HALIFAX

LAND USE BY-LAW

PLANNING DISTRICTS 1 AND 3 (ST. MARGARETS BAY)

THIS COPY IS A

REPRINT OF THE

PLANNING DISTRICTS 1 AND 3

LAND USE BY-LAW

WITH AMENDMENTS TO

DECEMBER 8, 2018

LAND USE BY-LAW

FOR

PLANNING DISTRICTS 1 AND 3

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Planning Districts 1 and 3 which was passed by a majority vote of the former Halifax County Municipality on the 3rd day of April, 1995, and approved by the Minister of Municipal Affairs on the 23rd day of May, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 8th day of December, 2018.

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

_____

Municipal Clerk

HALIFAX COUNTY MUNICIPALITY

LAND USE BY-LAW

FOR

PLANNING DISTRICTS 1 AND 3

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

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

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

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

Table of Contents

PART 1: TITLE 1

PART 2: DEFINITIONS 1

PART 3: ZONES AND ZONING MAP 16

PART 4: GENERAL PROVISIONS FOR ALL ZONES 21

4.1 DEVELOPMENT PERMITS 21

4.2 LICENCES PERMITS AND COMPLIANCE WITH OTHER BY-LAWS 21

4.3 REDUCED FRONTAGES AND AREAS 21

4.4 ONE DWELLING ON A LOT 22

4.5 EXISTING UNDERSIZED LOTS 22

4.6 SUBDIVISION OF EXISTING LOTS 23

4.7 ROAD ENTRANCE RESERVES 23

4.8 LIVESTOCK 23

4.9 EXISTING BUILDINGS 23

4.10 EXISTING USES 23

4.11 NON-CONFORMING USES (RC-Jul 22/14;E-Oct 4/14) 24

4.11A NON-CONFORMING STRUCTURES – TANTALLON CROSSROADS COASTAL VILLAGE DESIGNATION (RC-Jul 22/14;E-Oct 4/14) 24

4.12 ACCESSORY USES AND BUILDINGS 24

4.13 ACCESSORY BUILDINGS 25

4.13A SHIPPING CONTAINERS 26

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (RC-Jan 20/09;E-Feb 7/09) 26

4.15 VEHICLE BODIES 27

4.16 RESTORATION TO A SAFE CONDITION 27

4.17 BUILDING TO BE MOVED 27

4.18 HEIGHT REGULATIONS 27

4.19 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14)27

4.19A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14) 29

4.20 REDUCED FRONTAGE ON A CURVE 30

4.21 DAYLIGHTING TRIANGLE 30

4.22 PERMITTED ENCROACHMENTS 30

4.23 YARD EXCEPTION 30

4.24 COMMERCIAL MOTOR VEHICLES 31

4.25 SEPARATION BETWEEN MAIN BUILDINGS 31
4.26 ILLUMINATION 31
4.27 PARKING REQUIREMENTS 31
4.28 STANDARDS FOR PARKING LOTS 34
4.29 COMPOSTING OPERATIONS (MC-Feb 26/96;M-Mar 28/96) 34
4.30 TOURIST ACCOMMODATIONS (WRCC-Jan 26/04;E-Feb 15/04) 35
4.31 SCHEDULE I - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14) 35
4.32 SCHEDULE J - WETLANDS MAP (RC-Jun 25/14;E-Oct 18/14) 35
4.33 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14) 35
4.34 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14) 39

PART 5: SIGNS 40

PART 5A: SPECIAL PROVISIONS FOR TANTALLON CROSSROADS COASTAL VILLAGE DESIGNATION (SCHEDULE L) (RC-Jul 22/14;E-Oct 4/14) 43

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE 46

PART 7: R-A (RESIDENTIAL) ZONE 48

PART 8: R-A1 (GENERAL RESIDENTIAL) ZONE 51

PART 9: R-1E (RESIDENTIAL ESTATE) ZONE 54

PART 10: R-2 (TWO UNIT DWELLING) ZONE 57

PART 11: MRR-1 (MIXED RURAL RESIDENTIAL) 1 ZONE 59

PART 11A: VR (VILLAGE RESIDENTIAL) ZONE (RC-Jul 22/14;E-Oct 4/14) 63

PART 11B: VG (VILLAGE GATEWAY) ZONE (RC-Jul 22/14;E-Oct 4/14) 68

PART 11C: VC (VILLAGE CENTRE) ZONE (RC-Jul 22/14;E-Oct 4/14) 72

PART 12: MU-1 (MIXED USE 1) ZONE 75

PART 13: MU-2 (MIXED USE) ZONE 79

PART 14: C-1 (LOCAL BUSINESS) ZONE 83

PART 15: C-1A (COMMUNITY COMMERCIAL) ZONE 85

PART 16: C-3 (TOURIST INDUSTRY) ZONE 87

PART 17: MR-1 (MIXED RESOURCE) ZONE 88

PART 18: MR-2 (MIXED RESOURCE 2) ZONE 91

PART 19: I-1 (GENERAL INDUSTRIAL) ZONE 94

PART 20: I-2 (SALVAGE YARD) ZONE 96

PART 21: I-3 (MIXED INDUSTRIAL) ZONE 98

PART 22: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 100

PART 23: PWS (PROTECTED WATER SUPPLY) ZONE (RC-Jun 25/14;E-Oct 18/14) 101

PART 23A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02) 102

PART 23B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02) 105

PART 23C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02) 107

PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02) 109

PART 23E: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14) 110

PART 24: ADMINISTRATION 112

APPENDIX "A" 114

APPENDIX "B" 115

APPENDIX "C" 116

APPENDIX "D" 117

Schedule I: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/014) 120

Schedule J: Wetlands (RC-Jun 25/14;E-Oct 18/14) 120

Schedule K: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) 122

Schedule L: Tantallon Crossroads Coastal Village Designation (RC-Jul 22/14;E-Oct 4/14). 123

Schedule M, N, O, P, R: Tantallon Crossroads Coastal Village (RC-Jun 23/15;E-Jul 14/15) 124

Schedule Q: Tantallon Crossroads Coastal Village (RC-Jul 22/14;E-Oct 4/14) 125

Schedule S Area Permitting a temporary Asphalt Plant Operation (RC-Oct 16/18;E-Dec 8/18) 126

Schedule A: Zoning Map Separate

PART 1: TITLE

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

PART 2: DEFINITIONS

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

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

2.2A ADULT ENTERTAINMENT USE means a massage parlour, sex-aid shop, an adult bookstore, or (RC-Mar 26/13;E-Apr 13/13) an adult cabaret, or an adult theatre. (RC-Mar 26/13;E-Apr 13/13) (RC-Jul 22/14;E-Oct 4/14)

2.2B ADULT CABARET means any premises or part thereof, whether public, semi-public, or private, wherein a client is provided the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the nude body of another person, or to observe, view or photograph any such activity. (RC-Jul 22/14;E-Oct 4/14)

2.2C ADULT BOOKSTORE includes any establishment or place for the purpose of retail trade where:

(a) 20% or more of the value of the total stock in trade; or

(b) 20% or more of the area used for display of materials;

in any such establishment or place comprises books, magazines, or other periodicals relating to, or portrayed as relating to, sexual activities. (RC-Jul 22/14;E-Oct 4/14)

2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals, but shall not include intensive agriculture uses.

2.4 AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughter house, a broiler plant, or land used as an animal feed lot managed to maximum production and output in a confined area.

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

2.5A ASPHALT PLANT means a use of land, building or structure, or parts thereof, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes the stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of the business. (RC-Oct 16/18;E-Dec 8/18)

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

2.7 BED AND BREAKFAST means a dwelling which is occupied as a permanent residential unit and which contains rooms which are used to accommodate the traveling public for monetary gain by supplying travelers with sleeping accommodation with or without meals but shall exclude private cooking facilities.

2.8 BOATHOUSE means a building located on a waterfront lot used for the storage of boats and associated marine equipment for private non-commercial use, and specifically excludes human habitation.

2.9 BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel used for any of the foregoing purposes **(WRCC-Nov 22/04;E-Dec 12/04)**.

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

2.11 CAMPGROUND means the commercial, institutional or non-profit use of land on which accommodations for temporary occupancy are located or may be placed, including tents, tourist cabins, camper trailers, and recreational vehicles, and which is primarily seasonal in operation.

2.11A 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 Sbenchmarks 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.IIB CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep18/18; E-Nov 3/18)

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

(a) including

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

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

(b) excluding

(i) industrial hemp, and

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

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

2.12 CEMETERY means the use of land or structures for the interment of human remains but shall not include the use of structures for crematorium.

2.12A CLUBHOUSE means the premises of a public service club, recreation club or other group which charges a membership fee that is intended for administration, meetings, social events or public events, and includes:
(a) a licence for the sale or consumption of alcohol on the premises, or
(b) any kitchen or dining facilities;

but excludes premises used for adult entertainment. (RC-Jul 22/14;E-Oct 4/14)

2.13 COMMERCIAL ENTERTAINMENT USE means any building or part of a building used for a beverage room, nightclub, cabaret, or other similar use, and video arcades.

2.14 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation or sport purposes and without limiting the generality of the foregoing, may include animal or vehicle racing tracks, rifle ranges, golf courses, miniature golf courses, amusement parks and centres and drive-in theatres and may include a dwelling unit or dwelling units for maintenance or security personnel.

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

2.15A COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-Feb 26/96;M-Mar 28/96)

2.15AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

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

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

2.15D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.

2.15E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02).

2.16 COUNCIL means the Municipal Council of Halifax County Municipality.

2.17 CRAFT SHOP means a building or part of a building which is used for the retailing or wholesaling of arts and handicrafts and shall include the fabrication of arts and handicrafts.

2.18 CREMATORIUM means a building or a part of the building fitted with the proper appliances for the purposes of the cremation of human or animal remains and includes everything incidental or ancillary thereto.

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

2.20 DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, 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 DEVELOPMENT OFFICER means the officer of Halifax County Municipality, from time to time charged by the Municipality with the duty of administering the provisions of this By-law.

2.22 DWELLING

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

(b) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping

establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit and having a minimum width between any main walls of not less than twenty (20) feet (6.1 m).

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

(e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m.).

(f) Dwelling, Townhouse means a multiple unit dwelling that is divided vertically into three (3) or more dwelling units, each of which is located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit. (RC-Jul 22/14;E-Oct 4/14)

(g) Dwelling, Townhouse-Style means a multiple unit dwelling that is divided vertically into three (3) or more dwelling units, all of which are located on the same lot, and each of which has independent entrances to at least two yards. (RC-Jul 22/14;E-Oct 4/14)

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

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

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

2.23 ERECT means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.

2.24 ESTABLISHED GRADE means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment.

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

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

2.26A FABRICATION, within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, means the cutting, shaping, forming, molding, curing, assembly, gluing, welding and painting of components to form one or more products, but does not include smelting, calcination, tanning, rendering, bulk processing, refining or food processing. (RC-Jul 22/14;E-Oct 4/14)

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

2.28 FISH PROCESSING PLANT means a building or a part of a building which is used for the cleaning, filleting, icing, packing, canning, freezing, salting, cooking, pickling, drying or preparing fish for market in any other manner but does not include a smokehouse or an operation where a fisherman who himself, or his crew, processes his own catch.

2.29 FISHERY SUPPORT USE means any use which is designed to support the fishery and includes boat and equipment storage and maintenance buildings and yards and retail and wholesale outlets for fish and fish products, a smokehouse, and/or an operation where a fisherman who himself, or his crew, processes his own catch, but does not include a fish processing plant.

2.30 FISHERY USE means any use associated with a fishery use including fishery support uses and fish processing plants.

2.30A GREENHOUSE means a building whose roof and sides are made of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants as a community enterprise or for subsequent sale. (RC-Jul 22/14;E-Oct 4/14)

2.31 GROCERY STORE means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and records, housewares, toiletries, stationary, and tobacco products.

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

2.33 HEIGHT means the vertical distance of a building between the established grade and the highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one- quarter the height between the finished ceiling of

the uppermost floor and the highest point of any other roof type, provided that no roof space is used for human habitation.

2.34 HOTEL means a building or buildings or part thereof on the same lot used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities but not include tourist cabins.

2.35 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire, police station, public works, hospital, nursing home, public library, museum and gallery, community centre and hall, recreational use or open space use.

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

2.36A LANDSCAPED AREA means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a building. (RC-Jul 22/14;E-Oct 4/14)

2.36B LANDSCAPED OPEN SPACE means any outdoor landscaped area or playground for common use by the occupants of a building, but excludes space for vehicular access, car parking, or areas for the maneuvering of vehicles. (RC-Jul 22/14;E-Oct 4/14)

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

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

2.39 LOT

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar or Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan and deed pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

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

(c) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through

lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

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

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

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

2.43 LOT LINE

(a) Lot Line means a boundary or exterior line of a lot.
(b) Front Lot Line means the line dividing the lot from a street or a private road; and
    (i) in the case of a corner lot - the shorter boundary line abutting the street or private road shall be deemed to be the front lot line and the longer boundary line abutting the street or private road shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street or private road shall be deemed to be the front lot line; or
    (ii) in the case of a lot which has as one of its boundaries the shore line of a lake, the sea or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
(c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
(d) Side Lot Line means a lot line other than a front or rear lot line.
(e) Flankage Lot Line means a side lot line which abuts the street or private road on a corner lot.

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

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

2.46 MARINA means a commercial facility for storing, servicing, fueling, berthing and securing of pleasure boats and which includes on-shore eating, sleeping or retail facilities principally for owners, crews and guests.

2.46A MASSAGE PARLOUR includes any premises or part thereof, by whatever name designated: (RC-Jul 22/14;E-Oct 4/14)

(a) 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
(b) which is equipped or arranged so as to provide a massage, body rub, alcohol

rub, bath or similar activity;

(c) but excludes any premises or part thereof where:

(i) treatment is routinely offered or performed for the purpose of medical or therapeutic treatment; and

(ii) medical or therapeutic treatment is performed or offered by or under the supervision or direction of a physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.

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

2.47A MEDICAL CLINIC, within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, means a building or part of a building where two or more practitioners provide human health services without overnight accommodations for patients. (RC-Jul 22/14;E-Oct 4/14)

2.48 MOBILE DWELLING means any dwelling unit that is designed to be made mobile on a temporary basis and having a width greater than thirteen (13) feet but no more than nineteen and a half (19.5) feet and a length no less than thirty-three (33) feet but no more than sixty-nine (69) feet.

2.49 MOTEL means a hotel primarily for transients traveling by automobile with a parking space on the lot for each lodging unit and with access to each such unit directly from the outside.

2.50 MUNICIPALITY means Halifax County Municipality.

2.50A NUDE means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of a female breast with less than a full opaque covering over any portion thereof below the top of the areola of the breast. (RC-Jul 22/14;E-Oct 4/14)

2.51 OBNOXIOUS USE means a use which, by its nature or by method of operation creates a nuisance or is offensive by creating noise or vibration, or by reason of emitting gas, fumes, dust, oil, objectionable odour, or airborne pollutants or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials and shall include operations which produce effluent which cannot be disposed of by means of an on-site sewage disposal system or which involves, as the primary function, the processing, production or warehousing of dangerous goods.

2.52 OPEN SPACE USE means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include

camping grounds, golf courses or tracks for the racing of animals or of motorized vehicles.

2.53 OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycle, swimming pools, decorative fountains and prefabricated cottages and homes.

2.54 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

2.55 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or private road by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

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

2.57 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

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

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

2.60 PRIVATE ROAD means any street or road which is not public which is shown as a private road on an approved plan of subdivision and the right-of-way, alignment and gradient is approved by the Department of Transportation and Communications.

2.61 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports

fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

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 licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.

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

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

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

2.67 ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five (5) acres (2.0 ha) and which entrance has been approved by the Department of Transportation for the purposes of a public road or private road entrance reserve.

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

2.69 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens and operated and maintained by a public housing authority.

2.70 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided and, without limiting the generality of the foregoing, may include a public garage which includes an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, a plumbing shop, a sheet metal shop, a truck or heavy equipment depot, construction yard, any use which involves the manufacturing, processing and wholesaling of food items, and similar uses.

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

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

2.72A SEX-AID SHOP includes any establishment or place for the purpose of retail trade where 10% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place comprises articles relating to or portrayed as relating to sexual activities. (RC-Jul 22/14;E-Oct 4/14)

2.72B SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck. (WRCC-Nov 22/04;E-Dec 12/04).

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

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

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

2.73A STREET FACADE means a building wall facing a street. (RC-Jul 22/14;E-Oct 4/14)

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

2.75 STREET LINE means the boundary line of a street or a private road.

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

2.77 TRADITIONAL USE means the use of a building or part of a building or a lot or part of a lot on which traditional crafts and activities are or are capable of being carried out and shall include weaving, sculpturing and moulding, furniture making and repair, woodworking, pottery making and small boat building and repair.

2.77A USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02).

2.78 VARIETY STORE means a retail establishment in which goods or materials such as soft drinks, confections, stationery supplies, reading materials, tobacco products and smokers supplies, patent medicines, first aid supplies, housewares and notions, souvenirs and similar goods are offered for sale to general public, and may include groceries, dairy products and video rental outlets and take-out restaurant as a secondary line.

2.78A VEGETATIVE ROOFING SYSTEM (also known as a "green roof") means outdoor rooftop vegetation maintained and supported by growing media, trays, or modules. (RC-Jul 22/14;E-Oct 4/14)

2.78B VETERINARY CLINIC means a building or structure in which domestic animals are examined, treated, groomed, or operated on, and includes the portion of the building or structure where the animal is sheltered during the examination, treatment, grooming or operation. (RC-Jul 22/14;E-Oct 4/14)

2.79 VIDEO ARCADE means any commercial facility which contains more than three (3) amusement machines and, without limiting the generality of the foregoing, includes pinball machines and electronic and or mechanical game machines operated by depositing coins or tokens.

2.79A 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)

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

2.81 WAREHOUSE means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities, for a wholesale or retail, commercial outlets, but shall not include facilities for a truck or transport terminal or yard.

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

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

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

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

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

PART 3: ZONES AND ZONING MAP

3.1 ZONES

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

	Symbol	Zone
Residential Zones	R-1	Single Unit Dwelling Zone
	R-A	Residential Zone
	R-A1	General Residential Zone
	R-1E	Residential Estate Zone
	R-2	Two Unit Dwelling Zone
Mixed Residential Zones	MRR-1	Mixed Rural Residential Zone
Mixed Use Zones	MU-1	Mixed Use 1 Zone
	MU-2	Mixed Use 2 Zone
	CDD	**Comprehensive District Zone (RC-Jun 25/14;E-Oct 18/14)**
Commercial Zones	C-1	Local Business Zone
	C-1A	Community Commercial Zone
	C-3	Tourist Industry Zone
Resource Zones	MR-1	Mixed Resource 1 Zone
	MR-2	Mixed Resource 2 Zone
Industrial Zones	I-1	General Industrial Zone
	I-2	Salvage Yard Zone
	I-3	Industrial Zone
Construction & Demolition Zones	**CD-1**	**(C&D Materials Transfer Stations) Zone**
	CD-2	**(C&D Materials Processing Facilities) Zone**
	CD-3	**(C&D Materials Disposal) Zone**
Infrastructure Charge Zone	**ICH**	**Infrastructure Charge Holding Zone**
Community Uses Zones	**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)**

3.2 ZONING MAP (RC-Jun 21/11;E-Sep 3/11)

(a) Schedule A, attached hereto, may be cited as the Planning Districts 1 and 3 Zoning Map and is hereby declared to form part of this By-law.

(b) The extent and boundaries of all zones are shown on Schedule A and for all such zones the provisions of this By-law shall apply to all such zones.

(c) The symbols used on Schedule A refer to the appropriate zones established by Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

(a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;

(b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;

(c) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof; and

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

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

3.4 ZONES NOT ON MAPS

The zoning map of this By-law may be amended to use any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Planning Districts 1 and 3.

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) Any use not listed as a use permitted within any zone shall be deemed to be prohibited in that zone;

(b) Notwithstanding 3.5 (a) above, unless a use is specifically prohibited within the Mixed Use 1 and Mixed Use 2 Zones, it shall be deemed to be a permitted use in that zone;

(c) Any use listed as being subject to any special conditions or requirements, shall be permitted subject to the fulfilling of such conditions or requirements;

(d) Where a use permitted within any zone is defined in Section 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use; and

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

3.6 USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with the development agreement provisions of the Planning Act. As provided for by the Municipal Planning Strategy for Planning Districts 1 and 3, such uses are as follows:

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

(ii) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-11 (RC-Jun 25/14;E-Oct 18/14) of the Regional Municipal Planning Strategy; and

(iii) residential development on islands, as per policy S-18 of the Regional Municipal Planning Strategy. (RC-Jun 25/14;E-Oct 18/14)

(q) Commercial and or industrial uses within the Mixed Use "A" and "B" Designations, with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

(r) Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L: (RC-Jul 22/14;E-Oct 4/14)

(i) Within the Village Residential (VR) Zone, in accordance with Policy CV-16 of the Municipal Planning Strategy for Planning Districts 1 and 3:

a. Multiple unit dwellings exceeding four (4) units;

b. Marinas; and

c. Tourist accommodations not exceeding a building footprint of 297.3 sq. m (3200 sq. ft.).

(ii) Within the Village Gateway (VG) Zone:

a. Multiple unit dwellings with more than twelve (12) units, in accordance with Policy CV-11 of the Municipal Planning Strategy for Planning Districts 1 and 3;

b. multiple unit dwellings with a building footprint exceeding 558 sq. m (6000 sq. ft.), in accordance with Policy CV-11 of the Municipal Planning Strategy for Planning Districts 1 and 3;

c. institutional buildings with a building footprint exceeding 558 sq. m (6000 sq. ft.), in accordance with Policy CV-11 of the Municipal Planning Strategy for Planning Districts 1 and 3;

d. marinas, in accordance with Policy CV-11 of the Municipal Planning Strategy for Planning Districts 1 and 3; and

e. self storage buildings on the property identified in Schedule M, in accordance with Policy CV-12 of the Municipal Planning Strategy for Planning Districts 1 and 3.

(iii) Within the Village Centre (VC) Zone, in accordance with Policy CV-5 of the Municipal Planning Strategy for Planning Districts 1 and 3:

a. multiple unit dwellings with more than twelve (12) units;

b. multiple unit dwellings with a building footprint exceeding 558 sq. m (6000 sq. ft.);

c. institutional buildings with a building footprint exceeding 558 sq. m (6000 sq. ft.); and

d. marinas.

(iv) Within Schedule N, in accordance with Policy CV-7 of the Municipal Planning Strategy for Planning Districts 1 and 3, building expansions or new buildings.

3.7 LARGER CANNABIS PRODUCTION FACILITIES BY DEVELOPMENT AGREEMENT (RC-Sep18/18; E-Nov 3/18)

Cannabis production facilities that are permitted in a zone that exceed the maximum gross floor area requirements of the zone may be permitted by development agreement in accordance with Policy EC-22 of the Regional Municipal Planning Strategy.

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

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

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

(c) Where any development permit is issued, such permit may include permission for any single development, or for more than one development, or for any or all elements related to any development, including signs permitted according to Section 5 provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot; and

(d) Notwithstanding Subsection (a), no development permit shall be required for signs as listed in Section 5.4.

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

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

4.2 LICENCES PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

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

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

4.3 REDUCED FRONTAGES **AND AREAS**

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

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

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

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

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

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

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

(c) 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)

4.4 ONE DWELLING ON A LOT

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

4.5 EXISTING UNDERSIZED LOTS

(a) **Except within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, and (RC-Jul 22/14;E-Oct 4/14)** 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) Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, a vacant lot existing on June 24, 2014, having less than the minimum frontage, depth or area required by this By-law, may be used for the following purposes, and a building may be erected on the lot for such purposes: (RC-Jul 22/14;E-Oct 4/14)

(i) a single unit dwelling; or

(ii) a semi-detached dwelling within Schedule O (Azalea Lane).

4.6 SUBDIVISION OF EXISTING LOTS

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

4.7 ROAD ENTRANCE RESERVES

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

4.8 LIVESTOCK

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

4.9 EXISTING BUILDINGS

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

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

4.10 EXISTING USES

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

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

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

(e) existing multiple unit dwellings within any designation according to the applicable provisions of the Single Unit Dwelling Zone;
(f) existing institutional uses and mobile homes within any designation according to the applicable provisions of the MRR-l Zone; and
(g) existing **daycares for more than fourteen (14) children, and (WRCC-Mar 31/08;E-Apr 19/08)** commercial entertainment uses, including video arcades, within the Mixed Use Designations according to the applicable provisions of the Mixed Use 1 Zone.

4.11 NON-CONFORMING USES (RC-Jul 22/14;E-Oct 4/14)

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

4.11A NON-CONFORMING STRUCTURES – TANTALLON CROSSROADS COASTAL VILLAGE DESIGNATION (RC-Jul 22/14;E-Oct 4/14)

Notwithstanding Sections 4.9 and 4.10, within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, the restrictions respecting non-conforming structures are relaxed to allow a non-conforming structure to be extended, enlarged or altered provided that:

(a) the non-conforming structure remains on one lot;
(b) all extensions and enlargements on the lot total no more than 112 sq. m (1200 sq. ft.);
(c) the non-conforming use does not expand into the extension, enlargement or alteration;
(d) no adult entertainment use exists on the property;
(e) the extension, enlargement or alteration complies with all provisions in the Land Use By-law for the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, except that the maximum front yard setback, flankage yard setback and building footprint may be exceeded subject to this Section;
(f) a walkway is provided between the main door and the driveway entry from the public street, with crosswalks traversing any internal vehicle lanes; and
(g) the extension, enlargement or alteration:
  (i) does not create an additional drive-through window or lane, nor result in a drive-through becoming the main use; and
  (ii) does not result in the total Lot Coverage or Building Height exceeding the maximum Lot Coverage or Building Height in the Land Use By-law for the zone applied to the property.

4.12 ACCESSORY USES AND BUILDINGS

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

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

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

(c) all other applicable conditions and requirements of this by-law are satisfied. (WRCC - Jun 26/95;E-Jul 22/95)

4.13 ACCESSORY BUILDINGS

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

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

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

1. common semi-detached garages may be centered on the mutual side lot line; and
2. boat houses, boat docks, and fishery support uses may be built to the lot line when the line corresponds to the high water mark.
3. **accessory buildings exceeding one thousand (1000) square feet of floor area may be built within eight (8) feet (2.4 m) or one half the height of the accessory building whichever is greater in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone. (WRCC-Nov 24/03;E-Dec 16/03)**

(iii) minimum separation distance between any accessory buildings on the lot no less than 4 feet (1.2 m); and

(iv) exceed twenty five (25) feet (7.6 m) in height, or not higher than the main building in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone;

(v) exceed one thousand (1000) square feet (70 m^2) at grade on lots less than 40,000 square feet in any R-l (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-l (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone; (WRCC-Nov 24/03;E-Dec 16/03)

(vi) be built within eight (8) feet (2.4 m.) of a dwelling or twelve (12) feet (3.7 m) of any other main building or one half the height of the higher abutting accessory building.

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

(ix) notwithstanding Subsection 4.13 (a) (v) and the undersized lot provisions of Section 4.5, exceed a total floor area equivalent to 10% of the lot area on lots greater than 40,000 square feet; (WRCC-Nov 24/03;E-Dec 16/03)

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

4.13A SHIPPING CONTAINERS

(a) Shipping containers may not be used as accessory buildings on a property containing a residential use. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone.

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

(c) Shipping containers may only be used for storage purposes related to the main use of land. No shipping container may be used in any zone as a dwelling or other form of accommodation, including offices.

(d) Notwithstanding the foregoing, shipping containers can be used temporarily for tool storage on construction sites as per the condition set out in Section 4.14. (WRCC-Nov 22/04;E-Dec 12/04).

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

(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.

(a) 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.

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

(c) 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.

(d) **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.**

(e) **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.**

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

4.15 VEHICLE BODIES

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

4.16 RESTORATION TO A SAFE CONDITION

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

4.17 BUILDING TO BE MOVED

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

4.18 HEIGHT REGULATIONS

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

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

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

(b) **Where the average positive slopes within the 20m buffer are greater**

than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

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

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

(e) Notwithstanding clause (a), the required buffer shall be 30.5m of the rim of any watercourse within the MR-2 (Mixed Resource 2) Zone north of Highway 103; 30.5m of the rim of Wright Lake; or 30.5m of the rim of Coon Lake within the MU-1 (Mixed Use 1) Zone. No excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted within this buffer. Activity shall be limited to the placement of board walks, walkways and trails, conservation uses and buildings and structures for conservation related uses, wilderness campsites or non-motorized water related recreation uses.

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

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

(h) Notwithstanding clause (a), within the Tantallon Crossroads Coastal Village Designation, the required buffer shall be 30 m (98.5 ft) from the ordinary high water mark of the East River shown on Schedule Q. (RC-Jun 23/15;E-Jul 14/15)

(i) Within the required buffer pursuant to clause (h), no excavation. infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development. (RC-Jun 23/15;E-Jul 14/15)

(j) Within the required buffer pursuant to clause (h), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 square metres or a combination of an accessory structure and attached deck not exceeding 20 square metres, 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. (RC-Jun 23/15;E-Jul 14/15)

(k) Notwithstanding clause (h), where the configuration of any lot created prior to the effective date of the Tantallon Crossroads Coastal Village Designation, is such that no main building could be located on the Lot:

(i) the minimum riparian buffer requirements set forth in the Regional Municipal Planning Strategy shall apply; and

(ii) for greater certainty, Subsection 4.19(3) shall apply.

(RC-Jun 23/15;E-Jul 14/15)

(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.

4.19A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

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

(2) Subsection (1) does not apply to any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

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

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

4.20 REDUCED FRONTAGE ON A CURVE

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

4.21 DAYLIGHTING TRIANGLE

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

4.22 PERMITTED ENCROACHMENTS

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

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

4.23 YARD EXCEPTION

(a) Where, in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, then the required yard shall be measured from the nearest main wall

of the main building or structure on the lot to the edge of the said area covered by water or marsh, if such area is closer than the lot lines.

(b) In any zone where two unit dwellings are permitted the minimum yard from the side being common with another dwelling unit shall be 0.0 feet (0.0 m).

4.24 COMMERCIAL MOTOR VEHICLES

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

4.25 SEPARATION BETWEEN MAIN BUILDINGS

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

4.26 ILLUMINATION

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

4.27 PARKING REQUIREMENTS

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

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 apartment	1 space per dwelling unit
Boarding and rooming houses	1 space per bedroom
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices (92.9 m^2) of gross floor area	3.3 spaces per 1,000 square feet
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 net floor area excluding washrooms, storage and food preparation areas
Restaurants - Full Service	20 spaces per 1000 square feet (92.9 m^2) of net floor area excluding washrooms, storage and food preparation areas
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m^2) of net floor area excluding washroom and storage areas	16 spaces per 1000 square feet (92.9 m^2) of net floor area excluding washroom and storage areas
(b) not exceeding 300 square feet (28 m^2) of net floor area excluding washroom and storage areas	5 spaces
Lounges, taverns and beverage rooms	20 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as specified below	where there are no fixed seats, the greater of 1 space per 4 or 1 space per 100 square feet (9.3 m^2) of gross floor area where there are no fixed seats, the greater of 1 space per 100 square feet (10 m^2) of gross floor area or 1 space per 4 persons who can be accommodated at any one time.
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area

Schools	3 spaces per classroom plus 1 space per 20 high school students
Hospitals	2 spaces per bed
Homes for the aged and nursing homes	2 spaces per 5 beds
Day care facilities	1.5 spaces per 400 square feet (37.2 m^2) of gross floor area
Medical clinics and offices of any health practitioner	**2 spaces per consulting room (RC-Aug 5/08;E-Aug 23/08)**
Funeral homes	15 spaces
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) Reserved Spaces for the Mobility Disabled

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

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

(c) Standards for Mobility Disabled Parking Spaces

(i) each reserved parking space shall contain an area of not less than two hundred and forty (240) square feet measuring twelve (12) feet by twenty (20) feet (6.1 m);

(ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet (90.5 m) from the location which it is intended to serve

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

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

4.28 STANDARDS FOR PARKING LOTS

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

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

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

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

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

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

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

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

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

(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (R-1, R-A, R-A1, R-1E, and R-2 Zones.

4.30 TOURIST ACCOMMODATIONS (WRCC-Jan 26/04;E-Feb 15/04)

One dwelling unit per lot may be used as an accommodation for the travelling public, on a daily, weekly, or monthly basis, for gain or profit, pending all other requirements of the Land Use By-law are met.

4.31 SCHEDULE I - 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 I 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.

4.32 SCHEDULE J - WETLANDS MAP (RC-Jun 25/14;E-Oct 18/14)

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

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

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

I DEFINITIONS

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

a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, 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 K - 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 1 and 3 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 provisions for buildings under this By-law

IX SCHEDULES

a) Schedule K - Wind Energy Zoning

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

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

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

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

PART 5: SIGNS

5.1 GENERAL

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

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

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

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

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

5.2 SAFETY

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

5.3 SIGN AREA

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

5.4 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones:

(a) Any sign which has an area of no more than four (4) square feet (.37 m^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 such as signs identifying public buildings, giving public information or regulating traffic or safety.
(g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
(h) Any memorial sign, plaque or tablet.

5.5 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign or sign structure which constitutes a hazard to public safety or health.
(b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on a public street or highway.
(c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
(d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
(e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
(f) Any sign which no longer advertises a bona fide business which no longer conducts business, or sells a product. Such signs are deemed to be obsolete and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.
(g) Any sign painted on a tree, stone, cliff or other natural object.
(h) Any sign which incorporates any flashing or any sign which has any visible moving part or a searchlight and any sign which has any visible part or mechanical movement whether achieved by natural or artificial means.

5.6 PROJECTING SIGNS

No projecting sign shall:

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

5.7 GROUND SIGNS

No ground sign shall:

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

5.7A No more than one (1) ground sign shall be permitted on any lot. (WRCC-May 26/08; E-Jun 14/08)

5.8 FACIAL WALL SIGNS

Facial wall signs shall have an aggregate area not exceeding one square foot for each lineal foot of wall to which they are attached, or six percent (6%) of the wall area to which they are attached, which ever is greatest. (WRCC-May 26/08;E-Jun 14/08)

PART 5A: SPECIAL PROVISIONS FOR TANTALLON CROSSROADS COASTAL VILLAGE DESIGNATION (SCHEDULE L) (RC-Jul 22/14;E-Oct 4/14)

5A.1 STANDARDS FOR PARKING – TANTALLON CROSSROADS

Within the VG (Village Gateway) Zone and the VC (Village Centre) Zone of the Tantallon Crossroads Coastal Village Designation as shown in Schedule L:

(a) Minimum parking requirements established in Section 4.27 shall be reduced by 20 percent;

(b) All new parking shall be located to the side or the rear of the building;

(c) All parking lots requiring more than ten (10) parking spaces shall have ten (10) percent of their parking area landscaped with vegetation. This percentage shall not be concentrated in only one area of the parking lot, and shall be complimentary to the overall design. Required landscaped areas shall have a minimum of one (1) tree (minimum of 60 mm (2.4 in.) calliper) and three (3) shrubs; and

(d) Bicycle parking shall be provided which:

- **(i) permits the locking of at least two bicycles by the frame and the front wheel and support of each bicycle in a stable position with two points of contact (bicycle racks - including wall mounted varieties);**
- **(ii) in the case of institutional uses, is provided at a rate of 1 per 250 sq. m (2,691 sq. ft.) of gross floor area, excluding residential units; and is clearly visible from the main entrance doorways to buildings; and**
- **(iii) in the case of buildings with more than two residential units, is provided at a rate of one (1) per dwelling unit, and protects each bicycle from inclement weather.**

(e) Notwithstanding subsection (d), bicycle parking shall not be required for single and two unit residential uses and open space uses.

5A.2 LIGHTING AND LANDSCAPING - TANTALLON CROSSROADS

(a) Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, all outdoor lighting shall be oriented such that it is directed downwards and away from adjacent properties.

(b) Within the VG (Village Gateway) Zone and the VC (Village Centre) Zone of the Tantallon Crossroads Coastal Village Designation as shown in Schedule L:

- **(i) Where any commercial or institutional use abuts a residentially zoned or used lot, the rear or side yard abutting the residentially zoned or used lot shall contain a fence or vegetative screening;**
- **(ii) A landscape strip at least 4.5 m (15 ft.) wide shall be provided along all street property lines, exclusive of driveways and walkways. This requirement shall not apply to single unit or two-unit residential properties. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm calibre (2.4 in.)) and three (3) shrubs per 7.6 m (25 ft.) of street frontage. The incorporation of trees and shrubs into the required landscape strip may be provided in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 m (25 ft.) of street frontage;**

(iii) Notwithstanding Section 5A2(b)(ii), existing trees may be substituted where trees and shrubs are required; and

(iv) Notwithstanding Section 5A2(b)(ii), where the Development Officer determines that an existing building location or topographic constraints prevent the owner from satisfying the requirements of Section 5A2(b)(ii), an equivalent area of landscaping may be wholly or partly substituted using any combination of the following clearly visible from the abutting street:

a) landscaped areas of at least 4.6 square metres (50 square feet) in area having no dimension less than 0.6 metres (2 feet); and

b) landscape planter(s) constructed of wood, brick, stone or concrete blocks resembling stone, and having a total minimum of 2.3 square metres (25 square feet).”

5A.3 ADDITIONAL SIGN CONTROL – TANTALLON CROSSROADS

Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, the following signage requirements shall apply unless the requirements conflict with Part 5, and in a case of such conflict the more stringent requirements shall apply:

(a) within the Village Gateway (VG) and Village Residential (VR) Zones, no sign shall be backlit;

(b) within the Village Residential (VR) Zone, no ground sign shall exceed 1.9 m (6 ft) in height, and no sign face shall exceed an area of 0.5 sq. m (5 sq. ft) except for any sign contemplated in Section 5.4 (c), (e), (f), (g) or (h) of Part 5;

(c) within the Village Gateway (VG) Zone, no ground sign shall exceed 4.6 m (15 ft) above established grade in vertical height and 3.1 m (10 ft) in width;

(d) within the Village Centre (VC) Zone, no ground sign shall exceed 6.1 m (20 ft) above established grade in vertical height and 4.6 m (15 ft) in width;

(e) within the Village Gateway (VG) Zone and the Village Centre (VC) Zone, ground signs shall be permitted within the required landscape strip, provided all other land use by-law requirements are satisfied;

(f) within the Village Gateway (VG) Zone and the Village Centre (VC) Zone, all ground signs located outside the required landscape strip shall be sited in a landscaped area a minimum of 27.9 sq. m (300 sq. ft.) in size;

(g) ground signs shall have a maximum of two (2) faces, which shall be affixed back to back;

(h) no sign shall be located on the roof of any building;

(i) no wall mounted signs shall extend above the top of any wall;

(j) no sign shall incorporate any flashing or moving illumination; and

(k) within the Village Gateway (VG) Zone and the Village Centre (VC) Zone, each business occupancy located in a multiple commercial occupancy building may be permitted a maximum of two (2) wall mounted (fascia) signs, the total of which shall not exceed an area equal to ten (10) percent of the business facade upon which it is located.

5A.4 ARCHITECTURAL REQUIREMENTS – TANTALLON CROSSROADS

Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, the following architectural requirements shall apply to all buildings except single-unit dwellings,

two-unit dwellings, auxiliary dwelling units, accessory buildings, greenhouses, temporary garden centres, temporary structures erected for festivals or special events, temporary construction uses, changes in use or occupancy within an existing building, or internal renovations within an existing building:

(a) A combination of arcades, display windows, entry doorways, permanent awnings or other such features shall be incorporated into the street façade of every building containing a commercial or community use. Such features shall be at least 60 percent of the horizontal length of the building facing a public street;



(b) Every street façade shall incorporate a minimum of one clearly defined entrance doorway;

(c) A hard surface walkway shall be provided between the entrance doorway required in Subsection (b), and a point where the driveway joins the street;

(d) All roofs shall be pitched roofs, with a minimum slope of 6:12, except for dormers, porches, or where occupied by vegetative roofing systems;

(e) All roofs visible from the street shall be articulated at intervals of at least 15.3 m (50 ft.) measured horizontally, with features such as cross-gables, dormers, parapets, or masonry-style chimneys;



(f) At least one wall of each building shall be oriented to face the street;

(g) No uninterrupted length of any street facade shall exceed 15.3 m (50 ft.) measured horizontally. Wall plane projections, recesses, or other architectural features shall be incorporated into all facades greater than 15.3 m (50 ft.) in length, measured horizontally;

(h) Siding shall have the appearance of horizontal or vertical wood siding, shingles, stone or brick;

(i) Windows, doors and corners shall be accentuated by trim or other design details (i.e. arches, hoods, mouldings, decorative lintels, pediments, sills, corner boards);

(j) Window openings, except for retail display windows and basement windows, shall be vertical or square; and

(k) 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 public street.

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

6.1 R-1 USES PERMITTED

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

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

Community Uses
Open space uses

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling which shall be the principle residence of the operator of the business.
(b) No more than three hundred (300) square feet (28 m^2) of gross floor area of any dwelling shall be devoted to any business use.
(c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(d) No open storage or outdoor display shall be permitted.
(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (.37 m^2) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
(g) One off-street parking space, other than that required for the dwelling, shall be provided for in accordance with Section 4.27.

6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

6.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

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

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

6.6 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

6.7 EXEMPTION: OPEN SPACE USES

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

PART 7: R-A (RESIDENTIAL) ZONE

7.1 R-A USES PERMITTED

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

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

Community Uses
Open space uses

7.2 R-A ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling, which shall be the principle residence of the operator of the business.
(b) No more than three hundred (300) square feet (28 m^2) of gross floor area of any dwelling shall be devoted to any business use.
(c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(d) No open storage or outdoor display shall be permitted.
(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (.37 m^2) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
(f) Off-street parking space, in addition to those required for the dwelling, shall be provided according to the provisions of Section 4.27.

7.4 OTHER REQUIREMENTS: BED AND BREAKFASTS

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

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

7.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

7.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

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

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

7.7 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

7.8 EXEMPTION: OPEN SPACE USES

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

PART 8: R-A1 (GENERAL RESIDENTIAL) ZONE

8.1 R-A1 USES PERMITTED

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

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

Community Uses
Open space uses
Institutional uses

8.2 R-A1 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Weight of Main Building	35 feet (10.7 m)

8.3 OTHER REQUIREMENTS: BUSINESS USES

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

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

8.4 OTHER REQUIREMENTS: BED AND BREAKFASTS

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

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

8.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

8.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

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

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

8.7 OTHER REQUIREMENTS: INSTITUTIONAL USES

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

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

8.8 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

8.9 EXEMPTION: OPEN SPACE USES

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

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

9.1 R-1E USES PERMITTED

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

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

Community Uses
Open space uses

Agricultural Uses
Stables for the keeping of certain hooved animals

9.2 R-1E ZONE REQUIREMENTS

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

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

9.3 OTHER REQUIREMENTS: DAY CARE USES

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

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
(b) No open storage or outdoor display shall be permitted.
(c) No more than one (1) one sign shall be permitted for any day care facility and no such sign shall exceed four (4) square feet (0.37 m^2) in area, and shall not exceed four (4) feet (1.2 m) in any one dimension.

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

9.4 OTHER REQUIREMENTS: BUSINESS USES

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

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

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

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

(a) A minimum lot size of 100,000 square feet shall be required.
(b) No more than 750 square feet (69.7 m^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.
(c) Where an animal is to be sheltered in an existing accessory structure other than an existing accessory garage or vehicle shed, then the minimum rear or side yard required under clause (b)(i) may be reduced to eight (8) feet (2.4 m).
(d) For the purposes of this Part, "hoofed animals" shall be limited to ungulates with non-cleft hooves, including, but not limited to, horses, donkeys and mules.

9.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

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

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

9.7 EXEMPTION: OPEN SPACE USES

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

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

10.1 R-2 USES PERMITTED

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

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

Community Uses
Open space uses

10.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

10.3 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained within the dwelling, which shall be the principal residence of the operator of the business.
(b) No more than three hundred (300) square feet (28 m^2) of gross floor area of any dwelling shall be devoted to any business use.
(c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(d) No open storage or outdoor display shall be permitted.
(e) No more than one (1) sign shall be permitted for any business or facility and no such sign shall exceed four (4) square feet (.37 m^2) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
(g) One off-street parking space, in addition to those required for the dwelling, shall be provided according to the provisions of Section 4.27.

10.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

10.5 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

10.6 EXEMPTION: OPEN SPACE USES

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

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

11.1 MRR-1 USES PERMITTED

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

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

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

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

Community Uses
Institutional uses
Open space uses

11.2 MRR-1 ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

11.3 OTHER REQUIREMENTS: BUSINESS USES

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

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

11.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

11.5 OTHER REQUIREMENTS: COMMERCIAL USES

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

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

11.6 OTHER REQUIREMENTS: MEDICAL CLINICS

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

(a) No medical clinic shall be located less than thirty (30) feet (9.1 m) from any lot line nor less than fifty (50) feet (15.2 m) from any dwelling.
(b) No medical clinic shall be greater than three thousand (3,000) square feet (278.7 m^2) in gross floor area.
(c) Except where any medical clinic abuts another commercial use, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected.

11.7 OTHER REQUIREMENTS: AGRICULTURE USES

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

11.8 OTHER REQUIREMENTS: FORESTRY USES

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

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

11.9 OTHER REQUIREMENTS: FISHERY SUPPORT USES

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

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

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

11.10 OTHER REQUIREMENTS: INSTITUTIONAL USES

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

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

11.11 MRR-1 ZONE REQUIREMENTS: OPEN SPACE USES

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

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

11.12 EXEMPTION: OPEN SPACE USES

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

PART 11A: VR (VILLAGE RESIDENTIAL) ZONE (RC-Jul 22/14;E-Oct 4/14)

11A.1 VR USES PERMITTED

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

Residential Uses
Single unit dwelling
Auxiliary dwelling unit
Semi-detached dwelling on a lot with an area of at least 4046 sq. m (1 acre)
Townhouse dwelling or townhouse-style dwelling with a maximum of four (4) units
Day care facilities for not more than fourteen (14) children in conjunction with a permitted dwelling
Business uses in conjunction with a permitted dwelling
Bed and breakfasts not exceeding 3 rooms for rent within any one building, in conjunction with a permitted dwelling

Commercial Uses
Existing commercial uses

Agricultural Uses
Stables or pastures for the keeping of horses, ponies, donkeys or mules

Resource Uses
Fishery support uses
Forestry uses, excluding commercial mills, commercial chippers or commercial incinerators

Community Uses
Open space uses
Institutional uses excluding fire stations, police stations, public works depots and hospitals

11A.2 VR ZONE REQUIREMENTS

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

Minimum Lot Area	**3716 sq. m (40,000 sq. ft.) except:** **(a) 4046 sq. m (1 acre) for a semi-detached dwelling;** **(b) 2023 sq. m (21,780 sq. ft.) for each unit of a subdivided semi-detached dwelling;** **(c) 4459 sq. m (48,000 sq. ft.) for a 3-unit townhouse-style dwelling;** **(d) 5945 sq. m (64,000 sq. ft.) for a 4-**

	unit townhouse-style dwelling; **(e) 1486 sq. m (16,000 sq. ft.) for each unit of a townhouse dwelling;** **(f) 5945 sq. m (64,000 sq. ft.) for an institutional use; and** **(g) 9290 sq. m (100,000 sq. ft.) for stables.**
Minimum Frontage	**30.5 m (100 feet) except:** **15 m (50 ft) for each lot of a subdivided semi-detached dwelling; and** **7.6 m (25 feet) for each lot of a townhouse dwelling.**
Minimum Front or Flankage Yard	**6 m (20 ft.)**
Minimum Rear or Side Yard	**2.4 m (8 ft.) except common walls of semi-detached dwellings or townhouse dwellings**
Maximum Lot Coverage	**35 percent**
Maximum Height of Main Building	**10.7 m (35 ft.)**
Maximum Building Footprint	**297.3 sq. m (3200 sq. ft.) for each non-residential building**
Minimum Landscaped Area	**50 percent of the lot**

11A.3 <u>OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS</u>

Where auxiliary dwelling units are permitted in any VR Zone the following shall apply:

(a) No more than thirty-five (35) per cent of gross floor area of any dwelling shall be devoted to the auxiliary dwelling unit.
(b) A minimum of one off-street parking space shall be provided for each dwelling unit.

11A.4 <u>OTHER REQUIREMENTS: TOWNHOUSE AND TOWNHOUSE-STYLE MULTIPLE UNIT DWELLINGS</u>

Where townhouse or townhouse-style multiple unit dwellings are permitted in any VR Zone, garage doors shall occupy no more than 50 percent of the street facade length of each dwelling unit.

11A.5 <u>OTHER REQUIREMENTS: DAY CARE USES</u>

Where day care facilities are permitted in any VR Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principal residence of the operator of the facility.
(b) No open storage or outdoor display shall be permitted.
(c) No more than one (1) one sign shall be permitted for any day care facility and no such sign shall exceed 0.38 sq. m (4 sq. ft.) in area, and no such sign shall

exceed 1.2 m (4 ft.) in any one dimension.

11A.6 OTHER REQUIREMENTS: BUSINESS USE IN CONJUNCTION WITH A PERMITTED DWELLING

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

(a) No more than 28 sq. m (300 sq. ft.) of gross floor area of any dwelling unit shall be devoted to any business use.
(b) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling, and which does not create a nuisance by virtue of noise, vibration, glare, odour, smoke or dust.
(c) No open storage or outdoor display shall be permitted.
(d) No window display shall be permitted.
(e) No more than one (1) sign shall be permitted for any business, and no such sign shall exceed 0.38 sq. m (4 sq. ft.) in area and shall not exceed 1.2 m (4 ft.) in any one dimension.

11A.7 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfast is permitted in any VR Zone, the following shall apply:

(a) Any bed and breakfast shall be conducted wholly within the principal operator's dwelling unit;
(b) Not more than three (3) rooms may be let within any one building.
(c) No window display shall be permitted;
(d) No more than one (1) sign shall be permitted, and no such sign shall exceed 0.38 sq. m (4 sq. ft.) in area and shall not exceed 1.2 m (4 ft.) in any one dimension; and
(e) One off-street parking space, in addition to that required for the dwelling, shall be provided for each room to be let.

11A.8 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 11A.2, where the keeping of horses, ponies, donkeys or mules is permitted in any VR Zone, the following shall apply:

(a) A minimum lot size of 9290 sq. m (100,000 sq. ft.) shall be required.
(b) No more than 69.7 sq. m (750 sq. ft.) gross floor area of any building shall be used for the keeping of the animals, and no such building shall:
  (i) subject to clause (c), be located less than 6 m (20 ft.) from any rear or side lot line;
  (ii) be located less than 30.5 m (100 ft.) from any dwelling or potable water supply except a dwelling or potable water supply located on the same lot; or
  (iii) be located less than 91.4 m (300 ft) from any watercourse or waterbody.
(c) Where a horse, pony, donkey or mule is to be sheltered in an existing accessory structure, then the minimum rear or side yard required under subclause (b)(i)

may be reduced to 2.4 m (8 ft.).

(d) No more than a total of four of any combination of horses, ponies, donkeys or mules shall be permitted on a lot.

11A.9 OTHER REQUIREMENTS: FORESTRY USES

Notwithstanding the provisions of Section 11A.2, where forestry uses are permitted in any VR Zone, the following shall apply:

(a) The combined gross floor area of all structures devoted to the forestry use shall not exceed 139.4 sq. m (1,500 sq. ft.).

(b) Any area devoted to open storage shall not be permitted within any required front or side yard, and shall not exceed twenty-five (25) percent of the lot area.

(c) No more than fifteen hundred 139.4 sq. m (1,500 sq. ft.) of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including a retail use accessory to a forestry use or a business use.

11A.10 OTHER REQUIREMENTS: FISHERY SUPPORT USES

Notwithstanding the provisions of Section 9A.2, where fishery support uses are permitted in any VR Zone, the following shall apply:

(a) The total gross floor area of all structures devoted to the fishery support use shall not exceed 139.4 sq. m (1,500 sq. ft.); and

(b) No more than 139.4 sq. m (1,500 sq. ft. of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including a retail use accessory to a fishery use or a business use.

(c) Where a fishery support use abuts a residentially zoned or used lot, the rear or side yard abutting the property shall contain a fence or vegetative screening.

11A.11 Notwithstanding Sections 5A.4 and 11A.2, on the lot identified as Civic Number 18 Scholars Road shown as Schedule R, the Maximum Height of the Main Building, the Maximum Building Footprint, and the Architectural Requirements shall not apply to a place of worship, provided that:

(a) the building footprint shall not exceed 1255 square metres (13,500 square feet);

(b) the building height shall not exceed 12.6 metres (41.3 feet);

(c) no parking shall be located between Scholars Road and the nearest façade of the building, and no parking shall be located between Hammonds Plains Road and the nearest façade of the building;

(d) a landscape strip at least 4.5 m (15 ft.) wide shall be provided along all property lines, exclusive of driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm calibre (2.4 in.)) and three (3) shrubs per linear 7.6 m (25 ft.). The incorporation of trees and shrubs into the required landscape strip may be provided in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 m (25 ft.) of street frontage, and existing trees may be substituted where trees and shrubs are required; and

(e) a stormwater management plan has been prepared to the satisfaction of the Municipal Engineer, with particular attention given to safeguarding the water quality of Hubley Mill Lake.

(RC-Jun 23/15;E-Jul 14/15)

PART 11B: VG (VILLAGE GATEWAY) ZONE (RC-Jul 22/14;E-Oct 4/14)

11B.1 VG USES PERMITTED

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

Residential Uses
Single unit dwellings
Semi-detached dwellings
Auxiliary dwelling units
Two unit dwellings
Multiple unit dwellings with a maximum of twelve (12) units
Townhouse dwellings with a maximum of twelve (12) units
A maximum of twelve (12) dwelling units in a commercial or institutional building
Mobile homes existing on June 24, 2014

Commercial Uses
Banks and financial institutions, excluding drive-throughs
Commercial entertainment uses, excluding adult entertainment and drive-in theatres
Commercial recreation uses
Craft shops
Farmers markets
Medical clinics
Offices
Personal service shops, except that dry cleaning fluids shall not be permitted on the site
Restaurants, except drive-in
Retail stores, excluding drive-throughs, motor vehicle dealerships, adult bookstores and sex-aid shops
Service shops
Service stations existing on the date of adoption of this Section
Tourist accommodations
Traditional uses
Veterinary clinics
Greenhouses located no less than 45.7 m (150 feet) from any well situated on another lot, and from any watercourse

Community Uses
Day care facilities
Institutional uses
Public transit terminals
Open Space

11B.2 OTHER PERMITTED USES

The following properties may also have the following uses:

(a) On the lands identified on Schedule M:

(i) The drive-in restaurant shall also be a permitted use, provided that:

a) the number of drive-through windows has not increased since the date of adoption of this Section; and

b) no drive-through window shall face any street.

(ii) A self-storage use may be permitted by development agreement only.

(b) On the lands identified on Schedule P:

(i) Subject to the conditions set forth in clause (ii), permitted uses shall also include:

a) Storage of materials used for on-site fabrication, maintenance and repair of boats, utility or recreational trailers, docks, decks, rafts, slipways and ramps;

b) Fabrication, maintenance, repair, sales and service of boats, utility or recreational trailers, docks, decks, rafts, slipways and ramps;

c) Storage of boats provided that masts are removed; and

d) Storage of utility or recreational trailers.

(ii) The uses set forth in clause (i) shall be allowed only where all components, equipment, vehicles and vessels undergoing fabrication, under repair, awaiting servicing or being stored, are screened from neighbouring properties and from the public roadway by:

a) a buffer at least 6 metres (20 feet) wide with evergreen vegetation; or

b) a 1.8 m (6 ft) high closed-board fence; or

c) a 1.8 m (6 ft) high evergreen hedge.

11B.3 VG ZONE REQUIREMENTS

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

Minimum Lot Area	**3716 sq. m (40,000 sq. ft.) except:** **(a) 4046 sq. m (1 acre) for a semi-detached dwelling;** **(b) 2023 sq. m (21,780 sq. ft.) for each unit of a subdivided semi-detached dwelling;** **(c) 4459 sq. m (48,000 sq. ft.) for a multiple unit dwelling with three (3) units;** **(d) for each dwelling unit of a multiple unit dwelling exceeding three units, other than a townhouse dwelling, the minimum lot area shall be increased by 1486 sq. m (16,000 sq. ft.);** **(e) for a townhouse dwelling, the minimum lot area for each unit shall be 1486 sq. m (16,000 sq. ft.); and**

	(f) 5945 sq. m (64,000 sq. ft.) for an institutional use.
Minimum Frontage	**30.5 m (100 ft.) except that for a subdivided semi-detached dwelling or a townhouse dwelling, the minimum frontage shall be 7.6 m (25 ft.);**
Minimum Front or Flankage Yard	**5 m (16.5 ft.)**
Maximum Front or Flankage Yard	**the greater of 10 m (33 ft.), or the width of any utility easement existing in the front or flankage yard on the date of adoption of this section**
Minimum Rear or Side Yard	**4.5 m (15 ft.) except common walls of semi-detached dwellings or townhouse dwellings**
Maximum Lot Coverage	**40%**
Maximum Height of Building	**10.7 m (35 ft.), or 15 m (49 ft.) only where a gable roof with a pitch of at least 8:12 encloses a loft as the uppermost Storey of a 2 1/2-Storey building.**
Maximum Building Footprint	**558 sq. m (6000 sq. ft.)**
Minimum Landscaped Area	**40% of the lot**

11B.4 <u>OTHER REQUIREMENTS: MULTIPLE DWELLING UNITS</u>

(a) Where a building contains commercial or community uses, such uses shall include windows and pedestrian entries facing the street at the ground floor level;

(b) In the case of townhouse dwellings or townhouse-style dwellings, garage doors shall occupy no more than 50 percent of the street facade length of each dwelling unit.

(c) In the case of multiple unit dwellings, a minimum of 12 sq. m (130 sq. ft.) of landscaped amenity area shall be provided for each dwelling unit.

11B.5 <u>OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY</u>

Within the VG (Village Gateway) Zone:

(a) No outdoor storage shall be permitted in the front or side yard;

(b) Outdoor storage located in the rear yard shall be screened and/or fenced;

(c) Outdoor display of goods and wares shall be permitted, provided the outdoor display is associated with commercial uses permitted in the C-1A Zone, retail uses, retail stores, bakeries, institutional uses or, on the lands identified on Schedule P, boats or trailers; and

(d) No outdoor display shall be permitted in any required landscaped area, or any area required for pedestrian movement.

11B.7 <u>OTHER REQUIREMENTS: GREENHOUSES</u>

Notwithstanding the provisions of Section 15A.2, where greenhouses are permitted in

any VG Zone, the following shall apply:

(a) The greenhouse shall be located no less than 45.7 m (150 feet) from any well situated on another lot, and from any watercourse;

(b) The greenhouse shall not have a flat roof; and

(c) The external finish shall not have the appearance of unpainted metal, exposed tarpaper or plastic membrane.

PART 11C: VC (VILLAGE CENTRE) ZONE (RC-Jul 22/14;E-Oct 4/14)

11C.1 VC USES PERMITTED

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

Residential Uses
A maximum of twelve (12) dwelling units in a commercial or institutional building
Multiple unit dwellings with a maximum of twelve (12) units

Commercial Uses
Commercial uses permitted in the C-1A Zone, except that drive-throughs and dry cleaning fluids shall not be permitted
Bakeries
Banks and Financial Institutions excluding drive-throughs
Commercial Entertainment Uses, excluding adult entertainment uses
Craft Shops
Full Service Restaurants excluding drive-in
Greenhouses
Medical Clinics
Offices
Personal Service Shops
Retail Stores excluding drive-throughs and automobile sales lots
Service stations existing on the date of adoption of this Section
Take-Out Restaurants excluding drive-in
Theatres and Cinemas, excluding drive in theatres and adult theatres
Tourist Accommodations Traditional Uses
Veterinary Clinics and the associated boarding of animals

Light Industrial Uses
Maple product processing

Community Uses
Institutional Uses, excluding cemeteries
Public Transit Terminals
Public Parks
Service club or recreational club house not exceeding 418.1 m^2 (4,500 ft^2) of gross floor area
Uses Accessory to Permitted Uses

11C.2 VC ZONE REQUIREMENTS

In any VC (Village Centre) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	**3716 sq. m (40,000 sq. ft.) except:** **(a) 4459 sq. m (48,000 sq. ft.) for a**

	multiple unit dwelling with three (3) units other than a townhouse dwelling; **(b) for each dwelling unit exceeding three units in a multiple unit dwelling other than a townhouse dwelling, the minimum lot area shall be increased by 1486 sq. m (16,000 sq. ft.);** **(c) for a townhouse dwelling, the minimum lot area for each unit shall be 1486 sq. m (16,000 sq. ft.); and** **(d) 5945 sq. m (64,000 sq. ft.) for an institutional use.**
Minimum Frontage	**30.5 m (100 ft.), except that for a townhouse dwelling the minimum frontage for each unit shall be 7.6 m (25 ft.);**
Minimum Front/Flankage Yard Setback	**5 m (16.5 ft.)**
Maximum Front/Flankage Yard Setback	**the greater of 10 m (33 ft.), or the width of any utility easement existing in the front or flankage yard on the date of adoption of this section;**
Minimum Rear and Side Yard Setback	**4.6 m (15 ft.) except common walls of townhouse dwellings**
Maximum Height of a Building	**10.7 m (35 ft.), or 15 m (49 ft.) only where a gable roof with a pitch of at least 8:12 encloses a loft as the uppermost Storey of a 2 1/2-Storey building.**
Maximum Lot Coverage	**40 %**
Maximum Building Footprint	**558 sq. m (6000 sq. ft.)**
Minimum Landscaped Area	**40% of the lot**

11C.3 <u>OTHER REQUIREMENTS: STREET FACADE AND AMENITY AREA</u>

Where dwelling units are permitted in any VC (Village Centre) Zone, the following shall apply:

(a) Where a building contains commercial or community uses, such uses shall include windows and pedestrian entries facing the street at the ground floor level;

(b) In the case of townhouse dwellings or townhouse-style dwellings, garage doors shall occupy no more than 50 percent of the street facade length of each dwelling unit.

(c) In the case of multiple unit dwellings, a minimum of 12 sq. m (130 sq. ft.) of landscaped amenity area shall be provided for each dwelling unit.

11C.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Within the VC (Village Centre) Zone:

(a) No outdoor storage shall be permitted in the front or side yard;
(b) Outdoor storage located in the rear yard shall be screened and/or fenced;
(c) Outdoor display of goods and wares shall be permitted, provided the outdoor display is associated with commercial uses permitted in the C-1A Zone, retail uses, retail stores, bakeries, traditional uses or institutional uses; and
(d) No outdoor display shall be permitted in any required landscaped area, or any area required for pedestrian movement.

11C.5 OTHER REQUIREMENTS: GREENHOUSES

Notwithstanding the provisions of Section 15B.2, where greenhouses are permitted in any VC Zone, the following shall apply:

(a) The greenhouse shall be located no less than 45.7 m (150 feet) from any well situated on another lot, and from any watercourse;
(b) The greenhouse shall not have a flat roof; and
(c) The external finish shall not have the appearance of unpainted metal, exposed tarpaper or plastic membrane.

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

12.1 MU-1 USES PERMITTED

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

Residential Uses Not Permitted
Mobile home parks
Multi-unit dwellings
Senior citizen housing over 20 units

Commercial Uses Not Permitted
Commercial entertainment uses
Campgrounds
Marinas
All commercial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC -Feb 24/09;E-Apr 25/09)

Resource Uses Not Permitted

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

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries **and cannabis production facilities (RC-Sep18/18; E-Nov 3/18)**
Salvage yards
All industrial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

Construction and Demolition Materials Operations Not Permitted

C&D Materials Transfer Stations
C&D Materials Processing Facilities
C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02)

12.2 MU-1 ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent

Maximum Height of Main Building 35 feet (10.7 m)

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

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

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

12.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

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

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

12.5 OTHER REQUIREMENTS: SERVICE STATIONS

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

(a) Minimum Lot Area 30,000 square feet (2,787 m_2)
(b) Minimum Frontage 150 feet (45.7 m)
(c) No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.
(d) No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
(e) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
(f) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
(g) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
(h) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

12.6 OTHER REQUIREMENTS: AGRICULTURAL USES

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

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

12.7 OTHER REQUIREMENTS: FORESTRY USES

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

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

12.8 OTHER REQUIREMENTS: INSTITUTIONAL USES:

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

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

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

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

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

12.10 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

12.11 EXEMPTION OPEN SPACE USES

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

12.12 MARINA

Notwithstanding Section 12.1, a marina shall be permitted within the MU-1 Zone on properties in Hacketts Cove identified by LIMS Property Numbers 513150, 513143, 513135, 513127, 513085, 513119, and 40034688.

12.13 REDUCED AREA AND FRONTAGE REQUIREMENT

The lot area and frontage requirements of this Section 12.2 shall not apply to those parcels of land located off the Station Road in Hubbards identified as LIMS Numbers 4023830, 40024671, 40024788, 40235756, 40024689, 40024838, 40024911, 40235749, 40235731, and 40024663, but for the purposes of this Section, the minimum lot dimensions shall be as determined by the Department of Health, and there shall be no frontage required.

12.14 OTHER REQUIREMENTS: RECYCLING DEPOTS

In any MU-1 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.

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

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

(i) zoned or used for residential purposes, or

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

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

PART 13: MU-2 (MIXED USE) ZONE

13.1 MU-2 USES PERMITTED

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

Residential Uses Not Permitted
Mobile home parks
Multi-unit dwellings
Senior citizen housing over 20 units

Commercial Uses Not Permitted
Commercial entertainment uses
Campgrounds
Marinas
All commercial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

Resource Uses Not Permitted
Agricultural uses, intensive
Extractive facilities
Sawmills and industrial mills related to the forestry over 3,000 square feet
Fish processing plants

Industrial Uses Not Permitted
Industrial uses but excepting traditional uses and service industries **and cannabis production facilities (RC-Sep18/18; E-Nov 3/18)**
Salvage yards
All industrial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

Construction and Demolition Materials Operations Not Permitted

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

13.2 MU-2 ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m^2)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

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

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

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

13.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

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

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

13.5 OTHER REQUIREMENTS: SERVICE STATIONS

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

(a) Minimum Lot Area 30,000 square feet (2787 m^2)
(b) Minimum Frontage 150 feet (45.7 m)
(c) No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.
(d) No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
(e) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
(f) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
(g) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
(h) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

13.6 OTHER REQUIREMENTS: AGRICULTURAL USES

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

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

13.7 OTHER REQUIREMENTS: FORESTRY USES

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

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

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

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

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

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

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

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

13.10 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

13.11 EXEMPTION: OPEN SPACE USES

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

13.12 OTHER REQUIREMENTS: RECYCLING DEPOTS

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

13.13 OTHER REQUIREMENTS: GROCERY STORES

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

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

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

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

(i) zoned or used for residential purposes, or

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

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

PART 14: C-1 (LOCAL BUSINESS) ZONE

14.1 C-1 USES PERMITTED

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

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

Commercial Uses
Variety stores
Grocery store
Service and personal service shops

14.2 C-1 ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m^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	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

14.3 OTHER REQUIREMENTS: COMMERCIAL USES

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

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

14.4 OTHER REQUIREMENTS: BUSINESS USES

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

(a) Any business shall be wholly contained in the dwelling, which shall be the principal residence of the operator of the business.
(b) No more than three hundred (300) square feet (28 m^2) of floor area of any dwelling shall be devoted to any business use.
(c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(d) No open storage or outdoor display shall be permitted.
(e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (3.7 m^2) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
(f) One off-street parking space, in addition to those required for the dwelling, shall be provided for according to the provisions of Section 4.27.

14.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

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

15.1 C-1A USES PERMITTED

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

Commercial Uses
Variety stores
Grocery store
Service and personal service shops
Craft shops
Antique shops

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

15.2 C-1A ZONE REQUIREMENTS

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

Minimum Lot Area	20,000 square feet (1858 m^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	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

15.3 OTHER REQUIREMENTS: COMMERCIAL USES

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

(a) No more than three thousand (3,000) square feet (278 m^2) of the combined gross floor area of any structure on the lot shall be devoted to a commercial use, including any that are devoted to a business use.
(b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(c) Except where any lot in any C-1A Zone abuts another lot in a C-1A Zone, no portion of any parking space within the C-1A Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.

15.4 OTHER REQUIREMENTS: BUSINESS USES

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

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

15.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

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

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

PART 16: C-3 (TOURIST INDUSTRY) ZONE

16.1 C-3 USES PERMITTED

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

All MRR-1 (Mixed Rural Residential) Uses

Tourist Industry Uses
Motels
Hotels
Restaurants, full-service, drive-in and takeout

16.2 C-3 ZONE REQUIREMENTS: TOURIST INDUSTRY USES

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

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

16.3 OTHER REQUIREMENTS: TOURIST INDUSTRY USES

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

(a) No structure shall be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the commercial use.
(b) Except where any lot in a C-3 Zone abuts another lot in a commercial zone, no portion of any parking space within the C-3 Zone shall be permitted in any required side or rear yard except where a fence or other visual and physical barrier is erected in which case there shall be no parking within fifteen (15) feet (4.6 m) of the side or rear lot line.
(c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.

16.4 OTHER REQUIREMENTS: MRR-1 USES

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

PART 17: MR-1 (MIXED RESOURCE) ZONE

17.1 MR-1 USES PERMITTED

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

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

Resource Uses
Agricultural uses
Agricultural uses; intensive
Forestry uses
Fishery uses
Extractive facilities and bulk storage facilities
Composting operations (see section 4.29) (MC-Feb 26/96;M-Mar 28/96)

Commercial Uses
Hunting lodges
Fishing lodges

Community Uses
Recreational uses
Private and public parks
Open space uses

OTHER USES (RC-Sep18/18; E-Nov 3/18)
Cannabis production facilities

17.2 MR-1 ZONE REQUIREMENTS

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

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

17.3 OTHER REQUIREMENTS: EXTRACTIVE USES AND BULK STORAGE FACILITIES

In any MR-1 Zone, where extractive facilities and bulk storage facilities are permitted, no building, structure, plant, or product stockpile shall:
(a) be located within one hundred (100) feet (30.5 m) of any property line;

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

17.4 OTHER REQUIREMENTS: AGRICULTURAL AND INTENSIVE AGRICULTURAL USES

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

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

17.5 OTHER REQUIREMENTS: FORESTRY USES

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

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

17.6 OTHER REQUIREMENTS: BUSINESS USES

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

17.7 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

17.8 EXEMPTION: OPEN SPACE USES

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

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

(a) A cannabis production facility shall not exceed 5,000 square feet (464.5 square metres) in gross floor area.

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

(i) zoned or used for residential purposes, or

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

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

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

18.1 MR-2 USES PERMITTED

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

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

Resource Uses
Forestry uses
Fishery uses
Extraction facilities and bulk storage
Agricultural uses
Composting operations (see section 4.29) (MC-Feb 26/96;M-Mar 28/96)

Commercial Uses
Hunting lodges
Fishing lodges

Community Uses
Open space uses

OTHER USES (RC-Sep18/18; E-Nov 3/18)
Cannabis production facilities

Asphalt Plant (RC-Oct 16/18;E-Dec 8/18)
A temporary Asphalt Plant on lands as shown on Schedule S - Area Permitting a temporary Asphalt Plant Operation

18.2 MR-2 ZONE REQUIREMENTS

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

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

18.3 OTHER REQUIREMENTS: EXTRACTIVE USES AND BULK STORAGE FACILITIES

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

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

18.4 OTHER REQUIREMENTS: AGRICULTURAL USES

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

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

18.5 OTHER REQUIREMENTS: FORESTRY USES

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

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

18.6 OTHER REQUIREMENTS: BUSINESS USES

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

18.7 OTHER REQUIREMENTS: OPEN SPACE USES

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

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

18.8 <u>Requirements for an Asphalt Plant on lands as shown on Schedule S</u> (RC-Oct 16/18;E-Dec 8/18)

(a) Notwithstanding Section 18.2, a temporary asphalt plant shall be permitted on lands shown on Schedule S provided that:

i. all vehicular access and egress to and from the temporary asphalt plant site shall be from the Ingramport Interchange; and

ii. the plant uses a dry-system method whereby no effluent or water-based by products are directed to the ground.

(b) A development permit issued for the use of a temporary asphalt plant shall be valid for any period specified not exceeding sixty (60) days per calendar year except that a development permit issued under this clause may be renewed for a period not to exceed thirty (30) days, if a development officer determines that an extension of the period is necessary to allow the completion of work in progress.

18.8 <u>OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES</u> (RC-Sep18/18; E-Nov 3/18)

(a) A cannabis production facility shall not exceed 5,000 square feet (464.5 square metres) in gross floor area.

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

(i) zoned or used for residential purposes, or

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

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

PART 19: I-1 (GENERAL INDUSTRIAL) ZONE

19.1 I-1 USES PERMITTED

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

All MU-2 (Mixed Use 2) Uses

Industrial Uses
Any manufacturing, processing, or assembly operation which is not obnoxious Forestry industries over 3000 square feet
Office or retail use accessory to any permitted use
Cannabis production facilities (RC-Sep18/18; E-Nov 3/18)

Other Uses
Composting operations (see section 4.29) (MC-Feb 26/96;M-Mar 28/96)

19.2 I-1 ZONE REQUIREMENTS: INDUSTRIAL USES

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

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

19.3 OTHER REQUIREMENTS: MU-2 USES

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

19.4 OTHER REQUIREMENTS: ABUTTING YARDS

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

19.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY AND PARKING

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

(a) Any materials associated with the industrial use shall be contained within a building or enclosed by a fence, vegetation or other means which provides a visual and physical barrier.

(b) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided in which case there will be no outdoor display within five (5) feet (1.5 m) of the abutting side or rear lot line.

(c) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community use, except where a visual barrier is provided.

19.6 OTHER REQUIREMENTS: SET BACK

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

19.7 COMMERCIAL ENTERTAINMENT USES

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

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

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

(i) zoned or used for residential purposes, or

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

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

PART 20: I-2 (SALVAGE YARD) ZONE

20.1 I-2 USES PERMITTED

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

All MU-2 (Mixed Use 2) uses

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

20.2 I-2 ZONE REQUIREMENTS

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

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

20.3 OTHER REQUIREMENTS: SEPARATION AND BUFFERING

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

20.4 OTHER REQUIREMENTS: MU-2 USES

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

20.5 OTHER REQUIREMENTS: SERVICE STATIONS

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

(a) Minimum Frontage 150 feet (45.7 m)

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

PART 21: I-3 (MIXED INDUSTRIAL) ZONE

21.1 I-3 USES PERMITTED

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

All MR-l (Mixed Resource) Uses

Industrial Uses
Any manufacturing, processing, assembly or warehousing operation which is not obnoxious and which is conducted and wholly contained within a building Service industries
Warehousing
Transport facilities and maintenance yards
Heavy machinery sales and service
Office or retail use accessory to any permitted use
Composting operations (see section 4.29) (MC-Feb 26/96;M-Mar 28/96)
Cannabis production facilities (RC-Sep18/18; E-Nov 3/18)

21.2 I-3 ZONE REQUIREMENTS: INDUSTRIAL USES

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

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

21.3 OTHER REQUIREMENTS: MR-1 USES

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

21.4 OTHER REQUIREMENTS: ABUTTING YARDS

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

21.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY AND PARKING

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

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

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

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

(i) zoned or used for residential purposes, or

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

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

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

22.1 RPK USES PERMITTED

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

Park Uses
Recreation uses
Conservation uses
Uses accessory to the foregoing uses
Public Parks
Commercial uses accessory to public park use

22.2 RPK ZONE REQUIREMENTS

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

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

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

23.1 PWS USES PERMITTED

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

Municipal water distribution or purification facilities
Conservation uses
Uses accessory to the foregoing uses

23.2 PWS ZONE REQUIREMENTS

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

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

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

23A.1 CD -1 USES PERMITTED

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

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

23A.2 CD-1 ZONE REQUIREMENTS

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

Minimum Lot Area	**3,716 square metres (40,000 square feet) - central services** **11,148 square metres (120,000 square feet) - on-site services**
Minimum Frontage	**15 metres (49.2 feet) - 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)**

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

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

(a) any building or structure shall meet the following separation distances:

(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 23A.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 23A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

23A.4 General Requirements: C&D Materials Operations

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

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

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

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

(d) notwithstanding Section 23A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

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

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-A, R-A1, R-1E, R-2) or community use (P-3 and P-4); and

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

23A.5 General Requirements: Site Plan Approval

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

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

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

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

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

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

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

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

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

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

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

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

PART 23B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

23B.1 CD-2 USES PERMITTED

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

23B.2 CD-2 ZONE REQUIREMENTS

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

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

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

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

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

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

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

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

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

(c) notwithstanding Section 23B.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

23B.5 General Requirements: C&D Materials Operations

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

(a) the operation complies with the general zone requirements as outlined in Section 23A.4.

(b) notwithstanding Sections 23B.2 to 23B.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

23B.6 General Requirements: Site Plan Approval

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

PART 23C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

23C.1 CD-3 USES PERMITTED

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

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

23C.2 CD-3 ZONE REQUIREMENTS

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

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

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

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

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

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

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

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:

(i)	**from any property line**	**50 metres (164 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**

(iii) from a watercourse 60 metres (196.8 feet)

23C.5 GENERAL REQUIREMENTS: C&D Materials Operations

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

(a) the operation complies with the general zone requirements as outlined in Section 23A.4.

(b) Notwithstanding Sections 23C.2 to 23C.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

23C.6 GENERAL REQUIREMENTS: Site Plan Approval

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

PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

23D.1 ICH USES PERMITTED

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

Single Unit Dwellings
Open Space Uses

23D.2 ICH ZONE REQUIREMENTS

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

PART 23E: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

23E.1 PA USES PERMITTED

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

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

23E.2 PA ZONE REQUIREMENTS

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

Minimum Lot Area:	**930m²**
Minimum Frontage:	**30.5m**
Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**

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

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

PART 23F: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Jun 25/14;E-Oct 18/14)

23F.1 CDD USES PERMITTED

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

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

23F.2 CDD REQUIREMENTS

(1) **In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Halifax Regional Municipality Charter*.**

(2) **Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be readopted, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:**

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 24: ADMINISTRATION

24.1 ENFORCEMENT

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

24.2 SCOPE OF APPLICATION

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

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

24.3 SIGNATURE FOR APPLICATION

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

24.4 PENALTY

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

24.5 DATE OF BY-LAW

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

24.6 SCHEDULE OF FEES

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

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

24.7 PUBLIC HEARING NOTIFICATION

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

(a) all assessed property owners, based on LIMS records, located within two hundred and fifty (250) feet of the property boundary of the proposed site shall, where the site is located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.

(b) all assessed property owners, based on LIMS records, within five hundred (500) feet of the property boundary of the proposed site shall, where the site is not located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.

(c) the notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing.

APPENDIX "A"

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

USE	LOCATION	LIMS INDEX NUMBER
Kreft Mushroom Farm Ltd. formerly Ocean Mist Mushroom Farm	Highway 21	40055766

APPENDIX "B"

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

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

APPENDIX "C"

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

NAME	USE	LIMS INDEX NUMBER	ZONE
Barry W. Doucette and Company	Accounting Office in Dwelling	614354 or 40269037	RA RA
Giant Steps Children's Centre Inc.	**Daycare**	**41123340**	**MU-1**
Giant Steps Children's Centre Inc. (WRCC-Mar 31/08;E-Apr 19/08)	**Daycare**	**41225996**	**MU-1**

APPENDIX "D"

NON-CONFORMING USE

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

EXISTING USE

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

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

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

CANCELLATION OF PERMIT

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

ARBITRATION

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

ARBITRATOR

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

RESTRICTION ON NON-CONFORMING USE

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

NO EXTENSION OF NON-CONFORMING USE

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

CHANGE IN USE

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

CHANGE OF OCCUPANT

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

REPAIR OR MAINTENANCE

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

DESTRUCTION OR DAMAGE

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

(a) to an extent of less 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.

VARIATION IN SECTION 92 OR 93 RESTRICTIONS

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

POLICIES

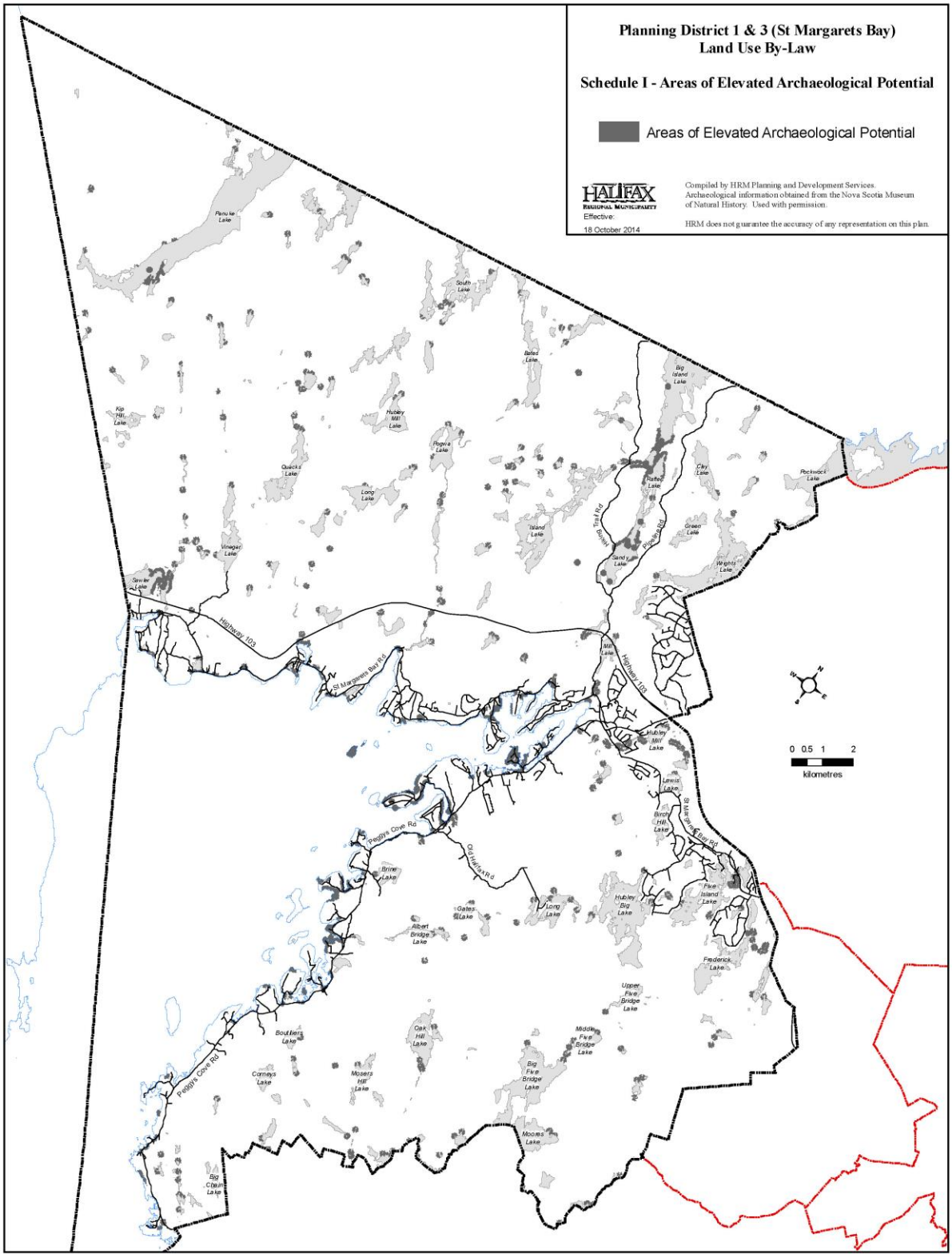
(2) The policies adopted pursuant to subsection (1) may provide for:

(a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;
(b) the extension of a non-conforming use of land;
(c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;
(d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.
(e) the change in use on a non-conforming structure to another use in the non-conforming structure, or of a non-conforming use of land or a structure to another non-conforming use.

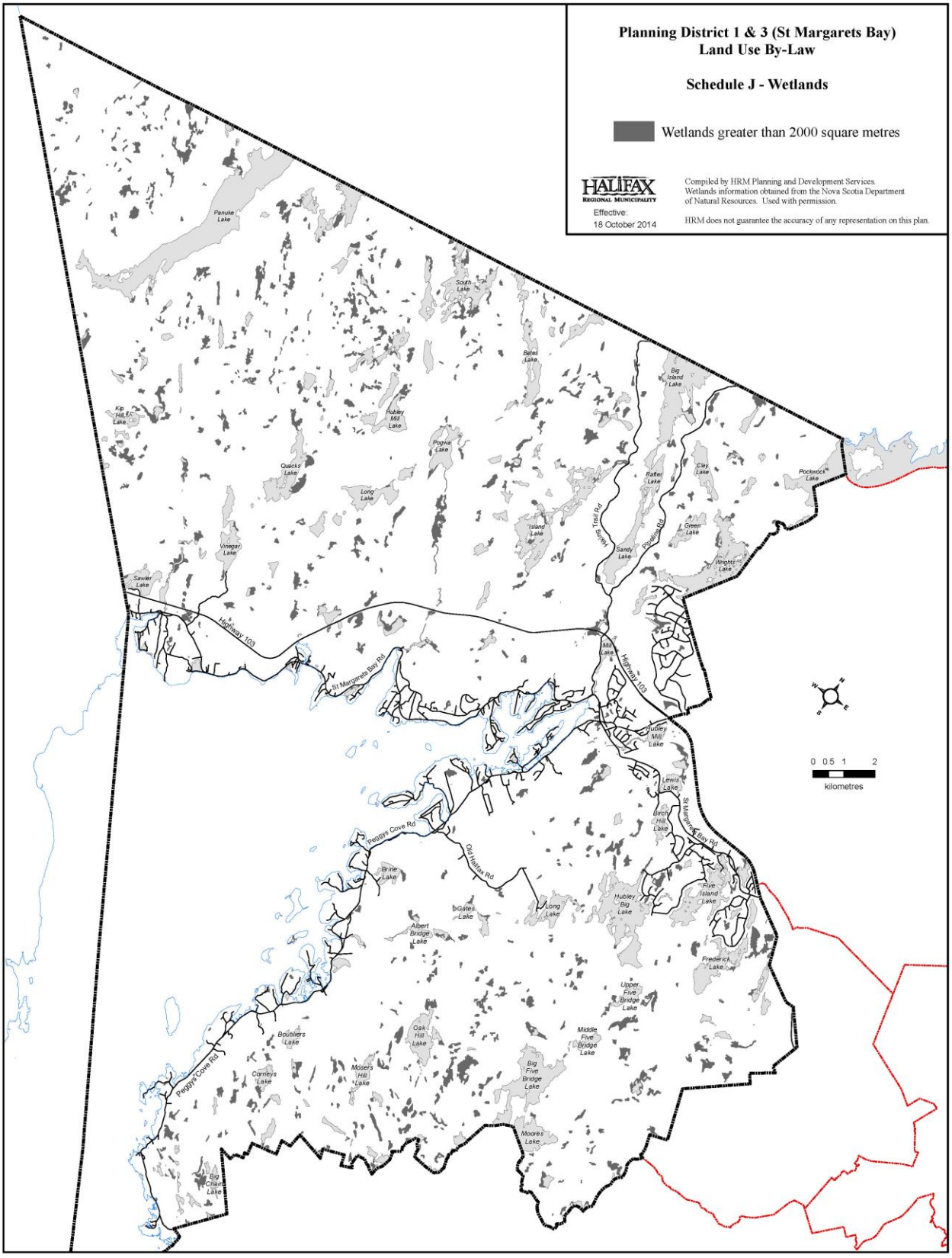
IMPLEMENTATION

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

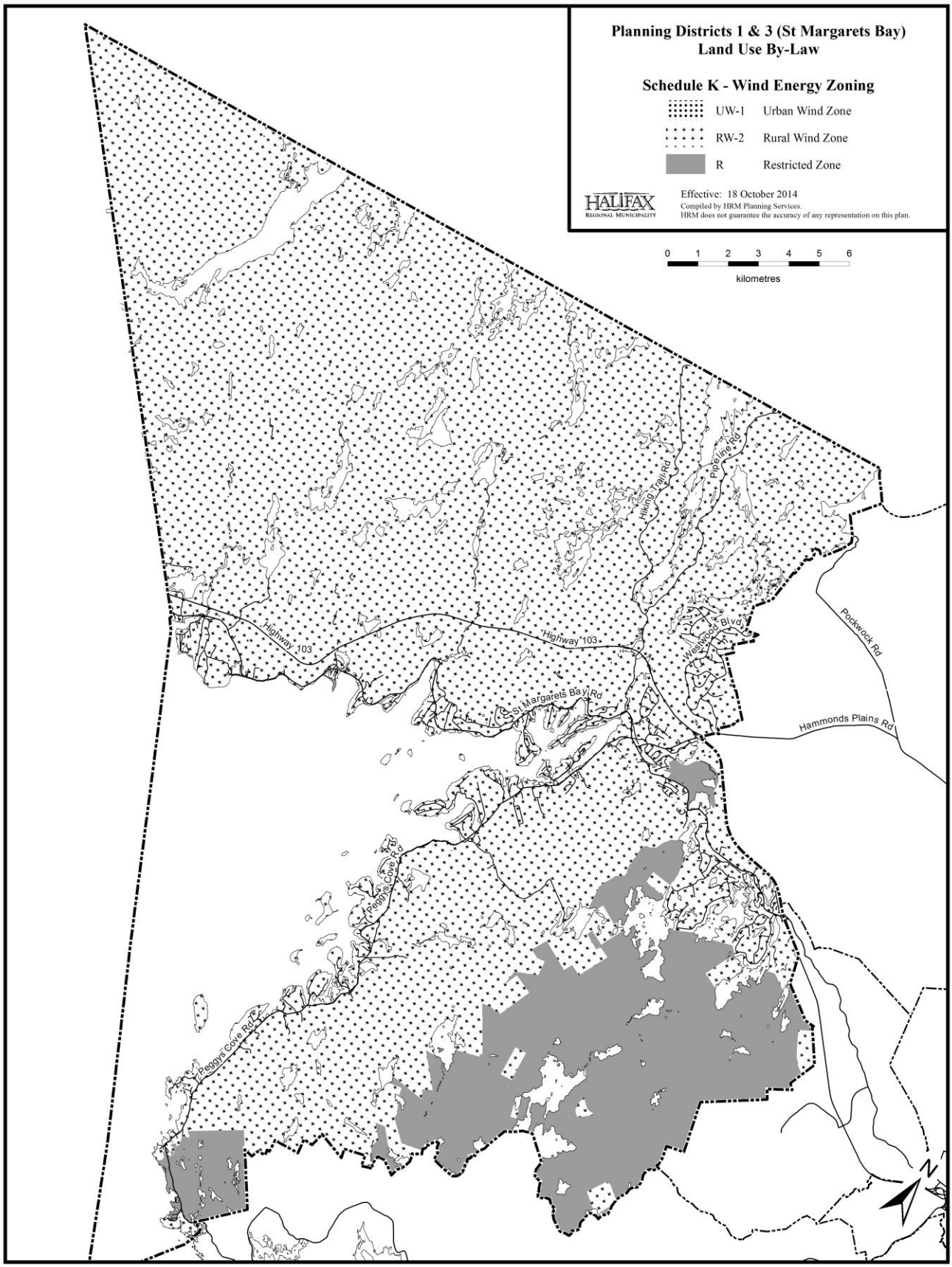
Schedule I: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/014)



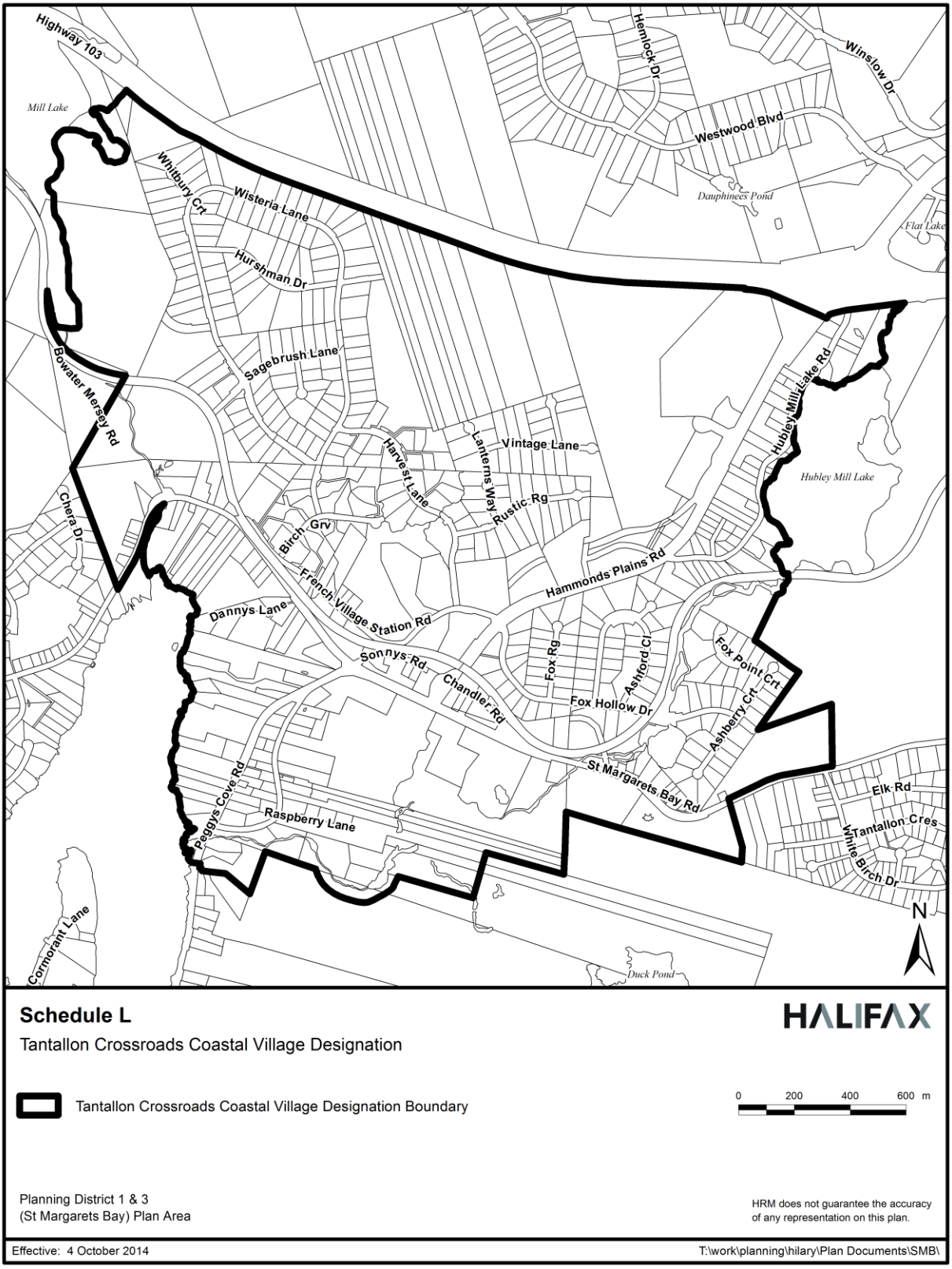
Schedule J: Wetlands (RC-Jun 25/14;E-Oct 18/14)



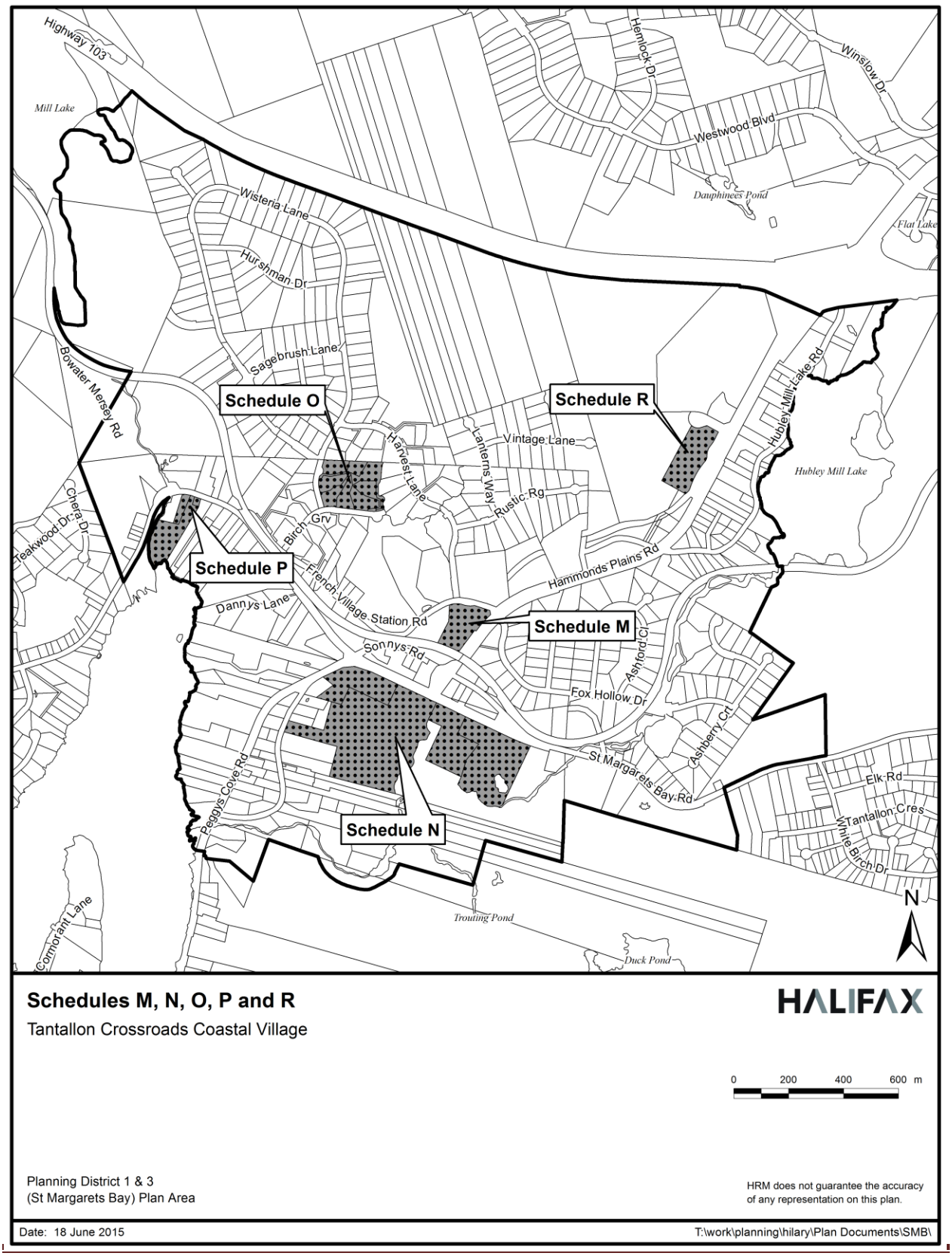
Schedule K: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



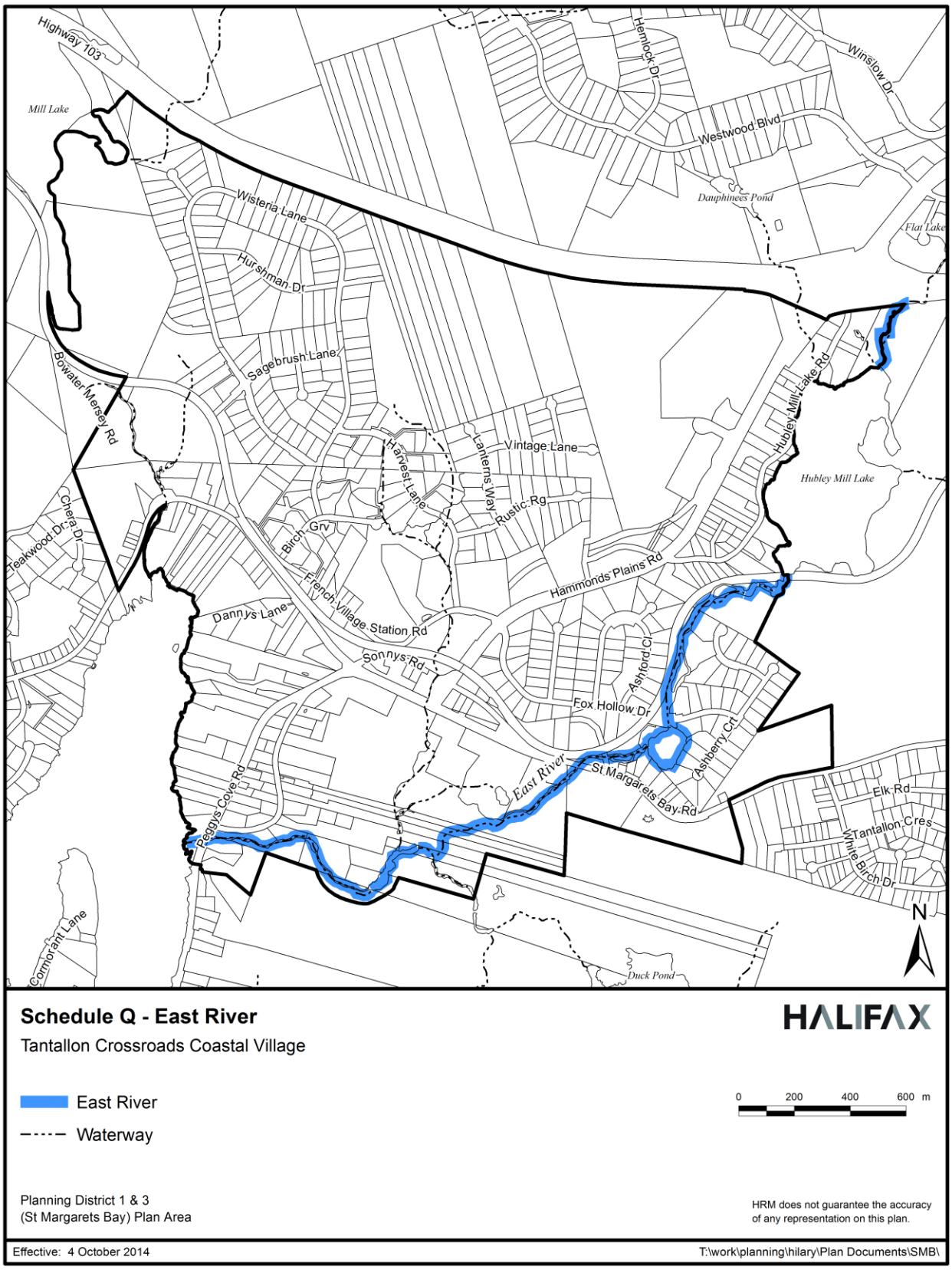
Schedule L: Tantallon Crossroads Coastal Village Designation (RC-Jul 22/14;E-Oct 4/14)



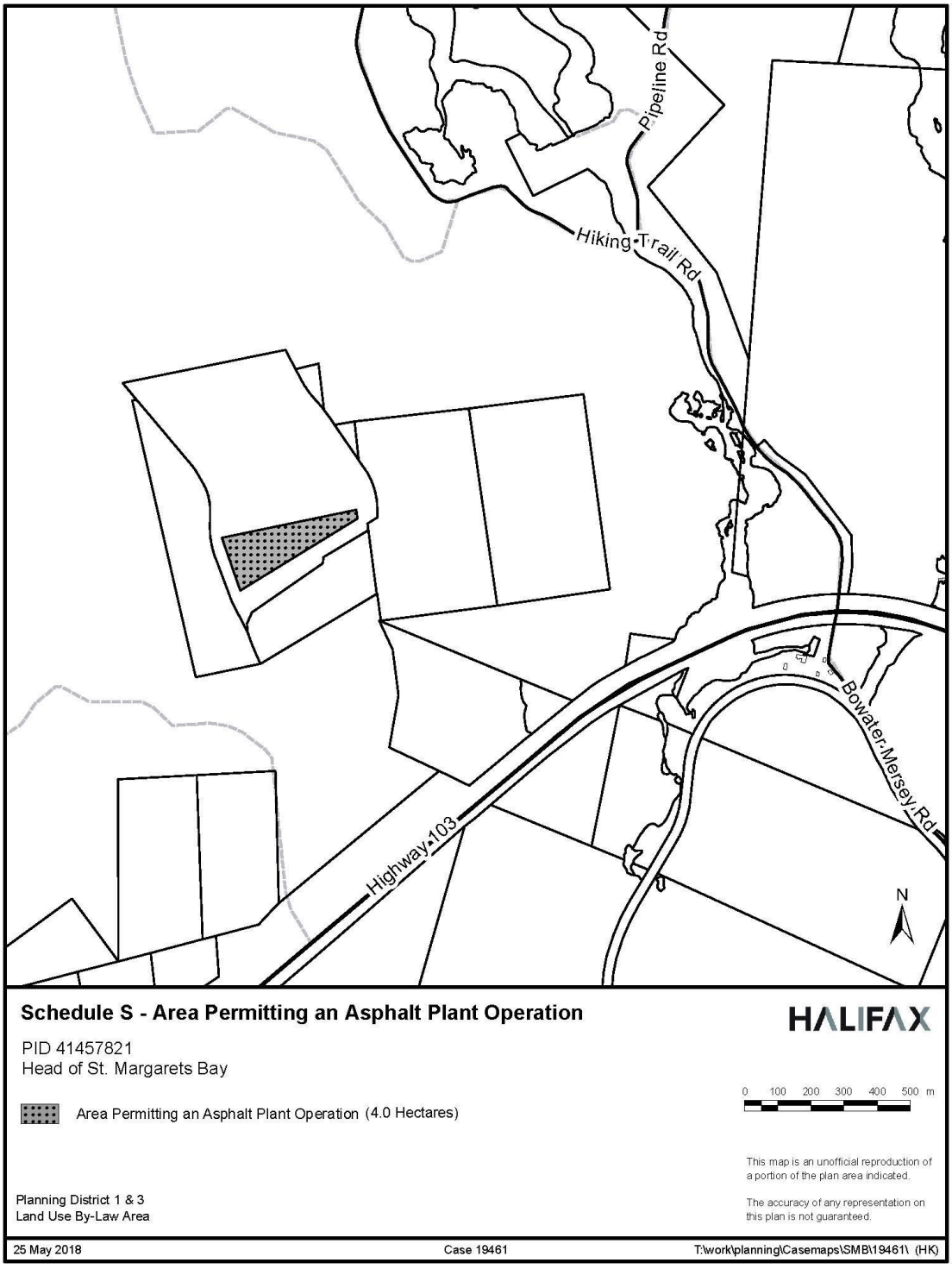
Schedule M, N, O, P, R: Tantallon Crossroads Coastal Village (RC-Jun 23/15;E-Jul 14/15)



Schedule Q: Tantallon Crossroads Coastal Village (RC-Jul 22/14;E-Oct 4/14)



Schedule S Area Permitting a temporary Asphalt Plant Operation (RC-Oct 16/18;E-Dec 8/18)



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

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective Date
1.	Part 2: 2.1, 4.12 (amended)	Accessory Buildings (Case ZA-ALL-21-94)	June 26/95	July 22/95
2.	2.15A, 4.29, 17.1, 18.1, 19.1, 21.1 (addition)	Composting Operation (Case ZA-ALL-31-95)	Feb 26/96	March 28/96
3.	Infrastructure Charge Zone (addition) Part 23D (addition)	Capital Cost Cont. (Case 00423)	July 2/02	Aug 17/02
4.	Part 13: MU-2 (Mixed Use) Zone 13.13 (added)	Grocery Stores (Case 00498)	Sept 23/02	Oct 13/02
5.	Part 2: 2.15B, 2.15C, 2.15D & 2.15E (addition); Part 2: 2.77A (amended); Part 2: 2.62 & 2.68 (readopted); Section 3.1 (amended); Part 4: Section 4.19 (addition); Part 23A.1 - 23C.6: (addition); Section 12.1 & Section 13.1 (amended)	C&D Waste Management (Project 00082)	Sept 10/02	Nov 9/02
6.	Part 4: 4.13(a)(3) (addition); 4.13(a)(v) (readopted); Subsection 4.13(a)(ix) (addition)	Accessory Buildings (Case 00604)	Nov 24/03	Dec 16/03
7.	Part 4: 4.3(a) amended; Part 4(b) (addition)	General Provisions (Case 00499)	Nov 24/03	Dec 16/03
8.	Part 4: 4.30 (addition)	General Provisions (Case 00616)	Jan 26/04	Feb 15/05
9.	Part 4: 4.1A (addition)	Interim Growth (Case 00664)	Apr 13/04	Apr 22/04
10.	Part 2: 2.9 (deletion); Part 2: 2.72A (addition); Part 4: 4.13A (addition)	Shipping Containers (Case 00679)	Nov 22/04	Dec 12/04
11.	Deleting P-3& P-4 Zones; Adding RPK, PWS &CDD Zones; Adding Schedules I&J; adding Conservation definition, new recreation use and watercourse definitions; Consideration of DA for lands designated Rural Commuter; new Watercourse Setbacks and buffers; new Coastal Area requirements	Regional planning	June 27/06	Aug 26/06
12.	Adding new section for Temporary Signage and revised sign definition	Project 00324	Sept 26/06	Nov 18/06
13.	Amend Zoning Map to rezone areas in Westwood Hills, Tantallon, from MU-1 to R-A1 Zone; Amend Section 4.10, Appendix C	Case No. 01060	March 31/08	April 19/08
14.	Amending sign requirements	Case # 01110	May 26/08	June 14/08
15.	Amending Section 4.27 (Parking requirements) By deleting and replacing	Case # 01119	Aug 5/08	Aug 23/08
16.	Amending Section 4.14 (Temporary Construction Uses Permitted)	Case # 01058	Jan 20/09	Feb 7/09
17.	Amending Section 2.20 (re: Day Care Facility)	Case # 01074	Mar 3/09	Mar 21/09
18.	Added Section 3.6 (q); revised 12.1 and 13.1	Case # 01157	Feb 24/09	Apr 25/09
19.	Amend Zoning Map to rezone five properties between Lovett Lake and St. Margarets Bay Road, Beechville from CDD to R-1 zone	Case # 16241	Sept 20/10	Oct 9/10
20.	Consolidate schedules to implement amendments to Plan Area boundary and zoning designation; Replace Section 3.2 (Zoning Map); Amend Schedule I and J to reflect changes.	Case No. 15894	June 21/11	Sept 3/11

21.	Deleted the word “windmills” in Section 4.18; Added **Section 4.33 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule K: Wind Energy Zoning Map.	Project No. 00953	Aug 16/11	Oct 29/11
22.	Amend Part 4, Section 33 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	Oct 18/11	Oct 29/11
23.	Amend Zoning Map by rezoning the properties of Birch Bear Woods Subdivision from the MU-1 (Mixed Use 1) Zone and the MRR-1 (Mixed Rural Residential 1) Zone to the R-A (Residential) Zone	Case No. 16812	Oct 24/11	Nov 12/11
24.	Amend Zoning Map by rezoning five properties from P-3 (Provincial Park) to MU-1 (Mixed Use) and a portion of one property from RPK (Regional Park) to MU-1 (Mixed Use)	Case No. 18380	Sep 17/13	Oct 5/13
25.	Added Part 2 – Section 2.2A, 2.2B, 2.2C, 2.12A, 2.26A 2.30A, 2.36A, 2.36B, 2.46A, 2.47A, 2.50A, 2.72A, 2.73A 2.78A, 2.78B; Part 3 – Section 3.6(r); Part 4, Section 4.5(c), 4.11A, 4.19(1)(h)(i)(j)(k); Part 5A; Part 11A; Part 11B; Part 11C; Schedule L; Schedule M, N, O, P; and Schedule Q; Amended Part 2.22, Part 3, Part 4, Part 5 and Schedule A (Zoning Map).	Case No. 16424	Jul 22/14	Oct 4/14
26.	**Repeal/Readopt** Section 2.15AA; 2.61; 2.80; parts of 3.1, 3.6(p), 4.1A, 4.19, 4.19A, 4.31, 4.32, 4.33; Part 22; Part 23, 23E, 23F; Schedule K, I and J; **Amend** Part 3, Section 3.6(p); Section 4.19, 4.19(3); Section 4.19A; Schedule A – Zoning Map, Schedule I, J, K.; **Add** Section 2.11A, 2.79A; 4.34.	RP+5	Jun 25/14	Oct 18/14
27.	**Add** Housekeeping amendments – Part 4, Section 4.19(1)(h)(i)(j)(k) - Tantallon Crossroads Coastal Village Designation; Part 11A.11 – Scholars Road; **Replace** – Schedules M, N, O, and P with M, N, O, P and R – Tantallon Crossroads	Tantallon Crossroads Amendments	June 23/15	July 14/15
28.	**Add 4.3(c)** – Reduced Frontages and Areas	25 Acre Lots	Jan 10/17	Feb 25/17
29.	**Amend** several sections to add Cannabis related uses	Case 21331	Sep 18/18	Nov 3/18
30.	**Add** to definitions: 2.5A Asphalt Plant; Asphalt Plant to Section 18.1; Section 18.8: Requirements for an Asphalt Plant on lands as shown on Schedule S	Case 19461	Oct 16/18	Dec 8/18