



PART 3

# General Provisions



# PART 3: GENERAL PROVISIONS

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## 3.1. Development Permits

- a) A development shall not be permitted unless a development permit has been issued in accordance with all applicable provisions under this Bylaw.
- b) A development permit shall be in force for a period of 1 year from the date of issue, after which time the development permit may be reissued upon the request of the applicant and subject to the review of the Development Officer.
- c) A development permit shall pertain to 1 lot only.
- d) A development permit may allow for a single development, more than 1 development, or specific elements of a particular development provided such is specified by the development permit.
- e) Notwithstanding the above provisions, a development permit shall not be required for the following:
  - i) Any accessory building or structure having less than 9 m<sup>2</sup> of gross floor area;
  - ii) Agricultural and forest uses in the RU and AR Zones not involving a permanent structure;
  - iii) Signs identified under the Signage section of this Bylaw; and
  - iv) Fences having a maximum height of 3.05 m.
- f) Those uses not requiring a development permit shall otherwise be subject to all applicable provisions under this Bylaw including, but not limited to, yard setbacks, building height, and any applicable construction or design standards.

## 3.2. Application for Development Permits

- a) The application for a development permit shall be signed by the owner of the lot, or, with the written authorization of the owner, the agent of the owner of the lot; and
- b) The application shall be accompanied by a sketch or plan drawn to the appropriate scale and showing the following:
  - i) The true shape and dimension of the lot to be used, and upon which it is proposed to construct or locate any building or structure.
  - ii) The proposed location, height and dimensions of any building, structure or work in respect of which the permit is applied for, along with measurements of the lot frontage and front, side and rear yard setbacks.
  - iii) The location of every building or structure already constructed, or partly constructed, on such lot, and the location of every building or structure existing upon abutting lots.
  - iv) The proposed location and dimensions of parking areas, parking spaces, loading spaces, driveways, curbs, landscaping and fencing.
  - v) The location of natural features, such as watercourses, wetlands, slope by topography.
  - vi) Such other information as may be necessary to determine whether or not the proposed development conforms with the requirements of this Bylaw.
- c) The application shall contain any other information the Development Officer deems necessary to determine whether the proposed development conforms to the requirements of this Bylaw.
- d) Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed development, he / she may require that the plans submitted of this subsection be based upon an actual survey by a licensed Nova Scotia Land Surveyor.

## 3.3. Application Fees

Every application for a development permit, subdivision, variance, site plan approval, Municipal Planning Strategy and/or Land Use Bylaw amendment(s), and development agreement shall be subject to the fees as established by policy of Council.

### **3.4. Deviations**

No developer shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in the development permit.

### **3.5. Licenses, Permits, and Compliance with Other Bylaws**

Nothing in this Bylaw shall exempt any person from complying with the requirements of any Municipal Bylaw or regulation or from obtaining any license, permit, authority, or approval required by any statute and/or regulation of the Province of Nova Scotia or Government of Canada.

### **3.6. Water and Wastewater Systems**

- a) Where Municipally approved central wastewater services are available, any new development may be required to connect to such services as required under the Bylaw Respecting the Regulation of Connections and Discharges to Public Sewer Systems.
- b) Where any lot is developed with an on-site sewage disposal system, the minimum on-site sewage requirements of this Bylaw shall apply.

### **3.7. Lot Frontage**

Unless otherwise permitted by this Bylaw, no development permit shall be issued unless the lot intended to be used, or upon which a building is to be erected, abuts and fronts upon a public street, Municipally approved private road, or a right-of-way easement.

### **3.8. Existing Undersized Lots**

For the purpose of issuing a development permit, a lot having less than the minimum frontage or area dimensions required under this Bylaw:

- a) May not be further reduced as a result of any subdivision unless otherwise indicated in this Bylaw;
- b) May be used for a purpose permitted in that particular zone provided all other applicable provisions of this Bylaw are satisfied;
- c) May be increased in area and still remain an existing undersized lot; and
- d) Shall be subject to all other applicable provisions under this Bylaw.

### **3.9. Accessory Uses Permitted**

Where this Bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any accessory use.

### **3.10. Accessory Buildings and Structures**

Unless otherwise specified under this Bylaw, accessory buildings and structures shall be permitted in all zones and subject to the following:

- a) Shall not be used for human habitation except where all applicable provisions and requirements for an accessory dwelling under the East Hants Land Use Bylaw are met;
- b) Shall be permitted within the front yard of a lot in R1, R2, RU, RU-2, CR, and LR and AR zones where there is no Municipally approved central piped services available or where it is otherwise permitted in this Bylaw; front yard setbacks will meet the same requirements as main buildings established in this Bylaw;
- c) Shall not be built closer to the front lot line than the minimum distance required for the main building, or closer than 1.2 m to any other lot line, with the following exceptions:
  - i) Common, semi-detached garages may be centered on the mutual side lot line;
  - ii) Boathouses, boat docks, and float plane hangers may be built to the rear lot line or rim of the watercourse.

- iii) Where Municipally approved central piped services are available, an accessory building shall be setback 0.6 m, calculated from the eaves, from the side or rear lot line, if such a building is located entirely in the rear yard of the lot on which an accessory building is located and the accessory building is not being used as an accessory dwelling; and
  - iv) In the R1 and R2 Zones where the side yard is 1.8 m for a dwelling and where a garage is attached to the dwelling, the same minimum separation distance may be used for the accessory structure.
- d) Shall be subject to the following height restrictions in a residential zone:
- i) Shall not exceed 5 m where the lot area is less than 1,400 m<sup>2</sup>;
  - ii) Shall not exceed 7.6 m where the lot area is between 1,400 m<sup>2</sup> and 10,250 m<sup>2</sup>; and
  - iii) Shall not exceed 11 m ~~where Municipally approved central piped services are not available to the lot~~ and where the lot area is in excess of 10,250 m<sup>2</sup>.
- e) Notwithstanding Section 3.10 b), accessory structures within the R1 and R2 Zones, located in front yards where municipally approved piped services are available, that were in existence on the effective date of this bylaw, shall be permitted.
- f) The ground area of accessory buildings in any R1, R2, R2-T, LR and CR Residential Zone shall not exceed the following sizes as shown on the table below:

	Lot size up to 1,400 m <sup>2</sup>	Lot size between 1,400 m <sup>2</sup> and 5,575 m <sup>2</sup>	Lot size over 5,575 m <sup>2</sup>
For lots where municipally approved piped services are available	Not to exceed 10% of the lot area	140 m <sup>2</sup>	185 m <sup>2</sup>
For lots where municipally approved services are not available	140 m <sup>2</sup>	140 m <sup>2</sup>	Not to exceed 2.5% of the lot area

- g) Notwithstanding all other applicable provisions under this Bylaw, drop awnings, clothes poles, flag poles, garden trellises, and retaining walls shall be exempt from the requirements of this section;
- h) Fences shall be considered an accessory structure and shall have a maximum height of 1 m when located in the front yard and shall be a maximum height of 2 m in the back and side yards, this provision does not apply to the BP, IC, RU, RU-2 and AR Zones. Minimum yard setback requirements are not applicable to fences and fences shall be located totally within the lot;
- i) Outdoor swimming pools shall be considered as an accessory structure and shall not be located within 2.4 m of any property line, and furthermore swimming pools shall not be located in the front yard;
- j) Notwithstanding the above, outdoor swimming pools shall be permitted within the front yard of a lot in the R1, R2, RU, RU-2, CR, LR and AR zones where there is no Municipally approved central piped services available or where it is otherwise permitted in this Bylaw; front yard setbacks will meet the same requirements as main buildings established in this Bylaw;
- k) Shipping containers shall be permitted as accessory buildings in accordance with the provisions of this section and the following requirements:
- i) Shall be permitted within the General Commercial (GC) Zone, Highway Commercial (HC) Zone, Regional Commercial (RC) Zone, Business Park (BP) Zone, Industrial Commercial (IC) Zone and where there are no municipally approved central piped services available;
  - ii) Shall not be located on a lot with less than 3,720 m<sup>2</sup> minimum lot area, with the exception of the Separated Commercial Zones;
  - iii) Shall not be used as a boathouse;
  - iv) Shall not be located closer to the front lot line than the minimum distance required for the main building, or closer than 5 m to any other lot line if not stacked and 10 m to any other lot line if stacked;

- v) Shall not be located in the front yard;
- vi) Shall not be located on a chassis;
- vii) Shall meet the following safety requirements:
  - a) No materials deemed hazardous shall be stored in a shipping container; and
  - b) No materials deemed combustible shall be stored in a shipping container.
- viii) Notwithstanding the above, a shipping container shall be permitted for temporary storage on construction sites.

### **3.11. Accessory Use in Front Yard of Lots with Water Frontage and Residential Lots with Excessive Gradients for R1, R2, LR, CR, RU and RU-2 Zones**

Where it is not practicable as a result of lot configuration, location of a wetland on the lot, or the position of the septic disposal system, to construct an accessory structure in the rear or side yards of waterfront lots or lots with excessive gradients (+/- 10% grade), then said accessory structure may be permitted in the front yard of the residential lot and shall be subject to the following requirements:

- a) This section is not applicable to lots located in Growth Management Areas.
- b) A minimum front yard setback of 5 m shall be required for said structure;
- c) The structure shall be built with a roof style and roof pitch which is consistent with the main structure.
- d) The height of the accessory structure shall not exceed the height of the main building;
- e) Unless otherwise stated by this Bylaw, the structure shall not cover more than 50% of the front yard, exclusive of driveways; and
- f) All other applicable provisions under this Bylaw shall be met.

### **3.12. Wind Energy Development**

- a) Unless otherwise specified in this Bylaw, manufacturer's specifications shall accompany all development and building applications for a Micro Wind Turbine (MWT), Small Scale Wind Turbine (SWT), and Large Scale Wind Turbine (LWT).
- b) Nothing in this 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.

#### **3.12.1. Micro Wind Turbines**

Unless otherwise specified in this Bylaw, a MWT shall be permitted in all zones and subject to the following:

- a) Shall have a maximum power output of 1000 W; and
- b) Shall be setback 1.25 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining residential property lines.
- c) Shall be setback 1 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining commercial property lines.

#### **3.12.2. Small Scale Wind Turbines**

Unless otherwise specified in this Bylaw, SWT shall be permitted in all zones except residential CR, LR, R1, R2, R2-T, R3, and MH zones and subject to the following:

- a) Shall have a maximum power output of 100 KW;

- b) There shall be no more than 1 SWT located on a property;
- c) The height of the SWT shall not exceed 52 m;
- d) Shall be setback 1.5 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining residential property lines;
- e) Shall be setback 1 time the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining commercial property lines;
  - i) In the BP Zone the minimum setback for a SWT shall be the same as the setback for the main building on the lot, except where the property abuts a residential use then the setback is 1.5 times the height of the turbine; 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.
- g) 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;

### 3.12.3. Large Scale Wind Turbines

Unless otherwise specified in this Bylaw, LWTs shall be permitted in all zones except residential CR, LR, R1, R2, R2-T, R3, and MH zones and are subject to the following:

- 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 dBs 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.

### 3.13. Solar Panels

Solar panels shall be permitted in all zones and they shall not be considered as part of the height calculation for the building in which they are attached.

### 3.14. Accessory Dwelling Units



The diagrams above are for illustration purposes only.

- Accessory dwelling units are only permitted as accessory uses to a Single Detached Dwelling or Bed and Breakfast Accommodations.
- Accessory dwelling units are not subject to the height requirements of accessory buildings.
- Garage Suites shall be permitted within the front yard of a lot where there is no Municipally approved central piped services available.
- Where permitted in this Bylaw, accessory dwelling units must comply with the requirements shown in the table below:

	Secondary Suite	Garage Suite	Garden Suite*
Total minimum Lot area	Shall comply with minimum lot area requirements**	600 m <sup>2</sup> or shall comply with minimum lot area requirements, whichever is greater*****	920 m <sup>2</sup> or shall comply with minimum lot area requirements, whichever is greater
Yard Setbacks	As per zone requirements, garden suites must not be built closer to the front lot line than the main dwelling.		
Maximum accessory dwelling unit gross floor area	80% of the gross floor area of the main dwelling up to 80 m <sup>2</sup> ***	80% of the gross floor area of the main dwelling up to 80 m <sup>2</sup>	80% of the gross floor area of the main dwelling up to 80 m <sup>2</sup>
Maximum Building Height	11 m	If the main dwelling is 1 story with or with-out a basement then a maximum 1.5 stories with a maximum 1.22 m attic knee wall otherwise a maximum height of 9 m	4.5 m****
Minimum Setback from other Buildings	2m from non-habitable structures		
	3m from habitable structures		
Design Requirements			



Accessory dwelling unit exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch. Shipping containers <b>and mini-homes</b> designed as garden suites are exempt from the requirement to match the main dwelling.	
Accessory dwelling unit entrance, main windows and entry	Must be designed to integrate into the main dwelling.	Must be oriented towards the main dwelling, flankage yard or front yard.
<p><b>*Garden suites may be designed using shipping containers.</b></p> <p><b>**Secondary suites may be permitted on existing undersized lots in the LR, CR, RU and RU-2 Zones and R1 and R2 zoned properties that are not serviced by Municipal Approved Central Piped Services.</b></p> <p><b>*** For secondary suites 80 m<sup>2</sup> shall be measured from the internal face of the exterior walls to be consistent with the National Building Code Regulations</b></p> <p><b>**** Mini-homes used as garden suites shall be exempt from the height requirement</b></p> <p><b>***** Where there is no net increase of lot coverage for lots under 600 m<sup>2</sup>, a Garage Suite could be permitted.</b></p>		

### 3.15. Temporary Construction Uses Permitted

Unless otherwise specified under this Bylaw, temporary construction uses shall be permitted in all zones and subject to the following:

- a) A temporary use of land or the use or erection of a temporary building or structure which is accessory to construction in progress including, but not limited to, a work camp or construction camp, sales or rental office, tool or maintenance shed, or scaffold shall be a permitted use provided:
  - i) A development permit has been issued;
  - ii) Temporary structures shall be considered permitted accessory uses until construction has been completed or discontinued for a period of 90 days;
  - iii) Existing mini-home dwellings already on the lot may be considered a permitted temporary accessory structure only while a new dwelling is being constructed or for 1 year, whichever is less; and
  - iv) All other applicable provisions under this Bylaw are met.
- b) A rock crusher, rock breaker, or other equipment generally related to rock and hard material crushing shall be a permitted temporary use provided:
  - i) A development permit has been issued for the rock crusher;
  - ii) The rock crusher processes only material from the site of the development;
  - iii) A development permit issued for a temporary rock crusher shall not be valid for a period exceeding 30 days. A development permit issued under this clause may be renewed for a period not to exceed 30 days at a time, if the Development Officer determines that an extension of the period is warranted and necessary to complete construction;
  - iv) No rock crusher shall be located or used within 50 m of any property boundary, 350 m of any building used for residential purposes, or the applicable zone setbacks, whichever is greater;
  - v) Material processed by a temporary rock crusher must be adequately watered for processing to minimize dust emissions;
  - vi) Material processed by a temporary rock crusher must be fully screened from adjacent properties and dust managed on site through temporary fencing, application of water, non-toxic dust control chemicals, or other appropriate measures; and
  - vii) All other applicable provisions under this Bylaw and the East Hants Noise Bylaw are met.

### 3.16. Vehicle Bodies

No truck, bus, coach, railroad car or street car body, or a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other Municipal Bylaws, shall be used for human habitation,



whether or not same is mounted on wheels.

### 3.17. Non-Conforming Uses and Structures

Unless otherwise permitted in this Land Use Bylaw, all non-conforming uses and structures, as provided for in the *Municipal Government Act*, shall be subject to the following requirements:

- a) A non-conforming structure may be repaired or replaced subject to site plan approval if destroyed by fire or otherwise, including but not limited to, natural disasters or deterioration from age;
- b) A non-conforming use may not be recommenced if discontinued for a continuous period of 2 years;
- c) A non-conforming use may not be changed to any other use except for a use which is permitted in the zone;
- d) Where there is a non-conforming use in a structure, the non-conforming use may be extended throughout the existing structure; and
- e) A non-conforming structure, or structure containing a non-conforming use, may be extended, enlarged, or altered up to 25% of its original gross floor area provided all other applicable provisions under this Bylaw are met, including size limits as prescribed under the applicable zone.

### 3.18. Height Regulations

The height regulations under this Bylaw shall not apply to church spires, water tanks, lightning rods, elevator enclosures, silos, flagpoles, television or radio antennae, satellite dishes, ventilators, skylights, barns used for agricultural purposes in an RU, RU-2 or AR Zone, chimneys, clock towers, wind test towers, wind turbines, or solar panels.

### 3.19. Conformity with Existing Setbacks

Notwithstanding all other provisions under this Bylaw, structures built between existing buildings within 60 m on the same block may be built with a setback equal to the average setback of the adjacent buildings provided this setback is no less than 5 m from the front lot line and no greater than the setback requirements under this Bylaw for that particular zone and provided that all other applicable provisions under this Bylaw are satisfied.

### 3.20. Building to be Moved

No persons shall remove any building within or into the area covered by this Bylaw without first obtaining a development permit with the exception of those structures and uses already indicated in this Bylaw.

### 3.21. Permitted Encroachments in Yards

- a) Any yard requirement under this Bylaw, except for accessory buildings or unless otherwise permitted under this Bylaw, shall be open and unobstructed by a structure from the ground to the sky with the exception of the following:

Structure	Permitted Yard	Maximum Permitted Projection from Wall
Decorative Features (Sills, Belt Courses, Cornices, Eaves, Gutters, Chimneys, Pilasters, or Canopies)	Any Yard	0.6 m
Window Bays	Any Yard	0.9 m
Fire Escapes and Exterior Staircases	Rear and Side Yards	1.2 m and a maximum width of 3.1 m
Balconies and Attached Decks	Front, Rear and Flankage Yards for Single Family, Semi-detached, Duplex, and Small Multiplex	1.2 m

Verandah (not exceeding 1 storey in height)	Front and Rear Yards	2.4 m including eaves and cornices
Uncovered terraces	Flankage Yards	1.2 m
Carports	Rear Yard and Side Yard	1.2 m

- b) These provisions shall not restrict the locating of ornamental planting or landscaping in any yard unless otherwise indicated in this Bylaw.
- c) These provisions shall not apply in cases where the front yard setback would be reduced to less than 5 m.

### 3.22. Building to be Erected on a Lot

No person shall erect any building that straddles lot lines, unless otherwise permitted under this Bylaw.

### 3.23. Natural Hazards and Yard Requirement

Where, in this Bylaw any yard is required, and part of the area of the lot is usually covered by water or marsh, or is between the top and toe of a cliff or embankment having a slope of 15% or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building, or structure on the lot, to the edge of said area covered by, or to the top of said cliff or embankment if said area is closer than the lot line.

### 3.24. Setback from Watercourses

- a) The following setback distances shall be required for any structure to be located near a watercourse, and such setbacks shall be in accordance with the following standards:

Watercourse Type	Setback
0.5 m or greater in width <sup>A</sup>	20 m
0.5 m or less in width	6 m
Intermittent or seasonal	6 m

<sup>A</sup> Watercourse Greenbelt (WG) Zone applies to all major watercourses in this Bylaw

- b) Where the setback from the watercourse, noted in the table above, cannot be met for existing structures and/or for existing undersized lots due to topography or the placement of an on-site disposal system, the setback may be reduced to no less than 15 m where all other requirements under the Land Use Bylaw are met.
- c) Setback from Lakeshore - a 30 m setback shall be required from the high water mark of all lakes and the nearest wall of any permanent structure. Where the 30 m setback cannot be met for existing structures and for existing undersized lots due to topography or the placement of an on-site disposal system, the setback may be reduced to no less than 15 m where all other requirements under the Land Use Bylaw are met.
- d) No significant alteration of topography, being the cutting or filling of more than 10% of the land area within the setback or 93 m<sup>2</sup> of area within the setback, whichever is less, shall be permitted with the exception of:
  - i) Instances where an environmental study, as outlined in Appendix D of the Land Use Bylaw, has been conducted determining that there will be no deleterious environmental impacts or impacts on adjacent properties as a result of an impairment of stormwater drainage or storage. Under no circumstances shall a significant alteration of lands in excess of 50% within the setback area, be permitted.
- e) To permit the control and management of subsurface and surface runoff, sedimentation and erosion

lands within the watercourse setback shall be maintained with existing vegetation. Where it is not practicable to maintain existing vegetation, a landscaped buffer shall be substituted. An environmental study completed by a qualified professional must demonstrate the ability of the buffer to provide for sedimentation and erosion control and management of subsurface and surface runoff.

- f) Notwithstanding provision d), the regulations for setbacks from watercourses above do not apply to fire fighting impoundments and related structures to water systems, or where otherwise permitted under the Land Use Bylaw.
- g) Notwithstanding provision d), boardwalks, walkways and trails not exceeding 1.8 metres in width are permitted to access the watercourse.
- h) This section shall not apply to structures related to fire and emergency services training.

### 3.25. Daylighting Triangles

Notwithstanding landscaping requirements and provisions for directional signs on a corner lot, no fence, sign, tree, or other vegetation shall be constructed or permitted to grow to a height greater than 0.6 m above the grade of the abutting streets within the daylighting triangle as outlined in the definition section of this Bylaw.

### 3.26. Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this Bylaw with respect to each use shall be satisfied. Where there are conflicting requirements the more stringent standard shall apply.

### 3.27. Illumination

No person shall erect any illuminated object or otherwise, in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets, and is low voltage.

### 3.28. Side Yards on Corner Lots

Notwithstanding all other applicable provisions under this Bylaw, no part of a building on a corner lot shall be erected closer than 5 m to the lot line of the flanking street.

### 3.29. Change in Use of Buildings on Undersized Lots

Notwithstanding all other provisions under this Bylaw, the use of a building on an existing undersized lot may be changed to another use permitted in that zone where the lot width and/or area required is less than the zone requirements, and provided all other applicable requirements under this Bylaw are met.

### 3.30. Variances

The Development Officer may grant a variance to the requirements under the Land Use Bylaw, as provided for in the *Municipal Government Act*, and shall be limited to the following:

- a) Up to a 25% variance for the size of front and rear yards, a variance shall not permit a setback to be reduced less than 5 m from the front lot line;
- b) Up to a 15% variance for number of parking spaces and loading spaces;
- c) Up to a 30% variance for the percentage of floor area to be occupied by a home-based business;
- d) Up to a 10% variance for the ground area and height of a structure; and
- e) The height of a fence may be varied in commercial zones and institutional zones if the height of the fence is an essential requirement to the operation of the use of the land.

### 3.31. Parking Requirements

#### 3.31.1. Parking Supply Requirements

- a) The parking requirements as indicated for each zone are exclusive of parking for proprietors or commercial employees unless otherwise indicated.



- b) For any building to be erected or enlarged, off-street parking shall be provided in conformity with the following requirements:

LAND USE	PARKING REQUIREMENT
<b>Residential</b>	
A building containing not more than 6 dwelling units	1 parking space for each dwelling unit or rental room
Urban cottage development	1.25 parking spaces for each dwelling unit
A building containing more than 6 dwelling units	1.5 parking spaces for each dwelling unit & 1 dedicated visitor parking space for each 7 dwelling units.
<b>Institutional or Community Use</b>	
Hospitals and Homes for Special Care	1 parking space for every 3 beds
Churches, halls, and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats or 3 m of bench space. Where there are no fixed seats, 1 space for each 10 m <sup>2</sup> of gross floor area
Auditorium, arena, stadium, or other indoor recreation facility	Where there are fixed seats, 1 space for every 5 seats or 3 m of bench space; where there are no fixed seats, 1 space for every 19 m <sup>2</sup>
Elementary or nursery schools	1.5 for each teaching classroom
All other schools	4 parking spaces for each teaching classroom
<b>Business</b>	
Funeral Homes	1 parking space for every 5 seats capacity of the chapel with a minimum of 10 parking spaces
Taverns, restaurants, lounges, pubs, night clubs	1 parking space for every 4 seats or 1 parking space for every 14 m <sup>2</sup> commercial floor area
Retail Stores - stand alone	1 parking space for every 18 m <sup>2</sup> commercial floor area
Office Space	1 parking space for every 27 m <sup>2</sup> gross floor area
Medical and Dental Offices	2 parking spaces per consulting room/practitioner
Hotels, motels, and tourist cabins	1 parking space per rental room, plus 1 space per 27 m <sup>2</sup> of additional gross floor area
Shopping Centre	4.5 parking spaces for every 93 m <sup>2</sup> commercial floor area
All other commercial uses	3.3 parking spaces for each 93 m <sup>2</sup> of commercial floor area
Industrial uses and warehousing	1 parking space per employee on the largest shift

\* The number of parking spaces required may be reduced by the Development Officer based on the program of the building and recommendations from the Architect or Building Engineer.

### 3.31.2. Parking Area Standards

Where parking facilities for more than 3 vehicles are required the following standards shall apply:

- a) The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

- b) The parking area shall be properly illuminated for safe and effective circulation of both automobile and pedestrian traffic at night and such illumination shall be directed away from adjoining properties and adjacent streets;
- c) The parking area shall be situated on the same lot for which it is intended to serve except where prevented by lot configuration, lot area, or other development constraints, in which case an adjacent common-user parking area within 15 m from the main structure of the development shall be available to accommodate the parking generated by the development;
- d) No gasoline pumps, service station equipment, display items, or accessories of any kind which would inhibit the full and efficient use of the parking area shall be located or maintained on the parking lot;
- e) Approaches or driveways to the parking area shall be defined by a curb of concrete, rolled asphalt, or any other suitable material;
- f) The limits of the parking area shall be defined by a fence, curb, or other suitable obstruction designed to provide a neat appearance;
- g) The approaches or driveways to a parking area shall not be closer than 15 m from the limits of the right-of-way at a street intersection;
- h) Unless otherwise specified in this Bylaw, parking areas shall have no more than two access ramps and each ramp shall not exceed 7.3 m at the street line and edge of pavement. Alternatively, the two 7.3 m ramp allowances may be positioned side by side representing the two ramp allowance only where ramp separation is impracticable;
- i) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of 3 m if for one-way traffic, and a minimum width of 6 m if for two-way traffic, and the maximum width of a driveway shall be 7.3 m;
- j) Where a business use primarily caters to or is engaged in regular tractor-trailer traffic, a maximum of two driveways, each having a maximum width of 15 m, may provide access to a loading and/or parking area; no more than two driveways may serve any commercial zoned lot having less than 30 m of frontage on one street, unless that lot is a corner lot; no more than three driveways may serve a commercially zoned lot which has less than 180 m in frontage on one street may be permitted an additional driveway for each additional 150 m of lot frontage on the street. Notwithstanding the above the Municipality, where there are limiting or special circumstances, may approve an additional driveway subject to special conditions, where in the opinion of the Municipality the driveway will not affect safe movement of traffic;
- k) Where the parking area is surfaced with a permanent paving material, each parking space shall be clearly marked with a permanent line painting and maintained as such;
- l) Individual parking stalls shall be a minimum dimension of 2.8 m by 5.6 m exclusive of driveways or aisles. Accessible parking stalls shall be a minimum of 4 m by 5.6 m;
- m) Parking lot layouts shall make provisions for the stockpiling of snow to prevent the reduction in the number of parking spaces at any given time except where snow is disposed of off-site;
- n) All parking areas shall be arranged to reasonably avoid interference with through traffic and to permit vehicles to leave the property in a forward motion at all times;
- o) No parking space shall be immediately adjacent to doors or passageways from buildings to ensure for the full and efficient use of same; and
- p) All commercial parking lots and residential parking lots abutting public right-of-ways shall be buffered along the public right-of-way corresponding to the extent of the parking lot with a landscaped strip, planted in a 1 m wide strip exclusive of driveway accesses.
- q) All commercial and residential parking lots abutting a building shall be buffered along the building corresponding to the extent of the building with a landscaped strip, planted in a 1 m wide strip exclusive of driveway accesses.
- r) Accessible parking shall be required as per the National Building Code of Canada. Notwithstanding, cluster townhouse developments with more than 6 dwelling units shall have 1 accessible parking space per 15 dwelling units.

### 3.32. Bicycle Parking Requirement

- a) For every structure or addition to be erected within the regional serviceable boundary, on-site bicycle parking shall be provided in accordance with the following:

Land Use	Minimum Bicycle Parking Requirement
Multiplex Dwelling without private garages, Townhouse without private garages	<ul style="list-style-type: none"> <li>Up to 12 units: 2 spaces</li> <li>13-24 units: 6 spaces</li> <li>Above 24 units: 8 spaces</li> </ul>
Any commercial or institutional use up to 3,000 m <sup>2</sup> of gross floor area	2 spaces
Any commercial or institutional use greater than 3,000 m <sup>2</sup> of gross floor area	6 spaces

- b) Bicycle parking requirements shall not apply to the Business Park (BP) Zone.
- c) A minimum of 1.8 m in length must be provided for each bicycle parking space, plus adequate maneuvering space so that each bicycle can get in and out.
- d) Racks that park one bicycle, roughly centered on each side of the rack, must comply with the following regulations:
- A minimum clearance of 0.6 m from walls, parking spaces, and other obstructions.
  - A minimum spacing of 0.9 m from between racks on the same aisles.
  - A minimum spacing of 1.2 m between racks on different aisles.

### 3.33. Small Scale Special Events

- a) Small-scale special events shall be permitted in all zones and do not require a development permit.
- b) Nothing in this Bylaw shall exempt an applicant of a small-scale temporary outdoor special event from complying with the requirements of any Municipal Bylaw or regulation or from obtaining any license, permit, authority, or approval required by any statute and/or regulation of the Province of Nova Scotia or Government of Canada.

### 3.34. Large Scale Special Events

- a) Large-scale special events shall be permitted in all zones except in the LR, CR, R1, R2, R3, MH, HF, WS, and WG Zones.
- b) Nothing in this Bylaw shall exempt the applicant of a large-scale special event from complying with the requirements of an Municipal Bylaw or regulation or from obtaining any license, permit, authority, or approval required by any statute and/or regulation of the Province of Nova Scotia or Government of Canada.
- c) The applicant shall submit a site plan indicating the setbacks of any proposed tent(s) or any other temporary structures, the size of the subject property, location of parking, and the neighbouring property uses.
- d) The proposed hours of operation shall be provided to the Development Officer. **No Large-Scale Special Event shall operate between the hours of 12am and 7am.**
- e) A security plan shall be submitted to the Development Officer and the RCMP, the acceptance of the security plan shall be based on the review of the RCMP, if the RCMP deems it applicable. Included with the security plans shall be the company name, number of security guards, name of volunteers, etc.
- f) The applicant shall indemnify and save the Municipality harmless from any and all claims, demands or causes of action, together with all costs, charges, damages and expenses that may arise against the Municipality as a result of the event taking place.
- g) The applicant shall provide insurance coverage with specific reference to the event. The insurance must include, for each incident, personal liability and property damage coverage at least in the amount of 2



million dollars and general liability coverage of 2 million dollars. The Municipality must be added as a co-insured. The applicant shall provide to the Municipality, from time to time as requested, a copy of the Certificate of Insurance satisfactory to the Municipality.

- h) Once set up of the temporary event is complete, it must be checked by the Municipal Fire Inspector prior to the event taking place.
- i) A Development Permit will be provided to the applicant once all requirements of this section are met.

### **3.35. Temporary Commercial Uses**

- a) Unless otherwise permitted by this Bylaw, Temporary Commercial Uses shall be permitted in all zones except LR, CR, R1, R2, R2-T, R3, MH, AR, HF, WS, and WG.
- b) Any development permit issued for a Temporary Commercial Use, under this section, shall be in force for a maximum period of 1 year from the date of issue.

### **3.36. Residential Land Uses Adjacent to Pits and Quarries**

No development permit shall be issued for a dwelling on a lot abutting a pit and quarry activity, unless the dwelling is located beyond 150 m from the nearest pit or quarry property line, except where the residential use is directly related to the pit and quarry property. Separation distance for existing approved lots shall be 30 m where it is not practicable to meet the 150 m separation.

### **3.37. Yard Abutting Railways**

Where a property abuts a right-of-way for an existing railway line, setback requirements are as follows for any yard which directly abuts the railway right-of-way:

- a) 15 m for multiple unit residential uses.
- b) 0 m for railway-related commercial uses.
- c) 6 m for any other uses.

### **3.38. The Keeping of Ungulates (Hooved Animals) for Personal Use**

The occupants of a dwelling in a Country Residential (CR) Zone, Lakeshore Residential (LR) Zone, Established Residential Neighbourhood Zone (R1) Zone, Two Dwelling Unit Residential (R2) Zone, and shall be permitted to keep ungulates for use as pets or other non-commercial purposes, provided the following conditions are met:

- a) An enclosed structure is constructed for the sheltering of the animal(s), and the structure is an accessory use on a residential lot to a dwelling unit;
- b) The enclosed structure shall not be located in the front yard and shall have a minimum setback distance of 6 m from the rear and side yard lot lines;
- c) The enclosed structure shall not cover more than 50% of the required rear yard;
- d) A minimum lot size requirement of 4,000 m<sup>2</sup> shall be required for the first single animal and an additional 2,000 m<sup>2</sup> for each additional animal; and
- e) An existing accessory building that does not conform to the setback and coverage requirements prescribed in clauses above may be used for the sheltering of the animal(s) provided the structure is not situated within 3 m of any property line.

### **3.39. Keeping of Poultry**

The occupants of a single unit dwelling or a two unit dwelling shall be permitted to keep poultry for their personal use, provided the following conditions are met.

- a) Poultry shall be contained on the property by fence, or other method, and shall not be permitted to roam onto neighbouring properties or onto roads.

Regulation	Amendment Date	Description
3.10.d.iii	Approved by Council March 27, 2024	Housekeeping Amendment to correct language.
3.14.d	March 26, 2025	Amendment to permit mini-homes to be used as garden suites.
3.34.a and 3.34.d	Approved by Council May 21, 2025	Amendment to Large-Scale Special Event Regulations.
3.14.d	Approved by Council September 24, 2025	Removal of design requirements for accessory dwelling units.