



PART 5

# Rural Zones

# PART 5: RURAL ZONES

## 5.1. Rural Zones Permitted Uses

The table below summarizes the uses permitted in all Rural Use, Agricultural Reserve and Wind Energy Zones. For conditions associated with the uses, see the specific section referencing that zone.

- RU - Rural Use
- AR - Agricultural Reserve
- RCDD - Rural Comprehensive Development District
- WE - Wind Energy

Uses	RU	AR	RCDD	WE
Accessory Dwelling Unit	P	P	N/A	N/A
Accommodations, Bed & Breakfast	P	P	N/A	N/A
Agriculture Related Uses	P	P	N/A	N/A
Agriculture Uses and Structures, Intensive	P	P	N/A	N/A
Agri-tourism Uses	P	C	N/A	N/A
Animal Hospitals & Veterinary Offices	P	P	N/A	N/A
Any potentially obnoxious commercial developments to include vehicle race tracks and amusement parks	DA	-	N/A	N/A
Biogas Facilities where 50% or more of the biogas substrate comes from off farm sources	P	DA	N/A	N/A
Biogas Facilities where 50% or more of the biogas substrate comes from on farm sources	P	P	N/A	N/A
Campgrounds	P	-	N/A	N/A
Couriers & Messengers	P	-	N/A	N/A
Daycare, General	P	-	N/A	N/A
<b><i>Dog Daycare and Dog Daycare with more than ten (10) dogs</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>N/A</i></b>	<b><i>N/A</i></b>
Dwelling, Farm Secondary	P	P	N/A	N/A
Dwelling, Mini-home	P	-	N/A	N/A
Dwelling, Non-Farm Single Unit	P	DA	N/A	N/A
Dwelling, Two Unit	P	-	N/A	N/A
Fabrication and Repair of Farm and Forestry Equipment	P	P	N/A	N/A
Forestry Uses & Structures	P	P	N/A	N/A
Funeral Services	P	-	N/A	N/A
Greenhouses	P	P	N/A	N/A
Home-based business uses above 140 m <sup>2</sup> of commercial floor area	DA	DA	N/A	N/A
Home-Based Business Uses up to 140 m <sup>2</sup> of commercial floor area	P	P	N/A	N/A
Horse Stables, Boarding, and Training Facilities (including race horses)	P	P	N/A	N/A
Industrial uses related to the chemical treatment of timber resources	DA	-	N/A	N/A
<b><i>Kennel, Boarding and Breeding</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>N/A</i></b>	<b><i>N/A</i></b>
Large Scale Special Events	P	P	N/A	P

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Office & Professional Services	P	-	N/A	N/A
Personal Care Services	P	-	N/A	N/A
Private Dog Parks	P	-	N/A	N/A
Recreation Facility, Golf	p	-	N/A	N/A
Repair & Maintenance	P	-	N/A	N/A
Restaurant, Full & Limited Service	P	-	N/A	N/A
Retail & Rental Stores	P	-	N/A	N/A
Salvage Yard	DA	-	N/A	N/A
Scrap Yard	DA	-	N/A	N/A
Solar Farms	P	-	N/A	N/A
Retail area and showroom for pit and quarry operations	P	-	N/A	N/A
Structures related to a pit operation closer than 100 m from the nearest non-resource related structure.	DA	-	N/A	N/A
Structures related to a pit operation not closer than 100 m from the nearest non-resource related structure.	P	-	N/A	N/A
Structures related to a quarry of mineral extraction operation closer than 1 km from the nearest non-resource related structure.	DA	-	N/A	N/A
Structures related to a quarry of mineral extraction operation not closer than 1 km from the nearest non-resource related structure.	P	-	N/A	N/A
Tradesperson & Craftsperson Businesses & Offices	P	-	N/A	N/A
Wind Farms	SP	SP	N/A	SP
Wind Turbines, Large Scale	SP	SP	N/A	SP
Wind Turbines, Micro	P	P	N/A	P
Wind Turbines, Small Scale	P	P	N/A	P
Highway Commercial (HC) Zone Uses	DA	-	-	N/A
Industrial Commercial (IC) Zone Uses	DA	-	-	N/A
Institutional (IU) Zone Uses	P	-	-	N/A
Open Space (OS) Zone Uses	P	P	-	N/A
Regional Commercial (RC) Zone Uses	DA	-	-	N/A
Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods	DA	-	N/A	N/A
Aggregate and mineral resource related industries	DA	-	N/A	N/A

P - Permitted as-of-right through a development permit.

SP - Permitted by site plan approval.

DA - Permitted to apply to Council for a development agreement: note that other restrictions may apply.

C - Conditionally permitted: discretionary approval may apply, view zone requirements.

## 5.2. General Provisions for All Rural Zones

### 5.2.1. Two Dwellings on a Lot or Farm Secondary Dwelling

A second detached dwelling or farm secondary dwelling may be erected providing the following requirements are met:

- a) The lot must meet the minimum Bylaw requirements for 2 lots, with both potential future lots having sufficient area, frontage and required setback distances to contain a dwelling unit in the applicable Zone. Nova Scotia Environment approval for installation of 2 separate on-site sewage disposal systems is required where municipal wastewater services are not available;
- b) All other applicable requirements of this Bylaw are met, including all requirements for second detached dwellings and farm secondary dwellings contained in this Bylaw are met.

### 5.2.2. Animal Kennels

An animal kennel **and dog daycare including dog daycares with more than ten (10) dogs** in a Rural Zone shall be subject to the following requirements:

- a) Breeding Kennels
  - i) Shall be located in the rear yard and shall have a minimum separation distance of 45 m between the animal structure and the rear and side yard lot lines;
  - ii) a minimum lot size of 1 hectare; and
- b) Boarding Kennels **and Dog Daycares including Dog Daycares with more than ten (10) dogs**
  - i) Shall be located in the side or rear yard and shall have a minimum setback distance of 15 m between the animal structure and the side and rear yard lines;
  - ii) **Kennels Structures** located in the side yard shall have a minimum setback distance of 8 m from the front lot line;
- c) An enclosed structure is constructed for the sheltering of the animal(s);
- d) Kennels **and Dog Daycares** are only permitted on those properties upon which a permanent residence has been constructed;
- e) The owner of the kennel **and Dog Daycare** operation must reside on the property upon which the kennel **and Dog Daycare** operation is located;
- f) Dog kennels will also be subject to Municipal Dog Bylaw;
- g) Structures shall be located 30 m from any watercourse or well.

### 5.2.3. Intensive Livestock Operation

An intensive livestock operation in a Rural Zone shall be subject to the following requirements:

- a) A minimum setback of 45 m from all lot lines and any public road, private road, or right-of-way easement;
- b) The following setback distances shall be required from any structure or manure storage related to an intensive livestock operation to be located near a watercourse or well; and

Private or Off-Farm Well	100 m
Lake, River, Brook	50 m
Non-contained storage (solid manure)	100 m
Fully contained storage (liquid, semi-solid manure)	50 m
Ditch/Intermittent Stream or Wetland	20 m

- c) An Intensive Livestock Operation in the Rural Use and Agricultural Reserve Zones which does not meet the minimum separation distances in this section may be considered by site plan approval. The Development

Officer shall approve a site plan where the following matters have been addressed:

- i) Site design and layout shall take into consideration all existing and proposed structures, the location of all water courses, the location of all intensive livestock operations, and the soil conditions.
  - ii) The site plan shall show the proposed setback from the watercourse or well.
  - iii) The intensive livestock operation structure or manure storage shall be located on the property to enable as large a setback from the watercourse or well as possible.
  - iv) The site plan shall be prepared by an agricultural engineer.
  - v) The agricultural engineer (or other appropriate professional) is to confirm in writing that the reduced setback will not affect the watercourse or well.
- d) Application for site plan approval shall be in the form specified in the Appendix and shall be accompanied by a sketch of sufficient detail to address all of the matters identified above, and shall be accompanied by a letter stating the purpose for the reduction in the minimum setback requirement.

#### **5.2.4. Pits and Quarries**

No development permit shall be issued for a dwelling on a lot abutting a pit or quarry activity, unless the dwelling is located a minimum of 100 m from the edge of the pit operation or 1 km from the edge of a quarry operation, except where the residential use is directly related to the pit and quarry use.

#### **5.2.5. Home-Based Businesses**

- a) In a Rural Zone a residential dwelling, an accessory building, or a combination of an accessory building and a main building may be used for a home-based business provided that:
  - i) The dwelling is occupied as a residence by the operator of the business;
  - ii) Not more than 50% of the floor area of the dwelling, or a maximum of 140 m<sup>2</sup> of commercial floor area, whichever is less, is devoted to the business use;
  - iii) 1 off-street parking space, in addition to that required for the dwelling, is provided for every 30 m<sup>2</sup> of commercial floor area occupied by the business;
  - iv) Advertising of the business shall consist of 1 facial or ground sign with a maximum sign area of 1.5 m<sup>2</sup>;
  - v) Outdoor storage associated with the business shall be permitted in the rear yard only; and
  - vi) Outdoor display associated with the business shall not be permitted.
- b) Home-based business uses beyond 140 m<sup>2</sup> of commercial floor area shall be considered by development agreement.
- c) Home-based excavation or trucking services shall have a maximum commercial floor area of 230 m<sup>2</sup>.

#### **5.2.6. Home-Based Businesses Permitted in Rural Zones**

- a) In Rural Zones, office and professional uses permitted as a home-based business shall include, but not be limited to, the following:
  - i) Health care professional, lawyer, business management consultant, accountant, public engineer, architect, business broker, marketing or sales agent, scientific, technology or arts professionals, real estate, insurance or property appraisal practitioners, administrative and consulting services, author/writer, computer consultant, interior designer, event organizer, stock broker, counsellors, jeweler, musician/instructor, and other like business activities; providing office or professional services.
- b) In Rural Zones goods and services uses shall include, but not be limited to, the following:
  - i) Dressmaking and tailoring, hairdressing and barber shops, private instruction or tutoring in the art, sciences or technologies, the crafting or repair of household goods, small engines and motors and

appliances, computer services, recreational equipment (with the exception of recreational motorized vehicles), interior design or upholstery, home-based daycare, seasonal retailing of garden produce, bedding plants and shrubbery, wood engraving, metal, stone setting and selling, pet grooming, catering (home-based), esthetics and cosmetology, psychic services (clairvoyant, astrologer, fortune teller, and the selling of crafts).

- ii) Excavation services, trucking services, and automobile service shop.

### 5.2.7. Public and Private Utilities

Unless otherwise stated in this Bylaw, a utility that is essential for the actual provision of a service, including but not limited to a wastewater collection and treatment facility, a water supply and distribution facility, electrical power, shall be permitted in all Rural Zones provided that the following provisions are met.

- a) The required minimum setback distances from all minimum lot lines and from any public road or private road shall be met;
- b) In the Agricultural Reserve (AR) Zone no structure associated with the operator of the utility shall exceed 46 m<sup>2</sup> in floor area.

### 5.2.8. Accessory Dwellings

A development permit may be issued to permit an accessory dwelling unit in a single unit dwelling providing the following requirements are met:

- a) An accessory dwelling unit shall not be more than 80% of total floor area of the principle dwelling unit and not more than 80 m<sup>2</sup>;
- b) An accessory dwelling unit shall contain independent kitchen and bathroom facilities;
- c) An accessory dwelling unit shall have an independent entrance;
- d) An accessory dwelling unit shall require at least 1 off-street parking spot in addition to any parking requirements for the primary single unit dwelling;
- e) There is a limit of 1 accessory dwelling unit per property;
- f) A property containing a detached accessory dwelling unit shall not be subdivided so that the accessory dwelling unit becomes a primary residence of a resulting property unless the resulting properties and dwellings meet all necessary lot and building standards as required by East Hants planning documents.
- g) The property owner is responsible for receiving approval for addition or expansion of on-site services in areas not serviced by Municipal wastewater service.
- h) An accessory dwelling must comply with all setbacks and separation standards and the separation distance between a detached accessory dwelling and the primary residence shall be at least twice the side yard setback.

### 5.3. Rural Use (RU) Zone

#### 5.3.1. Zone Requirements

In the Rural Use (RU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area <sup>A</sup>	3720 m <sup>2</sup>
Minimum Lot Frontage	30 m
Minimum Front Yard	8 m
Minimum Rear Yard	11 m
Minimum Side Yard	2 m
Minimum Flankage Yard	6 m
Maximum Building Height	11 m

**Conditions**

<sup>A</sup> Nova Scotia Environment approval for on-site sewage disposal system is required.

#### 5.3.2. Two Dwellings on a Lot and Farm Secondary Dwellings

Either a second detached dwelling or farm secondary dwelling may be erected provided the following requirements are met:

- a) The lot must meet the minimum Bylaw requirements of 2 lots, with both potential future lots having sufficient area, frontage and required setback distances to contain a dwelling unit in the RU Zone. Nova Scotia Environment approval for installation of 2 separate on-site sewage disposal systems is required where municipal wastewater services are not available;
- b) All other applicable requirements of this Bylaw.

#### 5.3.3. Requirements for Bed and Breakfasts

In addition to all other requirements under this Bylaw, the following provisions shall apply to a bed and breakfast in the Rural Use (RU) Zone:

- a) Parking for a bed and breakfast shall be 1 space per rental room and located in the side or rear yard, or where it is not practicable to do so as a result of the lot configuration, parking may be permitted in the front yard of the property;
- b) Notwithstanding the Signage provisions of this Bylaw, 1 facial or ground sign, with a maximum sign area of 1.5 m<sup>2</sup> is permitted to advertise the bed and breakfast accommodations.

#### 5.3.4. Distance of New Dwellings to Existing Intensive Livestock Operations

In an Rural Use (RU) Zone a dwelling shall be setback from existing intensive livestock operations in accordance with the following requirements:

- a) The minimum setback of a dwelling from existing intensive livestock operations shall be 46 m.
- b) A dwelling which does not meet the minimum setback requirement of 46 m may be considered by site plan approval. The Development Officer shall approve a site plan where the following matters have been addressed:
  - i) Site design and layout shall take into consideration all existing and proposed structures, the location of all watercourses, the location of all intensive livestock operations, and the soil conditions.
  - ii) The site plan shall show the proposed setback from the existing intensive livestock operation.

- iii) All items and measures that will be used to mitigate conflicts between the existing intensive livestock operation and the proposed dwelling.
  - iv) The dwelling shall be located on the property to enable as large a setback as possible from existing intensive livestock operations.
- c) Application for site plan approval shall be in the form specified in the Appendix and shall be accompanied by a sketch of sufficient detail to address all of the matters identified above, and shall also be accompanied by a letter stating the purpose of the reduction in the minimum setback requirement.



## 5.4. Agricultural Reserve (AR) Zone

### 5.4.1. Zone Requirements

In the Agricultural Reserve (AR) Zone, no development permit shall be issued except in conformity with the following requirements:

	Residential and Home-Based Business Uses	Agricultural Related Business Uses and Agriculture Buildings	Intensive Livestock Operations
Minimum Lot Area	0.4 hectares	0.4 hectares	2 hectares
Minimum Lot Frontage			
• General	30 m	30 m	60 m
• Where the lot is within 23 m of any water course	46 m	46 m	60 m
Minimum Front Yard			
• Main structure	8 m	8 m	46 m
• Accessory structure	8 m	8 m	46 m
Minimum Rear Yard			
• Main structure	10 m	10 m	46 m
• Accessory structure	2.5 m	4.5	46 m
Minimum Side Yard			
• Main structure	3 m	10 m	46 m
• Accessory structure	2.5 m	4.5 m	46 m
Maximum Building Height			
• Main structure	10 m	no maximum	no maximum
• Accessory structure	7.5 m	no maximum	no maximum

### 5.4.2. Farm Dwellings and Farm Secondary Dwellings

- a) Farm dwellings and farm secondary dwellings are permitted provided they are directly related to a bona fide farm operation.
- b) Farm dwellings and farm secondary dwellings are permitted provided they house additional farm labour or family employed on the farm, and provided they are not on a separate lot from the farm. These dwellings fall under the agricultural operation requirements and must meet these standards.
- c) Additional farm dwellings and/or farm secondary dwellings are permitted provided that the lots meet the minimum Bylaw requirements for an additional lot for each farm dwelling and/or farm secondary dwelling, with each of these potential lots having sufficient area, frontage and required setback distances to contain a dwelling unit in the AR Zone. Nova Scotia Environment approval for installation of 2 separate on-site sewage disposal systems is required where municipal wastewater services are not available.

### 5.4.3. Existing Dwelling Converted to Bed and Breakfast

In addition to all other requirements, the following provisions shall apply to an existing dwelling converted to a bed and breakfast in the AR Zone:

- a) No development permit shall be issued for a bed and breakfast unless the lot directly fronts on a designated arterial or collector road;
- b) Parking for a bed and breakfast shall be 1 space per rental room and located in the side or rear yard, or where it is not practicable to do so as a result of the lot configuration, parking may be permitted in the

front yard of the property; and

- c) Notwithstanding the Signage provisions of this Bylaw, 1 facial or ground sign, with a maximum sign area of 1.5 m<sup>2</sup> is permitted to advertise the bed and breakfast operation.

#### **5.4.4. Uses Not Requiring a Permit**

In an AR Zone, a development permit will not be required for the following uses:

- a) Agricultural and forestry uses not involving a permanent structure; or
- b) Temporary signs.

#### **5.4.5. Agricultural Related Industry**

In the AR Zone, agricultural related industrial or commercial uses are permitted provided that at least 75% of their operation is related to the sale, processing, sorting, grading, packaging, inspection, storage, retailing, transport of agricultural goods, or the servicing of agricultural operations.

#### **5.4.6. Removal of Topsoil**

The removal of topsoil shall be prohibited in the AR Zone except for operations which by their very nature involve the removal of topsoil such as sod farming and peat harvesting.

#### **5.4.7. Frontage on Road**

A development permit may be issued for an agricultural use or a forestry structure to be located on a lot which does not front upon a public street.

#### **5.4.8. Development Agreements**

The following uses may be considered only by development agreement in the AR Zone:

- a) Institutional (IU) Zone Uses;
- b) Non-agricultural uses by development agreement pursuant to an Agricultural Impact Study as outlined under the Appendix A of the Municipal Planning Strategy; and
- c) Biogas facilities where more than 50% of the biogas substrate comes from off farm sources.

#### **5.4.9. Agri-tourism**

A development permit may be issued for the following agri-tourism uses:

- a) Agri-tourism accommodations provided that:
  - i) There are 10 or fewer sleeping units (a bedroom or other area used as bedroom);
  - ii) The total developed area of the agri-tourism accommodation shall be less than 5% of the farm area;
  - iii) The agri-tourism accommodation shall be accessory to and clearly related to the agricultural use of the farm; and
  - iv) Any new buildings or building additions shall be sensitive to the surrounding rural architectural style.
- b) Distilleries/breweries/wineries and their related dining establishments, limited service restaurants, and retail shops, up to a maximum of 93 m<sup>2</sup>, are permitted provided they are accessory and clearly related to the agricultural use of the property.
- c) Distilleries/breweries/wineries and their related drinking establishments, limited service restaurants, and retail shops, beyond 93 m<sup>2</sup> up to a maximum of 186 m<sup>2</sup>, shall be considered by site plan approval provided

they are accessory and clearly related to the agricultural use of the property. The Development Officer shall approve a site plan where the following matters have been addressed:

- i) Site design and layout shall take into consideration all existing and proposed structures, and shall not interfere with the agricultural use of the farm;
  - ii) Site design and layout will not adversely affect surrounding agricultural activities by causing compatibility concerns or occupying prime agricultural land;
  - iii) Signage will only be constructed of wood or metal; and
  - iv) Any new buildings or building additions shall be sensitive to the surrounding rural architectural style.
- d) Application for site plan approval shall be in the form specified in the Appendix and shall be accompanied by a sketch of sufficient detail to address all of the matters identified above.

#### **5.4.10. Agri-tourism Development Agreements**

The following agri-tourism uses may be considered only by development agreement in the AR Zone, subject to the criteria to the Agricultural Reserve policies of the Municipal Planning Strategy:

- a) Distilleries/breweries/wineries and their related drinking establishments, limited service restaurants, retail shops accessory to the agricultural use of the farm, beyond 186 m<sup>2</sup>.

#### **5.4.11. Subdivision of Agricultural Land**

- a) In the AR Zone, the subdivision of land shall be limited to the creation of 2 lots per existing area of land during a calendar year. The consolidation of AR Zoned land shall not be limited.

## 5.5. Rural Comprehensive Development District (RCDD) Zone

### Intent

To provide for innovative planned communities which incorporate environmental protection measures through a development agreement process. This zone is established because Council deems that these goals could not be adequately controlled through the establishment of a conventional rural use zone.

District development
Innovative road layout techniques
Provisions for environmental protection

### 5.5.1. Development only Permitted by Development Agreement

No development permit shall be issued in any (RCDD) Zone except in accordance with a development agreement approved pursuant to policies contained in the MPS.

## 5.6. Wind Energy (WE) Zone

### 5.6.1. General Provisions for the Wind Energy Zone

- a) No other provision of the Land Use Bylaw shall apply to the Wind Energy Zone except for the following uses:
  - i) Small Scale Wind Turbines (SWT)
  - ii) Large Scale Wind Turbines (LWT)
  - iii) Wind Farms
  - iv) Large Scale Special Events
- b) Unless otherwise specified in this Bylaw, manufacturer's specifications shall accompany all development/building permit applications for SWT and LWT
- c) Nothing in the Bylaw shall exempt wind energy developers from obtaining all necessary approvals from agencies such as but not limited to Nova Scotia Environment, Nova Scotia Department of Energy, Nova Scotia Department of Natural Resources, Transport Canada, NAV Canada, and Nova Scotia Power.

### 5.6.2. Small Scale Wind Turbine (SWT)

- a) Shall have maximum power output of 100 KW;
- b) There may be more than 1 SWT located on a property;
- c) The total maximum power output of all SWTs, per property, shall not exceed 100 KW;
- d) The height of the SWT shall not exceed 52 m;
- e) Shall be setback 1.5 times the height of the tower, measured from grade to the highest point of the rotors arc, from adjoining property lines; and
- f) To limit climbing access, a fence 1.8 m high with a locking portal shall be placed around the facility's tower base, or the tower climbing apparatus shall be limited to no lower than 3.7 m from the ground, or the tower shall not be climbable.

### 5.6.3. Large Scale Wind Turbine (LWT)

- a) No development permit shall be issued for a LWT unless a site plan has been approved, pursuant to the requirements presented in the Appendix of the Land Use Bylaw, and provided the applicant agrees in writing to carry out the terms of the site plan.
  - i) A site plan shall be prepared by a qualified professional of sufficient detail to address all of the matters identified in the Appendix of the Land Use Bylaw; and
  - ii) A site plan submitted in accordance with the Appendix will be circulated to all property owners within 1000 m of the property.
- b) Large scale wind turbines shall comply with the following setbacks:
  - i) A large scale wind turbine shall be located not less than 4 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining property lines; and
  - ii) In the case of wind farms, where the impact study demonstrates that a lesser or greater setback is appropriate, setbacks may be amended from the minimum setback depending upon the number of wind turbines in a group or the proximity to an existing wind farm; in addition if the owner of a neighbouring property agrees to a reduced setback in writing then the LWT(s) shall be setback at minimum 1.5 times the height of the turbine.
  - iii) LWTs may be setback at minimum 1.5 times the height of the turbine from publicly owned lands if the publicly owned lands are determined to be culturally insignificant.
- c) The minimum blade clearance from grade shall be 8 m;

- d) Noise levels at adjoining property lines shall not exceed 40 dba or above existing background noise;
- e) The only signage that shall appear on the wind turbine is the owner's or manufacturer's identification, which shall not exceed 5% of the total surface area of the wind turbine;
- f) If a wind turbine/farm discontinues power production for a minimum of 1 year the operator shall provide the Municipality with a status report identifying future plans for the site.

#### 5.6.4. Large-Scale Special Events

- a) Large-scale special events shall be regulated in the WE Zone in accordance with the Large-Scale Special Events provisions under Part 3 of this Bylaw..

Regulation	Amendment Date	Description
5.1 (permitted use table) and 5.2.2 have been amended	March 28, 2018	Amendments to enable dog daycares including dog daycares with more than 10 dogs and Kennels (Boarding and Breeding) to be permitted in the RU and AR Zones.