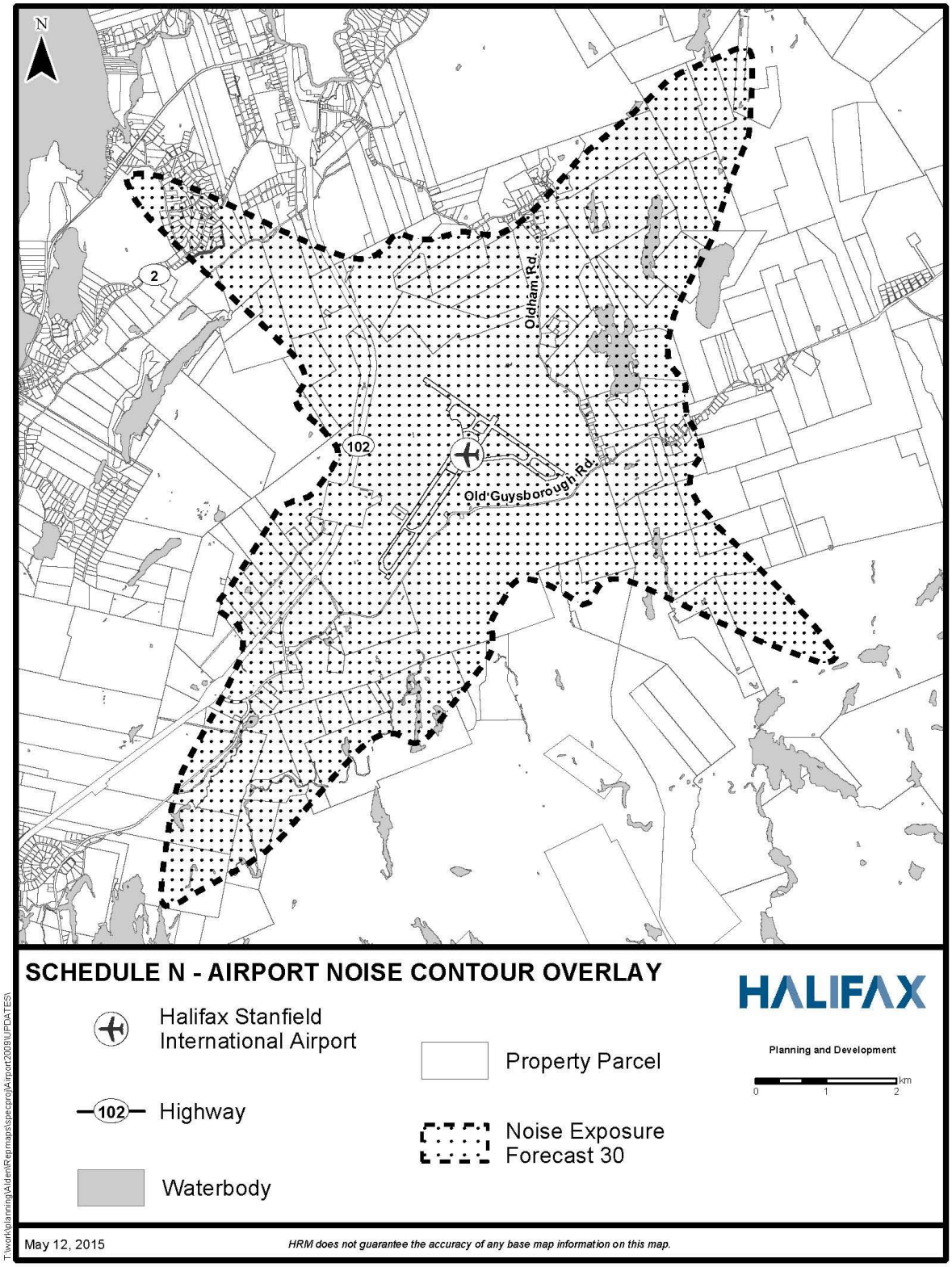
SCHEDULE L: Site for Multiple Unit Dwelling Expansion Pursuant to Section 14A.5 (21 MacPherson Road) (RC-Oct 23/12;E-Jan 12/13)



SCHEDULE M: Prominent Site for Increased Commercial – Floorspace in the Canal Court Zone (11 Falls Run) (RC-Oct 23/12;E-Jan 12/13)



SCHEDULE N: Airport Noise Contour Overlay (RC-Jan 26/16;E-Apr 2/16)



LAND USE BY-LAW
AMENDMENTS - SHUBENACADIE LAKES (14/17)

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective Date
1.	Part 4.2 (c) deleted		C - December 18, 1989	E - January 13, 1990
2.	Inserting "Variance of Requirements by Development Agreement".	ZAP-F&S-05-90	C - April 30, 1990	E - May 18, 1990
3.	Municipality - to allow a rezoning of lands within the Bennery Lake Watershed from the Watershed Zone P-4 to the Business Zone AE-4.		C - April 30, 1990	E - June 29, 1990
4.	Definition for Livestock; Part 4.11(a)(vii) was added.		C - August 27, 1990	E - September 22, 1990
5.	Definition for Restaurant - Take-out; Part 4.25 amended		C - February 10, 1992	E - March 7, 1992
6.	Hall's Road - add Part 9A: R-1E (Residential Estate) Zone.	ZAP-F&S-10-90	C - June 29, 1992	E - August 6, 1992
7.	Ledwidge Lumber Company - apply rural residential zoning (Policy P-86) to the present properties owned by Ledwidge Lumber Company (zone will contain specific provisions to permit the use and expansion of existing forestry uses, subject to zone standards established in conjunction with the Mixed Resource Zone (Policy P-84).	ZAP-F&S-10-92	C - August 17, 1992	E - October 2, 1992
8.	Definition for Agricultural Use		C - April 8, 1991	E - May 3, 1993
9.	Definition for Craft Shop		MC-July 26, 1993 SCC-August 10, 1993	E - September 4, 1993
10.	Definition of Private Road (a)		MC-March 14, 1994 SCC-April 12, 1994	E - May 7, 1994
11.	Part 4.6(i) was added		MC-December 19, 1994 SCC-Jan 10, 1995	E - February 4, 1995

12.	Definitions for Accessory Building or Structure and Accessory use; Part 4.10 was added		C - June 26, 1995	E - July 22, 1995
13.	Composting Operations added to Table of Contents, Definition for Composting Operation; Part 4.31added		C - February 26, 1996	E - March 28, 1996
14.	Bed and breakfast uses; Part 3.6 (t) amended; Part 6.1 amended; Part 6.5 added.		C - May 27, 1997	E - July 2, 1997
15.	Amended by adding Capital Cost Contribution: Section 3.1 - add "Infrastructure Charge Zone"; add Part 25D.1.	Project No. 00423	C - July 2, 2002	E - August 17, 2002
16.	Amended by adding Section 2.11B, 2.11C, 2.11D, 2.11E, 2.65A; replace section 2.53 and 2.57; add "Construction & Demolition (C&D) Zones to Section 3.1; replace Section 4.17; add Part 25A, Part 25B, and Part 25C.	Project No. 00082	C - September 10, 2002	E - November 9, 2002
17.	Personal Services: Amended by adding Section 2.27A of Part 2; replacing Section 2.49 of Part 2; replacing the words "Personal Service Shop" with the words "Personal Service Uses".	Case No. 00578	C - June 17, 2003	E - June 20, 2003
18.	Interim Growth Management - Insert Part 4.1A after Part 4.1.	Project No. 00664	C - April 13, 2004	E - April 22, 2004
19.	Amend the zoning map to rezone a portion of Lots 2 through 7 inclusive (portion of PID's 41111675, 41111683, 41111691, 4111709, 41111717, and 41117125) from P-3 (Park) Zone to R-1B (Suburban Residential) Zone.	Case No. 00666	C - May 25, 2005	E - May 28, 2005
20.	Amend zoning map D-1 to rezone Lot 4 (PID#41031691), Old Guysborough Road, from R-1BZone to C-2 Zone.	Case No. 00768	C - August 10, 2005	E - August 13, 2005
21	Add definition 2.13A: Conservation Use, 2.9A: Boathouse and replaced 2.61:	Regional Plan	C - June 27, 2006	E - August 26, 2006

	Recreation Use, 2.79: Watercourse; Add RPK Zone, PA Zone and CDD Zone to Section 3.1; Replace P-4 Zone with PWS Zone; Add to Part 3 Section 6(c); Delete 4.1A; Replace Part 4 Section 17; Add Part 4 Sections 32 and 33; Add Part 23A, 25E, 25F, and 25G; Replace Part 24; Add Part 4 Section 1B; Amend Zoning Maps; and Add Schedules G and H.			
22	Replace 2.74 - definition of a Sign; Add 5.1A - Temporary Signage	Case No. 00327	C - September 26, 2006	E- November 18, 2006
23	Add definition 2.36A - Human Habitation.	Case No. 00844	HE/MDVCC - November 2, 2006	E - November 18, 2006
24	Replace Section 2.51 (Obnoxious Use); Section 5.7(Facial Wall Signs); and Section 5.9(a)(i).	Case No. 01045	MDVCCC - July 25, 2007	E - August 11, 2007
25	Replace Section 4.11(a)(iii)(1) re: height.	Case No. 01022	MDVCCC - December 6, 2007	E - December 22, 2007
26	Replace Section 4.25: 3 instead of 5 parking spaces per consulting room for medical clinics and offices	Case No. 01093	MDVCCC & HECC - January 10, 2008	E - January 26, 2008
27	Amend Section 4.12 re: Temporary Construction Uses Permitted	Case No. 01058	RC - January 20, 2009	E - February 7, 2009
28	Amend Section 2.20 re: Day Care Facilities	Case No. 01074	RC - March 3, 2009	E - March 21, 2009
29	Amend Section 2.38 (Kennels); Add Section 2.58(A); Add Pet Care Facility to R-6 and R-7 Zone Permitted Residential Uses; Add Section 10.8 and Section 11.8	Case No. 01155	HE/MDVCCC - August 6, 2009	E - August 22, 2009
30	Amend Sections 6.1 and 6.4, 7.1 and 7.4, 9.1 and 9.5, 10.1 and 10.4	Case No. 01266	HE/MDVCCC - August 6, 2009	E - August 22, 2009
31	Amend Schedule A-1and A-2 to remove land in Burnside Business Park Plan Area.	Case No. 01287	RC - January 19, 2010	E - May 8, 2010
32	Amend Zoning Map to rezone 4316 Highway 2, Wellington, from R-1A to C-2 Zone.	Case No. 16875	MDVCCC – August 4, 2011	E – August 20, 2011

33	Deleted the word "windmills" in Section 4.16; Added **Section 4.34 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule I – Wind Energy Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
34	Amend Part 4, Section 34 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011
35	Add Definition: 2.36B – Indoor Riding Barn, Private; Amend Section 10.1; Amend Section 10.5(c), (d), (e), (f) and add 10.5(g) and (h); Add Section 10.9: Other Requirements: Indoor Riding Arena, Private; Amend Section 11.1; Amend Section 11.5(c), (d), (e), (f) and add 11.5(g) and (h); Add Section 11.9: Other Requirements: Indoor Riding Arena, Private;	Case No. 17056	MDVCCC – January 25, 2012	E – February 11, 2012
36	Amend Zoning map by rezoning 3440 Highway 2 from R-1b to C-1 Zone; Amend Section 12.3(a) by replacing two thousand square feet (186m2) with three thousand five hundred (3,500) square feet (325m2)	Case No. 17510	MDVCCC – July 4, 2012	E – July 21, 2012
37	Implementation of the River-lakes Land Use By-law.	River-lakes Secondary Planning Strategy and Land Use By-law	RC-October 23, 2012	E – January 12, 2013
38	Amend Zoning Map by rezoning a portion of 6757 Highway No. 2, Enfield, from the R1-B to C-2 Zone.	Case 18517	NWCC – January 20, 2014	E – February 8, 2014
39	Add Part 3, Section 3.6(c)(iii)	Case 18620	NWCC – May 26, 2014	E – June 14, 2014
40	**Repeal/Readopt** Section 2.9A, 2.13A, 2.79; parts of 3.1, 3.6, 4.1B, 4.17, 4.32, 4.33, 4.34; Part 23A; 24; 25E; 25F; Schedule A, B, C, D, E; **Delete** Part 25G; **Add** Section 2.10B, 2.78A; 4.35; **Amend** Section 3.6; 4.17, 4.34; Part 24; Schedule A, B, C, D, E.	RP+5	RC-June 25, 2014	E-October 18, 2014
41	**Amend** Section 3.6(ca); Part 6, Section 6.2; Part 7, Section 7.1, 7.2; Part 9, Section 9.1, 9.2; Part 9A, Section 9.1A, 9.2A, 9.2B; Part 10, Section 10.1, 10.2, 10.2A; Part 11,	Case 01192	RC-January 26, 2016	E-April 2, 2016

	Clause 11.1, 11.2; **Amend** Zoning Map – Noise Exposure Forecast 30 and various zones rezoned to P-3 Zone; **Add** Schedule N.			
42	**Add** Section 4.6A(b) – Reduced Frontage or Area	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
43	**Amend** section 17.1; add use of Outdoor display courts; **Add** section 17.6 – Outdoor Display Courts	Case 18475	NWCC – February 12, 2018	E – March 3, 2018