

**LAND USE BYLAW**  
**EAST HANTS OFFICIAL COMMUNITY PLAN**  
**BYLAW P-500**



**EAST HANTS**

**DRAFT**



The Municipality of East Hants recognizes the input members of the Plan Review Citizens Panel devoted to the development of the 2016 Official Community Plan:

Brad Hodgins  
Linda Graham  
Jo Ann Fewer  
Eli Chiasson

Stacey Ingraham  
Pam MacInnis  
Michael Gaudet  
Blair Oickle

The Municipality would also like to recognize the many stakeholders and residents who shared their thoughts and aspirations for our Municipality through the process of developing this Plan.

# Repeal

The Land Use Bylaw of the District of East Hants, approved by the Minister of Municipal Affairs and effective on the 24<sup>th</sup> day of August, 2000 and amendments thereto, is hereby repealed and this Bylaw substituted therefore.

# Certification

I, ~~Connie Nolan~~ *Kim Ramsay*, Chief Administrative Officer and Municipal Clerk of the Municipality of the District of East Hants, do hereby certify that the following is a true copy of the Municipality of the District of East Hants' Land Use Bylaw which was duly passed by Council of the Municipality of the District of East Hants at a meeting held on the 27<sup>th</sup> \_\_\_\_ day of ~~July~~ \_\_\_\_\_, A.D., 2016 \_\_\_\_\_.

DATED at Elmsdale, Nova Scotia, this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

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~~Connie Nolan~~ *Kim Ramsay*

Chief Administrative Officer & Municipal Clerk



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# PART 1: ADMINISTRATION



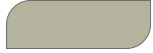




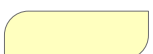







## Administration


















### 1.1. General Interpretation

The Municipality of East Hants shall be divided into zones, the extent and boundaries of which are shown on the Zoning Map which is attached to this Bylaw. The provisions of this Bylaw shall apply to all such zones, ~~except for the special provisions for the uncomprehensively zoned area, the Wind Energy Zone.~~

### 1.2. Zone Symbols

The following zones appear of the Zoning Map and are represented by the following symbols.

| Zones                                       | Symbol        | Colour   |
|---|---------------|--|
| <b>Rural Zones</b>                          |               |  |
| Agricultural Reserve                        | AR            |             |
| Rural Use                                   | RU            |             |
| Rural Use North                             | RU-2          |             |
| <del>Wind Energy</del>                      | <del>WE</del> | <del></del> |
| Rural Comprehensive Development District    | RCDD          |            |
| <b>Residential Neighbourhood Zones</b>      |               |  |
| Country Residential                         | CR            |           |
| Lakeshore Residential                       | LR            |           |
| Established Residential Neighbourhood       | R1            |           |
| Two Dwelling Unit Residential               | R2            |           |
| Mini-Home                                   | MH            |           |
| <b>Mixed Use Zones</b>                      |               |  |
| Townhouse                                   | R2-T          |           |
| Multiple Unit Dwelling                      | R3            |           |
| Mixed Use Centre                            | MC            |           |
| Village Core                                | VC            |           |
| Walkable Comprehensive Development District | WCDD          |           |
| <b>Separated Commercial Zones</b>           |               |  |

|   |            |   |
|---|------------|---|
| General Commercial                      | GC         |    |
| Highway Commercial                      | HC         |    |
| Regional Commercial                     | RC         |    |
| Business Park                           | BP         |    |
| Industrial Commercial                   | IC         |    |
| <b>Community Use Zones</b>              |            |   |
| Institutional Use                       | IU         |    |
| Open Space                              | OS         |    |
| <b>Environmental Zones</b>              |            |   |
| High Risk Floodplain                    | HF         |    |
| Moderate Risk Floodplain Overlay        | MF         |    |
| Watercourse Greenbelt                   | WG         |   |
| Water Supply                            | WS         |  |
| Water Intake Overlay                    | WI         |  |
| Water Protection Overlay                | WP         |  |
| Shubenacadie Aquifer Protection Overlay | SAP-1      |  |
| Shubenacadie Aquifer Protection Overlay | SAP-2      |  |
| Shubenacadie Aquifer Protection Overlay | SAP-3      |  |
| <i>Milford Groundwater Overlay</i>      | <i>MGW</i> |  |
| <i>Fundy Flood Risk Overlay</i>         | <i>FF</i>  |  |
| <i>Fundy Erosion Overlay</i>            | <i>FE</i>  |  |

### 1.3. Certain Words

- a) In this Bylaw, words used in the present tense include the future, words in the singular number include the plural, words in the plural include the singular number, the word "used" includes "arranged", "designed", or "intended to be used", and the word "shall" is mandatory and not permissive.
- b) All official measurements are in metric measurements.



## 1.4. Zoning Boundaries

Zoning boundaries 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 the lot lines, such lot lines shall be the boundary.
- c) Where a railroad or railway right-of-way, an electrical transmission right-of-way, or a watercourse serves as a boundary between two or more different zones, the centre line of such right-of-way or of such watercourse shall be the boundary.
- d) Where there is no landmark that indicates the precise location of a boundary the boundary shall be scaled from the Zoning Map.
- e) Where a zone boundary is indicated as following the municipal boundary, the municipal limit shall be the boundary.

## 1.5. Development Officer

- a) Council shall appoint a Development Officer pursuant to the provisions of the *Municipal Government Act*, who shall be responsible for the administration of the Land Use Bylaw and the issuance of development permits under this Bylaw.
- b) In the absence or incapacity of the Development Officer, Council may appoint an acting Development Officer who shall carry out the duties of the Development Officer and make all decisions that he/she could have made.

## 1.6. Authority of the Municipality, Licences, Permits and Compliance with Other Bylaws

- a) The Municipality, or its authorized representatives, is not required to comply with the requirements of this Bylaw or need to obtain any license, permission, permit, authority or approval required thereunder.
- b) Nothing in this Bylaw shall exempt any person from complying with the requirements of other Bylaws or regulations within the Municipality of East Hants or from obtaining any license, permission, permit, authority or approval required thereunder.
- c) Where the provisions in this Bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent provisions shall prevail.

## 1.7. Uses Permitted

- a) Uses permitted within any zone shall be determined as follows:*
- b) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.*
- c) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.*
- d) Where a use permitted within any zone is defined in Part 2, the uses permitted within that zone shall include any similar use except where a definition is specifically limited to exclude a use.*
- e) Except where limited by this Bylaw, or specifically prohibited elsewhere in this Bylaw, any use permitted within any zone may be located in conjunction with any other use permitted within that zone.*

## 1.8. Revocation

*The Development Officer may revoke a Development Permit if:*

- a) the development is not in accordance with:*
  - i) this Bylaw,*

- ii) the plans associated with the approved development permit,*
- iii) an approved site plan, or*
- iv) an approved development agreement.*
- b) the permit was issued based on incorrect information provided by the applicant when applying for the development permit; or*
- c) the permit was issued in error.*

| Regulation | Amendment Date | Description |
|------------|----------------|-------------|
|            |                |             |





PART 2

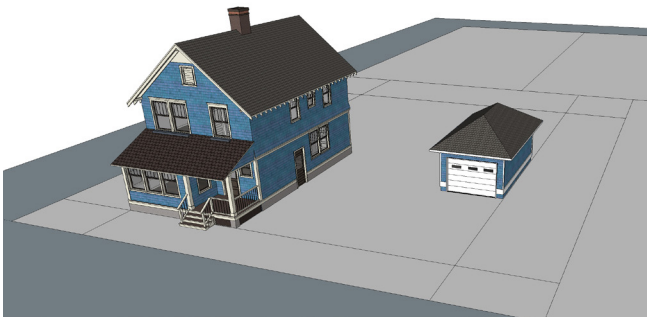
# Definitions



## PART 2: DEFINITIONS

For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined in this section. Drawings are for illustrative purposes only. The text definition shall prevail in any conflict between a drawing and the text definition.

**Accessory Building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use. This use may include an accessory dwelling unit where permitted.



**Accessory Dwelling Unit** means a dwelling unit accessory to a single unit dwelling or bed and breakfast intended as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory dwellings may be contained within the primary single unit dwelling or located in a detached structure.



**Accessory Dwelling Unit, Garage Suite** means an accessory dwelling unit built above a detached garage ~~and located behind the primary single unit dwelling or bed and breakfast.~~

**Accessory Dwelling Unit, Garden Suite** means a free-standing, single-story accessory dwelling unit located behind the primary single unit dwelling or bed and breakfast.

**Accessory Dwelling Unit, Secondary Suite** means a self-contained accessory dwelling unit fully

contained within and subordinate to a single unit dwelling or bed and breakfast.

**Accessory Use** means an subordinate use(s) which take place on the same site as the principal use, and is clearly secondary and incidental to the principal use.

**Accommodations, Bed and Breakfast** means a dwelling where the owner or resident manager provides accommodation and meals (usually breakfast) to the travelling public. A bed and breakfast shall contain a maximum of 4 sleeping units (bedrooms) and a common area.

**Accommodations, Employee** means an accessory use providing non-permanent accommodation for the owners and/or employees of a business which is situated on the same lot as the accommodations and shall contain a maximum of 3 sleeping units (bedrooms).

**Accommodations, General** means either:

- A building, or portion thereof, where 3 or more sleeping units (bedrooms) are used to accommodate the travelling public for financial remuneration and may include facilities such as meeting rooms, restaurants, and entertainment facilities. This use shall include hotels, motels, inns or cottages but does not include bed and breakfasts, or
- A single detached dwelling where the owner or resident manager provides sleeping accommodations, with or without meals. The use shall have common area; and at least 4 and no more than 6 sleeping units (bedrooms), inclusive of those for the owner or resident manager. This form of the use includes boarding houses and is not available for use by the travelling public.

**Aggregate** means all consolidated and unconsolidated materials, excluding gypsum, limestone, peat or minerals as defined under the *Mineral Resources Act*.

**Agricultural Use** means the use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing, or treating the produce.

**Agriculture, Non-Intensive** means an agricultural use with associated buildings (including hobby farms)

and is intended to include the keeping of animals and/or the raising of crops but shall not include a feedlot, or piggery.

**Agri-tourism** means agricultural accessory uses that includes experiencing agricultural life, participating in farm activities, and/or purchasing farm products.

**Agri-tourism Lodging** means accommodations accessory to an agri-tourism use, containing a maximum of 10 sleeping units (a bedroom or other area used as a bedroom).

*Agrioltaics mean the simultaneous use of areas of land for both solar photovoltaic power generation and agriculture.*

**Alter or Alterations** means any change in the structural component of a building or any increase in the volume of a building or structure.

**Amenity Area** means an area capable of being used for active or passive recreation and enjoyment of the occupants of a residential development. An amenity area may include landscaped areas, patios, verandahs, balconies, communal lounges, swimming pools, sport courts, play areas, and other similar features, and does not include the building's service areas, parking lots, aisles, or access driveways.

**Amenity Area, Common Indoor** means an amenity area located inside a structure and may include general purpose craft or party rooms, gymnasiums, swimming pools, tennis courts, and other similar features.

**Amenity Area, Common Outdoor** means an amenity area located outside a structure including open landscaped areas, building rooftops, patios, terraces, swimming pools, tennis courts, and other similar features.

**Amenity Area, Private Outdoor** means an amenity area located outside a structure which is accessory to a dwelling unit such as a patio, backyard and balconies and does not include walkways, play areas, or other communal areas.

**Animal Hospitals & Veterinary Offices** means an establishment primarily used for the care and treatment of domestic animals where the veterinary services primarily involve in-patient care and major medical procedures involving hospitalization for extended periods of time. Any outdoor runs for animals shall be enclosed and opaque from abutting

residential properties. The accessory use of animal crematoriums is permitted. Animal Hospitals & Veterinary Offices shall not be an objectionable use as defined in this Bylaw.

**Architectural Style** means the classification of built form based on height, materials, and massing.

**Architecture, Articulation** means the changes in the depth of the surface of a building face or facade such as attached columns, recessed windows or window bays or protruded building face components. Articulation gives texture to a building surface. Vertical articulation can be used to divide a facade into pieces that appear to be separate buildings or can simply be ornamental.

**Automobile Dealers & Rentals** means an establishment primarily engaged in retailing or renting new and used *roadworthy* automobiles, commercial vehicles, motorcycles, watercraft, off-road vehicles, and recreational vehicles. *This use shall not include salvage yards.*

**Automobile Service Station** means an establishment primarily engaged in the retail sale of fuel, oil, gasoline, and automobile related products and may include a car wash or a convenience retail store. This use does not include automobile vehicle repairs and maintenance.

**Automobile Vehicle Repairs & Maintenance** means an establishment primarily engaged in providing motor vehicle repair and maintenance for automobiles, commercial vehicles, motorcycles, watercraft, off-road vehicles, and recreational vehicles and includes oil change and lubrication shops, autobody shops, tire repair shops and rustproofing/undercoating. *This use shall not include the outdoor storage of vehicles on the lot longer than 3 months and shall not include a salvage yard.*

**Automobile Vehicle Repairs & Maintenance (Home Based)** means an accessory home-based business entirely conducted within a separate accessory building, operated by the resident of the dwelling situated on the same lot, and conducts minor repairs and servicing of automobiles or light trucks (up to 908 kg) for remuneration and does not include the retailing or storage of any vehicle, parts, or gasoline products from the lot. This use shall not include automobile vehicle repairs & maintenance, salvage yard or scrap yard.

**Automobile Wholesalers/Automobile Auctions** means a development used for the auctioning of or selling of automobiles, including the temporary storage of such automobiles; but shall not mean salvage yard or the sale of motor vehicle parts.

**Balconies & Attached Decks** means an unroofed elevated platform projecting from the wall of a building that may be semi-enclosed by a railing or a parapet, but where the structure remains open to the outside elements.

**Bank & Financial Institutions** means an establishment primarily engaged in providing financial services to the public. Typical uses, include but not limited to, banks, trust companies, finance companies, mortgage companies, insurance companies, or investment companies.

**Basement** means a storey or storeys of a building located below the ground floor.



**Biogas Facility** means a facility that is intended to decompose organic materials into gas fuel.

**Boathouse** means an accessory building erected abutting the shore of a navigable body of water, or on a dock and is designed and constructed to shelter boats, watercraft like canoes and kayaks, and associated marine accessories and equipment. A boathouse shall not contain a sleeping, living, cooking or sanitary facility and shall not be used for human habitation. A boathouse shall not contain any uses unrelated to the storage of boats and shall not be used to store automobiles and other related equipment. **A boathouse shall include attached decks.**

**Bona Fide Farm** means an agricultural operation that is actively engaged in farming and earns at least \$5,000 per calendar year from agricultural activities taking place on the farm.

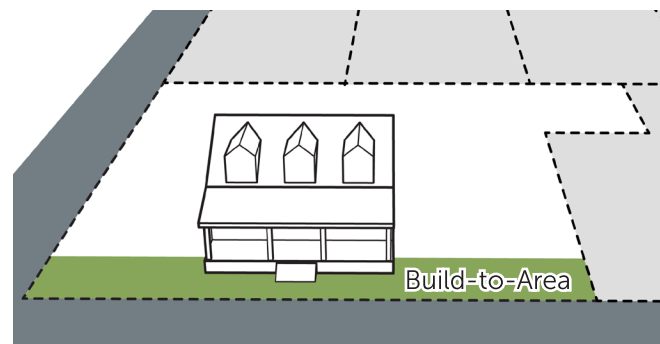
**Brewery, Distillery & Winery** means a facility used

for the fermenting, brewing, or distilling of beverage alcohols and includes facilities on the same lot where the beverage alcohols may be blended, mixed, stored or packaged, and may include accessory sales, tours, tasting rooms and customer seating areas.

**Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, material, vehicles, activity, or equipment. Any tent, awning, deck, patio or platform, vessel or vehicle used for any of the said purposes shall be deemed to be a building.

**Building Line** means any line regulating the position of a building or structure on a lot.

**Build-to-Area** means the area of the lot where the front street facing facade of a primary building or structure is required to be located.



**Business Support Services & Printing** means an establishment that provides support services to businesses that are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair, or servicing of office equipment, furniture, and machines. Typical uses, include but are not limited to, printing establishments, film-processing establishments, janitorial firms, call centre, and office equipment sales and repair establishments.

**Campground** means a land and building complex designed or used for group sport, recreation, or cultural activities which may have facilities for sleeping and the preparation and serving of food and operated under single ownership on a temporary or seasonal basis.



**Campground** means a building, structure, land, or part thereof used for a range of overnight camping experiences, including but not limited to tenting, recreational vehicle sites (serviced and un-serviced), and other camping structures. This includes accessory facilities that support camping, including, but not limited to, administration offices, laundry facilities, recreation halls and canteens, but does not include the use of mini-homes or recreational vehicles on a permanent year-round basis.

**Camping structure** means a building or structure constructed for temporary or seasonal use and may include but is not limited to yurts, geodomes, oTENTiks, wood structures, or other camping structures.

**Carport** means a structure that is open on a minimum of 2 sides designed and used to shelter vehicles.

**Car Wash** means establishment primarily dedicated to the washing and/or waxing of motor vehicles.

**Civic Address** means the street address assigned to a building by the Municipality for the purpose of mail delivery, emergency services response, and general household and business identification. It shall include a building number, street name, community name and, if applicable, unit number.

**Clergy House** means a dwelling provided for the officiant of a place of worship.

**Commercial Club** means any club operated for financial gain.

**Commercial Parking Lot** means an open area, other than a street or lane or parking structure, used for the parking of motor vehicles and available for public and/or private use whether or not for compensation. A commercial parking lot shall include 3 or more parking spaces together with aisles and shall have principal access to a street and where the use of parking constitutes the main use of the lot.

**Commercial Vehicle** means a vehicle, ~~other than an automobile (truck), that is used for an activity that has as its main purpose financial gain, and which vehicle has a specified load capacity of over 908 kg,~~ that is used for an activity that has as its main purpose financial gain.

**Community Centre** means a facility used for

recreational, social, educational, and cultural activities by the community. The community centre may be used for commercial purposes and may be controlled by the Municipality, a local board, a non-profit group or any similar organization. Bingo halls are permitted as an accessory use to a community centre.

**Construct** means to build, erect, reconstruct, alter, relocate, or place any building or structure and shall include any preliminary physical operation prior to construction such as excavating, grading, piling, cribbing, filling, or draining.

**Council** means the Council of the Municipality of the District of East Hants.

**Courier & Messenger** means an establishment primarily dedicated to providing air, surface, or combined mode courier delivery services or messenger and delivery services of small parcels.

**Cultural Institution** means a facility which is available to the public for the purpose of assembly, instruction, culture or community activity. Typical uses, include but are not limited to, auditoriums, libraries, museums, theatres, and publicly owned art galleries.

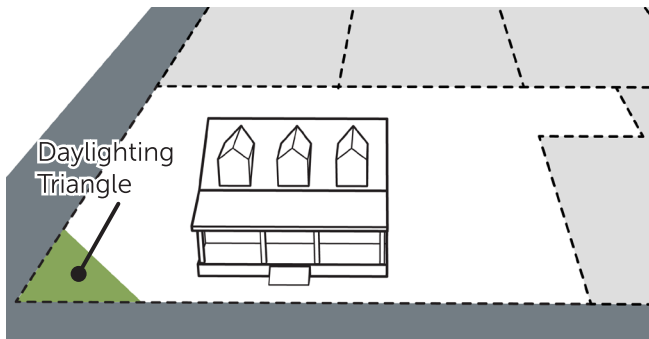
**Daycare, General** means a provincially licensed daycare facility located in any portion of a non-residential dwelling where the children are accommodated without providing overnight accommodations. This use shall not include educational services use as defined in this bylaw.

~~**Daycare, Home-Based** means a provincially licensed family home daycare facility located in any portion of an existing residential dwelling and provides care to a maximum of 10 children without overnight accommodation.~~

**Daycare, Home-Based** means a family home daycare facility located in any portion of an existing residential dwelling without overnight accommodation and shall be in compliance with the Provincial regulations for the maximum number of children permitted in a home-based daycare.

**Daylighting Triangle (corner lot sight lines)** means a triangular area of a corner lot adjacent to the intersection of 2 streets. The area is determined by measuring from the intersection the distance required for minimum yard setbacks along each street line and joining such points with a straight line.

The triangle shaped area between the intersecting lines and the straight line shall be known as the 'daylighting triangle'



**Decorative Features** means architecturally ornamental or decorative features attached to or protruding from an exterior wall or roof, including but not limited to cornices, eaves, belt courses, sills, lintels, bay windows, gutters, chimneys, pilasters, canopies or similar permanent features.

**Development** means any erection, construction, alteration, demolition, replacement, relocation, or addition to any structure, and any change or alteration in the use of land or structures.

**Development Agreement** means an agreement made pursuant to the provisions of the *Municipal Government Act*.

**Development Permit** means a permit, other than a building permit, issued by the development officer which indicates that a proposed development complies with the provisions of the Land Use Bylaw.

**Dock** means a structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other water-related recreational uses.

**Dog Daycare** means a retail or personal service use that regularly provides care to a group of dogs during general daytime working hours where more than 3 dogs but no more than 10 at once are kept.

~~**Drinking Establishment, Major (Cabaret or Lounge)** means licensed premises that serves beer, wine, and hard liquor, whose operating hours are in compliance with the Provincial Liquor Licensing Regulations.—~~

~~**Drinking Establishment, Minor (Tavern or Beverage Room)** means a licensed premise that serves beer,~~

~~wine and no hard liquor, whose operating hours are in compliance with the Provincial Liquor Licensing Regulations.—~~

**Drinking Establishment** means an establishment licenced as a beverage room, lounge, cabaret, or tavern by the Nova Scotia Liquor Licensing Board.

**Dwelling** means a building, or portion thereof, occupied as a home or residence by 1 or more persons, containing 1 or more dwelling units, and shall not include a hotel, motel, motorhome, travel trailer or other recreational vehicle.

**Dwelling Unit** means 1 or more habitable rooms intended for use by 1 or more individuals as an independent and separate housekeeping establishment which contains its own sleeping, living, cooking and sanitary facilities for the exclusive use of such individual(s).

**Dwelling, Farm** means a residence directly related to a bona fide farm operation and is the principal residence of a retired farmer, farm family, or farm labourer, and includes a farm secondary dwelling.

**Dwelling, Farm Secondary** means a building consisting of 1 or more dwelling units that are accessory to a farm operation and is designed to accommodate the family or families of one or more family farm employees.

~~**Dwelling, Mini-Home, also called mobile home,** means a building designed and manufactured to be transported on its own chassis, certified to comply with the CAN/CSA-Z240 Series regulations and is equipped for year round occupancy.—~~

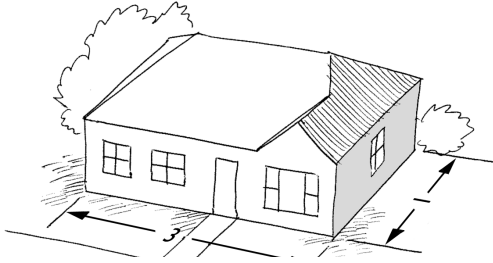
**Dwelling, Mini-home** means a dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than 6.2 m.

**Dwelling, Multiplex (Large)** means a building consisting of 9 or more dwelling units which share facilities such as amenity areas, parking and driveways. Where this Bylaw permits, commercial uses may also be located within the building.

**Dwelling, Multiplex (Small)** means a building

consisting of 3 to 8 dwelling units which share facilities such as amenity areas, parking and driveways.

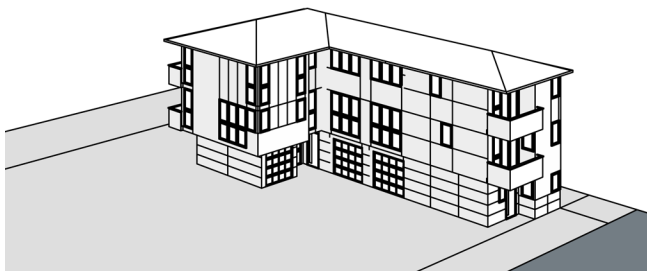
**Dwelling, Single Unit** means a detached dwelling unit used or intended to be used by 1 household. For the purpose of this bylaw, a manufactured home shall be a single unit dwelling. This use shall not include mini-homes.



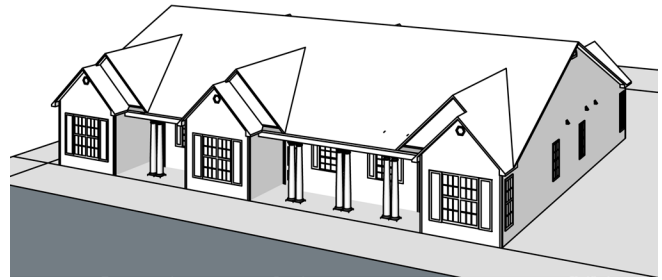
**Dwelling, Tiny Home on Wheels** means a dwelling constructed on a chassis or trailer, a maximum of 3 m wide, and not installed on a permanent foundation; which must be CSA approved for four-season use or certified by a Professional Engineer for year-round human habitation.

**Dwelling, Townhouse** means a building consisting of 3 or more vertically divided dwelling units with each dwelling unit having their own independent entrance directly from the outdoors.

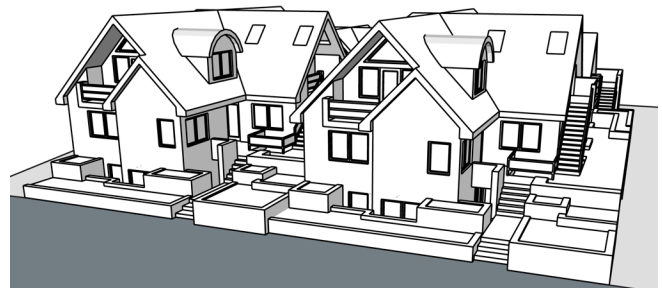
**Dwelling, Townhouse (Cluster)** means a townhouse situated on a lot in such a way that at least 1 dwelling unit does not have frontage on a public street.



**Dwelling, Townhouse (On-Street)** means a townhouse where each dwelling unit is located on a separate lot and has frontage on a public street.

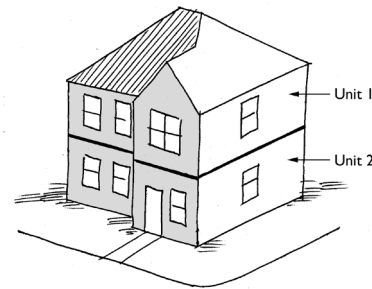


**Dwelling, Townhouse (Stacked)** means a building divided vertically and horizontally into 3 or more dwelling units where each unit has frontage on a public street.

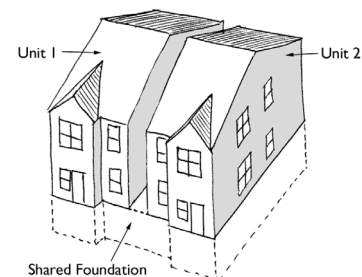


**Dwelling, Two Unit** means a building consisting of 2 dwelling units .

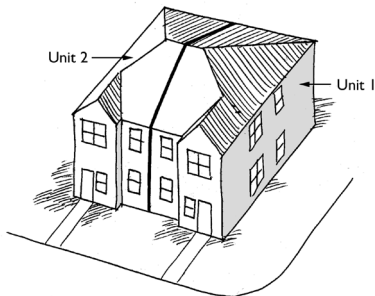
**Dwelling, Two Unit (Duplex)** means a horizontally divided building consisting of 2 dwelling units.



**Dwelling, Two Unit (Linked)** means a building consisting of 2 dwelling units which has the appearance of 2 single detached dwellings, but is connected by the footings, but not a common wall.



**Dwelling, Two Unit (Semi-Detached)** means a vertically divided building consisting of 2 dwelling units sharing a common wall where each unit has its own dedicated exterior entrance and where each unit is designed to exist independently if subdivided.

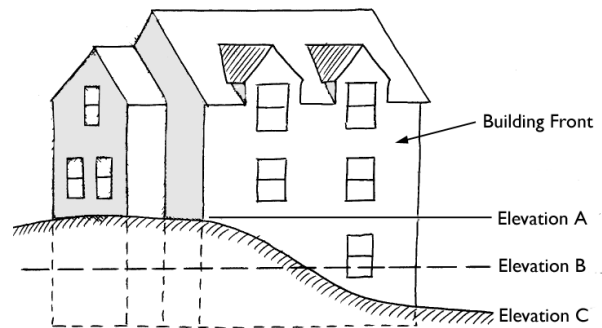


**Educational Services** means establishments primarily engaged in providing instruction and training. Typical uses include, but are not limited to, schools, community colleges, universities, business schools, private schools, athletic instruction, and technical and trade schools.

**Emergency Services Facilities** means a facility primarily engaged in the protection of persons and property from injury, harm or damage which may include incidental storage of emergency equipment and vehicles. Typical uses include, but are not limited to, police stations, fire stations, or ambulance depots.

**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, filling, or drainage, or the structural alteration, deletion, enlargement, or extension.

**Established Grade** means the average elevation of the finished grade of the ground where it meets the exterior of the front of a building or structure exclusive of any artificial embankment or entrenchment. When used with reference to a street, road, or highway, means the elevation of the street, road, or highway established by the designated traffic authority.



**Excavating and Construction Services** means operations which involve buildings and laydown areas used for the storage of machinery and equipment related to construction services, excavating services and/or the storage of aggregate and soil but does not include operations which involve crushing, blasting, or screening.

**Existing** means existing as of the effective date of this Bylaw. The effective date is the date in which the East Hants Official Community Plan came into effect.

**Farming Operation** means any operation devoted to the production, for sale, of farm products and includes, but is not limited to, the following:

- The land, buildings, animals, and machinery used in the production of farm products and includes an individual, corporation, or partnership that operates a farm;
- The marketing of produce at roadside stands, U-picks, or farm markets;
- The process necessary to prepare a farm product for distribution to the farm gate;
- The operation of machinery and equipment; and
- The application of animal and other farm wastes and chemical fertilizers, conditioners, and pesticides, and the employment and use of labour.

**Fire Escapes & Exterior Staircases** means an exit stairway located on an outside wall of a building,

**Floor Area, Commercial** means the total usable floor area within a building used for commercial purposes excluding corridors, washrooms, furnace, utility rooms, and common areas between stores.

**Floor Area, Dwelling** means the maximum area contained within the outside walls excluding any private garage, porch, verandah, unfinished attic, basement and cellar, or other room not habitable at



all seasons of the year.

**Floor Area, Gross** means the combined floor area of a building, above or 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.

**Floor Area, Ground** means the combined area of all horizontal space contained within the exterior face of the exterior walls of a building storey closest to grade level.

**Floor Area Ratio** means the maximum gross floor area of the main buildings or dwellings on a lot expressed as a percentage of the lot area, and for the purposes of this definition, the maximum floor area ratio in each zone shall apply only to that portion of such lot which is located within said zone unless specifically stated otherwise in this Bylaw.

**Food Service Vehicle** means any vehicle, as defined in the *Motor Vehicle Act*, used for the displaying, storing, transportation or sale of food and non-alcoholic beverages by a vendor, which is required to be licensed and registered pursuant to the *Motor Vehicle Act*.

**Forestry Uses & Structures** means the production of timber, pulp, christmas trees, and other commercial silviculture operations.

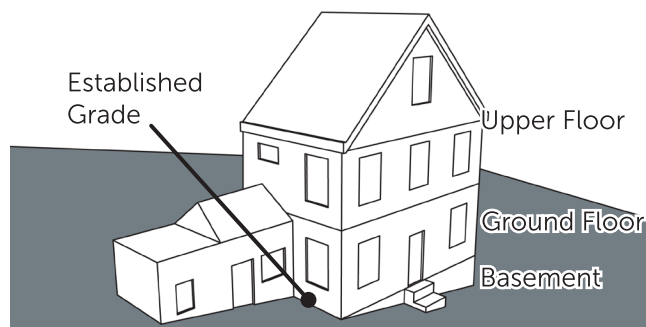
**Funeral Services** means establishments primarily engaged in preparing the dead for burial or interment, conducting funerals, operating sites or structures reserved for the interment of human or pet remains, and cremating the dead.

**Gambling Industries** means an establishment primarily engaged in operating gambling facilities or providing gambling services. Typical uses, include but are not limited to, casinos, bingo halls, video gaming terminals, lotteries and off-track betting.

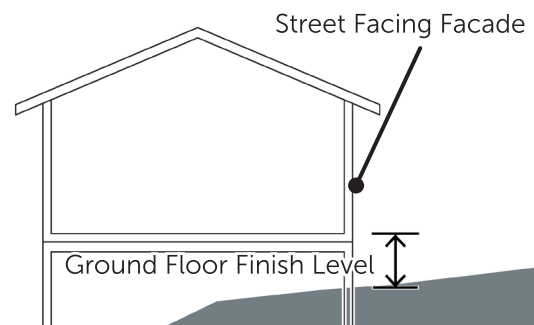
**Government Offices & Facilities** means facility where Crown Corporation, Municipal, Provincial or Federal government provides services directly to the public. Typical uses include, but are not limited to, taxation offices, courthouses, post office, employment offices, and social service offices. This use does not include emergency service facilities and education services.

**Ground Area** means the area of a building or accessory building at ground level.

**Ground Floor** means the first floor of building above the established grade.



**Ground Floor Finish Level** means the distance measured from the first storey finished floor level of the main street facing facade above the established grade.



**Health Care Services** means an establishment primarily engaged in providing outpatient health care to the public without overnight accommodation. Typical uses include, but are not limited to, medical professionals such as dentists, chiropractors, osteopaths, physicians or occupational therapists.

**Height** means the vertical distance between the established grade and the highest point of the roof and shall not include any accessory roof construction used as an ornament or the mechanical operation of the building such as a mechanical penthouse, a chimney, tower, cupola, steeple or antenna.

**Home-Based Business** means business or professional use operating as an accessory use on the same property by the dwelling's occupant(s).

**Hospital** means an establishment primarily engaged in providing in-patient and outpatient health care to the public. Typical uses include, but are not limited to, community health centres and full service hospitals.



**Industrial Use, General** means the use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses.

**Industrial Use, Noxious** means a use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods, warehousing, transportation or bulk storage of goods, and related accessory uses. The use creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other materials. Any use related to goods which are potentially dangerous would fall into this category.

**Intensive Livestock Operation** means an operation consisting of livestock or poultry in which 20 or more animal units are confined to a feed lot or facility for feeding, breeding, milking, holding for eventual sale, or egg production. Animal units are calculated from the following chart and includes combinations of different types of livestock.

| Type of Livestock   | Number of Animals per Animal Unit |
|---|-----------------------------------|
| Dairy Cows (plus calf)  | 1.5                               |
| Dairy Heifers   | 2                                 |
| Beef Cows (plus calf)   | 2                                 |
| Bulls   | 1                                 |
| Beef Feeders (150 - 500 kg)                                       | 2                                 |
| Veal Calves   | 5                                 |
| Horses  | 2                                 |
| Sheep (plus Lamb)   | 5                                 |
| Sows (plus litter to weening)<br>(Breeding/Gestation)             | 2                                 |
| Sows (Farrow to Finish includes all feeder pigs belonging to sow) | 2                                 |
| Sows (Farrow to Wean)   | 2                                 |
| Weaners   | 5                                 |
| Hogs (Feeders)  | 5                                 |
| Laying Hens   | 10                                |
| Broiler Chickens  | 10                                |
| Turkeys Broilers (5 kg)   | 10                                |
| Female Minks<br>(plus associated males and kits)                  | 10                                |

|   |    |
|---|----|
| Female Rabbits<br>(plus associated males) | 10 |
|---|----|

**Intersection** means the area created by the meeting of 2 or more streets which join one another at an angle, whether or not 1 street crosses the other. Intersections extend back to include the area created by curb or road edge return radii.

**Kennels, Boarding** means a place, premises, building, group of pens, or facility other than a pet daycare, where more than 3 animals commonly kept as household pets are kept or boarded, and shall also allow up to 3 animals not legally belonging to the operator to be kept overnight for training or breeding purposes.

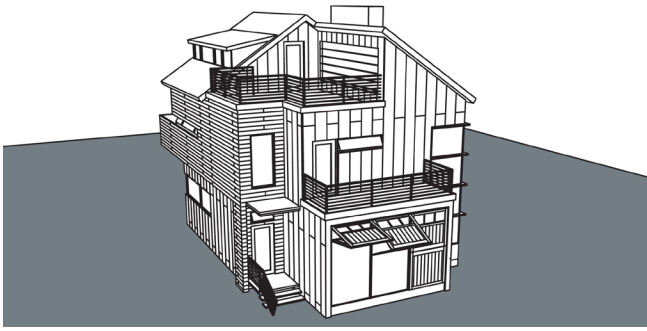
**Kennels, Breeding** means a place, premises, building, groups of pens, or facility where more than 10 animals commonly kept as household pets are bred or raised, and shall also allow up to 3 animals not legally belonging to the operator to be kept for purposes other than breeding.

**Kitchen, Commercial** means a room or portion of a building primarily devoted to the storage and preparation (includes cooking and baking) of food for sale.

**Landscaping** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which are designed to enhance the visual amenity of a property, or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent lands.

**Live/Work** means a mixed use dwelling unit and commercial unit where:

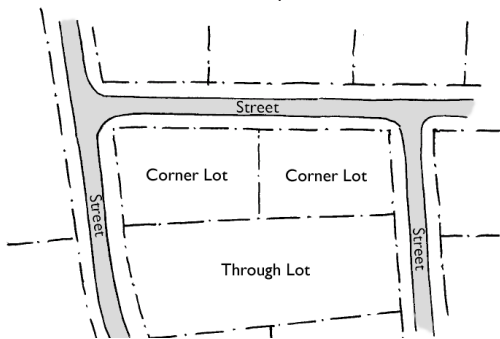
- No more than 3 people engaged in any of the following uses: general retailers & rental services; office & professional services, personal care services, the making, processing, and assembly of products on a small scale; and
- At least 1 person resides in the dwelling unit where the commercial use is carried out.



**Loading Space** means an area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- Is suitable for the temporary parking of 1 commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- Is not upon or partly upon any street or highway; and
- Has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas, or similar areas, no part of which shall be used for the parking or storage of 1 or more motor vehicles.

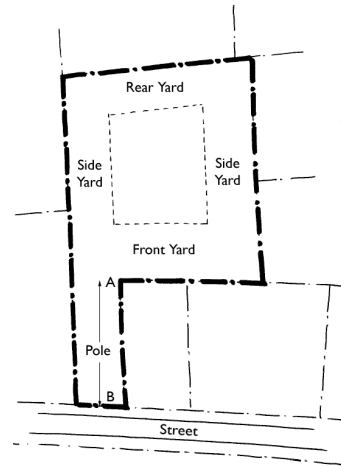
**Lot** means any parcel of land described in a deed, or any parcel of land as shown on an approved plan of subdivision filed in the Registry of Deeds, or any parcel of land as described in a deed by means of Section 268(2) of the *Municipal Government Act*.



**Lot, Corner** means a lot situated at the intersection of, and abutting on 2 or more streets.

**Lot, Flag** means a lot with a configuration that resembles an outstretched flag at the top of a flag pole. For lots where central service laterals could be extended from the public street, the 'pole' of the lot cannot exceed 76 m for a lot. For unserviced lots, the 'pole' cannot exceed 230 m. For serviced and unserviced lots, the 'flag' portion of the lot shall contain the required minimum lot area specified in

the applicable zone and the minimum width of the 'pole' shall be 6 m.



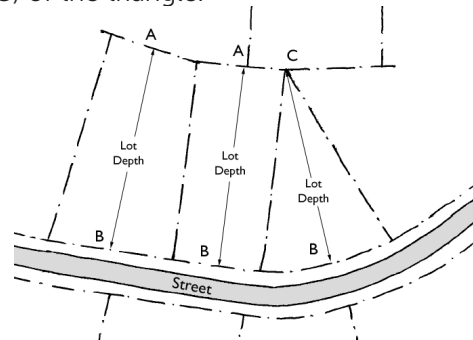
**Lot, Through** means a lot bounded on 2 opposite sides by a street. For lots which qualify as both a corner and a through lot, the lot shall be deemed to be a corner lot.

**Lot, Undersized** means a lot where the lot width and/or area is less than the zone requirements of this Bylaw.

**Lot Area** means the total horizontal area within the lot lines of a lot. For split-zoned lots, the lot area is not synonymous with the calculated zone area on a lot.

**Lot Coverage** means the portion of the lot that is covered by any part of any building or structure on or above the surface of the lot.

**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 midpoints of the front (B) and rear (A) lot lines, or for pie shaped lots, the length of a line joining the midpoint (B) of the front lot line to the apex (C) of the triangle.

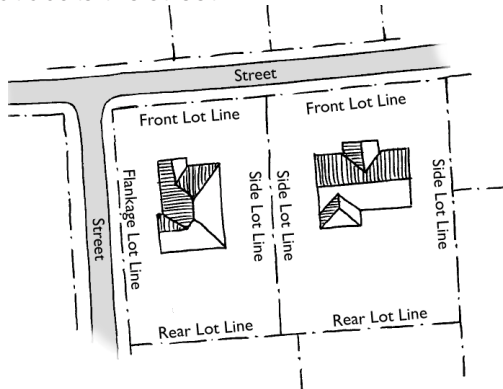


**Lot Frontage** means the distance between the side

lot lines of a lot measured along the street, highway or private road.

**Lot Line** means a boundary or exterior line of a lot.

**Lot Line, Flankage** means a side lot line of a corner lot that abuts the street.



**Lot Line, Front** means the line dividing the lot from the street and includes the following variation:

- For a Flag Lot, the front lot line shall abut a public street and shall have a minimum extent of 6 m;
- For a Waterfront or Island Lot as approved pursuant to the Subdivision Bylaw, the front lot line shall abut the navigable watercourse;
- For a lot that has 1 of its boundaries abutting a private road or a right-of-way easement, that boundary shall be deemed to be the front lot line;
- For a lot with access to a public street by means of a right-of-way easement, the front lot line shall be the nearest lot line that extends across the right-of-way easement;
- For a corner lot, 1 of the boundary lines abutting the street shall be deemed the front lot line, and the other line shall be deemed to be the flankage lot line. Where practicable, the shorter boundary line abutting the street shall be deemed the front lot line; and
- For a through lot, either of the 2 boundary lines dividing the lot from the street shall be deemed to be the front lot line.

**Lot Line, Rear** means the lot line farthest from or opposite the front lot line.

**Lot Line, Side** means a lot line other than a front or rear lot line.

**Main Building** means the building where the principle purposes for which the building lot is used is carried out.

**Marina** means a facility which is primarily used for the rental of berthing space for boats, but may include the rental of boats, storage of boats and equipment, marina supplies, fuel, fishing supplies and equipment, boat repair facilities, or a café or restaurant.

**Marine Related Uses** means establishment primarily engaged in renting, repairing or using watercraft. Typical uses include, but are not limited to, marinas, boatyards (for repair, storage, and ancillary sales of recreational boats), boat launches, and wharves. This use does not include the manufacturing of boats.

**Marine Service Industry** means a use of land, wharves and buildings for the design, assembly, service, or sales of equipment which is utilized for aquatic business (including seafood processing), tidal power operations, research or recreational purposes, but does not include residential, or obnoxious uses, or a noxious industrial use.

**Mini-home Community** means an establishment comprising land or premises under single ownership, designed, and intended for the use of 3 or more mini-homes for residential dwelling purposes. This use does not include campgrounds.

**Mini-home Dealer** means establishments primarily engaged in retailing new and used min-homes, **modular homes, manufactured homes**, parts and equipment.

**Mini-home Space** means an area of land in a mini-home community designed to accommodate 1 mini-home.

**Movie Theatre** means a use where motion pictures are viewed by the public, but excludes an adult theatre.

**Municipal Government Act (MGA)** means the Municipal Government Act (MGA). Statutes of Nova Scotia, 1998, the enabling legislation for municipal planning in Nova Scotia.

**Municipality** means the Municipality of the District of East Hants.

**Municipally Approved Central Piped Services** means Municipally approved central waste water and/or water services generally owned or intended to be owned by the Municipality.

**Objectional or Obnoxious** means a use that, from

its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other materials.

**Office & Professional Services** means an establishment primarily used for the provision of professional services. Typical uses include, but are not limited to, offices of lawyers, accountants, financial advisers, engineers, architects, and photographers. This use does not include banks & financial institutions, business support services & printing, health care services, or government offices & facilities.

**Ordinary High Water Mark** means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself.

**Outdoor Display** means a display of goods which are available for sale to the general public. Such goods include but are not limited to cars, trucks, vans, motorcycles, swimming pools, decorative fountains, prefab cottages, barbecues, lawn furniture, wood furnaces and homes.

**Outdoor Markets** means a structure erected on a lot on a seasonal basis for the purpose of selling garden plants, produce, and other related horticultural items, and shall exclude tractor trailers, construction trailers, travel trailers, and converted mini-homes.

**Outdoor Storage** means items such as merchandise, goods, inventory, materials, or equipment that are not intended for immediate sale and are stored by being located on a lot exterior to a building.

**Park** means a parcel of land intended through design and function to provide opportunities for either active or passive recreational pursuits. This use may include playground equipment, hard-surfaced courts, and landscaped areas for passive recreational activities, but shall not include major facilities such sport stadiums, arenas, or swimming pools.

**Park, Private** means a park other than a public park.

**Park, Public** 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.

**Parking Lot** means an open area, other than a street, containing parking spaces for 2 or more motor vehicles, available for public use or as an accommodation for clients, customers, or residents and has access to a street or highway by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.

**Parking Space/Stall** means an area used for the temporary parking of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, or maneuvering areas.

**Personal Care Services** means an establishment primarily engaged in furnishing services and administering to the individual and personal needs of the persons. Typical uses include, but are not limited to, barber shops, beauty parlours, tattoo parlours, hairdressing shops, shoe repair, pet care services, coin operated laundry facilities, linen and uniform supply facilities, and depots for collecting dry cleaning and laundry. This use excludes any manufacturing or fabrication of goods for sale.

**Place of Worship** means a building dedicated to religious worship and may include a Sunday school, parish hall, meeting hall, church hall or auditorium, and day nursery operated by the place of worship. Typical uses include, but are not limited to, a church, synagogue, monasteries, mosque or temple.

**Poultry** means domesticated birds kept for eggs, meat, breeding, or ornamental uses including but not limited to chickens, ducks, geese, guineafowl, etc.

**Private Dog Park** means a park where members-only may allow their dogs to run off-leash.

**Private Road** means any street or road which is not owned and maintained by the Nova Scotia Transportation and Infrastructure Renewal or the Municipality of East Hants but the right-of-way of the road was shown on an approved plan of subdivision.

**Public Authority** means any board, commission, or committee established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by the Municipality.

**Public Street or Highway** means any street or highway owned and maintained by Nova Scotia Transportation and Infrastructure Renewal or the Municipality of East Hants but excluding designated controlled access highways pursuant to the *Public Highways Act*.

**Recreation Facility, Golf** means the use of land, buildings or structures for the purpose of playing golf, which may include accessory driving ranges, offices, retail stores, restaurants, cafés, commercial clubs, and assembly uses.

**Recreation Facility, Indoors** means a wholly enclosed facility for sports and active recreation where patrons are predominately participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include, but are not limited to, gymnasiums, indoor rock climbing facilities, athletic clubs, indoor mini-golf, health and fitness clubs, recreational courses or training, curling, roller-skating rinks, hockey rinks, swimming pools, indoor ranges, and racquet clubs.

**Recreation Facility, Outdoors** means an outdoor facility available to the general public for sports and active recreation. Typical uses, include but are not limited to, sports fields, outdoor tennis courts, un-enclosed ice surfaces or rinks, outdoor mini-golf, athletic fields, boating facilities, outdoor swimming pools, bowling greens, archery ranges, riding stables, and fitness trails. This use does not include golf recreation facilities.

**Recreational Vehicle Storage Facility** means a lot or part of a lot used for the storage of recreational vehicles, campers, trailers, off-highway vehicles, watercraft and similar vehicles but shall not include fleet vehicles or vehicles for sale or rental.

**Renovations** means the repair, strengthening, and restoration of a building to a good and safe condition but shall not include its replacement.

**Repair & Maintenance** means an establishment primarily used for servicing, repairing or installing articles and equipment such as computers, cell phones, household tools, garden tools, carpenter tools, locks and keys, radios, televisions, furniture, footwear, leather goods, garments, watches, jewelry musical instruments, sport or recreational equipment and small appliances. This use does not include automobile service station, automobile vehicle repairs & maintenance and home based automobile vehicle repairs & maintenance.

**Resource Extraction, Pit** means an excavation made for the purpose of removing consolidated rock from the environment without the use of explosives.

**Resource Extraction, Quarry** means an excavation requiring the use of explosives, made for the purpose of removing consolidated rock from the environment

**Restaurant, Drive-Thru** means a building, or part thereof, where food and drink is prepared and sold to the public where the intent is to provide, either completely or in part, services or products to customers while they remain in their motor vehicles.

**Restaurant, Full & Limited Services** means a building or part thereof where food and drink is prepared and sold to the public for consumption within the building or attached outdoor café or patio. This use may or may not serve alcoholic beverages as per the provincial liquor licensing regulations.

**Restaurant, Take-out** means a building, or part thereof where food and drink is prepared and sold to the public for consumption and which does not provide facilities for consumption on the premises.

**Retailers & Rental Services** means an establishment primarily used for sale or lease of goods, wares, merchandise, substances, articles, or things directly to the public. This use does not include the use of automobile service stations or automobile dealers & rentals.

**Right-of-Way Easement**, as shown on an approved plan of subdivision pursuant to the Subdivision Bylaw, means an easement that extends to and abuts a public street or highway, reserved for right-of-way and access created:

- Prior to August 6, 1984, having a minimum width of 3 m, or
- Subsequent to August 6, 1984, having a minimum width of 6m.

~~**Salvage Yard** means any premises where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery are placed or stored or kept. This use does not include the use of scrap yard.~~

**Salvage Yard** means a premise where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery/industrial equipment are placed or stored or kept.



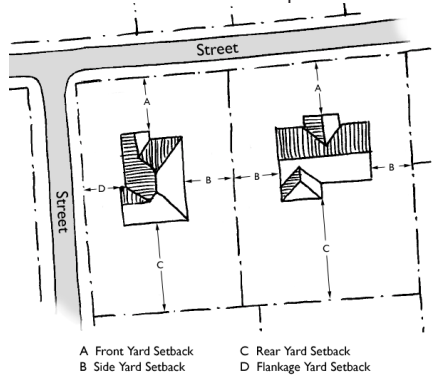
**Scrap Yard** means a lot or premises used for the storage or handling of scrap material including but not limited to, wastepaper, rags, bones, bottles, used bicycles, vehicles, tires, metal, or other scrap material for salvage.

**Self-Storage Warehousing** means an establishment primarily engaged in renting or leasing space for household self-storage. These establishments provide secure space (rooms, compartments, lockers, containers or outdoor space) where clients can store and retrieve their goods.

**Separation Distance** means that portion of a lot that is required to physically separate incompatible land uses. A separation distance is a horizontal distance and may include a required front, side and/or rear yard, or distance between two structures.

**Setback** means the distance between the street line, side lot line, or rear lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

- A setback may also mean the minimum distance between the nearest normal high water mark of a watercourse and the main wall of a building measured in a straight line, and said line may be calculated over other land parcels where they lie between the building and the watercourse, except where the intervening parcel is a public or private road.
- A setback may also mean the required distance between two buildings or structures on a lot measured from the nearest point or main wall.

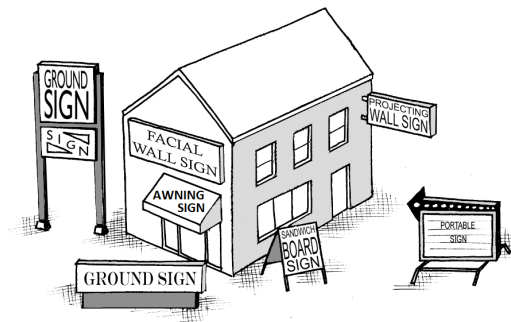


**Shipping Container** means a container originally designed for use as a means of storage and/or transportation of materials and goods via ship, rail, air or truck.

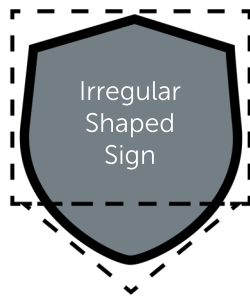
**Shopping Centre** means a use of land containing a multi-tenant building or group of buildings on a single lot or lots designed, developed, and managed

as a unit containing an inter-related group of commercial uses, owned and managed as a single entity. Shopping centres are characterized by a minimum area of 3,000 m<sup>2</sup>, common parking areas and driveways, and anchor occupants that are typically a grocery or department store representing a nationally or provincially recognized franchise identity. This use does not include the use of strip mall.

**Sign** means any structure, vehicle or truck trailer, device, light, or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented therein, which shall be 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 shall display or include any letter, work, model, banner, 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. This definition shall not include signs which are affixed to the inside of windows and glass doors except for illuminated indoor signs which can be seen from roadways or parking lots. No other indoor sign shall be deemed to be a sign within this Bylaw.



**Sign Area** means the area of the smallest triangle, rectangle, circle, or semi-circle that can wholly enclose the surface area of the sign. All faces of a sign having more than 2 faces shall be counted separately and then totalled in calculated sign area.



**Sign, Digital** means a sign with more than 20% of the sign area having internal LED(s) or a similar light source capable of displaying words or symbols that can be electronically changed by remote or automatic means.

**Sign, Awning** means a sign that is painted or otherwise permanently affixed to or awning whose principal function is to provide shelter to and identification of a building entrance or facade.

**Sign, Facial Wall** means a sign that is attached directly to or painted upon a building wall, and does not extend there from nor extend above the roofline.

**Sign, Flush Mounted Banner** means a cloth or flexible, movable sign intended for mounting onto a building wall that is permitted as a temporary sign, with a development permit.

**Sign, Ground** means a sign supported by 1 or more uprights, poles, or braces placed in or upon the ground.

**Sign, Internally Illuminated** means a sign that provides artificial light directly, or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign. This use shall include Digital Signs.

**Sign, Manually Changeable Copy** means a sign using attachable letters, numerals, symbols, illustrations or similar devices used on a sign.

**Sign, Number of** means, that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationships or elements, or where there is a reasonable doubt about the relationship of elements, each element

shall be considered to be a single sign.

**Sign, Portable** means a sign designed to be carried, pulled, pushed, or hauled and which is not permanently fixed in a location and is permitted as a temporary sign with a development permit.

**Sign, Projecting Wall** means a sign that projects from and is supported by a wall of a building.

**Sign, Sandwich Board** means a sign composed of 2 joined, collapsible boards which rest unsupported on the ground to stay upright.

**Sign, Temporary** means a temporary portable sign or flush mounted banner located on a lot for a specific number of days within any 12 month period and which are permitted with the issuance of a development permit.

*Social Enterprise means a cause-driven non-profit organization improving social objectives and serving the common good.*

**Special Care (Residential Care Facility, Home for Special Care or Group Home)** means a community-based group living arrangement, in a single unit, for 6 or more individuals, exclusive of staff and/or receiving family, with physical and/or intellectual disabilities, that is developed for the well-being of its residents through self-help, professional care, guidance and supervision unavailable in the residents' own family, an independent living situation, or facility. Where a single unit is located in a detached dwelling and consists of 4 5 or fewer individuals, excluding staff whether residents or not, the use is a single unit dwelling.

**Special Care (Nursing Home)** means a building wherein nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons. This use does not include a hospital.

**Special Event, Large-Scale** means an event held outside an enclosed permanent structure where there is an assembly of 1000 persons or more at any given point in time during the event. It is a temporary, short-term use of land for the purpose of fundraising, promotional activities, celebrations, or for entertainment or amusement. This use does not include parades and firework displays.

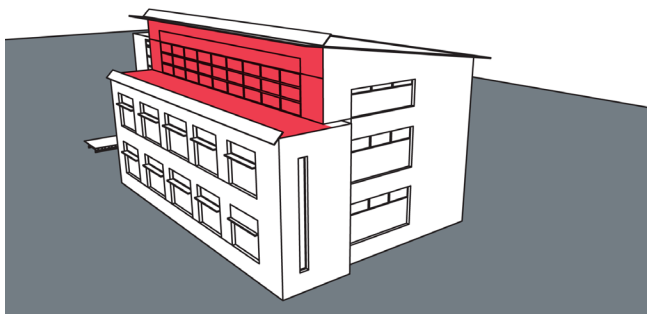
**Special Event, Small-Scale** means an event held outside an enclosed permanent structure where

there is an assembly of less than 1000 persons at any given point in time during the event. It is a temporary, short-term use of land for the purpose of fundraising, promotional activities, celebrations, or for entertainment or amusement. This use does not include parades and firework displays.

**Sport Arenas & Spectator Facilities** means a facility where patrons are predominately spectators such as rink, arena, automotive race track, horse race track, or sports stadium.

**Solar Farms** means an installation on an area of land in which a large number of solar panels are set up in order to generate electricity.

**Stepback** means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

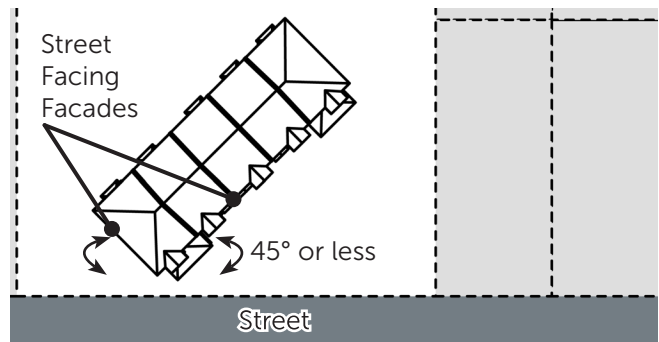


**Storey** means that portion of a building between any floor and the floor or ceiling or roof next above, provided that any portion of building partly below grade level shall not be deemed to be a storey unless its ceiling is at least 1.8 m above grade. Any portion of a storey exceeding 4.3 m in height shall be deemed an additional storey for each 4.3 m or fraction of such excess.

**Storey, First** means the floor of a building that is closest to established grade in the front yard.

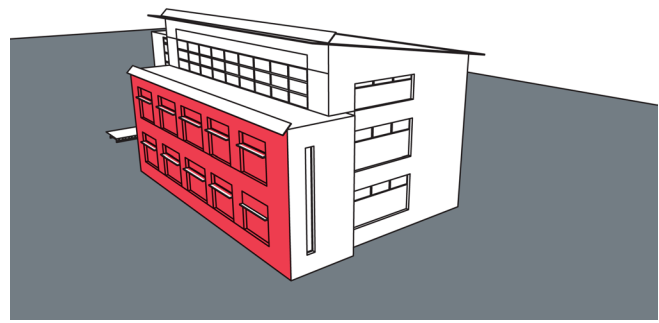
**Street or Road** means the whole and entire right-of-way of every public highway or road allowance vested in the Province of Nova Scotia or the Municipality, or a private road.

**Street Facing Facade** means all the wall planes of a building as seen from one side or view that are at an angle of 45 degrees or less from a street lot line which is not a controlled access highway.



**Street Line** means the boundary line of a street right-of-way.

**Streetwall** means the wall of a building or portion of a wall facing a streetline that is below the height of a specified step-back or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as window bays.



**Strip Mall** means a multi-tenant commercial building where commercial units are divided vertically by common walls, and with each commercial tenant having a separate exterior entrance. Strip malls are characterized by a maximum area of 3,000 m<sup>2</sup> and common parking areas and driveways. Strip malls do not include the use of Shopping Centres.

**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. A structure shall include buildings, walls, wharves, seawalls, attached decks, signs, and fences.

**Swimming Pool** means a tank or body of water maintained and used for swimming purposes, whether above or in ground and has any depth of water greater than 61 cm. This definition excludes an existing natural body of water, stream, or well and irrigation, fire protection, fishing, or duck ponds.

**Temporary Commercial Use** means a commercial use such as a flea market, farmers market, or craft market which is to be located on a property for a specific number of days within any 12 month period, and which are permitted with the issuance of a development permit and any permit may be re-issued upon request, subject to review by the development officer.

**Terrace** means an open area, often paved, connected to a building and serving as an outdoor living area.

**Tradesperson & Craftsperson Businesses & Offices** means an establishment where specialized craft skills are used to fabricate, install, maintain or repair goods, equipment or real property. This use includes but is not limited to artists, sculptors, glassblowers, architectural millworkers, millwrights, cabinetmakers, electricians, welders and carpenters. This use does not include heavy industrial production.

**Transparency** means the degree of visibility through a building facade through the use of windows or similar features.

**Transportation & Warehousing** means either a:

- Use of land primarily engaged in using a fleet of vehicles for the delivery of goods or services. Typical uses include, but are not limited to, taxi services, bus services, and bus lines.
- Wholly enclosed building where wares and goods are stored but shall not include a retail store.

**Ungulate** means hoofed animals, including ruminants, swine, horses, or any other split or single hoofed animals.

**Urban Cottage Development** means a development of 4-24 ~~single detached~~ dwelling units under 100 m<sup>2</sup> of ground floor area *per unit* each with units having a pitched roof, and porch. Each cottage has a maximum of 1 to 1½ storey, are detached *or semi-detached units*, with second stories, where provided built into the pitch of the roof. Cottage units are arranged around one or more central common outdoor areas accessible by walking paths.



**Utility** means any public or private system, works, plant, equipment or service which furnishes services at approved rates to or for the use of the general public.

**Verandah** means unenclosed open roofed porch where the front and side of the structure remain open to the outside elements.

**Waste Management, Material Recovery Facility** means solid waste reduction, reuse, recovery, or processing facility of materials such as paper, ferrous and non-ferrous metals (excluding motor vehicles), glass, certain forms of plastic, rubber, building materials, oil, food wastes, yard wastes, clothing, and white goods into useable products.

**Waste Management, Medical Waste Disposal Services** means a wholly enclosed building receiving biomedical waste, where said waste is temporarily stored, sorted, bulked, thermally treated and transferred off-site for further processing, recycling, and disposal. The origin of the waste shall not include waste generated by hospitals.

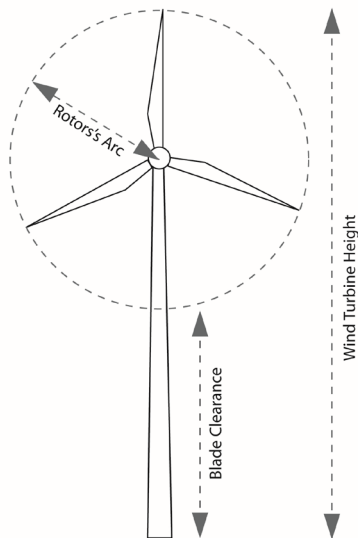
**Waste Management, Recycling Depot** means a wholly enclosed building used for the collection, sorting, and temporary storage of discarded recyclable or reusable materials. Outdoor storage and parking of commercial vehicles is prohibited except when materials are being loaded for removal.

**Water Intensive Commercial** means the use of water as part of a product, service or process and shall include but not be limited to food processing plants, car washes and garden centres.

**Watercourse** means any lake, river, stream, *natural* pond, *bog, marsh*, ocean, or other body of water located within the Municipality.

**Window Bays** means a window that protrudes from the rest of the building usually polygonal or square.

**Wind Energy Development** means a project in which one or more wind turbine(s) will be installed.



**Wind Energy, Blade Clearance** means the distance from grade to the bottom of the rotor's arc.

**Wind Energy, Large Scale Wind Turbine (LWT)** means a wind turbine that provides power to the local utility grid, with a power generation capacity of 100 kW plus.

**Wind Energy, Mini Wind Turbine (MWT)** means a wind turbine that provides supplemental power to a home or business, with a power generation capacity of up to 1000 Watts.

**Wind Energy, Rotor's Arc** means the circumferential path traveled by the wind turbine's blade.

**Wind Energy, Small Scale Wind Turbine (SWT)** means a wind turbine that provides on-site power to a home or business, with a power generation capacity of 1.1 kW to 100 kW and a maximum height of 52 m, may also be used for net metering.

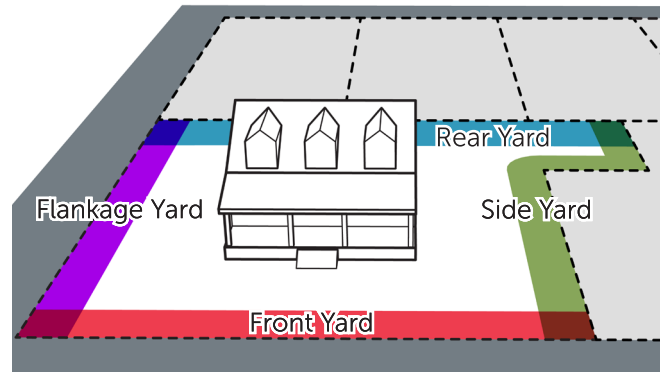
**Wind Energy, Wind Farm** means a number of wind turbines that are spaced over a large area and are connected to the local utility grid.

**Wind Energy, Wind Test Tower** means a temporary tower and mechanical device used to measure wind dynamics for potential wind turbine locations.

**Wind Energy, Wind Turbine Height** means the measurement of a wind turbine from grade to the highest point of the rotor's arc.

**Wind Energy, Wind Turbine** means a mechanical structure designed to convert wind into electrical power.

**Yard** means an open, uncovered space on a lot unoccupied by buildings or structures. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.



**Yard, Abutting** means a yard that is contiguous with or extends across one or more zone boundaries.

**Yard, Flankage** means a side yard which abuts a street on a corner lot.

**Yard, Front** means a yard that extends across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.

**Yards for Irregular Shaped Lot** shall be determined as definitions found in this section of the Bylaw. The minimum yards shall be maintained at the rear and sides of a structure for the entire length and width of the structure.

**Yard, Minimum** means the smallest yard permitted by this Bylaw.

**Yard, Rear** means a yard that extends across the full width of lot between the rear lot line and the nearest main wall of any main building on the lot.

**Yard, Required** means the area between a front, side, rear, or flanking lot line and a line parallel to the respective lot line set back a distance equal to the applicable yard setback.

**Yard, Side** 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 main building on



the lot.

**Zone** means a designated area of land covering all or part of a lot shown on the Schedules and Appendices of this Bylaw.

| Definition  | Amendment Date | Description   |
|---|----------------|---|
| Campground, Ground Area, Movie Theatre, Urban Cottage Development | July 26, 2017  | New or updated definitions - Amendments part of the one year review |
| Poultry   | March 28, 2017 | Added a definition of poultry                                       |
| Dwelling, Tiny Homes on Wheels                                    | June 26, 2019  | Added a definition for tiny homes on wheels                         |
| Recreational Vehicle Storage Facility                             | July 24, 2019  | Added a definition for recreational vehicle storage facility        |





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.**
  - ~~v) For uses not identified as permitted in the WE Zone.~~
- 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;** and
- 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. Shipping Containers

Unless otherwise specified under this Bylaw, shipping containers shall be subject to the following:

- a) No shipping container shall be permitted as an accessory structure without first obtaining a development permit.
- b) Shipping containers shall be permitted as an accessory structure in the Highway Commercial (HC), Regional Commercial (RC), Industrial Commercial (IC), Business Park (BP), Rural Use (RU), and Agricultural Reserve (AR) zones;
- c) All shipping containers shall meet the following safety requirements:
  - i) Shall not be stacked on top of each other;
  - ii) No materials deemed hazardous shall be stored in a shipping container; and
  - iii) No materials deemed combustible shall be stored in a shipping container.
- d) Notwithstanding the above, a shipping container shall be permitted for temporary storage on construction sites.

### 3.12. 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 ~~from the road right-of-way~~ 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.

### 3.13. 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.

### 3.13.1. 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.

### 3.13.2. 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;

### 3.13.3. 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.

### 3.14. 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.

### 3.15. Accessory Dwelling Units



The diagrams above are for illustration purposes only.

- a) Accessory dwelling units are only permitted as accessory uses to a Single Detached Dwelling or Bed and Breakfast Accommodations.
- b) Accessory dwelling units are not subject to the height requirements of accessory buildings.
- c) Garage Suites shall be permitted within the front yard of a lot where there is no Municipally approved central piped services available.**
- d) 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 | <del>Must</del> <b>Shall</b> comply with minimum lot area requirements** | 600 m <sup>2</sup><br><b>or shall comply with minimum lot area requirements, whichever is greater</b> | 920 m <sup>2</sup><br><b>or shall comply with minimum lot area requirements, whichever is greater</b> |



|   |  |  |  |
|---|--|--|--|
| Yard Setbacks   | As per zone requirements, <del>also garage suites and</del> 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> ***   | <del>Lesser between 80% of the gross floor area of the main dwelling, and:-</del><br><br><del>Lot area between 600 m<sup>2</sup> and 650 m<sup>2</sup>: up to 46 m<sup>2</sup> gross floor area</del><br><br><del>Lot area greater than 650 m<sup>2</sup>: up to 80 m<sup>2</sup> gross floor area</del><br><b>80% of the gross floor area of the main dwelling up to 80 m<sup>2</sup></b> | <del>Lesser between 80% of the gross floor area of the main dwelling, and:-</del><br><br><del>Lot area between 600 m<sup>2</sup> and 650 m<sup>2</sup>: up to 46 m<sup>2</sup> gross floor area</del><br><br><del>Lot area greater than 650 m<sup>2</sup>: up to 80 m<sup>2</sup> gross floor area</del><br><b>80% of the gross floor area of the main dwelling up to 80 m<sup>2</sup></b> |
| Maximum Building Height   | 11 m   | <del>Lesser of the height of the main dwelling or</del> <b>If the main dwelling is 1 story with or without a basement then a maximum 1.5 stories with a maximum 1.22 m pony attic knee wall otherwise a maximum height of 9 m</b>  | 4.5 m  |
| Minimum Setback from other Buildings  | 2m from non-habitable structures<br>3m from habitable structures   |  |  |
| <b>Design Requirements</b>  |  |  |  |
| Accessory dwelling unit exterior  | Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch. <b>Shipping containers designed as garden suites are exempt from the requirement to match the main dwelling.</b> |  |  |
| 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 CR, RU and RU-2 Zones.</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> |  |  |  |

### 3.16. 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.

### 3.17. 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.

### 3.18. 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.

### 3.19. 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.

### 3.20. 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.

### 3.21. 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.

### 3.22. 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 (Fourplex) Dwellings | 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.

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

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

### 3.24. 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.

### 3.25. Public Uses Permitted

~~Municipal offices, buildings, and infrastructure shall be permitted in any zone and do not have to conform to~~

zone requirements:

### 3.26. 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) ~~With the exception of the subsection dealing with the significant alteration of topography~~ **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.**

### 3.27. 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.

### 3.28. 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.

### 3.29. 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.

### 3.30. 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.

### 3.31. 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.

### 3.32. 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.

### 3.33. Parking Requirements

#### 3.33.1. 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 <b>&amp; 1 dedicated visitor parking space for each 7 dwelling units.</b> |
| <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                                       | 4 <b>3.3</b> 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.

### 3.33.2. 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 ~~7.5 m~~ **7.3 m** at the street line and edge of pavement. Alternatively, the two ~~7.5 m~~ **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 ~~7.5 m~~ **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 ~~thirteen~~ 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.**

### 3.34. 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,<br>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:
  - i) A minimum clearance of 0.6 m from walls, parking spaces, and other obstructions.
  - ii) A minimum spacing of 0.9 m from between racks on the same aisles.
  - iii) A minimum spacing of 1.2 m between racks on different aisles.

### 3.35. 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.

### 3.36. Large Scale Special Events

- a) Large-scale special events shall be permitted in all zones, ~~including the WE Zone, and~~ 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.
- 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.

### 3.37. 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, ES, ER, 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.



### 3.38. 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.

### 3.39. 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.

### 3.40. 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 ~~Rural Use (RU) Zone~~ 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.

### 3.41. 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  |
|---------------------|-------------------|--|
| 3.15 and 3.37       | July 26, 2017     | Amendments approved as part of the one year review.  |
| 3.41                | March 28, 2018    | Amendments added for the keeping of poultry for personal use.                                    |
| 3.10, 3.11 and 3.15 | December 19, 2018 | Amendments to permit shipping containers as accessory buildings and as accessory dwelling units. |
| 3.33.1              | July 29, 2020     | Added visitor parking requirements for multiple unit buildings.                                  |
| 3.18                | October 27, 2021  | Amendment to non-conforming use and structure section  |





PART 4

# Signage



# PART 4: SIGNAGE

---

## 4.1. General

- a) The sign regulations under this Land Use Bylaw shall apply to all new and existing signs. They may be referred to as the 'sign regulations'.
- b) No person shall erect, alter, relocate, or replace any sign except in conformity with these sign regulations, and only after first obtaining a development permit or sign permit from the Development Officer unless otherwise permitted in this Bylaw.
- c) Signs shall be located on the same lot as the premise to which the sign relates or on an adjoining lot over which the land use from the main lot, including accessory uses, extends unless otherwise permitted.
- d) Where these signage regulations are inconsistent with applicable provincial sign regulations, the more stringent regulation shall apply.
- e) Sign height is to be measured from established grade to the highest part of the sign or supporting structure.
- f) No person shall permit a sign to remain on lands they own or occupy that is deteriorated, damaged, or dislodged. All signs and all parts thereof shall be maintained and kept in a good state of repair.
- g) No person shall permit a sign to remain on lands they own which advertises a company that is no longer in business or a product that is no longer being sold.
- h) Unless otherwise permitted by this Bylaw, no sign shall extend beyond a property line or project over a public right-of-way, other adjoining lands, or daylighting triangles.
- i) No sign shall be permitted where such sign will reduce the number of available parking spaces required pursuant to this Bylaw unless otherwise noted.

## 4.2. Safety and Maintenance

- a) Every sign and all parts thereof, including framework, supports, background, anchors, lettering, and wiring systems shall not obstruct or prevent the effective use of a fire escape door, window, or other required exit.
- b) Every sign and all parts thereof, including framework, supports, background, anchors, lettering, and wiring systems, shall be constructed and maintained in compliance with the Building Bylaw of the Municipality, the regulations of the Province of Nova Scotia, and/or any other applicable legislation.
- c) The Development Officer may require, in matters of structural stability, that all drawings and specifications or any part thereof be prepared by a Professional Engineer registered in the Province of Nova Scotia and that the construction be carried under the supervision the said Professional Engineer.
- d) The Development Officer may refuse to issue a Sign permit until the applicant provides a letter signed by a Professional Engineer undertaking to supervise the work authorized by such permit or any part thereof.

## 4.3. Calculating the Size & Setback Requirements of Signs

- a) When calculating wall area to determine the allowable size of a facial wall sign, the calculation shall include the entire face of a building including any windows, doors, loading bays or similar feature.
- b) Unless otherwise permitted by this Bylaw, no part of any sign structure or support may be within a setback requirement specified in this part.

## 4.4. Calculating the Number of Signs

- a) A double-faced sign shall count as a single sign.
- b) Indoor signs and window signs shall not be counted when calculating the number of signs permitted.
- c) Generic terms which are applied as facial wall signs on automobile service stations and indicate the services provided are not to be included in the calculation of the number of signs per business premises. Terms



- may include, but are not limited to: “Gas”, “Food”, “Brakes”, “Wheel Alignment”, “Mufflers”, and “Car Wash”.
- d) Signs identified in Subsection 4.8 “Signs Permitted in All Zones not Requiring a Development Permit ” shall not be included when calculating the total number of signs permitted.
  - e) Community notice boards erected by, or authorized by the Municipality shall not be included when calculating the total number of signs permitted.

#### 4.5. Number of Signs Permitted

|   | Home-based Business Uses | Single tenancy buildings                                   | Multiple tenancy buildings   | Community Use Zones       |
|---|--------------------------|--|--|---------------------------|
| Maximum number of permanent signs permitted | 1                        | 3, except 2 for site plan approval uses in R2 & R2-T zones | 3, except 2 for site plan approval uses in R2 & R2-T zones               | 3                         |
| Projecting wall sign or ground sign         | 1                        | 1 per street facing facade of the building.                | 1 per street facing facade of the building.                              | 1 per street facing yard. |
| Awning sign                                 | n/a                      | 1 per street facing facade of the building.                | 1 per business premise per street facing facade of the business premise. | 1 per street facing yard. |
| Facial wall sign                            | 1                        | 1 per street facing facade of the building.                | 1 per business premise per street facing facade of the business premise. | 1 per street facing yard. |
| Temporary signs                             | n/a                      | 1  | 1  | 2                         |

#### 4.6. Signage on Recreational Lands

- a) Signage on Municipally-owned recreational lands shall be exempt from the provisions of this Bylaw. No development permit is required. All approvals for sponsorship signage on Municipally-owned recreational lands shall be subject to the approval of the Director of Parks, Recreation & Culture.
- b) Sponsorship signs erected in community-owned outdoor sports facilities are exempt from compliance with these regulations provided any such sign is not intended to be viewed from outside of the facility.

#### 4.7. Illumination of Signs (including Digital Signs)

- a) No sign can be illuminated between 12:00 a.m. and 6:30 a.m. unless the business associated with the sign operates during this period.
- b) Where signs are externally or internally illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises.
- c) The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens.
- d) Digital signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:
  - i) Ambient light monitors shall automatically adjust the brightness level of the sign based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the sign face at its maximum brightness, at a distance equal to the equation shown: measurement distance (in m) =  $\sqrt{\text{Area of the sign in m}^2 \times 9.29}$
  - ii) The Development Officer shall require a letter from a sign manufacturer indicating that a sign will be

calibrated to be compliant with required brightness levels prior to issuing a development permit or sign permit.


#### 4.8. Signs Permitted in all Zones Not Requiring a Development Permit

The following signs are permitted in all zones and no sign permit is required for their erection:

- a) Signs of not more than 0.2 m<sup>2</sup> in sign area, showing a civic address.
- b) Signs of not more than 0.2 m<sup>2</sup> in sign area, showing the name of a resident or an occupier.
- c) "No trespassing" signs or other signs regulating the use of a property, and of not more than 0.2 m<sup>2</sup> in area.
- d) Real estate signs not exceeding 0.5 m<sup>2</sup> in sign area in a Residential Zone and 1.5 m<sup>2</sup> in other zones, which advertise the sale, rental or lease of the premises.
- e) Signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m<sup>2</sup> in area.
- f) Signs erected by governmental authority and bearing no commercial advertising, such as traffic signs, railway crossing signs, and safety signs.
- g) Signs erected by the **governmental** authority of the municipality bearing commercial advertising for regional or local business, recreational, event or tourism promotion.
- h) Memorial signs or tablets, and signs of not more than 0.2 m<sup>2</sup> denoting the date of erection of a building.
- i) The flag, pennant or insignia of any government, nation, religious, charitable or fraternal organization.
- j) Signs up to 3.0 m<sup>2</sup> in area incidental to construction and located within the area of such construction.
- k) Signs up to 0.6 m<sup>2</sup> in area which displays the words "open" or lists a businesses' hours of operation.
- l) **Federal, Provincial or Municipal election signs.**
- m) **Community entrance signs.**
- n) Sandwich board signs, subject to the design specifications set out below:

#### Sandwich Board sign

The example diagrams shown below are for illustrative purposes only.

| Permitted Zones  | Dimensions  | Conditions   | Example   |
|--|---|--|---|
| <ul style="list-style-type: none"> <li>• <b>GC</b></li> <li>• HC</li> <li>• MC</li> <li>• R2-T</li> <li>• R3</li> <li>• RC</li> <li>• VC</li> <li>• <b>RU-2</b></li> </ul> | Maximum Area: 0.6 m <sup>2</sup><br>Maximum Height: 1 m<br>Min Yard Setback: 1 m<br>Min Driveway Setback: 3 m | Only 1 sign is permitted per business premise.<br><br>The sign must be located on the property of the business pertaining to the sign.<br><br>The sign must be displayed only during business operating hours of the business pertaining to the sign.<br><br>Illuminated or digital signage is prohibited. |  |

#### 4.9. Signs Prohibited in all Zones

The following signs are prohibited in all zones.

- a) Any sign or sign structure which constitutes a hazard to public safety or health.
- b) Signs which by reason of size, location, content, colouring or manner of illumination obstructs the vision of drivers or obstructs or detracts from the visibility or effectiveness of any traffic sign or control device on any public or private street, driveway, or property.

- c) Signs not erected by a public authority which make use of words such as “stop”, “look”, “one way”, “danger”, “yield”, or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road.
- d) Commercial signs painted on or supported by tree, rock, stone cliff or other natural object.
- e) Signs, except for sandwich board signs or temporary signs, which are not permanently set into the ground or permanently affixed to a building.
- f) Signs not related to any business or use located on the lot or premises with the exception of off-premise signs as permitted by this Bylaw.
- g) Search lights, pennants, spinners, banners, inflated balloons, inflated characters, and streamers except when a temporary sign permit has been issued or as a special occasion use.
- h) Signs which are painted directly on the roof of a building.
- i) Signs which, by reason of flashing or moving illumination or parts, may be confused by the motorist with traffic controls or lights or distract their attention for an extended period of time.
- j) Signs painted on or supported by utility poles.

#### 4.10. Off-site Signs

A development permit may be issued for a sign which advertises a business or a use not located on the lot or premises provided that:

- a) The property containing the off-site signage abuts the property containing the business or use being advertised;
- b) Only 1 off-site sign is permitted for a business premise or use pursuant to this subsection;
- c) An off-site sign counts towards the maximum number of signs permitted on the property where the sign is located; and
- d) The proposed signage complies with all other applicable requirements of this Bylaw respecting signage.

#### 4.11. Signs Identifying Residential Developments

In any zone, a sign identifying the name and civic address of a residential development with 12 or more dwelling units may be erected subject to the following requirements:


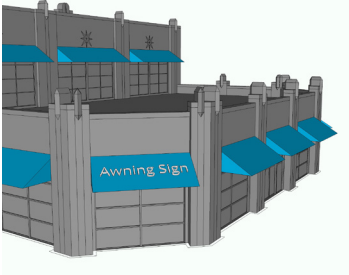

- a) The maximum sign area shall be 1.4 m<sup>2</sup>.
- b) The sign shall not have more than 2 faces.
- c) The maximum height of the sign shall be 1.8 m.
- d) The sign shall be set back a minimum of 2.5 m from any property line.

#### 4.12. Permanent Sign Design Requirements

- a) Manually changeable copy signs shall:
  - i) Be permitted as a portion of any single sign outside of an Established Residential Neighbourhood Zone provided the changeable copy portion of a sign does not exceed 80% of that sign’s area.
  - ii) Use a design originally intended to be permanently affixed to the ground; a modified temporary sign design shall not be used.
- b) Permanent Signs are subject to the design specifications set out in the following tables.


### 4.13. Awning sign

The example diagrams shown below are for illustrative purposes only.

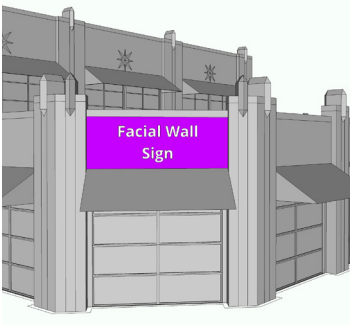
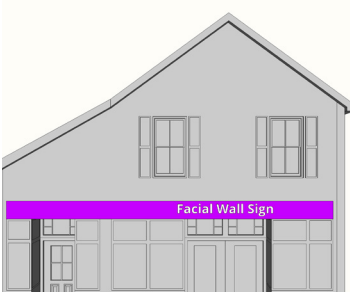
| Permitted Zones  | Dimensions   | Conditions  | Example   |
|--|--|---|---|
| <ul style="list-style-type: none"> <li>GC</li> <li>HC</li> <li>BP</li> <li>RC</li> <li>IC</li> </ul>   | <p>Maximum Area: The lesser between:</p> <ul style="list-style-type: none"> <li>10% of the area of the main wall of the building to which the awning is affixed; or</li> <li>1 m<sup>2</sup> of sign area per metre of street facing facade.</li> </ul>  | <p>Must not project more than 1.8 m from the wall to which it is affixed.</p> <p>Must not project over the eaves, parapet, or roof line of the building.</p> <p>Must be between 3 m and 4.6 m above grade.</p> <p>Internally illuminated and digital signage is prohibited.</p> |    |
| <ul style="list-style-type: none"> <li>AR</li> <li>IU</li> <li>MC</li> <li>OS</li> <li>R2-T</li> <li>R3</li> <li>RU</li> <li>VC</li> <li>RU-2</li> </ul> | <p>Maximum Area: The lesser between:</p> <ul style="list-style-type: none"> <li>8% of the area of the main wall of the building to which the awning is affixed; or</li> <li>0.8 m<sup>2</sup> of sign area per metre of street facing facade.</li> </ul> | <p>Must not project more than 1.8 m from the wall to which it is affixed.</p> <p>Must not project over the eaves, parapet, or roof line of the building.</p> <p>Must be between 3 m and 4.6 m above grade.</p> <p>Internally illuminated and digital signage is prohibited.</p> |    |
| <p>Commercial or home-based business uses in:</p> <ul style="list-style-type: none"> <li>R2</li> </ul>   | <p>Maximum Area: The lesser between:</p> <ul style="list-style-type: none"> <li>5% of the area of the main wall of the building to which the sign is affixed; or</li> <li>0.6 m<sup>2</sup> of sign area per metre of street facing facade.</li> </ul>   | <p>Must not project more than 1.8 m from the wall to which it is affixed.</p> <p>Must not project over the eaves, parapet, or roof line of the building.</p> <p>Must be between 3 m and 4.6 m above grade.</p> <p>Internally illuminated and digital signage is prohibited.</p> |  |

### 4.14. Facial Wall sign

The example diagrams shown below are for illustrative purposes only.

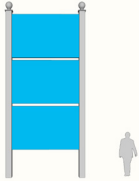
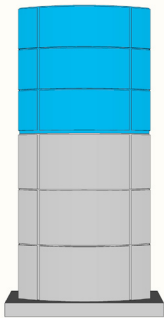

| Permitted Zones  | Dimensions  | Conditions   | Example   |
|--|---|--|---|
| <ul style="list-style-type: none"> <li>GC</li> <li>HC</li> <li>BP</li> <li>RC</li> <li>IC</li> </ul> | <p>Maximum Area: The lesser between:</p> <ul style="list-style-type: none"> <li>10% of the area of the main wall of the building to which the sign is affixed; or</li> <li>1 m<sup>2</sup> of sign area per metre of street facing facade.</li> </ul> | <p>Must not substantially protrude from the wall to which it is affixed.</p> <p>Internally illuminated signage is permitted.</p> <p>Digital signage is prohibited.</p> |  |



|   |   |   |   |
|---|---|---|---|
| <ul style="list-style-type: none"> <li>AR</li> <li>IU</li> <li>MC</li> <li>OS</li> <li>R2-T</li> <li>R3</li> <li>RU</li> <li>VC</li> <li><b>RU-2</b></li> </ul> | <p>Maximum Area: The lesser between:</p> <ul style="list-style-type: none"> <li>8% of the area of the main wall of the building to which the sign is affixed; or</li> <li>0.8 m<sup>2</sup> of sign area per metre of street facing facade.</li> </ul> <p><b>For home-based businesses:</b></p> <ul style="list-style-type: none"> <li>Maximum Area: 2 m<sup>2</sup></li> </ul> | <p>Must not substantially protrude from the wall to which it is affixed.</p> <p>Internally illuminated and digital signage is prohibited.</p> |  |
| <p>Commercial or home-based business uses in:</p> <ul style="list-style-type: none"> <li>CR</li> <li>LR</li> <li>R1</li> <li>R2</li> </ul>                      | <p>Maximum Area: The lesser between:</p> <ul style="list-style-type: none"> <li>5% of the area of the main wall of the building to which the sign is affixed; or</li> <li>0.6 m<sup>2</sup> of sign area per metre of street facing facade.</li> </ul>  | <p>Must not substantially protrude from the wall to which it is affixed.</p> <p>Internally illuminated or digital signage is prohibited.</p>  |  |

### 4.15. Ground sign: Multiple Premise Tenancy

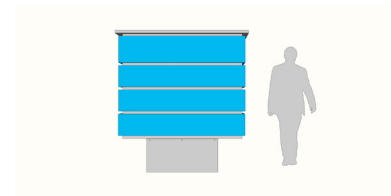
The example diagrams shown below are for illustrative purposes only. Subsequent metrics have regulatory effect.

| Permitted Zones   | Dimensions   | Conditions   | Example   |
|---|--|--|---|
|   | <p><b>For properties not abutting 100-series Highways:</b></p> <p>Max Area: 18 m<sup>2</sup><br/>                     Max Height: 7.6 m<br/>                     Min Yard Setback: 2.4 m</p>                   | <p>Digital signage is prohibited.</p> <p>Internally illuminated is permitted up to an illuminated sign area of 5 m<sup>2</sup>.</p>  |  |
| <ul style="list-style-type: none"> <li>GC</li> <li>HC</li> <li>BP</li> <li>MC</li> <li>RC</li> <li><b>IC</b></li> </ul> | <p><b>For non-shopping centre properties abutting 100-series Highways:</b></p> <p>Max Area: 18m<sup>2</sup><br/>                     Maximum Height: 18 m<br/>                     Min Yard Setback: 2.4 m</p> | <p>Digital signs are permitted if the sign does not front on a 100-series Highway, however the digital component of the sign must comprise less than 20% of the area of the sign.</p> <p>Internally illuminated signage is permitted up to an illuminated sign area of 5 m<sup>2</sup> if the sign does not front on a 100-series Highway.</p> <p>Internally illuminated signage is permitted.</p> |  |
|   | <p><b>For shopping centre uses abutting 100-series Highways:</b></p> <p>Max Area: 61 m<sup>2</sup><br/>                     Maximum Height: 20 m<br/>                     Min Yard Setback: 2.4 m</p>          | <p>Internally illuminated signage is permitted.</p>  |  |

- R2-T
- R3
- VC
- RU
- **RU-2**
- **AR**
- **IU**
- **OS**

Maximum Area: 6.1 m<sup>2</sup>  
 Maximum Height: 6 m  
 Min Yard Setback: 0.6 m

Internally illuminated signs are prohibited.  
 Digital signage is permitted only for institutional and community uses.



**Where digital signage is permitted as a portion of a ground sign, the following additional regulations shall apply:**

Digital signage which contains, include, or are illuminated by any flashing or moving lights are prohibited except those giving the price of gasoline, or public service information such as, but not limited to: community event information, time, date, temperature or other similar information.

Only 1 digital sign may be permitted on a lot, and must be located in the yard with the main building entry.

Advertising messages on digital signs may only use letters or numerals.



The image on a digital sign must remain static for a minimum of 8 seconds before changing.

A digital sign can only take up to 75% of the maximum area of a single sign.

### 4.16. Ground sign: Single Premise

The example diagrams shown below are for illustrative purposes only.

| Permitted Zones   | Dimensions   | Conditions   | Example |
|---|--|--|---------|
| <ul style="list-style-type: none"> <li>• <b>GC</b></li> <li>• <b>HC</b></li> <li>• BP</li> <li>• RC</li> <li>• <b>IC</b></li> </ul> | <p><b>For properties not abutting 100-series Highways:</b><br/>                     Maximum Area: 6.0 m<sup>2</sup><br/>                     Maximum Height: 7.6 m<br/>                     Min Yard Setback: 2.4 m</p> <hr/> <p><b>For properties abutting 100-series Highways:</b><br/>                     Maximum Area: 6.0 m<sup>2</sup> or 18m<sup>2</sup> if the sign is not within 150 m of a dwelling.<br/>                     Maximum Height: 18 m<br/>                     Min Yard Setback: 2.4 m</p> | <p>Must comply with a minimum setback of 2.4 m from the property line for any portion of the sign (base, post, frame, or face).</p> <p>Digital signage is permitted if the sign does not front on a 100-series Highway.</p> <p>Internally illuminated signage is permitted only for shopping centres, <b>automobile service stations, restaurants and drinking establishments.</b></p> <p>The sign may advertise a business or use not located on the property provided the sign and the business or use being advertised are located within the boundaries for a shopping centre.</p> |         |
| <ul style="list-style-type: none"> <li>• R2-T</li> <li>• R3</li> <li>• MC</li> <li>• <b>VE</b></li> </ul>                           | <p>Maximum Area: 3 m<sup>2</sup><br/>                     Maximum Height: 3.2 m<br/>                     Min Yard Setback: 2.4 m</p>   | <p>Internally illuminated is prohibited.</p> <p>Digital signage is permitted for institutional and community uses.</p>   |         |
| <ul style="list-style-type: none"> <li>• <b>VC</b></li> </ul>   | <p><b>Maximum Area: 1.85 m<sup>2</sup></b><br/> <b>Maximum Height: 1.7 m</b><br/> <b>Min Yard Setback: 2.4 m</b></p>   | <p><b>Internally illuminated is prohibited.</b></p> <p><b>Digital signage is permitted for institutional and community uses.</b></p>   |         |

|  |  |  |   |
|--|--|--|---|
| <ul style="list-style-type: none"> <li>AR</li> <li>IU</li> <li>OS</li> <li>RU</li> <li><b>RU-2</b></li> </ul>                  | <p>Maximum Area: 2 m<sup>2</sup> or 6 m<sup>2</sup> if the sign is not within 150 m of a dwelling.<br/>                 Maximum Height: 4 m<br/>                 Minimum Yard Setback: 2.4 m</p> | <p>Internally illuminated signage is prohibited.<br/>                 Digital signage is permitted only in IU zones, and subject to the special requirements below.</p>            |  |
| <p>Commercial or home-based business uses in:</p> <ul style="list-style-type: none"> <li>CR</li> <li>R1</li> <li>R2</li> </ul> | <p>Maximum Area: 0.8 m<sup>2</sup><br/>                 Maximum Height: 1.8 m<br/>                 Min Yard Setback: 2.4 m</p>   | <p>Internally illuminated or digital signage is prohibited.<br/>                 Externally illuminated signage must not be located in the required yard abutting a residence.</p> |  |

**Where digital signage is permitted as a portion of a ground sign, the following additional regulations shall apply:**

Digital signage which contains, include, or are illuminated by any flashing or moving lights are prohibited except those giving the price of gasoline, or public service information such as, but not limited to: community event information, time, date, temperature or other similar information.

Only 1 digital sign may be permitted on a lot, and must be located in the yard with the main building entry.


Advertising messages on digital signs may only use letters or numerals.

The image on a digital sign must remain static for a minimum of 8 seconds before changing.

A digital sign can only take up to 75% of the maximum area of a single sign.

### 4.17. Projecting Wall sign

The example diagrams shown below are for illustrative purposes only. Subsequent metrics have regulatory effect.

| Permitted Zones | Dimensions   | Conditions   | Example   |
|-----------------|--|--|---|
| Any             | <p>Maximum Area: 1.5 m<sup>2</sup><br/>                     Permitted Height Range: 3 m - 4.6 m above grade.<br/>                     No part of the sign may be less than 3 m from grade.</p> | <p>Must not project more than 1.5 m from the wall to which it is affixed.<br/>                     Must not project above the eaves, parapet, or roof line of the building.<br/>                     Internally illuminated signs are prohibited.<br/>                     Digital signs are prohibited.</p> |  |


### 4.18. Temporary Signs

- Temporary signs shall not be placed, erected or displayed unless specifically permitted by the provisions of this Bylaw and having a valid permit issued under this Bylaw.
- ~~No sign shall be placed, erected or displayed that does not have an identification label affixed to it as supplied at the time the permit was issued.~~
- Illuminated signs shall be illuminated only by steady, stationary, shielded light sources, directed solely at the sign, or internal to it, and no part of an illuminated temporary sign or light on it shall move or appear to move.
- Temporary signage shall not be permitted in a Growth Reserve Area.
- Temporary signs are permitted for profit entities provided that:

- i) The sign may be displayed for a maximum period of 30 consecutive days per permit;
  - ii) The sign must be removed within 24 hours of the completion of the event;
  - iii) Upon expiry of the permit the sign shall be removed from the property for a period of no less than 60 days before a new sign permit shall be issued for that premise;
  - iv) No more than 6 event specific signs can appear on any 1 property in any 12 month period;
  - v) Signs shall be permitted on all properties zoned or used for commercial use;
  - vi) All signs shall only advertise the business for which the permit has been issued;
- f) Temporary signs are permitted for non-profit entities provided that:
- i) The sign advocates community activities and there is no lettering or symbol that is associated with a business or commercial activity;
  - ii) Signs must be removed within 24 hours of the completion of the event;
  - iii) Upon completion of the event the sign shall be removed from the property for a period of no less than 5 days before a new sign may be displayed;
  - iv) Not more than 2 signs per event may be displayed on any 1 property;
  - v) Permit shall be issued on an annual basis and no fee shall be charged;
  - vi) Signs shall be permitted on all properties zoned or used for commercial, institutional or rural uses;
- g) All temporary signage erected will conform with the following requirements:

#### 4.19. Temporary sign (Portable)

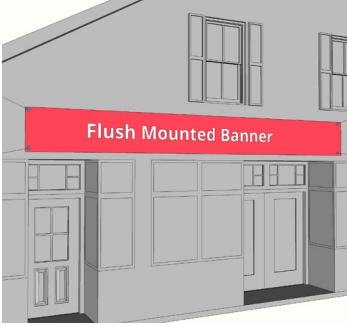
The example diagrams shown below are for illustrative purposes only. Subsequent metrics have regulatory effect.

| Permitted Zones   | Dimensions  | Conditions  | Example   |
|---|---|---|---|
| <ul style="list-style-type: none"> <li>• GC</li> <li>• HC</li> <li>• MC</li> <li>• RC</li> <li>• RU</li> <li>• IU</li> <li>• BP</li> <li>• R3</li> <li>• IC</li> <li>• RU-2</li> </ul> <p>Institutional uses in:</p> <ul style="list-style-type: none"> <li>• VC</li> </ul> | <p>Maximum Area: 4.6 m<sup>2</sup></p> <p>Maximum Height: 2.5 m</p> <p>Minimum Yard Setback: 2.4 m</p> <p>Minimum Driveway Setback: 1.5 m</p> | <ul style="list-style-type: none"> <li>• Portable signs on a multiple tenancy property should have a minimum separation distance of 15 m.</li> <li>• Portable signs are not permitted in Growth Reserve Areas.</li> <li>• Illuminated or digital signage is prohibited.</li> <li>• May be permitted to occupy 1 parking space where there is no practical alternative.</li> </ul> |  |



### 4.20. Temporary sign (Flush Mounted Banner)

The example diagrams shown below are for illustrative purposes only. Subsequent metrics have regulatory effect.

| Permitted Zones  | Dimensions   | Conditions   | Example   |
|--|--|--|---|
| <ul style="list-style-type: none"> <li>• GC</li> <li>• HC</li> <li>• AR</li> <li>• BP</li> <li>• IU</li> <li>• MC</li> <li>• OS</li> <li>• R2-T</li> <li>• R3</li> <li>• RC</li> <li>• RU</li> <li>• VC</li> <li>• IC</li> <li>• RU-2</li> </ul> | <p>Maximum Area: 10% of the building area on which it is placed.</p> | <ul style="list-style-type: none"> <li>• The banner shall not extend beyond the extremities of the wall upon which it is affixed.</li> <li>• Are only permitted in street-facing yards.</li> </ul> |      |
| Regulation   |  | Amendment Date   | Description   |
| 4.8(g), 4.13 - 4.16, 4.18 - 4.20   |  | July 26, 2017  | Adding GC and HC as permitted zones, text amendment to 4.8 & 4.16 and removing 4.18(d). |



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
- **RU-2 - Rural Use North**
- RCDD - Rural Comprehensive Development District
- ~~WE - Wind Energy~~

| Uses   | RU        | <b>RU-2</b> | AR        | RCDD | <del>WE</del> |
|--|-----------|-------------|-----------|------|---------------|
| Accessory Dwelling Unit  | P         | <b>P</b>    | P         | -    | -             |
| Accommodations, Bed & Breakfast  | P         | <b>P</b>    | P         | -    | -             |
| <b>Accommodations, General up to a maximum of 12 units</b>   | <b>P</b>  | <b>P</b>    | -         | -    | -             |
| <b>Agriculture, Non-Intensive</b>  | <b>P</b>  | <b>P</b>    | P         | -    | -             |
| Agriculture Related Uses   | P         | <b>P</b>    | P         | -    | -             |
| Agriculture Uses and Structures, Intensive   | P         | <b>P</b>    | P         | -    | -             |
| Agri-tourism Uses  | P         | <b>P</b>    | C         | -    | -             |
| <b>Agrivoltaics</b>  | <b>P</b>  | <b>P</b>    | <b>SP</b> | -    | -             |
| Animal Hospitals & Veterinary Offices  | P         | <b>P</b>    | P         | -    | -             |
| Any potentially obnoxious commercial developments to include vehicle race tracks and amusement parks | DA        | <b>DA</b>   | -         | -    | -             |
| <b>Automobile Dealer &amp; Rentals</b>   | -         | <b>P</b>    | -         | -    | -             |
| <b>Automobile Service Station</b>  | -         | <b>P</b>    | -         | -    | -             |
| <b>Automobile Vehicle Repair &amp; Maintenance</b>   | -         | <b>P</b>    | -         | -    | -             |
| Biogas Facilities where 50% or more of the biogas substrate comes from off farm sources              | P         | <b>P</b>    | DA        | -    | -             |
| Biogas Facilities where 50% or more of the biogas substrate comes from on farm sources               | P         | <b>P</b>    | P         | -    | -             |
| Campgrounds  | <b>SP</b> | <b>SP</b>   | -         | -    | -             |
| Couriers & Messengers  | P         | <b>P</b>    | -         | -    | -             |
| Daycare, General   | P         | <b>P</b>    | -         | -    | -             |
| <b>Dog Daycare and Dog Daycare with more than ten (10) dogs</b>                                      | <b>P</b>  | <b>P</b>    | <b>P</b>  | -    | -             |
| <b>Dog Training Facility</b>   | <b>P</b>  | <b>P</b>    | -         | -    | -             |
| <b>Drinking Establishment open after 1 am</b>  | -         | <b>DA</b>   | -         | -    | -             |
| <b>Drinking Establishment open until 1 am</b>  | -         | <b>P</b>    | -         | -    | -             |
| <b>Dwelling, Farm</b>  | <b>P</b>  | <b>P</b>    | <b>P</b>  | -    | -             |
| Dwelling, Farm Secondary   | P         | <b>P</b>    | P         | -    | -             |
| Dwelling, Mini-home  | P         | <b>P</b>    | -         | -    | -             |
| <b>Dwelling, Multiplex (Small)</b>   | <b>DA</b> | <b>C</b>    | -         | -    | -             |
| <b>Dwelling, Multiplex (Large)</b>   | -         | <b>C</b>    | -         | -    | -             |

LAND USE BYLAW - EAST HANTS OFFICIAL COMMUNITY PLAN

|  |                 |                 |                 |   |   |
|--|-----------------|-----------------|-----------------|---|---|
| Dwelling, Non-Farm Single Unit   | P               | <i>P</i>        | DA              | - | - |
| <b><i>Dwelling, Tiny Home on Wheels</i></b>  | <b><i>P</i></b> | <b><i>P</i></b> | <b><i>P</i></b> | - | - |
| Dwelling, Two Unit   | P               | <i>P</i>        | -               | - | - |
| <b><i>Excavating and Construction Services</i></b>   | <b><i>P</i></b> | <b><i>P</i></b> | -               | - | - |
| Fabrication and Repair of Farm and Forestry Equipment  | P               | <i>P</i>        | P               | - | - |
| Forestry Uses & Structures   | P               | <i>P</i>        | P               | - | - |
| Funeral Services   | P               | <i>P</i>        | -               | - | - |
| Greenhouses  | P               | <i>P</i>        | P               | - | - |
| Home-based business uses above 140 m <sup>2</sup> of commercial floor area   | DA              | <i>P</i>        | DA              | - | - |
| Home-Based Business Uses up to 140 m <sup>2</sup> of commercial floor area   | P               | <i>P</i>        | P               | - | - |
| Horse Stables, Boarding, and Training Facilities (including race horses)   | P               | <i>P</i>        | P               | - | - |
| Industrial uses related to the chemical treatment of timber resources  | DA              | <i>DA</i>       | -               | - | - |
| <b><i>Kennel, Boarding and Breeding</i></b>  | <b><i>P</i></b> | <b><i>P</i></b> | <b><i>P</i></b> | - | - |
| <b><i>Lawfully Existing Uses</i></b>   | -               | <b><i>P</i></b> | -               | - | - |
| Large Scale Special Events   | P               | <i>P</i>        | P               | - | P |
| <b><i>Marina</i></b>   | -               | <b><i>P</i></b> | -               | - | - |
| <b><i>Marine Related Industry</i></b>  | -               | <b><i>P</i></b> | -               | - | - |
| Office & Professional Services   | P               | <i>P</i>        | -               | - | - |
| Personal Care Services   | P               | <i>P</i>        | -               | - | - |
| Private Dog Parks  | P               | <i>P</i>        | -               | - | - |
| Recreation Facility, Golf  | p               | <i>P</i>        | -               | - | - |
| Repair & Maintenance   | P               | <i>P</i>        | -               | - | - |
| Restaurant, Full & Limited Service   | P               | <i>P</i>        | -               | - | - |
| Retail & Rental Stores   | P               | <i>P</i>        | -               | - | - |
| Salvage Yard   | DA              | <i>DA</i>       | -               | - | - |
| <b><i>Social Enterprise</i></b>  | <b><i>P</i></b> | <b><i>P</i></b> | -               | - | - |
| <del>Scrap Yard</del>  | <del>DA</del>   | -               | -               | - | - |
| Solar Farms  | P               | <i>P</i>        | -               | - | - |
| <b><i>Recreational Vehicles</i></b>  | -               | <b><i>C</i></b> | -               | - | - |
| Retail area and showroom for pit and quarry operations   | P               | <i>P</i>        | -               | - | - |
| Structures related to a pit operation closer than 100 m from the nearest non-resource related structure.                         | DA              | <i>DA</i>       | -               | - | - |
| Structures related to a pit operation not closer than 100 m from the nearest non-resource related structure.                     | P               | <i>P</i>        | -               | - | - |
| Structures related to a quarry of mineral extraction operation closer than 1 km from the nearest non-resource related structure. | DA              | <i>DA</i>       | -               | - | - |



|  |    |           |    |   |           |
|--|----|-----------|----|---|-----------|
| Structures related to a quarry of mineral extraction operation not closer than 1 km from the nearest non-resource related structure.   | P  | <i>P</i>  | -  | - | -         |
| Tradesperson & Craftsperson Businesses & Offices   | P  | <i>P</i>  | -  | - | -         |
| Wind Farms   | SP | <i>SP</i> | SP | - | <i>SP</i> |
| Wind Turbines, Large Scale   | SP | <i>SP</i> | SP | - | <i>SP</i> |
| Wind Turbines, Micro   | P  | <i>P</i>  | P  | - | <i>P</i>  |
| Wind Turbines, Small Scale   | P  | <i>P</i>  | P  | - | <i>P</i>  |
| Highway Commercial (HC) Zone Uses  | DA | <i>DA</i> | -  | - | -         |
| Industrial Commercial (IC) Zone Uses   | DA | <i>DA</i> | -  | - | -         |
| Institutional (IU) Zone Uses   | P  | <i>P</i>  | -  | - | -         |
| Open Space (OS) Zone Uses  | P  | <i>P</i>  | P  | - | -         |
| Regional Commercial (RC) Zone Uses   | DA | <i>DA</i> | -  | - | -         |
| Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods  | DA | <i>DA</i> | -  | - | -         |
| Aggregate and mineral resource related industries  | DA | <i>DA</i> | -  | - | -         |
| <p>P - Permitted as-of-right through a development permit.<br/>           SP - Permitted by site plan approval.<br/>           DA - Permitted to apply to Council for a development agreement: note that other restrictions may apply.<br/>           C - Conditionally permitted: discretionary approval may apply, view zone requirements.</p> |    |           |    |   |           |

## 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~~ **automobile vehicle repairs and maintenance (home based)**.

### 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.

### 5.2.9. Tiny Homes on Wheels as an Accessory Dwelling Unit

A development permit may be issued to permit a tiny home on wheels as an accessory dwelling unit providing the following requirements are met:

- a) A tiny home on wheels shall be located in the side or rear yard and shall adhere to the same side and rear yard setbacks as the main dwelling unit;
- b) There is a limit of 1 tiny home on wheels per property;
- c) The tiny home on wheels shall use existing on-site services or shall provide approval from Nova Scotia Environment for an alternative grey water and/or sewage treatment system.



### **5.2.10. Campground Site Plan Approval Application Requirements**

*In the Rural Use (RU) Zone or Rural Use North (RU-2 Zone), a site plan approval application may be considered for a new campground or the expansion of an existing campground, provided that the following requirements, and all other requirements under this Bylaw are met:*

- a) The minimum lot size of a campground shall be 2 hectares and the minimum lot frontage shall be 30 m.*
- b) Where a neighbouring land use is residential and within 250 m of the campground, the campground shall be buffered with fencing, opaque vegetative strips (or existing substantive vegetation), or berms to minimize the transmission of noise.*
- c) All elements, including but not limited to parking, camp sites, public gathering areas, loading areas, and outdoor storage shall be setback 12 m from the side and rear lot boundaries.*
- d) Refuse shall be enclosed and concealed.*
- e) All disturbed areas not used for structures, refuse, parking and circulation shall be landscaped.*
- f) The campground shall not create undue traffic or pedestrian hazards, traffic and pedestrian circulation shall be clearly marked.*
- g) A single unit dwelling shall be permitted as an accessory use for the residence of the owner or operator of the campground.*

### **5.2.11. Distance of New Dwellings to Existing Intensive Livestock Operations**

In the Rural Use (RU) Zone *or Rural Use North (RU-2) 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.

### 5.3. Rural Use (RU) Zone

**RU Zone: Conditional Uses by Site Plan Approval**

- Campgrounds

#### 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. Development Agreements

*The following use shall be considered only by development agreement in the RU Zone.*

- a) Dwelling/s, Multiplex (Small), development with a maximum of eight units for the property, shall be considered only by development agreement in the RU Zone.

***b) Accommodations, General over 12 units.***

## 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 <i>or 10 m if adjoining property is in common ownership</i> |
| • Accessory structure                              | 2.5 m                                    | 4.5  | 46 m <i>or 10 m if adjoining property is in common ownership</i> |
| Minimum Side Yard                                  |  |  |  |
| • Main structure                                   | 3 m                                      | 10 m   | 46 m or 10 m if adjoining property is in common ownership        |
| • Accessory structure                              | 2.5 m                                    | 4.5 m  | 46 m or 10 m if adjoining property is in common ownership        |
| 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

- Farm dwellings and farm secondary dwellings are permitted provided they are directly related to a bona fide farm operation.
- 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.
- 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.

#### **5.4.12. Agrivoltaics**

*Agrivoltaics shall be permitted through the site plan approval process and shall adhere to the following requirements:*

- a) The primary use of the land shall be for agricultural activities.*
- b) Information on the type and scale of agricultural production to be combined with the solar photovoltaics shall be provided to the Development Officer.*
- c) A site plan shall be submitted identifying the following details:*
  - i) The proposed location and area of agrivoltaics on the lot;*
  - ii) All existing and proposed structures on the lot;*
  - iii) Setbacks from adjoining property lines and existing or proposed structures*
  - iv) Type and area of agricultural lands to be farmed.*
- d) Any other information the Development Officer deems necessary to properly evaluate the proposal.*

## 5.6. Rural Use North (RU-2) Zone

### RU-2 Zone: Conditional Uses by Site Plan Approval

- Campgrounds

### 5.6.1. Zone Requirements

In the Rural Use North (RU-2) 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                |
| <b>Conditions</b>   |                     |
| <sup>A</sup> Nova Scotia Environment approval for on-site sewage disposal system is required. |                     |

### 5.6.2. 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:

- 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;
- 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.

### 5.6.3. Flag Lots

Where a flag has been created in accordance with the provisions of the Subdivision Bylaw, the Development Officer may issue a development permit for any use permitted in the Rural Use North (RU-2) Zone.

### 5.6.4. Recreational Vehicles

In the Rural Use North (RU-2) Zone recreational vehicles shall be permitted on a lot, provided the following conditions are met:

- A maximum of 1 recreational vehicle shall be permitted on a lot with an area of 6,070 m<sup>2</sup> or less.
- A maximum of 3 recreational vehicles shall be permitted on a lot with an area greater than 6,070 m<sup>2</sup>.

### 5.6.5. Accessory Building as Main Use

In the Rural Use North (RU-2) Zone an accessory building shall be permitted as the main building on lot,

*provide the following conditions are met:*

- a) There are no other buildings located on the lot; and*
- b) The accessory building setbacks are in accordance with Section 5.6.1 Zone Requirements.*

### ***5.6.6. Development Agreements***

*The following use shall be considered only by development agreement in the RU-2 Zone.*

- a) Multiplexes over 12 dwelling units and up to a maximum of 24 dwelling units and cluster townhouse developments over 12 dwelling units and up to a maximum of 24 dwelling units.*
- b) Accommodations, General over 12 units.*
- c) Drinking establishments open after 1 am.*

## 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. |
| 5.1 (permitted use table) has been amended and 5.3.5 has been added | April 24, 2019 | Amendments to enable small multiplex developments by development agreement in the RU Zone.  |
| 5.1 (permitted use table) has been amended and 5.2.9 has been added | June 26, 2019  | Amendments to enable tiny homes on wheels in the RU and AR zones.   |





PART 6

# Residential Neighbourhood Zones



# PART 6: RESIDENTIAL NEIGHBOURHOOD ZONES

## 6.1. Residential Neighbourhood Zones Permitted Uses

The table below summarizes the uses permitted in all Residential Neighbourhood Zones. For conditions associated with the uses, see the specific section referencing that zone.

- CR - Country Residential
- LR - Lakeshore Residential
- R1 - Established Residential Neighbourhood Zone
- R2 - Two Dwelling Unit Residential Zone
- MH - Mini-Home Zone

| Residential Neighbourhood Zones   | CR | LR | R1 | R2 | MH |
|---|----|----|----|----|----|
| Accessory Dwelling Unit   | P  | P  | P  | P  | -  |
| Accommodations, Bed & Breakfast   | P  | P  | P  | P  | -  |
| Daycare, Home-Based   | P  | P  | P  | P  | C  |
| Dwelling, Mini-home   | -  | -  | -  | -  | P  |
| Dwelling, Multiplex (Small)   | -  | -  | -  | C  | -  |
| Dwelling, Single Unit   | P  | P  | P  | P  | -  |
| Dwelling, Two Unit  | -  | -  | C  | P  | -  |
| Home-Based Business   | P  | P  | P  | P  | -  |
| Live/ Work  | -  | -  | -  | C  | -  |
| Mini-home Community   | -  | -  | -  | -  | C  |
| Office & Professional Services  | -  | -  | -  | C  | -  |
| Retailers & Rental Services   | -  | -  | -  | C  | -  |
| Zero Lot Line Developments  | -  | -  | DA | DA | -  |
| Established Residential Neighbourhood (R1) Zone<br>Uses subject to the requirements of that zone.   | -  | -  | -  | P  | -  |
| Open Space (OS) Zone Uses subject to the re-<br>quirements of that zone.  | P  | P  | P  | P  | P  |
| Development of any accessory building in excess<br>of zone requirements   | SP | SP | SP | SP | SP |
| Home-based business uses in excess of 80 m <sup>2</sup><br>up to a maximum of 140 m <sup>2</sup> of commercial floor<br>area.   | C  | C  | C  | C  | -  |
| P - Permitted as-of-right through a development permit.<br>SP - Permitted by site plan approval.<br>DA - Permitted to apply to Council for a development agreement: note that other restrictions may apply.<br>C - Conditionally permitted: discretionary approval may apply, view zone requirements. |    |    |    |    |    |

## 6.2. General Provisions for All Residential Neighbourhood Zones

### 6.2.1. Parking of Commercial Motor Vehicles

- a) For the purpose of this Section, "Commercial Motor Vehicles" shall mean any motor vehicle which is used for a commercial purpose including, but not limited to, ambulances, hearses, motor buses, tractors, panel vans, transport, and dump trucks whether or not it displays commercial licenses or signage.
- b) Not more than 1 commercial vehicle *per resident who resides at the property* shall be kept on a developed *lot in the* CR, LR, R1 or R2 Zone, and such vehicle shall be owned or operated by the registered owner *or resident* of the lot and shall be parked on such lot.
- c) No commercial motor vehicle shall be kept or parked on any vacant lot in an CR, LR, R1 or R2 Zone.

### 6.2.2. Criteria for Home-Based Businesses

In a Country Residential (CR) Zone, Lakeshore Residential (LR) Zone, Established Residential Neighbourhood (R1) Zone, or Two Dwelling Unit Residential (R2) Zone, an accessory building, or a combination of an accessory building and a main building may be used for a home-based business provided that:

- a) The dwelling is occupied as a residence by the operator of the business;
- b) Not more than 50% of the floor area of the dwelling, or a maximum of 80 m<sup>2</sup> of commercial floor area, whichever is less, is devoted to the business use;
- c) A minimum of 1 off-street parking space is required in addition to that required for the dwelling. The number of off-street parking spaces provided must be the greater of 1 space:
  - i) For every 35 m<sup>2</sup> of floor space occupied by the business;
  - ii) For a related use to a personal or professional service home-based business use: every on-site client that can be serviced simultaneously.
  - iii) For every employee who are not residents in the dwelling.
- d) No open storage or outdoor display associated with the business shall be permitted.
- e) The external appearance of the dwelling is consistent with a residential use.
- f) Signage advertising the business shall comply with the requirements set out in Part 4 of this Bylaw.
- g) The business use may employ a maximum of 2 employees who are not residents in the dwelling.
- h) No home-based business may have mechanical or electrical equipment that creates external noise or interferes with electronic equipment in adjacent dwellings.
- i) A maximum of 3 client visits at a time is permitted for a personal or professional service home-based business use excluding Home-Based Daycares.

### 6.2.3. Home-Based Business Uses Permitted in Residential Neighbourhood Zones

- a) Home-Based Daycare uses shall be permitted as a home-based business.
- b) Office and Professional uses permitted as a home-based business shall include, but not be limited to:
  - i) Professional office services, health care services, administrative and consulting services, administrative offices for businesses conducted off-site, technology or arts professionals and insurance or property appraisal practitioners.
  - ii) Business representatives managing a direct sales organization for product distribution, but not regular direct sales of product from residence.
- c) Goods and Service uses permitted as a home-based business shall include, but not be limited to:
  - i) Personal *care* services, private instruction or tutoring in the arts, sciences or technologies, the crafting or repair of household goods, small engines and motors and appliances, computers, recreational equipment (not recreational motorized vehicles), personal affects or upholstery, seasonal retailing of garden produce/plants, engraving wood, metal, stone setting and selling, and the making and selling of crafts.



- ii) Mail order, or digital sales where the customer does not enter the premises to pick up goods on-site.
- d) Uses prohibited as a home-based business shall include, but not be limited to:
  - i) Automotive repair, automotive sales or welding shops;
  - ii) Abattoirs, butchers, and the cutting & wrapping of meat;
  - iii) Care centres.
- e) ~~Where a business use is not listed above, and the business is similar in nature to an above use, the permission of the use shall be at the discretion of the Development Officer, provided all other provisions of this Bylaw are met.~~

#### 6.2.4. Requirements for Bed and Breakfasts

The following special provisions shall be required for a bed and breakfast:

- a) Parking for a bed and breakfast shall be 1 space per rental room, and shall be located at the side or rear of the property. Where it is not feasible to do so as a result of existing building or lot configuration, parking may be permitted at the front of the property.
- b) Signage advertising the business shall comply with the requirements set out in Part 4 of this Bylaw.

#### 6.2.5. Width to Length Ratio for Residential Buildings

A development permit shall not be issued for a residential dwelling in an CR, LR, R1 or R2 Zone unless the following design standard for the dwelling is adhered to, exclusive of any additions: the length of the dwelling must not exceed the most common minimum width of the dwelling (normally measured at the centre point of the dwelling) by a ratio of 3 to 1, that is the length must not exceed 3 times the prevalent width, except for the replacement of mini-home homes which were lawfully existing at the time the Bylaw came into effect. Mini-home dwellings as per the definition are not permitted. ***Residential dwellings where the majority of the structure is constructed using shipping containers shall be exempt from the width to length ratio requirements of this section.***

#### 6.2.6. Site Plan Criteria

The Development Officer shall approve a site plan application where the following matters have been addressed by the applicant:

- a) The location of structures on the lot:
  - i) All proposed and existing structures and areas for outdoor storage & display are identified on the site plan.
- b) The location of off-street loading and automotive parking facilities:
  - i) All proposed and existing automotive parking is identified on the site plan; and
  - ii) All proposed automotive parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area.
  - iii) Requirements of the Land Use Bylaw dealing with off-street loading and parking facilities may be varied by a site-plan approval
- c) The location of bicycle parking facilities:
  - i) All proposed and existing bicycle parking is identified on the site plan; and
  - ii) All proposed bicycle parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area.
  - iii) Requirements of the Land Use Bylaw dealing with bicycle parking facilities may be varied by a site-plan approval
- d) The location, number and width of driveway accesses to streets
  - i) All proposed and existing driveway accesses are identified on the site plan; and
  - ii) All proposed driveway accesses are of a sufficient width to allow for the safe and efficient movement of vehicles to and from the site.

- e) The type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands:
  - i) All requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering are identified on the site plan including proposed landscaping for yard setbacks, parking areas, and property lines;
  - ii) All open storage including refuse containers are buffered with an opaque fence or hedge sufficient to screen the storage area from adjacent properties and the street; and
  - iii) Sufficient landscaping including trees, shrubs, grass, and other ground cover shall be provided around any structures on the site and any parking areas to minimize the visual and environmental impact of the use on the surrounding area.
- f) The retention of existing vegetation:
  - i) All retained vegetation including trees, shrubs, and ground cover is identified on the site plan.
- g) The location of walkways, the type of surfacing material, and all other means of pedestrian access:
  - i) All proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the commercial entrance from the parking area and from the street; and
  - ii) All walkways are surfaced with a paving material such as brick, cobblestone, concrete, or any other suitable material to clearly delineate pedestrian walkways from vehicle circulation areas.
- h) The type and location of outdoor lighting:
  - i) Exterior lighting used to illuminate any area within the site is located in a manner which would not reflect onto adjacent properties or the street; and
  - ii) Lighting is sufficient to provide safety and convenience for both pedestrians and vehicles accessing all public areas of the site.
- i) The location of facilities for the storage of solid waste:
  - i) All facilities for the storage of solid waste are identified on the site plan; and
  - ii) All solid waste storage is located so that such waste is not openly visible from the immediate area surrounding the commercial use, any surrounding properties, or the street.
- j) The grading or alteration in elevation or contour of land and provision for the management of storm and surface water:
  - i) All development within the site is undertaken to not alter the elevation or contour of the land including the excessive removal of topsoil beyond that required for basic lot grading necessary to locate any structures, roads, parking, or driveways;
  - ii) Any alteration of land including the removal of topsoil shall be undertaken in a manner which does not impact negatively on the natural function of any watercourse abutting the property or located on the property including runoff and erosion; and
  - iii) The site plan identifies measures for the effective drainage of stormwater within the site as well as any downstream or upstream areas which may be affected by the development.
- k) All matters considered by site plan approval shall be adequately maintained.

### **6.2.7. Additional Evaluation Materials for Site Plan Approval Uses**

Before a development permit is issued, the Development Officer shall be provided with the following information when considering a site plan approval use:

- a) Building elevations to scale showing the front, side and rear elevations of the proposed development including all existing and proposed building elements.
- b) A site plan meeting the requirements of this section.
- c) a letter provided by the applicant indicating that the applicant and/or owner agrees to carry out the terms of the site plan.

d) Any other information the Development Officer deems necessary to properly evaluate the proposal.

### **6.2.8. Exemptions from Site Plan Approval**

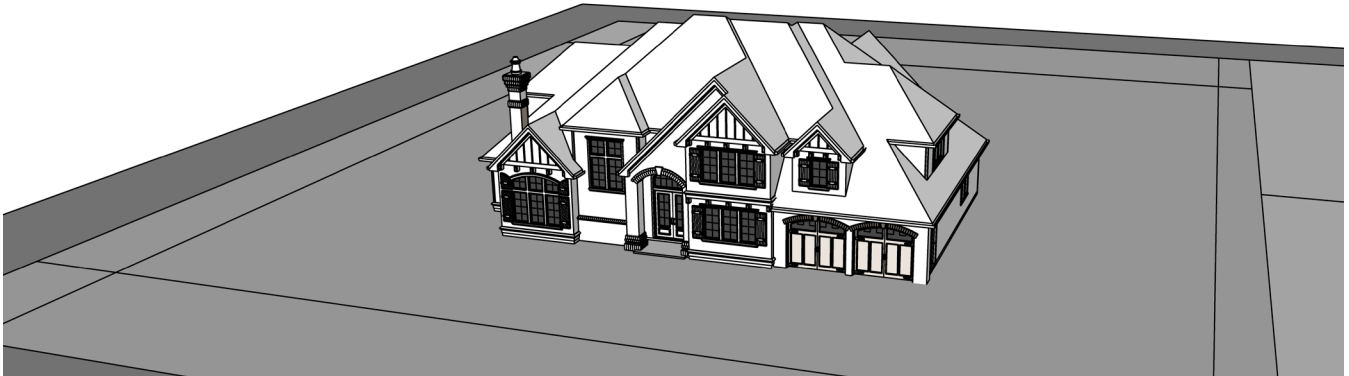
The following matters do not require site plan approval, however all other requirements of this Bylaw shall be met before a development permit is issued:

- a) Temporary Construction Uses;
- b) The addition of vegetation on the property;
- c) Building repairs;
- d) Signage on a property where no site plan approval is currently applicable, or where signage is not indicated on an existing site plan;
- e) Accessory structures on a property where no site plan approval is currently applicable;
- f) Installation, replacement or repair of minor building features, including a change in size of windows and doors that do not face streetlines;
- g) Assuming adequate parking is provided according to the general provisions section:
  - i) Change of use or tenancy;
  - ii) Interior renovations;
  - iii) Additions having a gross floor area of 75 m<sup>2</sup> or less provided floor area maximums are met, and street-facing facades are not changed.

### **6.2.9. Solar Neighbourhoods**

*A solar farm shall be permitted on residential neighbourhood zoned lands if the purpose of the solar farm is to support the electricity needs of the neighbourhood.*

### 6.3. CR: Country Residential



The diagram and photographs above are for illustrative purposes only.

#### Intent

To provide for and protect low-density rural subdivisions comprised of detached, single unit homes and residential use types compatible with a quiet, family-living environment.

- \_\_\_\_\_ Detached buildings
- \_\_\_\_\_ Up to 3 storeys
- \_\_\_\_\_ Home-based businesses permitted
- \_\_\_\_\_ Accessory dwellings units permitted



Single Unit Dwelling



Bed & Breakfast

#### CR Zone: Conditional Uses by Site Plan Approval

- **Accessory uses** or **accessory buildings** in excess of the applicable zone requirements.
- **Home-based business uses** in excess of 80 m<sup>2</sup> up to a maximum of 140 m<sup>2</sup> of commercial floor area.



### 6.3.1. Zone Requirements

In the Country Residential (CR) Zone, no development permit shall be issued except in conformity with the following requirements:

#### General Zone Requirements

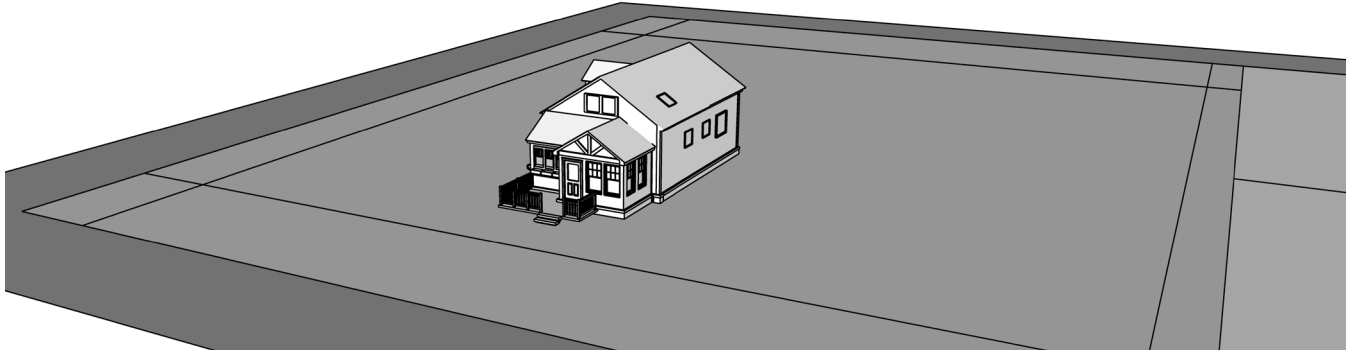
|                         | Type of Servicing            |
|-------------------------|------------------------------|
|                         | On-Site <sup>i</sup>         |
| Minimum Lot Area        | 3,720 m <sup>2</sup>         |
| Minimum Lot Frontage    | 30 m                         |
| Minimum Front Yard      | 7.5 m                        |
| Minimum Rear Yard       | 10 m                         |
| Minimum Side Yard       | 1.8 m                        |
| Minimum Flankage Yard   | 6 m                          |
| Maximum Building Height | Lesser of 2½ storeys or 11 m |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for a on-site sewage disposal system.

## 6.4. LR: Lakeshore Residential

**A** Regulations on facing page.



The diagram and photographs above are for illustrative purposes only.

### Intent

To provide for and protect lakeshore residential communities comprised of detached, single-family homes and residential use types compatible with a quiet, family-living environment.

Detached buildings  
Up to 2½ storeys  
Home-based businesses permitted  
Accessory dwellings units permitted



Single Unit Dwelling



Boathouse

### LR Zone: Conditional Uses by Site Plan Approval

- **Accessory uses** or **accessory buildings** in excess of the applicable zone requirements.
- **Home-based business uses** in excess of 80 m<sup>2</sup> up to a maximum of 140 m<sup>2</sup> of commercial floor area.

### 6.4.1. Zone Requirements

In the Lakeshore Residential (LR) Zone, no development permit shall be issued except in conformity with the following requirements:

#### General Zone Requirements

|                         | Type of Servicing            |
|-------------------------|------------------------------|
|                         | On-Site <sup>i</sup>         |
| Minimum Lot Area        | 3,720 m <sup>2</sup>         |
| Minimum Lot Frontage    | 30 m                         |
| Minimum Front Yard      | 7.5 m                        |
| Minimum Rear Yard       | 10 m                         |
| Minimum Side Yard       | 1.8 m                        |
| Minimum Flankage Yard   | 6 m                          |
| Maximum Building Height | Lesser of 2½ storeys or 11 m |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for a on-site sewage disposal system.

### 6.4.2. Boathouses and Docks

~~One boathouse per property up to 65 m<sup>2</sup> in floor area is permitted for the storage of boats, watercraft like canoes and kayaks, and associated marine accessories and equipment.~~

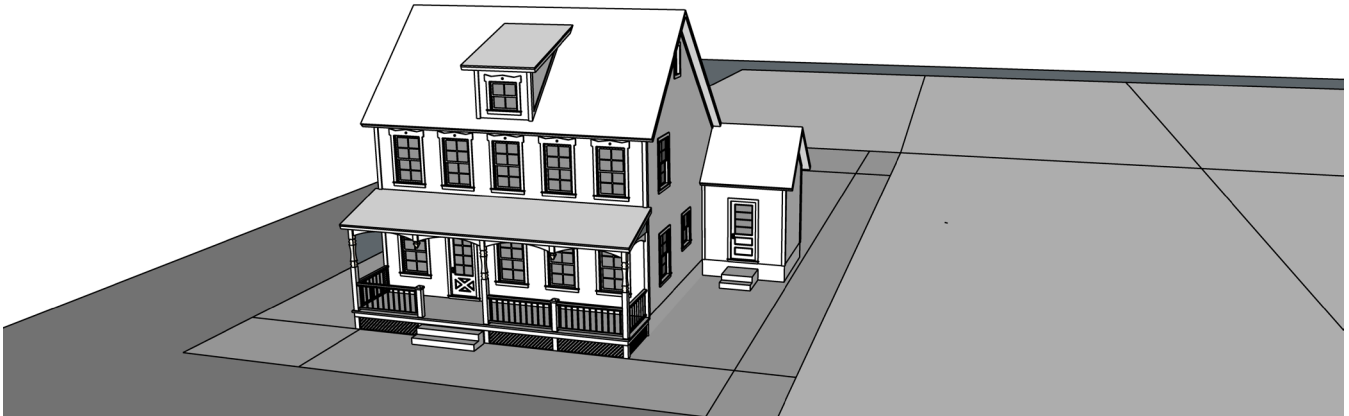
*In the Lakeshore Residential (LR) Zone a maximum of one boathouse and one dock shall be permitted in accordance with the following provisions:*

- a) The area of the boathouse shall not exceed a total ground area of 65 m<sup>2</sup>.*
- b) Boathouses shall only be used for the storage of boats, watercraft like canoes and kayaks, and associated marine accessories and equipment.*
- c) A boathouse shall have a maximum width of 7 m on the side that is most parallel to the shoreline.*
- d) A dock shall have a maximum width of 3 m at the shoreline.*
- e) A maximum of 25% of the shoreline frontage or up to 10 m of shoreline frontage, whichever is the lesser, may be used for a combination of the boathouse and dock.*

### 6.4.3. Shoreline Vegetation

Natural vegetation within 10 m of the normal high water mark of any lake shoreline is to remain undisturbed except to allow for the construction of docks, boathouses **and a maximum 1.8 m width walkway**. In addition, up to 35% of trees and underbrush may be removed to enable a filtered view of the lake. Nothing in this section shall prevent the removal of a dangerous or diseased tree.

## 6.5. R1: Established Residential Neighbourhood



The diagram and photographs above are for illustrative purposes only.

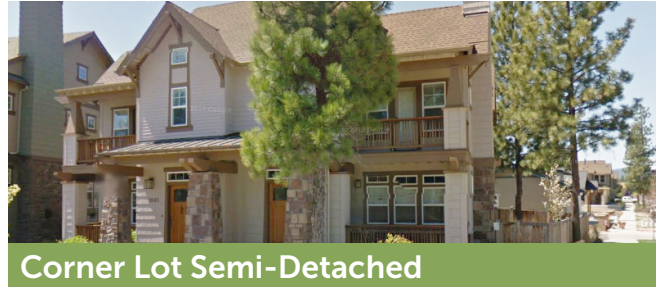
### Intent

To provide for and protect neighbourhoods comprised of detached, single unit homes and residential use types compatible with a quiet, family-living environment. Duplex uses are permitted on corner lots which are designed to be compatible with adjacent dwellings.

|                                     |
|-------------------------------------|
| Detached buildings                  |
| Small footprint                     |
| Up to 2½ storeys                    |
| Home-based businesses permitted     |
| Accessory dwellings units permitted |
| Corner lot two unit buildings       |



Single Unit Dwelling



Corner Lot Semi-Detached

### R1 Zone: Conditional Uses by Development Agreement

- **Zero Lot Line Developments** subject to the requirements of the Municipal Planning Strategy for areas which do not border Grand Lake.

### R1 Zone: Conditional Uses by Site Plan Approval

- **Accessory uses** or **accessory buildings** in excess of the applicable zone requirements.
- **Home-based business uses** in excess of 80 m<sup>2</sup> up to a maximum of 140 m<sup>2</sup> of commercial floor area.
- **Two Unit Dwellings** uses where:
  - lots are serviced by wastewater and water services;
  - the lot is a corner lot, fronted on both corners by a public road;
  - proposals comply with the design requirements of this zone;
  - the lot does not border Grand Lake.

### 6.5.1. Zone Requirements

In the Established Residential Neighbourhood (R1) Zone, no development permit shall be issued except in conformity with the following requirements:

#### General Zone Requirements

|                         | Type of Servicing            |                              |                              |
|-------------------------|------------------------------|------------------------------|------------------------------|
|                         | Sewer and Water              | Sewer Only                   | On-Site <sup>i</sup>         |
| Minimum Lot Area        | 500 m <sup>2</sup>           | 920 m <sup>2</sup>           | 3,720 m <sup>2</sup>         |
| Minimum Lot Frontage    | 16 m                         | 22 m                         | 30 m                         |
| Minimum Front Yard      | <b>5 m</b>                   | <b>5 m</b>                   | <b>7.5 m</b>                 |
| • Provincial Street     | 5 m                          | 7.5 m                        | 7.5 m                        |
| • Municipal Street      | 3.5 m                        | 3.5 m                        | 7.5 m                        |
| Minimum Rear Yard       | 6 m                          | 7 m                          | 10 m                         |
| Minimum Side Yard       | 1.8 m                        | 1.8 m                        | 1.8 m                        |
| Minimum Flankage Yard   | 5 m                          | 6 m                          | 6 m                          |
| Maximum Building Height | Lesser of 2½ storeys or 11 m | Lesser of 2½ storeys or 11 m | Lesser of 2½ storeys or 11 m |

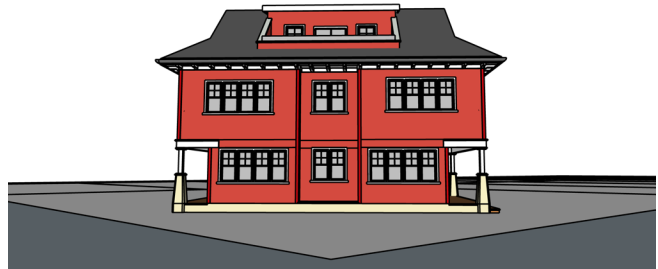
#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for a on-site sewage disposal system.

### 6.5.2. Two Unit Dwelling Design Requirements

Two Unit Dwelling uses must conform with the following design requirements:

- a) Two Unit Dwelling uses must provide a frontal facade design to both street frontages, or where a lot configuration makes this impractical, a distinctive architectural treatment at the corner is required such as spires, turrets, belvederes, porticos, arcades, or archway.
- b) Two Unit Dwellings must be designed to be appear as a single unit dwelling.
  - i) Articulation is required on each street-facing facade of the building. This may be achieved through porches, bay windows, recessed entrances, changes in materials, and architectural details.
  - ii) Exterior siding materials must be carried down to within 20 cm of grade. Only 20 cm of exposed foundation is permitted on any street-facing facade elevation.
  - iii) Garages entrances must be located behind the main entrances to the dwelling.
  - iv) A maximum of one garage entrance may be located on a street-facing facade.
- c) The Two Unit Dwelling should be located close to the property line of street facing facades in order to frame the corner: a maximum front and flankage yard of 6 m is permitted.



### 6.5.3. Grand Lake Properties

For R1 zoned properties bordering Grand Lake, the following shall apply:

- a) ~~One boathouse per property up to 65 m<sup>2</sup> in floor area is permitted for the storage of boats, watercraft like canoes and kayaks, and associated marine accessories and equipment.~~



- b) A maximum of one boathouse and one dock shall be permitted in accordance with the following provisions:*
- i) The area of the boathouse shall not exceed a total ground area of 65 m<sup>2</sup>.*
  - ii) Boathouses shall only be used for the storage of boats, watercraft like canoes and kayaks, and associated marine accessories and equipment.*
  - iii) A boathouse shall have a maximum width of 7 m on the side that is most parallel to the shoreline.*
  - iv) A dock shall have a maximum width of 3 m at the shoreline.*
  - v) A maximum of 25% of the shoreline frontage or up to 10 m of shoreline frontage, whichever is the lesser, may be used for a combination of the boathouse and dock.*
- c) Natural vegetation within 10 m of the normal high water mark of any lake shoreline is to remain undisturbed except to allow for the construction of docks, boathouses, **and walkways 1.8 m in width**. In addition, up to 35% of trees and underbrush may be removed to enable a filtered view of the lake. Nothing in this section shall prevent the removal of a dangerous or diseased tree.
- d) Zero Lot Line Development agreement provisions shall be inoperative.

## 6.6. R2: Two Dwelling Unit Residential Zone



The diagram and photographs above are for illustrative purposes only.

### Intent

To provide for a range of affordable two-unit dwelling options such as duplexes, semi-detached dwellings & linked dwellings. A limited range of small multiplex units are also allowed in the zone when designed to be compatible. Supportive commercial uses such as convenience stores and Live/Work uses are also permitted when designed to be compatible.

- \_\_\_\_\_ Detached buildings
- \_\_\_\_\_ Small footprint
- \_\_\_\_\_ Up to 2½ storeys
- \_\_\_\_\_ Buildings near the lot middle-front
- \_\_\_\_\_ Home-based businesses permitted
- \_\_\_\_\_ Concealed or screened parking



Single Detached Dwelling



Bed & Breakfast



Semi-Detached Dwelling



Small Multiplex

### R2 Zone: Conditional Uses by Development Agreement

- **Accessory buildings** in excess of the applicable zone requirements.
- **Institutional Use (IU) Zone** or **Open Space (OS) Zone** uses.
- **Zero Lot Line Developments** subject to the requirements of the Municipal Planning Strategy.

**R2 Zone: Conditional Uses by Site Plan Approval**

- **Convenience Store** uses where:
  - the lot is a corner lot, fronted on both corners by a public road;
  - the lot fronts on a major collector or arterial road;
  - proposals comply with the design requirements of this zone
- **Live/Work** uses where:
  - the lot is a corner lot, fronted on both corners by a public road;
  - the lot fronts on a major collector or arterial road;
  - proposals comply with the design requirements of this zone
- ~~**Multiplex, Small Fourplex**~~ uses where:
  - the lot is a corner lot, fronted on both corners by a public road;
  - the lot fronts on a major collector or arterial road;
  - proposals comply with the design requirements of this zone
- **Home-based business uses** in excess of 80 m<sup>2</sup> up to a maximum of 140 m<sup>2</sup> of commercial floor area.

**6.6.1. General Zone & Two Unit Dwelling Requirements**

In the Two Dwelling Unit Residential Zone (R2) Zone, no development permit shall be issued except in conformity with the following requirements:

a) The following requirements are satisfied:

|                                | Type of Servicing            |                              |                              |
|--------------------------------|------------------------------|------------------------------|------------------------------|
|                                | Sewer and Water              | Sewer Only                   | On-Site <sup>i</sup>         |
| Minimum Lot Area <sup>ii</sup> | 550 m <sup>2</sup>           | 920 m <sup>2</sup>           | 3,720 m <sup>2</sup>         |
| Minimum Lot Frontage           | 18 m                         | 18 m                         | 30 m                         |
| Minimum Front Yard             | <b>5 m</b>                   | <b>5 m</b>                   | <b>5 m</b>                   |
| • Provincial Street            | 5 m                          | 5 m                          | 5 m                          |
| • Municipal Street             | 3.5 m                        | 3.5 m                        | 5 m                          |
| Minimum Rear Yard              | 6 m                          | 6 m                          | 10 m                         |
| Minimum Side Yard              |                              |                              |                              |
| • Common Wall <sup>iii</sup>   | 0 m                          | 0 m                          | 0 m                          |
| • Detached Wall                | 1.8 m                        | 1.8 m                        | 2 m                          |
| Minimum Flankage Yard          | 5 m                          | 6 m                          | 6 m                          |
| Maximum Building Height        | Lesser of 2½ storeys or 11 m | Lesser of 2½ storeys or 11 m | Lesser of 2½ storeys or 11 m |

**Conditions**

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for a on-site sewage disposal system.

<sup>ii</sup> The minimum lot area **and frontage** may be subdivided into two lots so each lot contains a single unit provided half of the minimum lot area **and frontage** is met for each lot. **Only applicable to semi-detached and linked dwellings, where Municipal services are available.**

<sup>iii</sup> In order to subdivide between two units of a Linked Dwelling, the inward facing linked dwelling walls must meet the minimum separation distance of the building code.

b) A development permit may be issued to permit a second single unit dwelling on a lot provided the proposed second dwelling is located so that the property could be subdivided into two separate lots, each containing one of the dwellings, with both resulting lots in compliance with the above minimum lot standard requirements for the R2 Zone.

c) Two Unit Dwelling located on a lot serviced by municipal water and waste water services may be subdivided into 2 lots provided:

- i) Each lot shall contain no more than a single unit;
- ii) Each dwelling unit has separate service connections;
- iii) All applicable provisions of the East Hants Municipal Subdivision Bylaw are satisfied.

### 6.6.2. Live/Work, Convenience Store & Fourplex Site Plan Approval Application Requirements

A site plan approval application may be considered for the following uses listed on the table below, provided the following requirements, and all other requirements of this Bylaw are met:

- a) The lot is a corner lot, fronted on both corners by a public road;
- b) The lot fronts on a Provincial Route or Collector Highway as indicated in Appendix B of the Municipal Planning Strategy.
- c) The following requirements are satisfied:

|                                  | Retailers & Rental Services, General (Convenience Store): Sewer & water or Sewer only | Retailers & Rental Services, General (Convenience Store): On Site | Live/ Work: Sewer & water or Sewer only | Multiplex, Small (Fourplex) Sewer & water or Sewer only              |
|----------------------------------|---|---|---|--|
| Minimum Lot area                 | 700 m <sup>2</sup>  | 3,720 m <sup>2</sup>  | 700 m <sup>2</sup>                      | Larger of 600 m <sup>2</sup> or 175 m <sup>2</sup> per dwelling unit |
| Maximum Ground Floor Area        | 235 m <sup>2</sup>  | 235 m <sup>2</sup>  | 235 m <sup>2</sup>                      | 225 m <sup>2</sup>   |
| Minimum Lot Frontage             | 23 m  | 30 m  | 23 m                                    | 18.5 m   |
| Minimum Front Yard               | <b>5 m</b>  | <b>5 m</b>  | <b>5 m</b>                              | <b>5 m</b>   |
| • Provincial Street              | 7.5 m   | 7.5 m   | 7.5 m                                   | 5 m  |
| • Municipal Street               | 5 m   | 7.5 m   | 5 m                                     | 5 m  |
| Minimum Rear Yard                | 6 m   | 10 m  | 6 m                                     | 6 m  |
| Minimum Side Yard                | 4.5 m   | 4.5 m   | 4.5 m                                   | 4.5 m  |
| Minimum Flankage Yard            | 6 m   | 6 m   | 6 m                                     | 6 m  |
| Maximum Building Height          | Lesser of 2½ storeys or 11 m  | Lesser of 2½ storeys or 11 m                                      | Lesser of 2½ storeys or 11 m            | Lesser of 2½ storeys or 11 m   |
| Maximum Number of Dwelling Units | 1   | 1   | 1                                       | 4  |
| Maximum Lot Coverage             | 50%   | 50%   | 50%                                     | 50%  |

- d) Site plans shall be required for site plan approval uses in an R2 Zone pursuant to site plan provisions under the *Municipal Government Act*. The site plan shall be prepared by a qualified professional of sufficient detail to address all of the matters identified above and in the Site Plan Approval Design Requirements of this section. The site plan must:
  - i) Identify the location of all existing easements.
- e) No development permit shall be issued in an R2 Zone for a site plan approval use, unless a site plan has been approved, pursuant to the Site Plan Approval Design Requirements of this section, and provided the applicant has entered into a written agreement to carry out the terms of the site plan.

### 6.6.3. Fourplex Design Requirements

- a) Multiplex, Small (Fourplexes) must be designed to appear as a single unit dwelling.
  - i) Articulation is required on each street-facing facade of the fourplex. This may be achieved through porches, bay windows, recessed entrances, changes in materials, and architectural details.
  - ii) Exterior siding materials must be carried down to within 20 cm of grade. Only 20 cm of exposed foundation is permitted on any street-facing facade elevation.
  - iii) Garage entrances must be located behind the main entrances to the dwelling.
  - iv) A maximum of one garage entrance may be located on a street-facing facade.

### 6.6.4. Live/Work Design Requirements

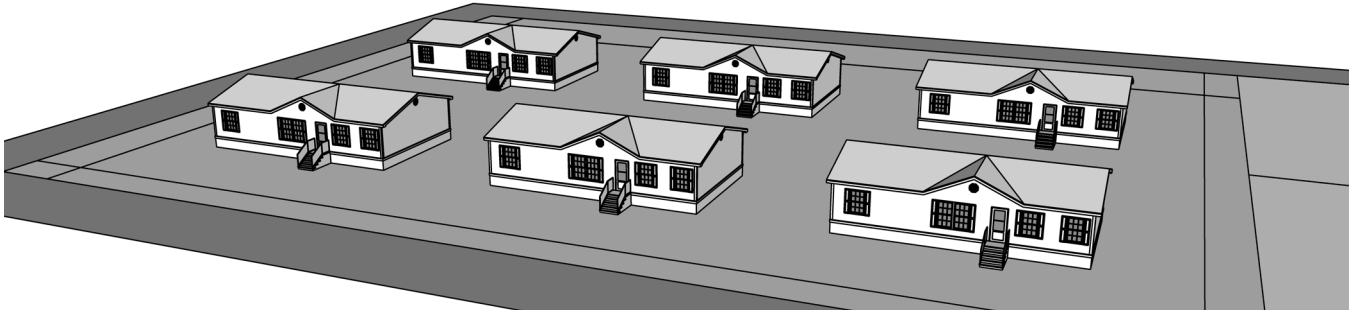
- a) Live/Work uses must be designed to appear primarily as a single unit dwelling.
  - i) The external appearance of buildings must be consistent with a residential use.
  - ii) No outdoor storage or outdoor display associated with the business shall be permitted.
  - iii) Signage advertising the business shall comply with the requirements set out in Part 4 of this Bylaw.
  - iv) The business use may employ a maximum of 2 employees who are not residents in the dwelling.
  - v) No live/work use may have mechanical or electrical equipment that creates external noise or interferes with electronic equipment in adjacent dwellings.
  - vi) A maximum of 5 client visits at a time is permitted for a personal or professional service home-based business use.

### 6.6.5. Site Plan Approval Design Requirements

- a) Site plan approval uses in an R2 Zone must meet the following requirements to the satisfaction of the Development Officer:
  - i) Developments on corner sites must provide a frontal facade design to both street frontages;
  - ii) The location of new structures and parking and loading facilities on the lot shall minimize negative impacts to the surrounding neighbourhood, including fumes, lighting, or other nuisances to occupants of nearby residences;
  - iii) Walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements, or a combination thereof, shall be provided as is necessary to protect and minimize negative land use impact on neighbouring properties;
- b) Signage requirements in the rest of the Bylaw may be varied by site plan approval. The type, location, number and size of signs or sign structures must not negatively alter the appearance of the streetscape or neighbourhood.



## 6.7. MH: Mini-Home Zone



The diagram and photographs above are for illustrative purposes only.

### Intent

To provide for mini-home communities. Ancillary buildings and services are also permitted in this zone.

Detached mini-home developments  
Concealed or screened parking  
No accessory dwellings



Mini-Home

### 6.6.1. Zone Requirements

No development permit shall be issued for the MH Zone except in conformity with the following requirements:

- a) The proposed dwelling must be sited so that the property could be subdivided into 2 separate serviced lots, with both resulting lots in compliance with the minimum serviced lot requirements of the MH Zone.
- b) The requirements below are satisfied:

|  |                                |
|--|--------------------------------|
| Minimum Lot area                       | 6,000 m <sup>2</sup>           |
| Maximum Density                        | 8 units / 4,050 m <sup>2</sup> |
| Minimum Setback from any property line | 12.2 m                         |

- c) When submitting an application for approval of a new mini-home community, the applicant must submit a detailed plan of the proposed mini-home community:
  - i) North point designated true or magnetic, scale and date.
  - ii) Name and address of applicant.
  - iii) Name of the proposed mini-home community.
  - iv) Area and dimensions of the mini-home community with accurate distances and bearings as determined by survey.

- v) Number, location, and size of all mini-home spaces.
  - vi) Location, gradient, and width of all streets.
  - vii) Existing rights of way.
  - viii) Contours of the lands involved at an interval of not greater than 1.5 m.
  - ix) All connections to existing public highways.
  - x) Location and use of all proposed and existing buildings on the lands.
  - xi) Location and use of all buildings on adjoining properties within 150 m.
  - xii) Location and description of all services which may be required by this or any other Bylaw or any Act of the legislature.
- d) No person(s) shall operate a mini-home community unless:
- i) Each mini-home space is at least 464 m<sup>2</sup> in area.
  - ii) The distance from a street right-of-way to all mini-homes is at least 12.2 m measured at right angles to the right of way.
  - iii) All mini-homes are at least 12.2 m from the nearest side and rear boundary line.
  - iv) Each mini-home space is at least 15.2 m wide in its least dimension or width and at least 30.5 m in length.
- e) Mini-home spaces shall be of such elevation, distance and angle in relation to access streets and the mini-home home space that placement and removal of a mini-home home can be accomplished without infringement on other property or another mini-home space, or allowing the undercarriage of the mini-home to make contact with the ground. Planks of steel mats shall be made available by the community operator and shall be used during placement or removal of a mini-home except on paved or graveled access-ways.
- f) The limits of each mini-home space shall be permanently marked on the ground by flush stakes, markers, or other suitable means.
- g) No mini-home space shall be accessible directly to any street external to the community.
- h) Off street parking shall be provided at the rate of 1 standard space per mini-home space.
- i) Not less than 10% of the developed site area shall be developed exclusively for recreation and public open space uses.
- j) A mini-home community shall be located on a properly drained site that is above the high water line, is at all times free of stagnant water pools, is graded for rapid drainage and shall not be located so that its drainage will endanger any water supply or contaminate any lake or river.
- i) No advertising sign or other device shall be allowed except as follows:
  - ii) Not more than 1 ground sign shall be permitted.
  - iii) The surface area of the sign shall not exceed 9.75 m<sup>2</sup>.
  - iv) Flashing signs shall not be permitted.
  - v) The sign or its illuminator shall not cast a reflection upon any mini-home.
  - vi) The sign or its illuminator shall not, by reason of its location, shape or colour, interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, signal, or marking.
  - vii) Ground signs shall have a setback of 2.5 m.
  - viii) No sign shall be located so as to cast a shadow on any mini-home space during the period between one hour after sunrise and one hour before sunset.
  - ix) The owner of a sign shall maintain it in good condition.
  - x) When a sign is not maintained in good condition the owner of the sign shall carry out maintenance or remove it within 10 days of a written request to do so from the Municipal Bylaw Enforcement

Development Officer.

- k) The owner of the mini-home shall maintain it in good repair and a clean sanitary condition.
- l) Cul-de-sacs shall have a turning circle at the dead end with a radius as required by the Municipality of East Hants, and a length not exceeding 76.2 m.
- m) All mini-home spaces and other facilities within a mini-home community shall be served by an internal private street within the Mini-home Community. All streets shall have a minimum right-of-way of 20 m.
- n) Internal community streets shall be provided with street lighting equipment satisfactory to the Municipal Building inspector and/or Transportation Engineer.
- o) Mini-home Communities shall be connected to a private wastewater and water system owned and maintained by the owner of the Mini-home community.
- p) Each mini-home shall, within 30 days of its being placed on a mini-home stand, have appropriate skirts or other screening installed on all four sides.
- q) Mini-home wheels, once removed, must either be stored in a safe, sheltered, convenient place provided within the mini-home community, or stored under the mini-home in such a manner that they are not visible.
- r) The owner of the mini-home community shall apply to the Municipal Development Officer for a development/building permit before a mini-home arrives to the community, and the following information will be required.
  - i) Name and address of the owner of the mini-home.
  - ii) Make, size, and year of mini-home.
  - iii) Serial number of mini-home.
  - iv) Lot number the mini-home is to be placed on.

| Regulation                         | Amendment Date    | Description   |
|------------------------------------|-------------------|---|
| 6.5.1, 6.6.1, 6.6.1(a).ii, and 6.6 | July 26, 2017     | Amended as part of the one year review.   |
| 6.2.5                              | December 19, 2018 | Amended the width to length ratio for dwellings built with shipping containers. |





PART 7

# Mixed Use Zones



# PART 7: MIXED USE ZONES

## 7.1. Mixed Use Zones Permitted Uses

The table below summarizes the uses permitted in all Mixed Use Development Zones. For conditions associated with the uses, see the specific section referencing that zone.

- R2-T - Townhouse
- R3 - Multiple Unit Residential
- MC - Mixed Use Centre
- VC - Village Core
- WCDD - Walkable Comprehensive District Development

| Uses   | R2-T | R3 | MC | VC | WCDD |
|--|------|----|----|----|------|
| Accommodations, Bed & Breakfast                                | -    | P  | P  | SP | -    |
| Accommodations, Employee                                       | -    | -  | SP | -  | -    |
| Accommodations, General  | -    | -  | SP | SP | -    |
| Animal Hospitals & Veterinary Offices                          | -    | -  | SP | SP | -    |
| Automobile Dealers & Rentals                                   | -    | -  | -  | -  | -    |
| Automobile Service Station                                     | -    | -  | SP | DA | -    |
| Automobile Vehicle Repair & Maintenance                        | -    | -  | SP | -  | -    |
| Bank & Financial Institutions                                  | -    | -  | SP | SP | -    |
| Brewery, Distillery & Winery                                   | -    | -  | SP | SP | -    |
| Business Support Services & Printing                           | C    | C  | SP | SP | -    |
| Car Wash   | -    | -  | -  | -  | -    |
| Commercial Club  | -    | -  | SP | -  | -    |
| Couriers & Messengers  | -    | -  | SP | SP | -    |
| Daycare, General   | -    | C  | SP | SP | -    |
| Daycare, Home-Based  | C    | C  | SP | SP | -    |
| <i>Drinking Establishment open after 1 am</i>                  | -    | -  | DA | DA | -    |
| <i>Drinking Establishment open until 1 am</i>                  | -    | -  | SP | SP | -    |
| <i>Drinking Establishment, Major (Cabaret or Lounge)</i>       | -    | -  | DA | DA | -    |
| <i>Drinking Establishment, Minor (Tavern or Beverage Room)</i> | -    | -  | SP | DA | -    |
| Dwelling, Multiplex (Large)                                    | -    | SP | SP | -  | -    |
| Dwelling, Multiplex (Small)                                    | C    | SP | SP | -  | -    |
| Dwelling, Single Unit  | -    | -  | -  | C  | -    |
| Dwelling, Townhouse (Cluster)                                  | SP   | C  | SP | -  | -    |
| Dwelling, Townhouse (On-Street)                                | SP   | C  | SP | -  | -    |
| Dwelling, Townhouse (Stacked)                                  | SP   | C  | SP | -  | -    |
| Dwelling, Two Unit   | C    | C  | -  | C  | -    |
| Educational Services   | -    | -  | SP | SP | -    |
| Funeral Services   | -    | -  | SP | SP | -    |
| Gambling Industries  | -    | -  | SP | -  | -    |
| Government Offices & Facilities                                | -    | -  | SP | SP | -    |



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| Uses  | R2-T | R3   | MC        | VC        | WCDD |
|---|------|------|-----------|-----------|------|
| Health Care Services  | SP   | SP   | SP        | SP        | -    |
| Home-Based Business   | SP C | SP C | SP C      | SP C      | -    |
| <b>Movie Theatre</b>  | -    | -    | <b>SP</b> | -         | -    |
| Office & Professional Services  | C    | C    | SP        | SP        | -    |
| Personal Care Services  | C    | C    | SP        | SP        | -    |
| Recreation Facility, Indoor   | C    | C    | SP        | -         | -    |
| Repair & Maintenance  | -    | -    | SP        | -         | -    |
| Restaurant, Drive-Thru  | -    | -    | DA        | DA        | -    |
| Restaurant, Full & Limited Service  | -    | -    | SP        | SP        | -    |
| Restaurant, Take-Out  | -    | -    | SP        | SP        | -    |
| Retailers & Rental Services   | -    | C    | SP        | SP        | -    |
| Shopping Centre   | -    | -    | SP        | -         | -    |
| <b>Social Enterprise</b>  | -    | -    | <b>SP</b> | <b>SP</b> | -    |
| Special Care (Nursing Home)   | SP   | SP   | SP        | €SP       | -    |
| Special Care (Residential Care Facility, Home for Special Care or Group Home)   | SP   | SP   | SP        | €SP       | -    |
| Tradesperson & Craftsperson Businesses & Offices  | -    | -    | SP        | SP        | -    |
| Urban Cottage Developments  | SP   | C    | C         | -         | -    |
| Institutional (IU) Zone Uses  | -    | -    | DA        | SP        | -    |
| <b>Institutional (IU) Zone Uses Public buildings and places of worship</b> that do not meet form-based zone requirements.   | DA   | DA   | DA        | DA        | -    |
| Open Space (OS) Zone Uses subject to the requirements of that zone.   | P    | P    | P         | SP        | -    |
| Conversion of existing buildings into multiple unit residential buildings with 10 units or less.  | -    | -    | -         | SP        | -    |
| <b>Multiple-unit dwellings Multiplex with a minimum of 8 dwelling units to a maximum of 12 dwelling units subject to the Form-Based Zone Requirements for the Village Core (VC) Zone.</b> | -    | -    | -         | SP        | -    |
| <b>Two-Dwelling Unit Residential (R2) Zone Uses</b> subject to the requirements of that zone:   | P    | P    | P         | -         | -    |
| <b>Automobile detailing as a secondary use to the primary commercial or residential use of the property.</b>  | -    | -    | -         | SP        | -    |
| <b>Mixed use buildings with commercial on the ground floor and up to a maximum of 12 dwelling units above the commercial use.</b>   | -    | -    | -         | SP        | -    |
| <b>Conversion of a commercial building to a single or two unit residential dwelling in a structure that was originally constructed as a residential building.</b>                         | -    | -    | -         | P         | -    |
| <b>Lawfully Existing Uses</b>   | P    | P    | P         | P         | -    |

| Uses  | R2-T | R3 | MC | VC | WCDD |
|---|------|----|----|----|------|
| 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.                  |      |    |    |    |      |

## 7.2. General Provisions for Mixed Use Zones (Excluding Village Cores)

### 7.2.1. Amenity Area Requirements

a) Amenity areas shall be provided for residential uses in accordance with the table below:

|  | Minimum Private <i>Outdoor</i> Amenity Area Requirements   | Private <i>Outdoor</i> Amenity Area Layout  | Minimum Common Amenity Area Requirements   | Common <i>Outdoor</i> Amenity Area Layout   |
|--|--|---|--|---|
| Townhouse dwelling unit (grade-level unit) | <del>12</del> <b>40</b> m <sup>2</sup> per unit  | <ul style="list-style-type: none"> <li><del>Located in the rear yard</del></li> <li>Minimum depth of 1.8 m</li> </ul> | <b>Developments with 8 units or more:</b><br>Greater of 100 m <sup>2</sup> or 10 m <sup>2</sup> per unit<br><br><i>Common outdoor amenity area is not required for on-street townhouses.</i>   | Common outdoor amenity areas shall not be divided into more than two pieces, and each area shall have a minimum width of 6 m.   |
| Townhouse dwelling unit (above-grade unit) | <del>4.5</del> <b>40</b> m <sup>2</sup> per unit   | <ul style="list-style-type: none"> <li><del>Located in the rear yard</del></li> <li>Minimum depth of 1.8 m</li> </ul> | <b>Developments with 8 12 units or more:</b><br><del>Greater of 100 m<sup>2</sup> or</del> 10 m <sup>2</sup> per unit  | Common outdoor amenity areas shall not be divided into more than two pieces, and each area shall have a minimum width of 6 m.   |
| Multiplex dwelling unit                    | <b>Required only for developments above 16 units:</b><br>an average of 2 m <sup>2</sup> per unit which is not required to be evenly distributed between units. | <ul style="list-style-type: none"> <li>Minimum depth of 1.8 m</li> </ul>  | <b>Developments between 3-8 units:</b><br>Greater of 50 m <sup>2</sup> or 10 m <sup>2</sup> per unit <i>of common outdoor amenity area</i><br><br><b>Developments of 9 units or more:</b> 10 m <sup>2</sup> of common <i>outdoor</i> amenity area per unit, <del>with at least 50 m<sup>2</sup> as common outdoor amenity area.</del><br><br><b>Developments with 24 units or more:</b><br>50 m <sup>2</sup> of common indoor amenity area is required. <del>to meet above requirements.</del> | Common outdoor amenity areas shall not be divided into more than two pieces, and each area shall have a minimum width of 6 m.<br><br>Common outdoor amenity areas shall not be located in the front yard. |

|   |   |   |   |  |
|---|---|---|---|--|
| Cottage Housing Development dwelling unit | - | - | Greater of 150m <sup>2</sup> total or 25m <sup>2</sup> per unit of common outdoor amenity area. | Common outdoor amenity areas shall not be divided into more than two pieces.<br><br>Each common outdoor amenity area shall have minimum size of 150 m <sup>2</sup> |
| Special Care Home rooming unit            | - | - | Greater of 65 m <sup>2</sup> or 8 m <sup>2</sup> per rooming unit                               | Common outdoor amenity areas shall not be divided into more than two pieces.   |

- ~~b) Amenity areas near steep slopes, parking areas, and other hazards will be designed, landscaped or fenced to mitigate the risk of injury.~~
- ~~c) Outdoor amenity areas will be sufficient in size and shape to serve as a useable outdoor living space, having a minimum area of 3 m<sup>2</sup>, and a minimum depth of 1.5 m. Useable outdoor living space may include but is not limited to communal gardens, playgrounds, and athletic facilities such as tennis courts or lawn bowls.~~
- ~~d) Amenity areas shall be located on the same lot as the use for which it is provided.~~
- ~~e) Required outdoor communal amenity areas shall be allowed to encroach into a required side or rear yard but not within 3 m of any exterior lot line.~~

~~Outdoor amenity area requirements for small multiplex developments may be reduced or waived at the discretion of the Development Officer when a project is within an accessible 100m route to a public open space.~~

**f) A Common outdoor amenity area shall conform with the following:**

- i) Shall be available to all residents of the development, including being barrier free;*
- ii) Shall have no dimension less than 6.0 m and no slope greater than 5%;*
- iii) Be designed and located so that the length does not exceed 4 times the width;*
- iv) Shall have access to sunlight and shade;*
- v) Seating shall be provided;*
- vi) Walkways from the main entrance of the building(s) to the outdoor amenity space shall be provided;*
- vii) A landscape plan shall be prepared for approval by the Development Officer;*
- viii) Shall be located a minimum of 5 m from adjoining residential uses;*
- ix) Outdoor common amenity space may be located on a rooftop terrace where the outside perimeter of the terrace is located a minimum of 3 m from the edge of the building; and*
- x) For larger developments consisting of multiple buildings, one central common outdoor amenity space may be designed for the use of all residents.*

**7.2.2. Landscaping Requirements**

All properties shall be landscaped according to the following requirements:

- i) The landscape requirements of the table below shall be met:

| Landscaping Requirements | Example Diagram |
|--------------------------|-----------------|
|--------------------------|-----------------|

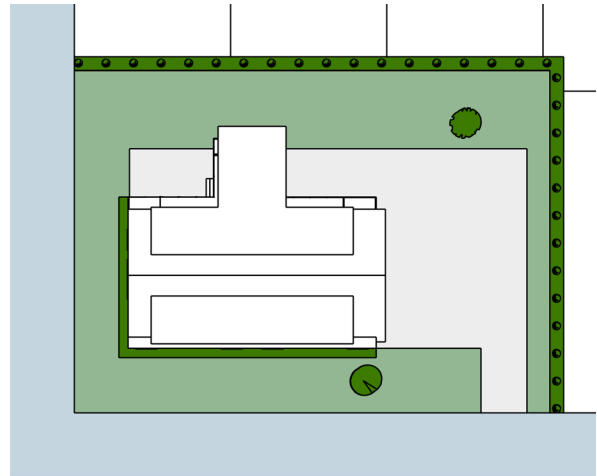
- All disturbed areas of the site shall be landscaped with grass or perennial ground cover.
- All trees greater than 15 cm diameter (measured at 8 cm from the base) should be preserved wherever possible.
- Required landscaped areas shall be planted with a minimum of one evergreen and/or densely twigged deciduous shrub or tree planted with a maximum spacing of 3 m apart in the area. If dense vegetation exists on the site, this may be retained to meet this requirement.
- Fences longer than 8 m shall be landscaped at the base with trees or shrubs planted in a minimum 1.5 m wide planting area spaced no further than 3 m apart with the planted area facing the public right-of-way or abutting properties.

#### Street-Facing Facades

- A minimum 2 m wide yard landscaped area abutting the building on street-facing facades, running the length of and directly abutting the building, excluding driveway accesses to garages and pedestrian accesses.
- For any buildings set back 9 m or more from the front lot line, one 50 mm caliper (minimum) sized tree is required to be planted or retained between the building and the street for every 9 m of building frontage.

#### Lot Periphery Excluding Street-Facing Facades

- A minimum 1.5 m wide landscape area along the side and rear lot periphery for the disturbed area of the site.
- Trees shall be planted or retained at a frequency of no less than one 50 mm caliper (minimum) tree per lot. Sites having a disturbed area larger than a 2000 m<sup>2</sup> shall a minimum of one tree planted per 2000 m<sup>2</sup> of disturbed area.







The diagrams above are for illustrative purposes only.

- ii) Parking lots shall be landscaped in accordance with the general requirements section of this Bylaw.
- a) Required landscaping shall comply with the following perennial planting requirements
  - i) Large (over 10 m) maturing deciduous trees minimum size shall be 50 mm caliper measured at 1.5 m from ground level with a minimum 3.5 m height at time of planting.
  - ii) Evergreen trees shall be a minimum of 1.5 m height measured from ground level at time of planting.
  - iii) Twigged deciduous and evergreen shrubs and hedges shall be a minimum 11 L container with a height of 0.6 m measured from ground level at time of planting.

### 7.2.3. General & Vegetated Buffer Requirements

- a) Vegetated buffers shall comply with the following requirements:
  - i) Shall be designed to provide a continuous screen within 3 years of its initial installation that is equally effective during all seasons.
  - ii) Shall be well maintained so that it provides adequate screening, and does not pose a threat to public safety or become unsightly over time.

- iii) Shall consist of existing trees and vegetation, where possible.
  - iv) May incorporate additional landscaping features and fencing, in addition to vegetation, where necessary, to provide appropriate screening.
- b) Where a property abuts a Residential Neighborhood Zone, Residential Neighborhood Zone use, institutional use, or agricultural use, the requirements of one of the options of the table below shall be met for the portion of the property which is being used for commercial or multiple unit residential purposes including any structures, parking, display, loading docks, utility structures or storage areas:

| Buffer Option | Option Requirements   | Example Diagram  |
|---------------|---|--|
| Option 1      | A solid wall or opaque wooden fence no less than 1.8 m in height; or with the finished side of the fence facing the abutting property.<br><br>Fences longer than 8 m shall be landscaped at the base with trees or shrubs planted in a minimum 1.5 m wide planting area spaced no further than 3 m apart with the planted area facing the public right-of-way or abutting properties. |    |
| Option 2      | A continuous opaque hedge of evergreen and/or densely twigged deciduous shrubs, planted in a minimum 1.5 m wide strip spaced a maximum of 1.5 m apart.  |    |
| Option 3      | A row of alternating evergreen trees and evergreen and/or densely twigged deciduous shrubs, planted no more than 3 m apart, or the retention of a well-vegetated span of vegetation at least 6 m wide.  |   |
| Option 4      | Any combination of options 1, 2, or 3.  |  |
| Option 5      | A turfed berm of not less than 1 m in height planted on the crest with a continuous opaque hedge of evergreen and/or densely twigged deciduous shrubs, planted in a minimum 0.5 m wide strip.   |  |

The diagrams above are for illustrative purposes only.

### 7.2.4. Outdoor Lighting

Driveways, walkways, parking areas, circulation roads, and service areas shall be clearly delineated by lighting fixtures that shall be installed so as to reflect light away from adjacent streets and residential areas.

### 7.2.5. Outdoor Storage & Display Buffer Requirements

- a) Outdoor storage of goods and materials shall be subject to the following requirements:
  - i) Open storage shall be permitted in the rear yard only.
  - ii) Open storage that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the storage area with an opaque fence a minimum of 1.8 m in height or a vegetated buffer sufficient to screen the storage area.
- b) Outdoor display areas shall be permitted in a side yard or a yard abutting a right-of-way provided the following requirements are met:
  - i) Outdoor display areas shall be buffered from abutting yards.
  - ii) Outdoor display areas shall be located on the same lot as the primary building.



- iii) Outdoor display areas shall not exceed 25% of the gross floor area of the primary building.
- iv) Outdoor display areas shall be landscaped and maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

### **7.2.6. Automobile Service Station, Automobile Vehicle Repair & Maintenance, and Car Wash Requirements**

- a) The following requirements shall apply to Automobile Service Station, Automobile Vehicle Repair & Maintenance, and Car Wash:
  - i) The minimum distance between ramps and driveways shall not be less than 9 m.
  - ii) The minimum distance from a ramp or driveway to a street intersection shall not be less than 15 m.
  - iii) The minimum angle of an intersection or a ramp to a street line shall be 45 degrees.
  - iv) Generic terms which are applied as facial wall signs on buildings and indicate the services provided are not included in the calculation of the number of signs per business premise. Without limiting the generality of the foregoing, such terms may include gas, food, brakes, wheel alignment, mufflers and car wash.
- b) The following requirements shall apply to automobile service stations:
  - i) No portion of any pump island shall be located closer than 6m from any street line, except an overhead canopy.
- c) The following requirements shall apply to Automobile Vehicle Repair & Maintenance:
  - i) All Automobile Vehicle Repair & Maintenance uses must occur within a fully enclosed building.
- d) The following requirements shall apply to car washes:
  - i) The car wash shall be located in a partially enclosed, or fully enclosed permanent structure.
  - ii) Dedicated bays, separate from service bays, shall be provided for any car wash facilities.
  - iii) All car wash bays or automated car washes shall include an oil/water separator.

### **7.2.7. Site Plan Criteria**

The Development Officer shall approve a site plan application where the following matters have been addressed by the applicant:

- a) The location of structures on the lot:
  - i) All proposed and existing structures and areas for outdoor storage & display are identified on the site plan.
- b) The location of off-street loading and automotive parking facilities:
  - i) All proposed and existing automotive parking is identified on the site plan; and
  - ii) All proposed automotive parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area.
  - iii) Requirements of the Land Use Bylaw dealing with off-street loading and parking facilities may be varied by a site-plan approval.
- c) The location of bicycle parking facilities:
  - i) All proposed and existing bicycle parking is identified on the site plan; and
  - ii) All proposed bicycle parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area.
  - iii) Requirements of the Land Use Bylaw dealing with bicycle parking facilities may be varied by a site-plan approval.
- d) The location, number and width of driveway accesses to streets:

- i) All proposed and existing driveway accesses are identified on the site plan; and
  - ii) All proposed driveway accesses are of a sufficient width to allow for the safe and efficient movement of vehicles to and from the site.
- e) The type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands:
- i) All requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering are identified on the site plan including proposed landscaping for yard setbacks, parking areas, and property lines;
  - ii) All open storage including refuse containers are buffered with an opaque fence or hedge sufficient to screen the storage area from adjacent properties and the street; and
  - iii) Sufficient landscaping including trees, shrubs, grass, and other ground cover shall be provided around any structures on the site and any parking areas to minimize the visual and environmental impact of the use on the surrounding area.
- f) The retention of existing vegetation:
- i) All retained vegetation including trees, shrubs, and ground cover is identified on the site plan.
- g) The location of walkways, the type of surfacing material, and all other means of pedestrian access:
- i) All proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the commercial entrance from the parking area and from the street; and
  - ii) All walkways are surfaced with a paving material such as brick, cobblestone, concrete, or any other suitable material to clearly delineate pedestrian walkways from vehicle circulation areas.
- h) The type and location of outdoor lighting:
- i) Exterior lighting used to illuminate any area within the site is located in a manner which would not reflect onto adjacent properties or the street; and
  - ii) Lighting is sufficient to provide safety and convenience for both pedestrians and vehicles accessing all public areas of the site.
- i) The location of facilities for the storage of solid waste:
- i) All facilities for the storage of solid waste are identified on the site plan; and
  - ii) All solid waste storage is located so that such waste is not openly visible from the immediate area surrounding the commercial use, any surrounding properties, or the street.
  - iii) **All solid waste storage shall be located a minimum setback of 2 m from adjoining property lines of lots containing residential uses.**
- j) The grading or alteration in elevation or contour of land and provision for the management of storm and surface water:
- i) All development within the site is undertaken to not alter the elevation or contour of the land including the excessive removal of topsoil beyond that required for basic lot grading necessary to locate any structures, roads, parking, or driveways;
  - ii) Any alteration of land including the removal of topsoil shall be undertaken in a manner which does not impact negatively on the natural function of any watercourse abutting the property or located on the property including runoff and erosion; and
  - iii) ~~The site plan identifies measures for the effective drainage of stormwater within the site as well as any downstream or upstream areas which may be affected by the development.~~ **A stormwater management plan shall be prepared in accordance with the Municipal standards.**
- k) All matters considered by site plan approval shall be adequately maintained.

### 7.2.8. Additional Evaluation Materials for Site Plan Approval Uses

Before a development permit is issued, the Development Officer shall be provided with the following information when considering a site plan approval use:

- a) Building elevations to scale showing the front, side and rear elevations of the proposed development including all existing and proposed building elements.
- b) A site plan meeting the requirements of this section.
- c) A letter provided by the applicant indicating that the applicant and/or owner agrees to carry out the terms of the site plan.
- d) Any other information the Development Officer deems necessary to properly evaluate the proposal.

### 7.2.9. Exemptions from Site Plan Approval

The following matters do not require site plan approval, however all other requirements of this Bylaw shall be met before a development permit is issued:

- a) Temporary Construction Uses
- b) The addition of vegetation on the property.
- c) Building repairs.
- d) Signage on a property where no site plan approval is currently applicable, or where signage is not indicated on an existing site plan.
- e) Accessory structures on a property where no site plan approval is currently applicable.
- f) Installation, replacement or repair of minor building features, including a change in size of windows and doors that do not face streetlines.
- g) Assuming adequate parking is provided according to the general provisions section:
  - i) Change of use or tenancy.
  - ii) Interior renovations.
  - iii) Additions having a gross floor area of 75 m<sup>2</sup> or less provided floor area maximums are met, and street-facing facades are not changed.

### 7.2.10. Subdivision of R1 and R2 Uses in Mixed Use Zones

- a) For an Established Residential Neighbourhood (R1) Zone use building or a Two Dwelling Unit Residential (R2) Zone use building existing on the date of adoption of this bylaw, the property may be subdivided so that each primary building is on its own lot, provided that the minimum requirements of that zone are met.

### 7.2.11. Criteria for Home-Based Businesses

~~In a Townhouse (R2-T) Zone,~~ An accessory building, or a combination of an accessory building and a main building may be used for a home-based business provided that:

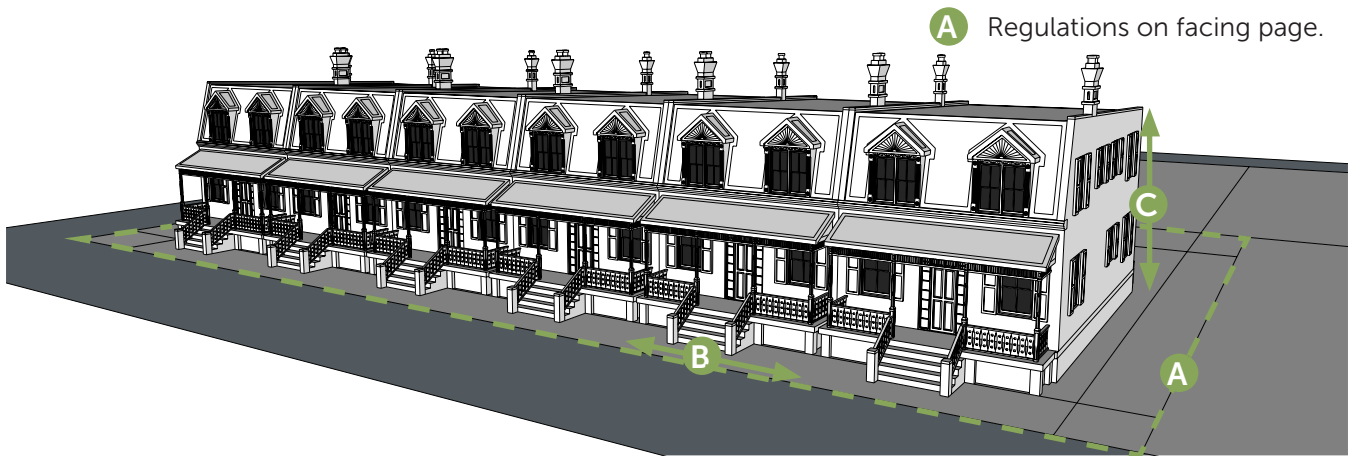
- a) The dwelling is occupied as a residence by the operator of the business;
- b) Not more than 50% of the floor area of the dwelling, or a maximum of 60 m<sup>2</sup> of commercial floor area, whichever is less, is devoted to the business use;
- c) A minimum of 1 off-street parking space is required in addition to that required for the dwelling. The number of off-street parking spaces provided must be the greater of 1 space:
  - i) For every 35 m<sup>2</sup> of floor space occupied by the business;
  - ii) For a related use to a personal or professional service home-based business use: every on-site client that can be serviced simultaneously.

- iii) For every employee who are not residents in the dwelling.
- d) No open storage or outdoor display associated with the business shall be permitted.
- e) The external appearance of the dwelling is consistent with a residential use.
- f) Signage advertising the business shall comply with the requirements set out in Part 4 of this Bylaw.
- g) The business use may not employ employees who are not residents in the dwelling.
- h) No home-based business may have mechanical or electrical equipment that creates external noise or interferes with electronic equipment in adjacent dwellings.
- i) A maximum of 3 client visits at a time is permitted for a personal or professional service home-based business use.
- j) *Site plan approval shall only be required for home-based businesses where there is a change to the original site plan or to the subject property.***

### **7.2.12. Home-Based Business Uses Permitted in ~~Townhouse (R2-T) Zones~~ *Mixed Use Zones***

- a) Office and Professional uses permitted as a home-based business shall include, but not be limited to:
  - i) Professional office services, health care services, administrative and consulting services, administrative offices for businesses conducted off-site, technology or arts professionals and insurance or property appraisal practitioners.
  - ii) Business representatives managing a direct sales organization for product distribution, but not regular direct sales of product from residence.
- b) Goods and Service uses permitted as a home-based business shall include, but not be limited to:
  - i) Personal services, private instruction or tutoring in the arts, sciences or technologies, and the making and selling of crafts.
- c) Uses prohibited as a home-based business shall include, but not be limited to:
  - i) Retail & Rental Services
  - ii) Automobile Vehicle Repair & Maintenance, Automobile Dealers & Rentals, or welding shops;
  - iii) Abattoirs, butchers, and the cutting & wrapping of meat;
  - iv) Gun shops;
  - v) Special Care Centres.
- d) Where a business use is not listed above, and the business is similar in nature to an above use, the permission of the use shall be at the discretion of the Development Officer, provided all other provisions of this Bylaw are met.

### 7.3. R2-T: Townhouse Zone



**A** Regulations on facing page.

The diagram and photographs above are for illustrative purposes only.

#### Intent

To provide flexible zoning to allow for infill development within urban growth areas without adversely affecting existing neighborhoods.

This zone also provides a scale transition from Core Village or Mixed Use Centre Zones to established residential communities.

- Attached buildings
- Medium footprint
- 1½ - 2½ storeys
- Buildings near the front lot line
- Private amenity space for each unit
- No side setback on interior units



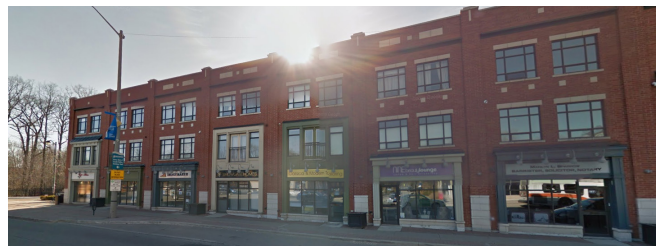
On-Street Townhouse



Stacked Townhouse



Cluster Townhouse



Live/Work Townhouse

#### R2-T Zone: Conditional Uses by Development Agreement

- Townhouse developments larger than zone limits.
- Institutional (IU) Zone Uses that do not meet zone requirements.



**R2-T Zone: Conditional Uses by Site Plan Approval**

- **Multiplex, Small** developments subject to the requirements of the R3 Zone limited to one building per lot.
- **Cluster Townhouse**
- **On-Street Townhouse**
- **Stacked Townhouse**
- **Urban Cottage Developments**

**7.3.1. General Zone Requirements**

In the R2-T Zone, **no development permits shall be issued except in conformity with the following requirements:** development permits may be issued for developments in conformity with the requirements of the Two Dwelling Unit Residential (R2) Zone, where those uses are permitted within that zone.

**7.3.2. Requirements for Townhouse Developments**

A site plan approval application may be considered for the following uses listed on the table below, provided the following requirements, and all other requirements of this Bylaw are met:

|   | Cluster Townhouse              | On-Street Townhouse            | Stacked Townhouse                              |
|---|--------------------------------|--------------------------------|--|
| <b>A</b> Minimum Lot Area                 | 800 m <sup>2</sup>             | 800 m <sup>2</sup>             | 1,000 m <sup>2</sup>                           |
| Minimum Lot area per dwelling unit        | 270 m <sup>2</sup>             | 150 m <sup>2</sup>             | 180 m <sup>2</sup>                             |
| <b>B</b> Minimum Lot Frontage             | Interior lot: 18 m             | Interior lot: 6 m per unit     | Interior lot: 9 m per <b>ground floor</b> unit |
|   | Corner lot: 20 m               | Corner lot: 9 m per unit       | Corner lot: 11 m per unit                      |
| Minimum Front Yard                        | Provincial Street: 5 m         | Provincial Street: 5 m         | Provincial Street: 6 m                         |
|   | Municipal Street: 4.5 m        | Municipal Street: 3.5 m        | Municipal Street: 6 m                          |
| Minimum Flankage Yard                     | 5 m                            | 5 m                            | 5 m  |
| <b>C</b> Minimum Side Yard                | Common Wall: 0 m               | Common Wall: 0 m               | Common Wall: 0 m                               |
|   | Detached: 3 m                  | Detached: 3 m                  | Detached: 3 m                                  |
| Minimum Rear Yard                         | 6 m                            | 6 m                            | 6 m  |
| Maximum Building Height                   | 11 m                           | 11 m                           | 11 m   |
| Minimum Street-Facing Facade Transparency | Grade: 30%<br>Above Grade: 10% | Grade: 30%<br>Above Grade: 10% | Grade: 30%<br>Above Grade: 10%                 |
| Maximum Number of Joined Dwelling Units   | 6                              | 6                              | 8  |

**7.3.3. On-Street Live/Work Townhouse Requirements**

On-street townhouse developments may be developed with additional commercial ground floor area beyond that normally permitted for a home-based business.

- a) The following requirements must be met:
  - i) These provisions are only permitted for new construction.
  - ii) The property’s primary street-facing facade shall front on a collector road.
  - iii) Each townhouse unit shall have a maximum commercial ground floor area of 120 m<sup>2</sup>.
- b) There must still be a dwelling unit which is joined to the commercial use, and at least one person shall

reside in the dwelling unit joined to the space where the commercial use is carried out.

- c) No more than 3 people may be engaged in any of the following uses: General Retailers & Rental Services; Office & Professional Services, Personal Care Services, the making, processing, and assembly of products on a small scale.
- d) The site shall have adequate parking subject to the requirements of the General Provisions to service both the residential dwelling unit, and the commercial use.

### 7.3.4. Site Design Requirements

- a) Townhouse units facing a street shall meet the following requirements:
  - i) Each ground-level townhouse unit shall have a walkway directly connected to a sidewalk where practical.
  - ii) Driveways and front yards of abutting units shall be twinned in order to provide larger front yard areas suitable for planting.
  - iii) Attached garages shall be an integral part of the building. If provided, an attached garage must not be wider than half of the townhouse unit's width and must not project more than 1 m in front of the building face.
  - iv) The front face of an attached garage shall integrate glass panels, smaller divisions and architectural details to present an attractive public appearance.
- b) Townhouse buildings must incorporate at least one of the following on each of the front elevations, and rear elevations which back onto the Established Residential Neighbourhood (R1) Zone:
  - i) A change in plane of at least 0.9 m projecting or setback from the adjacent facade at least 3.5 m in width along the wall shall be placed at a minimum of every two units on all walls. No wall shall be without a change of plane.
  - ii) At least one architectural projection per unit that shall project at least 0.6 m from the wall plane, such as covered porches, bay windows, and the like. Such projections should be significant architectural features, spanning the full height of a one story building, and a minimum of one half of the height of a two story or taller building.



### 7.3.5. Townhouse Subdivision Requirements

- a) Townhouse units located on a lot serviced by municipal water and wastewater services may be subdivided into individual lots provided:
  - i) Each lot to be created contains no more than one dwelling unit;
  - ii) Each dwelling unit has separate service connections;
  - iii) All applicable provisions of the East Hants Municipal Subdivision Bylaw are satisfied.
- b) Individual Townhouse units contained in the same structure shall maintain a front yard setback that is equal to the front yard setback of the adjacent unit(s) or varies no more than 1 m from the front yard setback of adjacent unit(s).

### 7.3.6. Requirements for Urban Cottage Developments

A site plan approval application may be considered for urban cottage developments provided the following requirements, and all other requirements of this Bylaw are met:

|                                  | Urban Cottage Development<br>(Sewer and Water or Sewer Only)   |
|----------------------------------|--|
| Minimum Lot Area                 | 1,080 m <sup>2</sup> per cluster, with a maximum of two clusters per lot                             |
| Minimum Lot Frontage             | Interior lot: 18 m<br>Corner lot: 20 m   |
| Minimum Front Yard               | 5 m  |
| Minimum Flankage Yard            | 5 m  |
| Minimum Side Yard                | 3 m  |
| Minimum Rear Yard                | 6 m  |
| Maximum Building Height          | 8 m  |
| Minimum Number of Dwelling Units | 4  |
| Maximum Number of Dwelling Units | 1 unit per 270 m <sup>2</sup> of lot area, to a maximum of 14 units per cluster, or 24 units per lot |

- a) Urban cottage developments are only permitted where a property has ~~direct sidewalk access~~ ***sidewalk access along the lot frontage or on the opposite side of the street.***

### 7.3.7. Urban Cottage Development Site Design Space Requirements

- a) Each cluster of cottages shall have a contiguous common outdoor amenity space to provide a sense of openness and community for residents.
- b) At least two sides of the common outdoor amenity area shall have cottages fronting along its perimeter.
- c) Each cottage unit shall be located within 10 m of a common amenity space.
- d) A system of interior walkways shall connect each cottage to each other and to the parking area, to the sidewalks abutting any public streets bordering the cottage housing development.
- e) Each unit shall connect via continuous walkways with a minimum 1.2 m width to shared open space areas.
- f) No part of any building in the development can be more than 45 m from fire department vehicle access, as measured by a clear path along the ground.
- g) All dwellings in the cottage housing development shall be at least 3 m apart.

### 7.3.8. Urban Cottage Development Architectural Requirements

- a) Units will be designed to have a cottage-like appearance:
  - i) Each urban cottage must have a different appearance than abutting units.
  - ii) Urban cottage units must not exceed a 1:4 width to length ratio. Tall, skinny houses shall be avoided.
  - iii) Urban cottage units shall have a maximum roof pitch between 8:12 to 16:12.
  - iv) Urban cottage units shall have covered front porches at least 6 m<sup>2</sup> in area oriented toward the common open space. This required covered front porch does not contribute to the maximum ground floor area of the unit.
- b) Each dwelling unit shall be clustered around a common open space, with the building’s primary entry and covered porch oriented to the common open space.

- c) Each unit abutting a public street (not including alleys) shall have a facade, secondary entrance, porch, bay window or other architectural enhancement oriented to the public street.

### **7.3.9. Existing Detached Single Unit Dwellings Permitted**

- a) An existing detached single unit dwelling that is incorporated into a cottage housing development as a residence shall be permitted to remain on a site used for a cottage housing development. It shall count as one cottage unit unless the existing dwelling exceeds a ground floor area of 120 m<sup>2</sup> then it shall count as two cottage units.

### **7.3.10. Garage & Parking Design Requirements**

- a) Attached garages are not permitted attached to an urban cottage.
- b) Parking stalls should be clustered in parking lot(s) of no more than 5 contiguous stalls and hidden from street facing facades.
- c) If detached garages are provided they must have a design similar to or compatible with cottages.

### **7.3.11. Community Amenity Buildings Permitted**

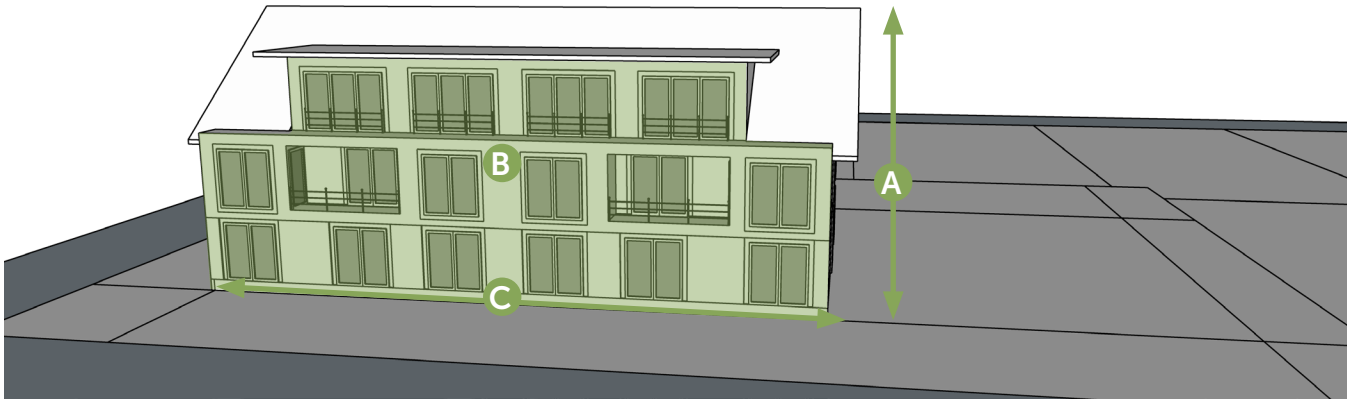
- a) Community amenity buildings are permitted in cottage housing developments to serve the needs of residents and their guests.
- b) Community amenity buildings shall be clearly incidental in use and size to dwelling units.
- c) Community amenity buildings shall be no more than 6 m in height.

### **7.3.12. No Subdivision within a Cluster Permitted**

- a) A cluster in a cottage housing development may not be subdivided.

## 7.4. R3: Multiple Unit Residential Zone

**A** Regulations on facing page.



The diagram and photographs above are for illustrative purposes only.

### Intent

To provide for multiplexes, with some permitted commercial uses.

|                                     |
|-------------------------------------|
| Attached buildings                  |
| Small to medium footprint           |
| 1 - 3 storeys                       |
| Buildings near the front lot line   |
| Private amenity space for each unit |
| No side setback on interior units   |
| Concealed or screened parking       |
| No accessory dwellings              |



Small Multiplex



Large Multiplex

### R3 Zone: Conditional Uses by Development Agreement

- **Developments having more than the maximum number of primary buildings permitted and associated dwelling units.**
- *Developments having more than the maximum number of buildings permitted.*
- *Large Multiplex Developments having more than the maximum number of dwelling units permitted up to a maximum ratio of 24 dwelling units per 0.3 hectares.*
- **Institutional (IU) Zone Uses** that do not meet form-based zone requirements.



**R3 Zone: Conditional Uses by Site Plan Approval**

- **Small Multiplexes**
- **Large Multiplexes**
- **Accessory commercial uses to large multiplexes as described in table 7.1 7.4.9**
- **Accessory commercial uses to small multiplexes as described in 7.4.10**
- **Townhouse (R2-T) Zone uses**, subject to the zone requirements of the R2-T Zone.

**7.4.1. General Zone Requirements**

In the R3 Zone, no development permit shall be issued except in conformity with the **following requirements:** requirements of the Two Dwelling Unit Residential (R2) Zone or Townhouse (R2-T) Zone, except where otherwise indicated in this section.

**7.4.2. Requirements for Multiplex Developments**

In the R3 Zone, no development permit shall be issued except in conformity with the following requirements:

|  | Small Multiplex<br>(Serviced by Sewer<br>Only)         | Small Multiplex<br>(Serviced by Sewer<br>& Water)       | Large Multiplex<br>(Serviced by Sewer<br>& Water)         |
|--|--|---|---|
| Minimum Lot Area per primary building              | 900 m <sup>2</sup>                                     | 750 m <sup>2</sup>                                      | 3,000 m <sup>2</sup>                                      |
| Minimum Lot Frontage                               | <del>22 m</del> <b>30 m</b>                            | <del>30 m</del> <b>22 m</b>                             | 30 m  |
| Minimum Front Yard                                 | 7 m  | <del>4.5 m</del> <b>5 m</b>                             | 7 m   |
| Minimum Side Yard                                  | 4 m  | One side: 4 m<br>Other sides: <del>2 m</del> <b>4 m</b> | One side: 7 m<br>Other sides: <del>4 m</del> <b>7 m</b>   |
| Minimum Rear Yard                                  | 10 m   | 6 m   | 10 m  |
| Minimum Flankage Yard                              | 6 m  | 5 m   | 6 m   |
| <b>A</b> Maximum Building Height                   | 10 m   | 10 m  | 11 m  |
| Maximum primary building size                      | 8 dwelling units and 375 m <sup>2</sup> of ground area | 8 dwelling units and 375 m <sup>2</sup> of ground area  | 24 dwelling units and 1,250 m <sup>2</sup> of ground area |
| Maximum number of primary buildings                | 2  | 3   | 1   |
| Maximum Lot Coverage                               | 40%  | 40%   | 40%   |
| Maximum Ground Floor Finish Level                  | 0.5 m  | 0.5 m   | 0.5 m   |
| <b>C</b> Maximum Street-Facing Building Length     | 32 m   | 32 m  | 50 m  |
| <b>B</b> Minimum Street-Facing Facade Transparency | At Grade: 30%<br>Above Grade: 10%                      | At Grade: 30%<br>Above Grade: 10%                       | At Grade: 30%<br>Above Grade: 10%                         |

**7.4.3. Angular Setback Planes**

- a) For buildings greater than 1 storey and 375 m<sup>2</sup> in ground floor area, where a property abuts a Residential Neighbourhood Zone, a 3 m stepback is required from the building's 3<sup>rd</sup> and higher storeys.

#### 7.4.4. Design Requirements

#### 7.4.5. Articulation Requirements

- a) Where frontage permits, multi-family residential buildings should have their primary entryway and orientation facing the street.
- b) Long buildings over 16 m must be visually broken into smaller architectural parts using building modules, changes in roof styles and changes in colour.
- c) Mitigate the actual and perceived bulk of buildings over 16m by utilizing appropriate massing, including the use of:
  - i) Architectural elements such as balconies, bay windows, cantilevered floors, cupolas, and dormers.
  - ii) Visually-interesting rooflines such as variations in cornice lines, roof slopes and the use of dormers.
  - iii) Detailing that creates a rhythm and visual interest along the line of the building through the use of varied architectural treatments.
  - iv) Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- d) Design buildings over 2½ storeys with an identifiable base, middle, and top through a change in setbacks, projections, textures, materials, detailing, or other architectural features.
- e) Incorporate distinctive massing articulation and architectural treatments for corner sites, highly visible building sites, or buildings/portions of buildings that terminate important view corridors (i.e. varying building heights, change facade planes, pedestrian spaces, large windows, awnings, canopies, or archways). A consistent level of architectural detail should be incorporated into both street-facing facades.
- f) All building elevations that face streets, mews, parks, public buildings, and open spaces shall appear and function as front elevation/s, complete with porches/stoops, and front doors and windows to activate the public realm.**
- g) The maximum ground floor finish level shall be 0.5 m above the established grade.**

#### 7.4.6. Screening Requirements

- a) Utilities such as vents, mechanical rooms/equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, or be screened with materials and finishes compatible with the building's design.
- b) Piping/vents for functional services (i.e. plumbing and heating) should be located or screened from streets, abutting properties zoned Open Space (OS) Zone or other public areas.

#### 7.4.7. Access

- a) The main front entrances should face the street or be clearly visible from the street and should be emphasized by special architectural elements (e.g. porches).

#### 7.4.8. Parking

- a) Entryways to below-grade parking should be an integral and consistent part of the building mass. Integrate the garage with the building by topping it with a habitable second storey, or recessing it into the structure.
- b) On-site parking is permitted below grade, or to the rear or side of the primary building where at grade.
- c) Loading docks, overhead doors, and other service entries shall be screened and shall not be located on primary street facades.

#### 7.4.9. Large Multiplex Limited Commercial Uses Permitted

- a) Large Multiplex buildings are permitted to include one or more of the following commercial uses subject to the requirements of this section:
  - i) Business Support Services & Printing

- ii) Daycares
  - iii) Dog Grooming
  - iv) Indoor Recreation Facilities
  - v) Retailers & Rental Services (convenience stores)
  - vi) Office & Professional Services
  - vii) Personal Care Services
- b) Each Large Multiplex building is permitted to have either:
- i) A total commercial floor area in the primary building's ground or sub-ground floor that does not exceed 1/3 of the gross floor area of the building; or
  - ii) An accessory commercial building up to 75m<sup>2</sup> in commercial ground floor area. The commercial building shall have a similar and compatible architectural form to that of the primary building.
- c) Parking shall be provided for both the residential and business uses in accordance with the general requirements of this Bylaw.

#### 7.4.10. Small Multiplex Limited Commercial Uses Permitted

- a) Small Multiplex buildings may have incorporated in the structure on the ground or sub-ground floor, one or more of the following commercial uses:
- i) Daycares
  - ii) Retailers & Rental Services (convenience stores)
  - iii) Office & Professional Services
  - iv) Personal Care Services
- b) Each Small Multiplex building is permitted to have a total commercial floor area in the primary building's ground or sub-ground floor that does not exceed one-third of the gross floor area of the building.
- c) Parking shall be provided for both the residential and business uses in accordance with the general requirements of this Bylaw.

#### 7.4.11. Multiple Buildings Per Lot Permitted

~~Multiple multiplex buildings on a lot are permitted in the Multiple Unit Residential (R3) Zone. Except for existing non-conforming uses, all buildings are considered "primary" uses, and no accessory building regulations apply.~~

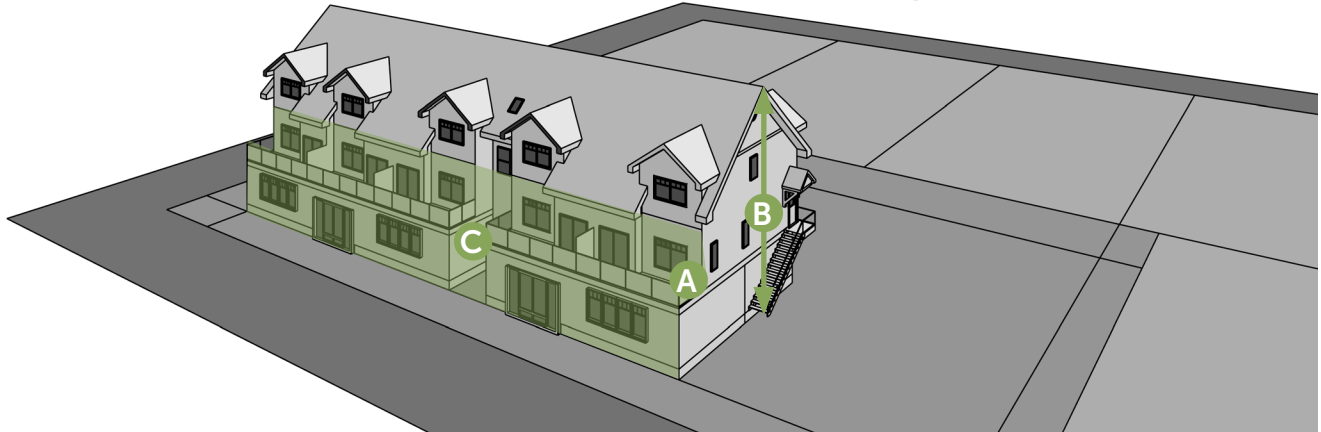
- ~~a) One driveway access shall be shared between the buildings on a lot.~~
- ~~b) Buildings shall have a minimum 6 m separation between small multiplexes, and an 11 m separation between large multiplex designs.~~
- ~~c) Design developments with multiple buildings such that there is a sense of architectural unity or cohesiveness.~~
- ~~d) Design developments with multiple, separate buildings such that individual buildings are of different but compatible shapes, masses, and exterior finishes;~~

*A development with multiple buildings per lot shall be designed in accordance with the following provisions:*

- e) One driveway access shall be shared between the buildings on a lot.*
- f) Buildings shall have a minimum 6 m separation between small multiplexes and accessory structures.*
- g) Buildings shall have a minimum of 10 m separation between each small multiplex.*
- h) Buildings shall be designed such that there is a sense of architectural unity or cohesiveness.*
- i) Any accessory structures shall have a compatible shape and exterior finish as the small-scale multiplexes.*

## 7.5. MC: Mixed Use Centre

**A** Regulations on facing page.



The diagram and photographs above are for illustrative purposes only.

### Intent

To provide flexible zoning to allow for infill development within urban growth areas without adversely affecting the existing neighbourhood. While this zone is primarily for residential uses, expanded home-based business uses are also encouraged in this zone.

|                                     |
|-------------------------------------|
| Attached buildings                  |
| Small to medium footprint           |
| 1½ - 2½ storeys                     |
| Buildings near the front lot line   |
| Private amenity space for each unit |
| No side setback on interior units   |
| Concealed or screened parking       |
| No accessory dwellings              |



- MC Zone: Conditional Uses by Development Agreement**
- Developments having more than the maximum number of primary buildings permitted.
  - Drinking Establishment, Major (Cabaret or Lounge)
  - Drive-Thru Restaurants
  - Institutional uses that do not meet the form-based zone requirements but will contribute to the vitality and overall goal of (MC) Zone
  - *Drinking Establishment open after 1 am*

**MC Zone: Conditional Uses by Site Plan Approval**

- Commercial uses as described in table 7.1
- Mixed use capable buildings
- **Large Multiplexes**
- **Small Multiplexes**
- **Townhouse (R2-T) Zone uses**, subject to the zone requirements of the R2-T Zone.

### 7.5.1. General Zone Requirements

In the MC Zone, no development permit shall be issued except in conformity with the **following requirements**: requirements of the Two Dwelling Unit Residential (R2) Zone except where otherwise indicated in this section.

### 7.5.2. Zone Requirements

- a) This Zone regulates development based on allowed building types. The names of the building types are not intended to limit uses within a building type.
- b) In the MC Zone, no development permit shall be issued except in conformity with the following requirements:

|   | Mixed Use Capable Building  | General Commercial  | Multiplex   |
|---|---|---|---|
| Minimum Lot Area                                    | 900 m <sup>2</sup>  | 500 m <sup>2</sup>  | 500 m <sup>2</sup>  |
| Minimum Lot Frontage                                | 30 m  | 25 m  | 25 m  |
| Build-to-Area<br>(Measured from the front lot line) | A minimum of 5 m, with a maximum up to the distance equal to the front yard setback of a building on an abutting lot that faces the same street   | A minimum of 5 m, with a maximum up to the distance equal to the front yard setback of a building on an abutting lot that faces the same street | A minimum of 5 m, with a maximum up to the distance equal to the front yard setback of a building on an abutting lot that faces the same street |
| <b>A</b> Required Stepback                          | Three storey buildings: 3<br>2 m streetwall stepback from the building's second storey streetwall<br>Four storey buildings: 3<br>2 m streetwall stepback from the building's second storey or third storey streetwall | Three storey buildings: 3<br>2 m streetwall stepback from the building's second storey streetwall   | Three storey buildings: 3<br>2 m streetwall stepback from the building's second storey streetwall   |
| Minimum Side Yard                                   | One side: 4 m<br>Other sides: 2 m   | One side: 4 m<br>Other sides: 2 m   | One side: 4 m<br>Other sides: 2 m   |
| Minimum Rear Yard                                   | 6 m   | 6 m   | 6 m   |
| Minimum Flankage Yard                               | 5 m   | 5 m   | 5 m   |
| Maximum number of primary buildings                 |   | 3   |   |



|   |  |  |  |  |
|---|--|--|--|--|
| B | Maximum Building Height                                    | Primary buildings: <ul style="list-style-type: none"> <li>Where the building abuts a Residential Neighbourhood Zone: 3 storeys or 12.2 m.</li> <li>Where the building does not abut a Residential Neighbourhood Zone: Four storeys or 15 m.</li> </ul> | Primary buildings: 3 storeys or 12.2 m   | Primary buildings: 3 storeys or 12.2 m   |
|   | C  | <p><b>Within the area shown in Appendix F, the height of new buildings is limited to 12.2 m and 3 storeys</b></p> Accessory buildings: lesser of 11 m or equal to the height of the primary building   | <p><b>Within the area shown in Appendix F, the height of new buildings is limited to 12.2 m and 3 storeys</b></p> Accessory buildings: lesser of 11 m or equal to the height of the primary building | Accessory buildings: lesser of 11 m or equal to the height of the primary building |
|   | Minimum Street-Facing Facade Transparency                  | At grade: 30%<br>Above grade: 10%  | At grade: 30%<br>Above grade: 10%  | At grade: 20%<br>Above grade: 10%  |
|   | Maximum Number of Dwelling Units per Building <sup>i</sup> | 42<br>30 above grade;<br>12 at grade   | 24   | 24   |
|   | Maximum Ground Floor Finish Level                          | 0.5 m  | 0.5 m  | 0.5 m  |
|   | Maximum Street-Facing Building Length                      | 50 m   | 50 m   | 50 m   |
|   | Maximum building size                                      | 1,250 m <sup>2</sup> of ground area  | 1,250 m <sup>2</sup> of ground area  | 1,250 m <sup>2</sup> of ground area  |
|   | <b>Minimum commercial ground floor area</b>                | <b>50% of ground floor area</b>  | -  |  |
|   | Maximum Lot Coverage                                       | 50%  | 50%  | 50%  |

**Conditions**  
<sup>i</sup> More than one primary building type is allowed on a lot if the submitted site plan application includes a plan with potential lot lines that meet all the requirements of this Bylaw, excluding frontage requirements for primary buildings located behind a street-facing building.

### 7.5.3. Design Requirements

- a) The requirements of this subsection may be varied by site plan in order to meet challenging site conditions, or achieve architectural excellence.
- b) Building Form
  - i) Buildings should feature a well-designed based, middle and top through architectural expression including the use of setbacks, recesses, extrusions, textures, materials, or detailing.
  - ii) Where neighbouring structures are two or more storeys in height, a new building shall continue and reflect abutting building’s established patterns relating to height, floor elevation, and window placement.
  - iii) Where a new building exceeds the height of abutting two storey structures, architectural details shall be incorporated into the building’s facade to reinforce abutting building heights. Architectural

elements may include setbacks, recesses, extrusions, textures, materials, or detailing such as a cornice.

c) Articulation Requirements for Long Buildings

- i) Buildings with continuous street-facing facades of 20m or greater in length shall be vertically articulated with projecting or recessed offsets not less than 1.25m deep, and at intervals of not greater than 15m to break up the apparent mass of the building and to add visual interest.
- ii) Any buildings with continuous street-facing facades larger than 45m shall be designed to appear as a series of two or more separate buildings through articulation and differences in cladding materials and/or colour.

d) Roofs

- i) Three storey and lower buildings shall have pitched roof designs. Most of the traditional housing forms in East Hants incorporate peaked roofs with a minimum 8:12 pitch.
- ii) Large buildings with a footprint greater than 370 m<sup>2</sup> shall have flat roofs or variations in pitched roofs to prevent uninterrupted, warehouse-like silhouettes. Required variations in the roof line may be satisfied using gables, turrets, roof projections or similar architectural features.

e) Siding & Windows

- i) The following materials shall not be permitted on street-facing facades as siding: corrugated fiberglass or plastic, asphalt shingles, plywood, unprotected wood, concrete block, metal siding utilizing exposed fasteners, EIFS (exterior insulation and finish systems where stucco is applied to rigid insulation) and concrete without decorative finishes.
- ii) Darkly tinted or mirrored glass shall not be permitted.

f) Pedestrian Comfort & Access

- i) Bicycle parking shall be provided in visible at-grade locations, and be weather-protected.
- ii) The main entrance(s) of ground floor units of any building located within 20 m of a street shall face the front lot line. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies.
- iii) It is recommended that main building entrances are covered with a canopy, awning, recess or similar device to provide pedestrian weather protection.

g) Screening Requirements

- i) Utilities such as vents, mechanical rooms/equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, or be screened with materials and finishes compatible with the building's design.
- ii) Piping/vents for functional services (i.e. plumbing and heating) should be located or screened from streets, abutting properties zoned Open Space (OS) Zone or other public areas.

h) Parking

- i) Entryways to below-grade parking should be an integral and consistent part of the building mass. Garages should be integrated within the building by topping it with a habitable second storey, or recessing it into the structure.

#### 7.5.4. Mixed Use Capable Building Requirements

a) The ground floor of a mixed use capable building, excluding a parking garage, shall have a floor-to-floor height of no less than **4 3.05** m. This requirement may be waived at the discretion of the Development Officer to a minimum height of 3.5 m where:

- i) In the case of a new building or an addition to an existing building being proposed along a sloping street(s), the site of the proposed new building or the proposed addition to an existing building is constrained by sloping conditions to such a degree that it becomes unfeasible to properly divide the floor plate of the building to meet the slope and would thus result in a ground floor floor-to-floor

height at its highest point that would be impractical.

- b) Ground floor entryways must be designed to face a street-facing facade.

### **7.5.5. Multiple Buildings Per Lot Permitted**

Multiple multiplex, mixed use capable, or commercial buildings on a lot are permitted in the Mixed Use Centre (MC) Zone. Except for existing non-conforming uses, all buildings are considered "primary" uses.

- a) One driveway access shall be shared between the buildings.
- b) Buildings shall have:
  - i) A minimum 11 m separation between the main wall (long side) of mixed-use capable buildings, general commercial buildings, and large multiplex buildings and any other building on the lot.
  - ii) A minimum 7.5 m separation between the auxiliary wall (short side) of mixed-use capable buildings, general commercial buildings, and large multiplex buildings and any other building on the lot.
- c) Developments with multiple buildings shall be constructed such that there is a sense of architectural unity or cohesiveness. This shall be accomplished by ensuring that individual buildings are of similar finished floor levels, height, masses, and exterior finishes.

### **7.5.6. Design Requirement Intent**

*The Municipal Development Officer may vary the requirements of Section 7.5.3 and Section 7.5.4 of the Land Use Bylaw if the intent of the design requirement is being achieved in a matter that results in a better design of the site and a better design of how the site works in regards to the surrounding community.*

## 7.6. Village Core (VC) Zone

Section 7.2 General Provisions for All Mixed Use Zones is not applicable to the Village Core (VC) Zone.

### 7.6.1. Zone Requirements

In a VC Zone, no development permit shall be issued except in conformity with the following requirements:

|   | Sewer and Water or Sewer Only   | On Site <sup>i</sup>  |
|---|---|---|
| Minimum Lot Area  | 700 m <sup>2</sup>  | 3,716 m <sup>2</sup>  |
| Minimum Lot Frontage  | 15 m  | 30 m  |
| Minimum Side Yard   | -   | 2 m   |
| Minimum Rear Yard   | -   | 6 m   |
| Minimum Flankage Yard   | 5 m   | 6 m   |
| Maximum Building Height   | 2.5 stories (3 stories are permitted if the third story is integrated into the roof design) | 2.5 stories (3 stories are permitted if the third story is integrated into the roof design) |
| <b>Maximum Commercial Floor Area for Single Use Commercial Building</b>                       | <b>400 m<sup>2</sup></b>  | <b>400 m<sup>2</sup></b>  |
| <b>Maximum Gross Floor Area</b>   | <b>835 m<sup>2</sup></b>  | <b>835 m<sup>2</sup></b>  |
| Bonus Zoning  | Form-based Zone Requirements  | -   |
| <b>Maximum Ground Floor Finish Level</b>  | <b>0.3 m</b>  | <b>0.3 m</b>  |
| <b>Conditions</b>   |   |   |
| <sup>i</sup> Nova Scotia Environment approval for on-site sewage disposal system is required. |   |   |

### 7.6.2. Flag Lots

*New single unit dwellings or two unit dwellings are permitted to be constructed on a flag lot to the rear yard of an existing structure facing the "main" street.*

### 7.6.3. Historical Preservation Incentive

*If the Heritage Coordinator determines that the existing building on the subject lands has historical importance, the gross floor area of the building deemed to have historical importance shall not be counted towards the total gross floor area or commercial floor area of the site.*

### 7.6.4. Development Agreements

The following uses shall be considered by development agreement in a VC Zone:

- VC uses beyond ~~230~~ 400 m<sup>2</sup> of commercial floor area for single use commercial buildings.
- VC uses beyond 835 m<sup>2</sup> gross floor area.
- ~~R3 Multiple-unit dwelling Multiplex~~ uses beyond 12 dwelling units and up to a maximum of 20 dwelling units per 0.5 hectares.
- ~~Major and minor drinking establishments.~~
- Automobile service stations and drive-thru restaurants are required to conform with the Village Core

Design Requirements for automobile service stations and drive-thru restaurant design.

- f) ~~Institutional uses~~ **Places of worship and public buildings that include, but are not limited to, hospitals, art galleries, libraries, and government offices**, which do not meet the form-based code requirements but will contribute to the vitality and goal of VC Zone.

- g) **Drinking Establishment open after 1 am**

### **7.6.5. Form-based Zone Requirements for the Village Core (VC) Zone**

No development permit shall be issued unless all applicable requirements under Form-based Zone Requirements for the Village Core (VC) Zone of this Bylaw are met, or unless otherwise stated in the Requirements.

### **7.6.6. Site Plans and Site Plan Approval**

- a) Site plans shall be required for all development in a VC Zone pursuant to site plan provisions under the *Municipal Government Act*, with the exception of single or two unit dwellings.
- b) No development permit shall be issued in a VC Zone unless a site plan has been approved, pursuant to the Form-based Code Requirements for the Village Core (VC) Zone of this Bylaw, and provided the applicant agrees in writing to carry out the terms of the site plan.



## 7.7. WCDD: Walkable Comprehensive Development District

### Intent

To provide for planned communities which incorporate a mix of residentially-compatible uses in a walkable, compact form permitted 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 mixed use zone.

|                                      |
|--------------------------------------|
| District development                 |
| Innovative road layout techniques    |
| Provisions for active transportation |

### 7.7.1. Development only Permitted by Development Agreement

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

| Regulation  | Amendment Date | Description                                |
|---|----------------|--|
| 7.1, 7.3.1, 7.3.6(a), 7.4.1, 7.4.2, 7.5.1, 7.5.2, 7.5.4, 7.5.6, 7.6, 7.6.2, 7.6.3, 7.6.4, 7.6.5, 7.6.3(c) | July 26, 2017  | Amendments as part of the one year review. |



PART 8

# Separated Commercial Zones

# PART 8: SEPARATED COMMERCIAL ZONES

## 8.1. Separated Commercial Zones Permitted Uses

The table below summarizes the uses permitted in all Separated Commercial Zones Development Areas. For conditions associated with the uses, see the specific section referencing that zone.

- GC - General Commercial
- HC - Highway Commercial
- RC - Regional Commercial
- BP - Business Park
- IC - Industrial Commercial

| Use  | GC        | HC       | RC        | BP       | IC       |
|--|-----------|----------|-----------|----------|----------|
| Accommodations, Bed & Breakfast                                | P         | -        | SP        | -        | -        |
| Accommodations, Employee                                       | P         | P        | SP        | P        | P        |
| Accommodations, General  | P         | P        | SP        | -        | -        |
| Animal Hospitals & Veterinary Offices                          | P         | P        | SP        | P        | P        |
| Asphalt, Aggregate & Concrete Plant                            | -         | -        | -         | DA       | DA       |
| Automobile Dealer & Rentals                                    | -         | P        | <b>P</b>  | P        | P        |
| Automobile Service Station                                     | -         | P        | SP        | P        | P        |
| Automobile Vehicle Repair & Maintenance                        | SP        | P        | SP        | P        | P        |
| <b>Automobile Wholesalers/Automobile Auctions</b>              | -         | -        | -         | <b>P</b> | <b>P</b> |
| Bank & Financial Institutions                                  | P         | P        | SP        | -        | -        |
| Brewery, Distillery & Wineries                                 | SP        | P        | SP        | P        | P        |
| Business Support Services & Printing                           | P         | P        | SP        | P        | P        |
| Car Wash   | DA        | P        | SP        | P        | -        |
| Commercial Club  | P         | P        | SP        | -        | -        |
| Commercial Greenhouse  | <b>P</b>  | <b>P</b> | <b>SP</b> | <b>P</b> | <b>P</b> |
| Commercial Parking Lot   | C         | C        | C         | C        | -        |
| Couriers & Messengers  | <b>P</b>  | <b>P</b> | <b>SP</b> | <b>P</b> | <b>P</b> |
| <b>Cremation (no assembly)</b>                                 | <b>P</b>  | <b>P</b> | <b>SP</b> | <b>P</b> | -        |
| Daycare, General   | P         | P        | SP        | P        | P        |
| Dog Daycare  | -         | P        | SP        | P        | P        |
| <b>Dog Training Facility</b>                                   | <b>P</b>  | <b>P</b> | <b>SP</b> | <b>P</b> | <b>P</b> |
| <b>Drinking Establishment open after 1 am</b>                  | <b>DA</b> | -        | <b>DA</b> | -        | -        |
| <b>Drinking Establishment open until 1 am</b>                  | <b>SP</b> | -        | <b>SP</b> | -        | -        |
| <b>Drinking Establishment, Major (Cabaret or Lounge)</b>       | <b>DA</b> | -        | <b>DA</b> | -        | -        |
| <b>Drinking Establishment, Minor (Tavern or Beverage Room)</b> | <b>SP</b> | -        | <b>DA</b> | -        | -        |
| Educational Services   | P         | P        | SP        | P        | P        |
| <b>Excavating and Construction Services</b>                    | -         | <b>P</b> | <b>SP</b> | <b>P</b> | <b>P</b> |
| Forestry Uses and Structures                                   | P         | P        | SP        | P        | P        |
| Funeral Services   | P         | P        | SP        | -        | -        |
| Gambling Industries  | -         | -        | SP        | -        | -        |
| Health Care Services   | P         | P        | SP        | P        | P        |

LAND USE BYLAW - EAST HANTS OFFICIAL COMMUNITY PLAN

| Use  | GC       | HC       | RC        | BP       | IC |
|--|----------|----------|-----------|----------|----|
| Hospital   | P        | P        | SP        | P        | P  |
| Industrial Uses, General   | -        | -        | -         | P        | P  |
| Industrial Uses, Noxious   | -        | -        | -         | DA       | DA |
| Mini-Home Dealer   | -        | P        | -         | P        | P  |
| <b>Movie Theatre</b>   | -        | -        | <b>SP</b> | -        | -  |
| Office & Professional Services                                     | P        | P        | SP        | P        | P  |
| Outdoor Market   | P        | P        | SP        | -        | -  |
| Personal Care Services   | P        | P        | SP        | P        | P  |
| Private Dog Park   | P        | P        | SP        | P        | P  |
| Recreation Facility, Indoor  | P        | P        | SP        | <b>P</b> | -  |
| <b>Recreational Vehicle Storage Facility</b>                       | -        | <b>P</b> | -         | <b>P</b> | -  |
| Repair & Maintenance   | P        | P        | SP        | P        | P  |
| Restaurant, Drive-Thru   | -        | P        | SP        | P        | P  |
| Restaurant, Full & Limited Service                                 | P        | P        | SP        | P        | P  |
| Restaurant, Take-Out   | P        | P        | SP        | P        | P  |
| Retailers & Rental Services  | P        | P        | SP        | P        | P  |
| Self-Storage Warehousing   | -        | DA       | -         | P        | -  |
| Shopping Centre  | -        | -        | SP        | -        | -  |
| <b>Social Enterprise</b>   | <b>P</b> | <b>P</b> | <b>P</b>  | <b>P</b> | -  |
| Tradesperson & Craftsperson Businesses & Offices                   | P        | P        | SP        | P        | P  |
| Transportation & Warehousing                                       | -        | P        | SP        | P        | P  |
| Waste Management, Material Recovery Facility                       | -        | -        | -         | P        | P  |
| Waste Management, Medical Waste Disposal Services                  | -        | -        | -         | -        | DA |
| Waste Management, Recycling Depot                                  | P        | P        | SP        | P        | P  |
| Institutional Use (IU) Zone Uses                                   | P        | P        | SP        | P        | P  |
| Industrial Uses, Noxious & Environmentally sensitive business uses | -        | -        | -         | -        | DA |
| Lawfully Existing Uses   | P        | P        | P         | P        | P  |
| Open Space (OS) Zone Uses  | P        | P        | P         | P        | P  |
| Two Dwelling Unit Residential (R2) Zone Uses                       | P        | P        | -         | -        | -  |
| Uses greater than maximum commercial floor area zone requirements. | C        | C        | C         | -        | DA |

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.



## 8.2. General Provisions for All Separated Commercial Zones

### 8.2.1. Mixed Uses in Separated Commercial Zones

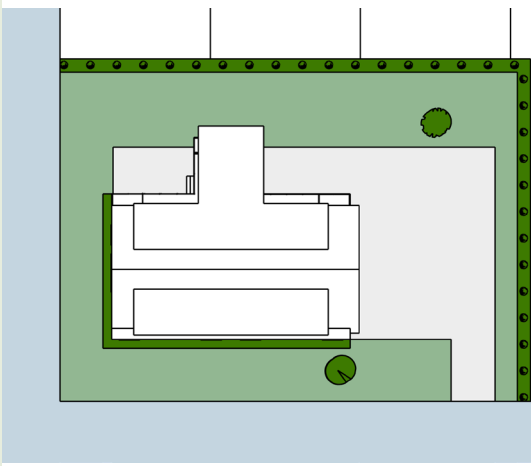
The following requirements shall apply to mixed use residential and commercial uses:

- a) The residential use shall have an external entrance separate from the commercial use;
- b) 1 separately designated off-street parking space shall be provided for each dwelling unit;
- c) All other applicable provisions under this Bylaw shall be met.

### 8.2.2. Landscaping Requirements

All properties shall be landscaped according to the following requirements:

- i) The landscape requirements of the table below shall be met:

| Landscaping Requirements  | Example Diagram   |
|---|---|
| <ul style="list-style-type: none"> <li>• All disturbed areas of the site shall be landscaped with grass or perennial ground cover.</li> <li>• All trees greater than 15 cm diameter (measured at 8 cm from the base) should be preserved wherever possible.</li> <li>• Required landscaped areas shall be planted with a minimum of one evergreen and/or densely twigged deciduous shrub or tree planted with a maximum spacing of 3 m apart in the area. If dense vegetation exists on the site, this may be retained to meet this requirement.</li> <li>• Fences longer than 8 m shall be landscaped at the base with trees or shrubs planted in a minimum 1.5 m wide planting area spaced no further than 3 m apart with the planted area facing the public right-of-way or abutting properties.</li> </ul> <p><b>Street-Facing Facades &amp; 100 Series Highways</b></p> <ul style="list-style-type: none"> <li>• A minimum 2 m wide yard landscaped area abutting street-facing facades or 100 series highways, running the length of and directly abutting the building, excluding driveway accesses to garages and pedestrian accesses.</li> <li>• For any buildings set back 9 m or more from the front lot line, one 50 mm caliper (minimum) sized tree is required to be planted or retained between the building and the street or 100 series highway for every 9 m of building frontage.</li> </ul> <p><b>Lot Periphery Excluding Street-Facing Facades</b></p> <ul style="list-style-type: none"> <li>• A minimum 1.5 m wide landscaped area along the side and rear lot periphery for the disturbed area of the site.</li> <li>• Trees shall be planted or retained at a frequency of no less than one 50 mm caliper (minimum) tree per lot. Sites having a disturbed area larger than a 2000 m<sup>2</sup> shall have a minimum of one tree planted per 2000 m<sup>2</sup> of disturbed area.</li> </ul> |  |
| <p>The diagrams above are for illustrative purposes only.</p>   |   |

- ii) Parking lots shall be landscaped in accordance with the general requirements section of this Bylaw.
- a) Required landscaping shall comply with the following perennial planting requirements:
  - i) Large (over 10 m) maturing deciduous trees minimum size shall be 50 mm caliper measured at 1.5 m







from ground level with a minimum 3.5 m height at time of planting.

- ii) Small (less than 10 m) maturing deciduous trees shall be one to 40 mm caliper measured at 1.5 m from ground level with minimum 2.5 m height at time of planting.
- iii) Evergreen trees shall be a minimum of 1.5 m height measured from ground level at time of planting.
- iv) Twiggged deciduous and evergreen shrubs and hedges shall be a minimum 15 L container with a height of 0.6 m measured from ground level at time of planting.

**8.2.3. General & Vegetated Buffer Requirements**

- a) Vegetated buffers shall comply with the following requirements:
  - i) Shall be designed to provide a continuous screen within 3 years of its initial installation that is equally effective during all seasons.
  - ii) Shall be well maintained so that it provides adequate screening, and does not pose a threat to public safety or become unsightly over time.
  - iii) Shall consist of existing trees and vegetation, where possible.
  - iv) May incorporate additional landscaping features and fencing, in addition to vegetation, where necessary, to provide appropriate screening.
- b) Where a property abuts a Residential Neighborhood Zone, Residential Neighborhood Zone use, institutional use, or agricultural use, the requirements of one of the options of the table below shall be met for the portion of the property which is being used for commercial or multiple unit residential purposes including any structures, parking, display, loading docks, utility structures, or storage areas:

| Buffer Option | Option Requirements   | Example Diagram  |
|---------------|---|--|
| Option 1      | A solid wall or opaque wooden fence no less than 1.8 m in height; or with the finished side of the fence facing the abutting property.<br><br>Fences longer than 8 m shall be landscaped at the base with trees or shrubs planted in a minimum 1.5 m wide planting area spaced no further than 3 m apart with the planted area facing the public right-of-way or abutting properties. |  |
| Option 2      | A continuous opaque hedge of evergreen and/or densely twiggged deciduous shrubs, planted in a minimum 1.5 m wide strip spaced a maximum of 1.5 m apart.   |  |
| Option 3      | A row of alternating evergreen trees and evergreen and/or densely twiggged deciduous shrubs, planted no more than 3 m apart, or the retention of a well-vegetated span of vegetation at least 6 m wide.   |  |
| Option 4      | Any combination of options 1, 2, or 3.  |  |
| Option 5      | A turfed berm of not less than 1 m in height planted on the crest with a continuous opaque hedge of evergreen and/or densely twiggged deciduous shrubs, planted in a minimum 0.5 m wide strip.  |  |

The diagrams above are for illustrative purposes only.

### 8.2.4. Outdoor Lighting

Accesses, parking areas, circulation roads, and service areas shall be clearly delineated by lighting fixtures that shall be installed so as to reflect light away from adjacent streets and residential areas.

### 8.2.5. Outdoor Storage & Display Buffer Requirements

- a) Outdoor storage of goods and materials shall be subject to the following requirements:
- i) Open storage shall be permitted in the rear yard only.
  - ii) Open storage that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the storage area with an opaque fence a minimum of 1.8 m in height or a vegetated buffer sufficient to screen the storage area.
  - iii) For any lot in a Separated Commercial Zone abutting a Residential Neighbourhood Zone, any open storage shall be wholly enclosed with an opaque fence a minimum of 1.8 m in height or a vegetated buffer sufficient to screen the storage area.
  - iv) Any refuse containers shall be screened by an opaque fence a minimum of 1.8 m in height.
- b) Outdoor display areas shall be permitted in a side or a yard abutting a right-of-way provided the following requirements are met:
- i) Outdoor display areas must be buffered from the abutting yard with a vegetated buffer.
  - ii) Outdoor display areas must be located on the same lot as the main building.
  - iii) Outdoor display areas must not exceed 25% of gross floor area of the main building.
  - iv) Outdoor display areas must be landscaped and maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- c) Mini-home and manufactured home dealers shall be permitted to display their homes in the front yard and are not required to buffer the display area.***
- d) Outdoor storage and display of Automobile Wholesalers/Automobile Auctions uses shall be screened using a combination of both an opaque fence, a minimum of 1.8 in height, and vegetation.***

### 8.2.6. Drive-Thru Design Requirements

When a drive-thru facility is permitted in a commercial zone through the site plan approval process, the development proposal shall adhere to the following design requirements, in addition to all other requirements of this Bylaw before a development permit is issued by the Development Officer:

- a) Layout and Design
- i) Main structures associated with drive-thru facilities shall be located near, and have their primary facades oriented towards a public street;
  - ii) Stacking lanes shall be located in rear and side yards only;
  - iii) Sufficient space shall be provided in stacking lanes to avoid spill over onto public streets. Restaurant uses shall require a minimum of 5 spaces in a stacking lane, while all other uses require a minimum of 3 spaces in a stacking lane;
  - iv) Each space within a stacking lane shall have a minimum dimension of 6.5 m in length and 3 m in width. Widths shall increase where turns are present in a stacking lane;
  - v) When a drive-thru facility abuts a residential zone, the intercom shall be located as far away as practically possible from the abutting property line.
- b) Circulation:
- i) Drive-thru stacking lanes, and all associated entrances and exits to said stacking lanes, shall be separated from parking areas, points of access, and the street using landscaped strips and islands / bump-outs, additional landscaping treatments, decorative pavement, and painted lines;

- ii) There shall be a clear and distinct separation of vehicular and pedestrian traffic to minimize potential conflicts. Pedestrian walkways shall be provided to allow safe access to the building entrance(s) from both the parking lot and the street/sidewalk. Landscaping, paving patterns, raised walkways, and other design treatments shall be used to differentiate pedestrian walkways to and from the building from driving surfaces;
  - iii) Visible directional signage shall be provided at entrances and exits to stacking lanes;
  - iv) Signage shall not obstruct pedestrian routes.
- c) Landscaping
- i) The developer shall maximize opportunities for on-site landscaping both along the perimeter of, and within the site;
  - ii) Permeable pavement and vegetation shall be used, where possible, to minimize surface runoff and the heat island effect caused by paved areas;
  - iii) The view of drive-thru lanes, menus, intercoms, and other associated infrastructure shall be minimized from a public right-of-way and abutting properties by a vegetated buffer(s) that is a minimum of 1.5 m wide.
  - iv) Vegetated buffer(s) shall be established in the following possible locations, to the satisfaction of the Development Officer: Along the edge of the abutting side and rear yards; along the edge of lease hold boundary lines; along the perimeter of the drive-thru; and/or along the edge of a public right-of-way when the drive-thru is viewable from a public street or sidewalk.

### **8.2.7. Automobile Service Station Requirements**

The following requirements shall apply to automobile service stations:

- a) No portion of any pump island shall be located closer than 6 m from any street line, except an overhead canopy.
- b) The minimum distance between ramps and driveways shall not be less than 9 m.
- c) The minimum distance from a driveway to a street intersection shall not be less than 15 m.
- d) The minimum angle of an intersection or a ramp to a street line shall be 45 degrees.
- e) Dedicated bays, separate from service bays, must be provided for any car wash facilities.
- f) Generic terms which are applied as facial wall signs on automobile services stations and indicate the services provided are not included in the calculation of the number of signs per business premise. Without limiting the generality of the foregoing, such terms may include gas, food, brakes, wheel alignment, mufflers and car wash.

### **8.2.8. Car Wash Requirements**

The following requirements shall apply to car washes:

- a) In the General Commercial (GC) Zone, the car wash must be located in a partially enclosed, or fully enclosed permanent structure.
- b) All car wash bays or automated car washes must include an oil/water separator.

### **8.2.9. Yard Abutting Railways**

Where a property in a commercial zone abuts a right-of-way for an existing railway line, setback requirements are instead 3 m for any yard which directly abuts the railway right-of-way. For railway-related land uses, there is no setback requirement.

### **8.2.10. Site Plan Criteria**

The Development Officer shall approve a site plan application where the following matters have been addressed by the applicant:

- a) The location of structures on the lot:
  - i) all proposed and existing structures are identified on the site plan.
- b) The location of off-street loading and automotive parking facilities:
  - i) all proposed and existing automotive parking is identified on the site plan;
  - ii) all proposed automotive parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area;
  - iii) requirements of the Land Use Bylaw dealing with off-street loading and parking facilities may be varied by a site-plan approval.
- c) The location of bicycle parking facilities:
  - i) all proposed and existing bicycle parking is identified on the site plan;
  - ii) all proposed bicycle parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area;
  - iii) requirements of the Land Use Bylaw dealing with bicycle parking facilities may be varied by a site-plan approval.
- d) The location, number and width of driveway accesses to streets:
  - i) all proposed and existing driveway accesses are identified on the site plan;
  - ii) all proposed driveway accesses are of a sufficient width to allow for the safe and efficient movement of vehicles to and from the site.
- e) The type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands:
  - i) all requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering are identified on the site plan including proposed landscaping for yard setbacks, parking areas, and property lines;
  - ii) all open storage including refuse containers are buffered with an opaque fence or hedge sufficient to screen the storage area from adjacent properties and the street;
  - iii) sufficient landscaping including trees, shrubs, grass, and other ground cover shall be provided around any structures on the site and any parking areas to minimize the visual and environmental impact of the use on the surrounding area.
- f) The retention of existing vegetation:
  - i) All existing vegetation including trees, shrubs, and ground cover is identified on the site plan.
- g) The location of walkways, the type of surfacing material, and all other means of pedestrian access:
  - i) all proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the commercial entrance from the parking area and from the street;
  - ii) all walkways are surfaced with a paving material such as brick, cobblestone, concrete, or any other suitable material to clearly delineate pedestrian walkways from vehicle circulation areas.
- h) The type and location of outdoor lighting:
  - i) exterior lighting used to illuminate any area within the site is located in a manner which would not reflect onto adjacent properties or the street;
  - ii) lighting is sufficient to provide safety and convenience for both pedestrians and vehicles accessing all public areas of the site.
- i) The location of facilities for the storage of solid waste:
  - i) all facilities for the storage of solid waste are identified on the site plan;

- ii) all solid waste storage including refuse are located so that such waste is not openly visible from the immediate area surrounding the commercial use, any surrounding properties, or the street.
- j) The grading or alteration in elevation or contour of land and provision for the management of storm and surface water:
  - i) all development within the site is undertaken to not alter the elevation or contour of the land including the excessive removal of topsoil beyond that required for basic lot grading necessary to locate any structures, roads, parking, or driveways;
  - ii) any alteration of land including the removal of topsoil shall be undertaken in a manner which does not impact negatively on the natural function of any watercourse abutting the property or located on the property including runoff and erosion;
  - iii) ~~the site plan identifies measures for the effective drainage of stormwater within the site as well as any downstream or upstream areas which may be affected by the development.~~ **A stormwater management plan shall be prepared in accordance with the Municipal standards.**
- k) All matters considered by site plan approval shall be adequately maintained.

### **8.2.11. Additional Evaluation Materials for Site Plan Approval Uses**

Before a development permit is issued, the Development Officer shall be provided with the following information when considering a site plan approval use:

- a) Building elevations to scale showing the front, side and rear elevations of the proposed development including all existing and proposed building elements.
- b) A site plan meeting the requirements of this section.
- c) A letter provided by the applicant indicating that the applicant and/or owner agrees to carry out the terms of the site plan.
- d) Any other information the Development Officer deems necessary to properly evaluate the proposal.

### **8.2.12. Exemptions from Site Plan Approval**

The following matters do not require site plan approval, however all other requirements of this Bylaw must be met before a development permit is issued:

- a) Temporary Construction Uses.
- b) The addition of vegetation on the property.
- c) Building repairs.
- d) Signage on a property where no site plan approval is currently applicable.
- e) Accessory structures on a property where no site plan approval is currently applicable.
- f) Installation, replacement or repair of minor building features, including a change in size of windows and doors that do not face streetlines.
- g) Assuming adequate parking is provided according to the general provisions section:
  - i) Change of use or tenancy.
  - ii) Interior renovations.
  - iii) Additions having a gross floor area of 75 m<sup>2</sup> or less provided floor area maximums are met.



### 8.3. GC: General Commercial Zone

#### Intent

To provide areas within the community that are primarily retail and service business in character which fit in primarily residential areas.

Two Dwelling Unit Residential (R2) Zone Uses are permitted, as are limited residential uses in conjunction with commercial development.

Uses primarily by development permit

|                                       |
|---------------------------------------|
| Detached buildings                    |
| Small to medium footprint             |
| 1½ - 3 storeys                        |
| Dwellings above commercial            |
| Design fitting with residential areas |
| Concealed or screened parking         |
| Residential-compatible commercial     |

#### GC Zone: Uses considered by Site Plan Approval

- **Automobile Vehicle Repair & Maintenance**
- **Brewery, Distillery & Wineries**
- **Commercial Parking Lots** where the lot is an outdoor parking lot, and the commercial parking area is equal to or less than 600 m<sup>2</sup>
- **Drinking Establishment, ~~Minor (Tavern or Beverage Room)~~ open until 1 am**
- **Permitted Uses** up to 500 m<sup>2</sup> in commercial floor area in excess of the applicable zone requirements.

#### GC Zone: Uses considered by Development Agreement

- **Permitted Uses** greater than 500 m<sup>2</sup> in excess of the applicable zone requirements.
- **Car Washes**
- **Commercial Parking Lots** where the lot is an indoor parking lot, or the commercial parking area is greater than 600 m<sup>2</sup>
- **Drinking Establishment, ~~Major (Club, Cabaret or Lounge)~~ open after 1 am**

#### 8.3.1. Zone Requirements

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

#### General Zone Requirements

|                                     | Type of Servicing    |                                     |                                     |
|-------------------------------------|----------------------|-------------------------------------|-------------------------------------|
|                                     | Sewer and Water      | Sewer Only                          | On-Site <sup>i</sup>                |
| Minimum Lot Area                    | 700 m <sup>2</sup>   | 700 m <sup>2</sup>                  | 3,720 m <sup>2</sup>                |
| Minimum Lot Frontage                | 22 m                 | 22 m                                | 30 m                                |
| Minimum Front Yard <sup>ii</sup>    | 5 m                  | 7.5 m                               | 7.5 m                               |
| Minimum Rear Yard <sup>ii</sup>     | 6 m                  | 6 m                                 | 6 m                                 |
| Minimum Side Yard <sup>ii</sup>     | 1.8 m                | One Side: 3 m<br>Other Sides: 1.8 m | One Side: 3 m<br>Other Sides: 1.8 m |
| Minimum Flankage Yard <sup>ii</sup> | 5 m                  | 6 m                                 | 6 m                                 |
| Maximum Building Height             | 11 m                 | 11 m                                | 11 m                                |
| Maximum Impermeable Surface Area    | 75%                  | 75%                                 | 75%                                 |
| Maximum Commercial Floor Area       | 560 m <sup>2</sup>   | 560 m <sup>2</sup>                  | 560 m <sup>2</sup>                  |
| Maximum Floor Area                  | 2,750 m <sup>2</sup> | 2,750 m <sup>2</sup>                | 2,750 m <sup>2</sup>                |

#### **Conditions**

- i Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.
- ii Where a property in a commercial zone abuts a residential, public use, environmental or institutional zone, or a property occupied by a residential or community use, the minimum setback requirement for an abutting yard shall be 6.0 m; and no open storage or outdoor display shall be permitted within a required yard.

### **8.3.2. Above Ground Residential Uses**

Residential uses as a part of the same building with a ground floor commercial use are permitted provided the combined floor area of residential uses does not exceed 50% of the total floor area of the building.

### **8.3.3. Design Requirements for Strip Malls**

Strip malls must meet the following requirements:

- a) Exterior entrances to commercial tenants should be connected by a pedestrian walkway of a minimum width of 1.8 m, constructed of concrete. Pedestrian walkways shall be provided to allow safe access to the building entrance(s) from both the parking lot and the street/sidewalk.
- b) Design treatments such as a landscape strip (of a minimum width of 1 m), raised walkways, or other design treatments to the satisfaction of the Development Officer shall be used to differentiate pedestrian walkways to and from the building from driving surfaces.

### **8.3.4. Articulation Requirements for Long Buildings**

- i) Buildings with continuous street-facing facades of 20 m or greater in length shall be vertically articulated with projecting or recessed offsets not less than 1.25 m deep, and at intervals of not greater than 15 m to break up the apparent mass of the building and to add visual interest.
- ii) Any buildings with continuous street-facing facades larger than 45 m shall be designed to appear as a series of 2 or more separate buildings through articulation and differences in cladding materials and/or colour.

### **8.3.5. Design Requirements for Corner Lots**

The street-facing facade of a main building on a corner lot shall be comprised of at least 10% windows on the flanking facade.

### **8.3.6. Road Access Requirements**

No development permit shall be issued for a General Commercial (GC) Zone use unless it fronts upon a provincial route or collector highway as designated in Appendix B of the Municipal Planning Strategy.

## 8.4. HC: Highway Commercial Zone

### Intent

To provide for commercial uses which make extensive use of land, especially automobile-related uses that serve the travelling public.

Uses primarily by development permit  
 Detached or joined buildings  
 Medium to large footprint  
 1 - 3 storeys  
 Buffering from sensitive uses

#### HC Zone: Uses considered by Site Plan Approval

- **Commercial Parking Lots** where the lot is an outdoor parking lot, and the commercial parking area is equal to or less than 600 m<sup>2</sup>

#### HC Zone: Uses considered by Development Agreement

- **Commercial Parking Lots** where the lot is an indoor parking lot, or the commercial parking area is greater than 600 m<sup>2</sup>
- **Self-Storage Warehousing**
- **Dog Daycare uses where more than 10 dogs at once are kept**
- **Kennels, Boarding**

### 8.4.1. Zone Requirements

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

|                               | Type of Servicing             |                      |
|-------------------------------|-------------------------------|----------------------|
|                               | Sewer and Water or Sewer Only | On-Site <sup>i</sup> |
| Minimum Lot Area              | 1,850 m <sup>2</sup>          | 3,720 m <sup>2</sup> |
| Minimum Lot Frontage          | 45 m                          | 50 m                 |
| Minimum Front Yard            | 12 m                          | 12 m                 |
| Minimum Rear Yard             | 12 m                          | 12 m                 |
| Minimum Exterior Side Yard    | 6 m                           | 6 m                  |
| Minimum Flankage Yard         | 6 m                           | 6 m                  |
| Maximum Height                | 11 m                          | 11 m                 |
| Maximum Commercial Floor Area | 930 m <sup>2</sup>            | 930 m <sup>2</sup>   |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.

## 8.5. RC: Regional Commercial Zone

| Intent   |                                      |
|--|--------------------------------------|
| To provide for commercial uses which are regional in scale, such as shopping malls. The requirements seek to encourage common access and parking, and help preserve land for these uses. | Uses primarily by site plan approval |
|  | Detached or joined buildings         |
| Mixed-use development agreements are permitted where properties front on the Nine Mile River.  | Medium to large footprint            |
|  | 1 - 4½ storeys                       |
|  | Potential for shopping centres       |
|  | Special access allowances            |
|  | Buffering from sensitive uses        |
|  | Limited residential developments     |

- RC Zone: Permitted Uses**
- Institutional Use (IU) Zone Uses
  - Lawfully Existing Uses
  - Open Space (OS) Zone Uses

- RC Zone: Uses considered by Site Plan Approval**
- All applicable Zone uses shown in Table 8.1, except where otherwise noted.
  - Commercial Parking Lots where the lot is an outdoor parking lot, and the commercial parking area is equal to or less than 600 m<sup>2</sup>

- RC Zone: Uses considered by Development Agreement**
- Commercial Parking Lots where the lot is an indoor parking lot, or the commercial parking area is greater than 600 m<sup>2</sup>
  - Mixed-Use Developments, subject to the provisions of this section and the requirements of the Municipal Planning Strategy.
  - Dog Daycare uses where more than 10 dogs at once are kept
  - Kennels, Boarding
  - Drinking establishments open after 1 am

### 8.5.1. Zone Requirements

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

#### General Zone Requirements

|                            | Type of Servicing                |                      |
|----------------------------|----------------------------------|----------------------|
|                            | Sewer and Water                  | On-Site <sup>i</sup> |
| Minimum Lot Area           | Non-Elmsdale: 920 m <sup>2</sup> | 8,100 m <sup>2</sup> |
|                            | Elmsdale: 1,860 m <sup>2</sup>   |                      |
| Minimum Lot Frontage       | Non-Elmsdale: 18.5 m             | 60 m                 |
|                            | Elmsdale: 30 m <sup>ii</sup>     |                      |
| Minimum Front Yard         | 4.5 m                            | 20 m                 |
| Minimum Rear Yard          | 6 m                              | 12 m                 |
| Minimum Exterior Side Yard | 6 m                              | 6 m                  |

|                               |      |                      |
|-------------------------------|------|----------------------|
| Minimum Flankage Yard         | 6 m  | 6 m                  |
| Maximum Building Height       | 16 m | 16 m                 |
| Maximum Commercial Floor Area | n/a  | 4,650 m <sup>2</sup> |

**Conditions**

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.

<sup>ii</sup> At the Development Officer's discretion, this requirement may be waived if the lot is accessible by a minimum two-lane right-of-way easement constructed to Municipal Standards for public roads.

<sup>ii</sup> ***Where a property in a commercial zone abuts a residential, public use, environmental or institutional zone, or a property occupied by a residential or community use, the minimum setback requirement for an abutting yard shall be 6.0 m; and no open storage or outdoor display shall be permitted within a required yard.***

### 8.5.2. Special Signage Allowances

The following provisions apply for Regional Commercial (RC) zoned properties in Elmsdale:

- a) Pylon signs shall have a maximum height of 20 m from the grade level to the highest part of the sign for properties which abut Highway 101 & 102;
- b) Off-site pylon signs shall be permitted provided they advertise businesses within a distinct commercial project, the sign is located within the boundaries of the project, the sign shall count as 1 of the 3 permitted per premise and only 1 pylon sign is permitted per project;
- c) For the purposes of this part, "Commercial Project" shall be defined in the same as a "Shopping Centre" with the exception that it may ultimately be contained on more than one property, provided that said properties are within the limits of an existing area of land in existence as of January 22, 2002;

### 8.5.3. Access

Unless otherwise permitted by this Part, no development permit shall be issued for a Regional Commercial (RC) use, unless it fronts upon an arterial or collector street as designated in Appendix B of the Municipal Planning Strategy, or an approved private road pursuant to the Subdivision Bylaw.

### 8.5.4. Mixed Use Development Agreement Requirements

- a) To qualify to be able to consider a mixed use development agreement in the Regional Commercial (RC) Zone, the following location criteria must be met:
  - i) The property shall be serviced by wastewater and water services.
  - ii) The property shall connect to an existing sidewalk or trail network, if such a network is accessible.
  - iii) Proposed residential uses should have frontage on the Nine Mile River.
- b) A mixed use development agreement proposal in the Regional Commercial (RC) Zone, the following criteria must be met:
  - i) Mixed use areas shall not be serviced by a right-of-way easement. All lots shall have public road frontage.
  - ii) The proposed commercial ground floor must equal or surpass the residential ground floor area.
  - iii) Proposed residential uses should be in the rear yard, or above commercial uses.



## 8.6. BP: Business Park Zone

### Intent

To allow for a wide range of office, retail, and light industrial uses within a pre-designated areas, thus encouraging a concentrated commercial growth pattern and alleviating land use incompatibility.

|                                      |
|--------------------------------------|
| Uses primarily by development permit |
| Detached or attached buildings       |
| Small to medium footprint            |
| No maximum building height           |
| Broad commercial use allowances      |
| Concealed or screened parking        |
| Large buffer requirements            |

#### BP Zone: Uses Considered by Site Plan Approval

- **Commercial Parking Lots** where the lot is an outdoor parking lot, and the commercial parking area is equal to or less than 600 m<sup>2</sup>

#### BP Zone: Uses considered by Development Agreement

- **Asphalt, Aggregate & Concrete Plants**
- **Commercial Parking Lots** where the lot is an indoor parking lot, or the commercial parking area is greater than 600 m<sup>2</sup>
- **Industrial Uses, Noxious**
- **Dog Daycare uses where more than 10 dogs at once are kept**
- **Kennels, Boarding**

### 8.6.1. General Zone Requirements

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

|                            | Type of Servicing   |                                   |   |
|----------------------------|---------------------|-----------------------------------|---|
|                            | Sewer and Water     | On-Site <sup>i</sup><br>(Milford) | On-Site <sup>i</sup><br>(Mount Uniacke) |
| Minimum Lot Area           | 1858 m <sup>2</sup> | 4,000 m <sup>2</sup>              | 9 <del>4</del> ,000 m <sup>2</sup>      |
| Minimum Lot Frontage       | 30 m                | 52 m                              | 60 <del>52</del> m                      |
| Minimum Front Yard         | 7.5 m               | 9 m                               | 9 m                                     |
| Minimum Rear Yard          | 9 m                 | 12 m                              | 12 m                                    |
| Minimum Exterior Side Yard | 4.5 m               | 6 m                               | 6 m                                     |
| Minimum Flankage Yard      | 6 m                 | 6 m                               | 6 m                                     |
| Maximum Building Height    | n/a                 | n/a                               | n/a                                     |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.

## 8.7. IC: Industrial Commercial Zone

### Intent

This zone allows for a wide range of industrial uses, which by their nature, may generate noise, fumes, odours and that may be noxious or hazardous.

Large-scale or complementary commercial and service oriented uses are also permitted.

|                                       |
|---------------------------------------|
| Uses primarily by development permit  |
| Detached or attached buildings        |
| Small to large footprint              |
| No maximum building height            |
| Broad commercial use allowances       |
| Concealed or screened parking         |
| Large buffer requirements             |
| Noxious uses by development agreement |

### IC Zone: Uses Considered by Development Agreement

- Asphalt, Aggregate & Concrete Plants
- Industrial Uses, Noxious & Environmentally sensitive business uses
- Salvage Yards
- Scrap Yards
- Waste Management, Medical Waste Disposal Services
- Uses greater than maximum commercial floor area zone requirements.
- Dog Daycare uses where more than 10 dogs at once are kept
- Kennels, Boarding

### 8.7.1. General Zone Requirements

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

#### General Zone Requirements

|                               | Any Site Servicing <sup>i</sup>           |
|-------------------------------|---|
| Minimum Lot Area              | 4,000 m <sup>2</sup>                      |
| Minimum Lot Frontage          | 53 m                                      |
| Minimum Front Yard            | 12 m                                      |
| Minimum Rear Yard             | 10 m                                      |
| Minimum Exterior Side Yard    | Abutting a Separated Commercial Zone: 6 m |
|                               | Abutting any other Zone: 10 m             |
| Minimum Flankage Yard         | 6 m                                       |
| Maximum Building Height       | 11 m                                      |
| Maximum Commercial Floor Area | 930 m <sup>2</sup>                        |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.

### 8.7.2 Rail Related Uses

*Within the Industrial Commercial (IC) zoned portion of PID 45093226 a development permit shall only be issued for those uses listed in Section 8.1 of this bylaw if they require and utilize railway access at this site.*

| Regulation   | Amendment Date   | Description  |
|--|--|--|
| 8.1 (Automobile Dealer & Rentals, Cremation (no assembly), Commercial Greenhouses, Couriers & Messengers, Movie Theatre, and Recreation Facility (Indoor) ), 8.6.1 | July 26, 2017  | Amendments to the permitted uses table and amendment to the minimum lot area and minimum lot frontage for the Mount Uniacke BP Zone.                                       |
| Uses considered by Development Agreement table for section 8.4, 8.5, 8.6 and 8.7   | March 28, 2018   | Amendments to enable Dog Day-cares where more than 10 dogs at once are kept and Boarding Kennels to be considered by Development Agreement in the HC, RC, BP and IC Zones. |
| 8.1 Recreational Vehicle Storage Facility  | July 24, 2019  | Amendments to enable recreational vehicle storage facilities in the HC and BP Zones.   |
| 8.7.2 Rail Related Uses  | Amendments made by Direction of Minister of Municipal Affairs and Housing - September 2020 | Required railway access to be located at PID 45093226 for any uses related to the IC Zone.   |





PART 9

# Community Use Zones



# PART 9: COMMUNITY USE ZONES

## 9.1. Community Use Zones Permitted Uses

The table below summarizes the uses permitted in all Community Use Zones. For conditions associated with the uses, see the specific section referencing that zone.

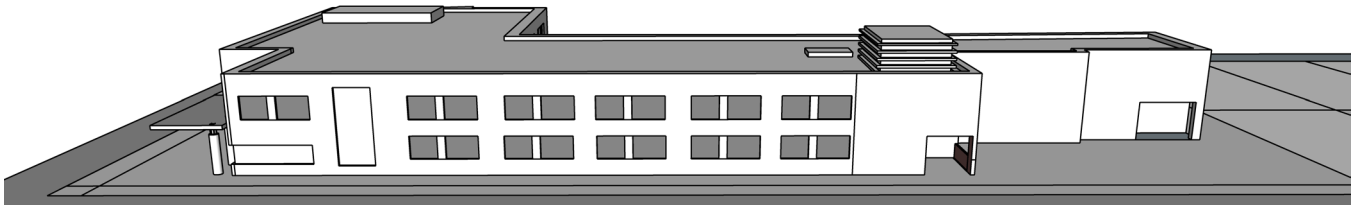
- IU - Institutional Use Zone
- OS - Open Space Zone

| Community Use Zones   | IU | OS |
|---|----|----|
| Cemetery  | P  | P  |
| Commercial Club   | P  | -  |
| Community Centre  | P  | -  |
| Cultural Facilities   | P  | -  |
| Daycare, General  | P  | -  |
| Educational Services  | P  | -  |
| Emergency Services  | P  | -  |
| Funeral Services  | P  | -  |
| Government Offices & Facilities   | P  | -  |
| Hospitals   | P  | -  |
| Utilities and Municipal Infrastructure  | P  | P  |
| Health Care Services  | P  | -  |
| Marine Related Uses   | P  | -  |
| Memorials   | P  | P  |
| Park, Private   | SP | P  |
| Park, Public  | P  | P  |
| Place of Worship (including Clergy House)                                     | P  | -  |
| Recreation Facility, Indoors  | P  | -  |
| Recreation Facility, Outdoors   | P  | P  |
| Restaurant, Full & Limited Service (Accessory Use Only)                       | P  | -  |
| Special Care (Nursing Home)   | P  | -  |
| Special Care (Residential Care Facility, Home for Special Care or Group Home) | SP | -  |
| Lawfully Existing Uses  | P  | -  |

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.



## 9.2. Institutional Use (IU) Zone



The diagram and photographs above are for illustrative purposes only.

### Intent

To accommodate general civic and institutional uses such as parks, child care centres, government offices, and schools.



Special Care



Government Offices

### 9.2.1. Permitted Uses

Table 9.1 lists uses that are permitted in the Institutional (IU) Zone subject to all applicable requirements of this Bylaw.

#### IU Conditional Uses by Site Plan Approval

- Private Park
- Special Care (Residential Care Facility, Home for Special Care or Group Home)

### 9.2.2. Zone Requirements

No development permit shall be issued for the IU Zone except in conformity with the following requirements:

- a) Where an Institutional Use abuts a Residential Zone there shall be no parking, structures, or outdoor storage within any yard abutting a Residential Zone for a distance of 6 m from the abutting property line.
- b) The requirements below are satisfied:

|                         | Type of Servicing    |                    |                      |
|-------------------------|----------------------|--------------------|----------------------|
|                         | Sewer and Water      | Sewer Only         | On-Site <sup>i</sup> |
| Minimum Lot Area        | 1,800 m <sup>2</sup> | 920 m <sup>2</sup> | 3,720 m <sup>2</sup> |
| Minimum Lot Frontage    | 22 m                 | 22 m               | 30 m                 |
| Minimum Front Yard      | 3 m                  | 7.5 m              | 7.5 m                |
| Minimum Rear Yard       | 6 m                  | 6 m                | 10 m                 |
| Minimum Side Yard       | 3 m                  | 3 m                | 3 m                  |
| Minimum Flankage Yard   | 6 m                  | 6 m                | 6 m                  |
| Maximum Building Height | 21 m                 | 21 m               | 21 m                 |
| Maximum Lot Coverage    | 50%                  | 50%                | 50%                  |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.

### 9.2.3. Clergy House Requirements

A clergy house may be constructed upon the same lot as a place of worship, in conformity with the following requirements:

|                         | Type of Servicing  |                    |                      |
|-------------------------|--------------------|--------------------|----------------------|
|                         | Sewer and Water    | Sewer Only         | On-Site <sup>i</sup> |
| Minimum Lot Area        | 500 m <sup>2</sup> | 920 m <sup>2</sup> | 3,720 m <sup>2</sup> |
| Minimum Lot Frontage    | 30 m               | 50 m               | 90 m                 |
| Minimum Front Yard      | 4.5 m              | 7.5 m              | 7.5 m                |
| Minimum Rear Yard       | 6 m                | 7 m                | 10 m                 |
| Minimum Side Yard       | 3 m                | 3 m                | 3 m                  |
| Minimum Flankage Yard   | 6 m                | 6 m                | 6 m                  |
| Maximum Building Height | 11 m               | 11 m               | 11 m                 |

#### Conditions

<sup>i</sup> Approval from the Nova Scotia Department of the Environment is required for an on-site sewage disposal system.

### 9.2.4. Site Plan Criteria

The Development Officer shall approve a site plan application where the following matters have been addressed by the applicant:

- a) The location of structures on the lot:
  - i) All proposed and existing structures are identified on the site plan.
- b) The location of off-street loading and automotive parking facilities:
  - i) All proposed and existing automotive parking is identified on the site plan;

- ii) All proposed automotive parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area.
- iii) Requirements of the Land Use Bylaw dealing with off-street loading and parking facilities may be varied by a site-plan approval.
- c) The location of bicycle parking facilities:
  - i) All proposed and existing bicycle parking is identified on the site plan;
  - ii) All proposed bicycle parking is located in a manner which allows for the effective circulation of vehicles within the site and for the safety of pedestrians within the parking area.
  - iii) Requirements of the Land Use Bylaw dealing with bicycle parking facilities may be varied by a site-plan approval.
- d) The location, number and width of driveway accesses to streets
  - i) All proposed and existing driveway accesses are identified on the site plan;
  - ii) All proposed driveway accesses are of a sufficient width to allow for the safe and efficient movement of vehicles to and from the site.
- e) The type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands:
  - i) All requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering are identified on the site plan including proposed landscaping for yard setbacks, parking areas, and property lines;
  - ii) All open storage including refuse containers are buffered with an opaque fence or hedge sufficient to screen the storage area from adjacent properties and the street;
  - iii) Sufficient landscaping including trees, shrubs, grass, and other ground cover shall be provided around any structures on the site and any parking areas to minimize the visual and environmental impact of the use on the surrounding area.
- f) The retention of existing vegetation:
  - i) All existing vegetation including trees, shrubs, and ground cover is identified on the site plan.
- g) The location of walkways, the type of surfacing material, and all other means of pedestrian access:
  - i) All proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the entrance from the parking area and from the street;
  - ii) All walkways are surfaced with a paving material such as brick, cobblestone, concrete, or any other suitable material to clearly delineate pedestrian walkways from vehicle circulation areas.
- h) The type and location of outdoor lighting:
  - i) Exterior lighting used to illuminate any area within the site is located in a manner which would not reflect onto adjacent properties or the street;
  - ii) Lighting is sufficient to provide safety and convenience for both pedestrians and vehicles accessing all public areas of the site.
- i) The location of facilities for the storage of solid waste:
  - i) All facilities for the storage of solid waste are identified on the site plan;
  - ii) All solid waste storage including refuse are located so that such waste is not openly visible from the immediate area surrounding the commercial use, any surrounding properties, or the street.
- j) The grading or alteration in elevation or contour of land and provision for the management of storm and surface water:
  - i) All development within the site is undertaken to not alter the elevation or contour of the land including the excessive removal of topsoil beyond that required for basic lot grading necessary to locate any structures, roads, parking, or driveways;

- ii) Any alteration of land including the removal of topsoil shall be undertaken in a manner which does not impact negatively on the natural function of any watercourse abutting the property or located on the property including runoff and erosion;
  - iii) The site plan identifies measures for the effective drainage of stormwater within the site as well as any downstream or upstream areas which may be affected by the development.
- k) All matters considered by site plan approval shall be adequately maintained.

### 9.3. Open Space (OS) Zone

#### 9.3.1. Zone Requirements

No development permit shall be issued in an Open Space (OS) Zone except in conformity with the following requirements:

|                               |                    |
|-------------------------------|--------------------|
| Minimum Lot Area <sup>i</sup> | 475 m <sup>2</sup> |
| Minimum Lot Frontage          | 15 m               |
| Minimum Front Yard            | 7 m                |
| Minimum Rear Yard             | 10 m               |
| Minimum Side Yard             | 5 m                |
| Minimum Flankage Yard         | 6 m                |
| Maximum Height                | 10 m               |

**Conditions**

<sup>i</sup> Subject to approval by the Department of the Environment for on-site sewage disposal system, if required.

#### 9.3.2. Playgrounds and Neighbourhood Parks

Development permits for neighbourhood parks, playgrounds, and trails and walkways may be issued where the lot does not have the required minimum lot area and/or minimum lot frontage.

| Regulation | Amendment Date | Description |
|------------|----------------|-------------|
|            |                |             |





PART 10

# Environmental Zones



# PART 10: ENVIRONMENTAL ZONES

## 10.1. Environmental Zones Permitted Uses

The table below summarizes the uses permitted in all Environmental Zones. For conditions associated with the uses, see the specific section referencing that zone.

- HF - High Risk Floodplain Zone
- MF - Moderate Risk Floodplain Overlay Zone
- WG - Water Course Greenbelt Zone
- WI - Water Intake Overlay Zone
- WP - Watershed Protection Overlay Zone
- SAP - Shubenacadie Aquifer Protection Overlay Zone
- WS - Water Supply Zone
- **MGW - Milford Groundwater Overlay Zone**
- **FF - Fundy Flood Risk Overlay Zone**
- **FE 2050 - Fundy Erosion Overlay 2050 Zone**
- **FE 2100 - Fundy Erosion Overlay 2100 Zone**

| Environmental Zone Uses                                 | HF | MF | WG | WI | WP | SAP | WS | MGW | FF | FE 2050 | FE 2100 |
|---|----|----|----|----|----|-----|----|-----|----|---------|---------|
| Conservation Related Uses                               | P  | -  | SP | -  | -  | -   | -  | -   | -  | -       | -       |
| Passive and Seasonal Recreation Uses                    | P  | -  | SP | -  | -  | -   | -  | -   | -  | -       | -       |
| Public or Private Parks                                 | P  | -  | -  | -  | -  | -   | -  | -   | -  | -       | -       |
| Agriculture Grazing and Pasturage                       | P  | -  | -  | -  | -  | -   | -  | -   | -  | -       | -       |
| Public Work Structures for provision of Piped Services  | P  | -  | -  | -  | -  | -   | -  | -   | -  | -       | -       |
| Municipal Supply and Drainage Facilities                | P  | -  | SP | -  | -  | -   | -  | -   | -  | -       | -       |
| Underlying zone uses subject to MF restrictions         | -  | P  | -  | -  | -  | -   | -  | -   | -  | -       | -       |
| Underlying zone uses subject to WI restrictions         | -  | -  | -  | P  | -  | -   | -  | -   | -  | -       | -       |
| Underlying zone uses subject to WP restrictions         | -  | -  | -  | -  | P  | -   | -  | -   | -  | -       | -       |
| Underlying zone uses subject to SAP restrictions        | -  | -  | -  | -  | -  | P   | -  | -   | -  | -       | -       |
| <b>Underlying zone uses subject to MGW restrictions</b> | -  | -  | -  | -  | -  | -   | -  | C   | -  | -       | -       |
| <b>Underlying Zone uses subject to FF restrictions</b>  | -  | -  | -  | -  | -  | -   | -  | -   | C  | -       | -       |
| <b>Underlying zone uses subject to FE restrictions</b>  | -  | -  | -  | -  | -  | -   | -  | -   | -  | C       | C       |

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.

## 10.2. High Risk Floodplain (HF) Zone

### 10.2.1. Permanent Structures

No permanent structures shall be permitted in a High Risk Floodplain (HF) Zone except for Public Works structures associated with the provision of piped services or unless the structure is accessory to the lawfully existing main use of the property. **Accessory structures shall comply with the setback from watercourses provisions of this Bylaw.**

### 10.2.2. Altering Land Levels

Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned HF or in excess of 93 m<sup>2</sup> of HF zoned land, whichever is more stringent. Placing fill or significant alteration of topography shall not be permitted in the HF Zone unless:

- a) An environmental study conforming to the format in Appendix D has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or areas, and no impairment of flood flows, flood water storage or ice passage and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.
- b) Non-structural agriculture or gardening, non-structural recreation uses, road and utility construction and impoundments for fire fighting purposes are not subject to this requirement.
- c) The alteration is associated with a current or expanded resource extraction operation including but not limited to clay, sand, gravel and peat which is not subject to this requirement.

### 10.2.3. No Development Permit

No development permit is required in an (HF) Zone for one or more of the following:

- a) Structures incidental to proper road or utility construction.

### 10.2.4. No Disturbance to Normal High Water Mark

Notwithstanding any part of this section, no alteration of land levels (filling-in nor excavation) shall occur within 30 m of the normal high water mark of a watercourse.

### 10.2.5. Public Works Structures

Public works structures shall be permitted within the 30 m setback from the normal high water mark of a watercourse, subject to completing an environmental study conforming to Appendix D.

### 10.2.6. Non-Conforming Uses

***Where there is a non-conforming use in a structure in the HF Zone, the non-conforming use may change to a single unit residential use. The existing non-conforming use may not change to the single unit residential use if the original non-conforming use had discontinued for a continuous period of 2 years. Any existing basements shall not form part of the habitable space.***

## 10.3. Moderate Risk Floodplain (MF) Overlay Zone

### 10.3.1. Restrictions on Permitted Uses

In the Moderate Risk Floodplain (MF) Overlay Zone, permitted uses shall include all uses permitted in the underlying zones with the following exceptions:

- a) Residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
- b) Any use associated with the warehousing or the production of hazardous materials.

### 10.3.2. Floodproofing

All buildings in the MF Overlay Zone, except for public works structures, must be flood proofed in accordance with the following requirements: No development permit shall be issued, with the exception of Public Works structures, for reconstruction or additions to existing main buildings or construction of permitted main buildings unless the following requirements are met:

- a) Environmental Study has been completed by a qualified Nova Scotia engineer in conformance with the format outlined in Appendix D and clearly shows that there will be no increase in flood elevation affecting other lands or areas;
- b) Minimum height of the new building slab shall be equal to 0.1 m above the established 1:100 year flood elevation indicated on mapping prepared by CBCL in 2013. The flood elevation shall be established by using the nearest floodplain point identified on the future conditions floodplain mapping;
- c) Minimum setback for a permanent structure and the nearest normal high water mark of a watercourse shall be 30 m;
- d) Fill material used shall not consist of waste products or refuse, such as auto bodies, garbage, or wood fibre waste;
- e) Basements shall not be permitted and any proposed buildings shall be built with a slab at grade; and
- f) After the footing stage of construction, the property owner shall provide the Development Officer with a location certificate prepared by a Professional Surveyor indicating, in addition to the location of the buildings or structures on the lot, the minimum slab level.

### 10.3.3. Altering Land Levels

Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned MF or in excess of 93 m<sup>2</sup> of MF zoned land area, whichever is more stringent. Placing of fill or significant alteration of topography shall not be permitted in the MF Zone unless:

- a) An environmental study in conformance with the format in Appendix D has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or areas, and no impairment of flood flows, flood water storage or ice passage, and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.
- b) Non-structural agriculture and gardening, and accessory recreation uses, road and utility construction and impoundments for fire fighting purposes are not subject to this requirement.
- c) The alteration is associated with a current or expanded resource extraction operation including but not limited to clay, sand, gravel and peat which is not subject to this requirement.

### 10.3.4. Setbacks

No development permit shall be issued for a permanent building within 30 m of the normal high water mark of a watercourse with the exception of Public Works structures subject to completion of an environmental study conforming to Appendix D.

### **10.3.5. No Development Permit**

No development permit is required in an MF Overlay Zone for one or more of the following:

- a) Structures incidental to proper road or utility construction.

PUBLIC INFORMATION: Please acknowledge that minimum floodproofing does not guarantee prevention of damage or loss in the event of a major flood.



## 10.4. Watercourse Greenbelt (WG) Zone

### 10.4.1. Permanent Structures

No permanent structures shall be permitted in a WG Zone unless the structure is accessory to the lawfully existing main use of the property. *Accessory structures shall comply with the setback from watercourses provisions of this Bylaw.*

### 10.4.2. Vegetation Retention

To permit the control and management of subsurface and surface runoff, sedimentation and erosion lands within the WG Zone 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.

### 10.4.3. Site Plan Approval

All permitted uses are subject to the approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- a) Site design and layout shall take into consideration the soil conditions and shall minimize the amount of clearing and grubbing on steep slopes or erosive soils.
- b) A minimum of 60% of the vegetation shall be retained.
- c) Measures including lot grading shall be required to adequately dispose of storm and surface water from the site. This may also include measures to direct overland flows away from downslope development areas.
- d) All items required by this policy shall be adequately maintained in a manner which will not have adverse impacts on the adjacent aquatic environment.

Application for site plan approval shall be in the form specified in Appendix C and shall be accompanied by a sketch in sufficient detail to address all of the matters identified above. The refusal or approval of a site plan is appealable to Council in the same manner as an appeal for a variance.

### 10.4.4. Altering Land Levels

Other than for the permitted uses in this section, placing of fill or significant alteration of topography shall not be permitted in the (WG) Zone unless:

- a) An environmental study in conformance with the format in Appendix D has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or areas, and no impairment of flood flows, flood water storage or ice passage, and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.
- b) Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned WG or in excess of 93 m<sup>2</sup> of WG zoned land area, whichever is more stringent. Non-structural agriculture and gardening, and accessory recreation uses, road and utility construction and impoundment for fire fighting purposes are not subject to this requirement.

## **10.5. Water Intake (WI) Overlay Zone**

### **10.5.1. Permitted Uses**

No development permit shall be issued in a WI Overlay Zone except for the following:

- a) Underlying zone uses subject to the WI Overlay Zone restrictions.

### **10.5.2. Restrictions on Permitted Uses**

All permitted uses are subject to the following restrictions:

- a) No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- b) No use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- c) The following underlying zone uses shall be prohibited in the Water Intake (WI) Overlay Zone:
  - i) HC and IC uses.
  - ii) Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
  - iii) Any business development or storage facility intended to hold liquid or gaseous substances such as hydrocarbons, or chemicals; except facilities intended to hold water or food.
  - iv) Intensive livestock operations.
- d) Private sewage treatment facilities shall be permitted in the Water Intake (WI) Overlay Zone, in accordance with approval from Nova Scotia Environment.

## 10.6. Watershed Protection (WP) Overlay Zone

### 10.6.1. Permitted Uses

No development permit shall be issued in a WP Overlay Zone except for the following:

- a) Underlying zone uses subject to the WP Overlay Zone restrictions.

### 10.6.2. Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- a) No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Protection (WP) Overlay Zone.
- b) No use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Protection (WP) Overlay Zone.
- c) The following underlying zone uses shall be prohibited in the Water Protection (WP) Overlay Zone:
  - i) Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
  - ii) Any business developments for the chemical treatment of timber resources.
  - iii) Licensed scrap or salvage yard business developments.
  - iv) Dry cleaning and laundry services.
  - v) Any business development or storage facility intended to hold liquid or gaseous hydrocarbons; except heating fuel used to heat any buildings on the site.
  - vi) Automobile service station.
  - vii) Truck and vehicle service stations.
  - viii) Automobile Vehicle Repair & Maintenance.
  - ix) Recycling facilities.
  - x) Intensive livestock operations.
- d) Private sewage treatment facilities shall be permitted in the Water Protection (WP) Overlay Zone, in accordance with approval from Nova Scotia Environment.
- e) Lawfully existing uses per the assessment records as of January 25<sup>th</sup>, 2012, are permitted uses subject to the underlying zone.

## 10.7. Shubenacadie Aquifer Protection (SAP) Overlay Zones 1, 2, & 3

### 10.7.1. Permitted Uses

No development permit shall be issued in a (SAP-1, SAP-2 or SAP-3) Overlay Zones except for the following:

- a) Underlying zone uses subject to the (SAP-1, SAP-2 or SAP-3) Overlay Zones restrictions.

### 10.7.2. Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- a) No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones.
- b) No use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Protection (WP) Overlay Zones.
- c) Nothing in this Bylaw shall prevent non-intensive farm uses, including the use of the lands for the grazing of animals and the growing of crops in the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones.
- d) The following underlying zone uses shall be prohibited in all the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones:
  - i) Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
  - ii) Any business developments for the chemical treatment of timber resources.
  - iii) Licensed scrap or salvage yard business developments.
  - iv) Dry cleaning and laundry services.
  - v) Any business development or storage facility intended to hold liquid or gaseous hydrocarbons; except heating fuel used to heat any buildings on the site.
  - vi) Automobile service station.
  - vii) Truck and vehicle service stations.
  - viii) Automobile Vehicle Repair & Maintenance.
  - ix) Recycling facilities.
- e) Intensive agricultural uses and buildings shall not be permitted in the Shubenacadie Aquifer (SAP-1) Overlay Zone.
- f) Intensive agricultural uses and buildings shall be permitted in the Shubenacadie Aquifer (SAP-2 & SAP-3) Overlay Zones if the agricultural operation has an Environmental Farm Plan for their farming operation. A copy of the Environmental Farm Plan has to be provided to the Development Officer at time of application for Development Permit.
- g) Private sewage treatment facilities shall be permitted in the Shubenacadie Aquifer (SAP-1, SAP-2, & SAP-3) Overlay Zones, in accordance with approval from Nova Scotia Environment.
- h) Lawfully existing uses per the assessment records as of June 30th, 2016, are permitted uses subject to the underlying zone.

## **10.8. Water Supply (WS) Zone**

### **10.8.1. Permitted Uses**

No development permit shall be issued in a WS Zone except for one or more of the following:

- a) Public works associated with flood control and water supply.
- b) Existing agricultural uses.

### **10.8.2. Environmental Impact Study**

Any change of use or the expansion of existing agricultural operations may be considered pending the findings of a study prepared by a qualified professional on behalf of the applicant which demonstrates that there will be no substantial negative impacts on water quality.



## **10.9. Milford Groundwater (MGW) Overlay Zone**

### **10.9.1. Subdivision in Milford Groundwater (MGW) Overlay Zone**

*In the Milford Groundwater (MGW) Overlay Zone, the subdivision of an area of land shall be limited to the creation of four lots, unless approval has been given through a development agreement.*

### **10.9.2. Multiple Dwelling Units**

*In the Milford Groundwater (MGW) Overlay Zone, the maximum number of dwelling units permitted in a multiple unit building and townhouse building shall be four units.*

### **10.9.3. Development Agreements**

*The following use shall be considered only by development agreement in the MGW Zone.*

- a) The subdivision of an area of land of more than four lots where the underlying zone permits the subdivision of land.*
- b) developments having more than four units, where the underlying zone permits the development of lands having more than four units.*
- c) water intensive commercial uses.*

## **10.10. Fundy Flood Risk (FF) Overlay Zone**

### **10.10.1. Restrictions on Permitted Uses**

*In the Fundy Flood Risk (FF) Overlay Zone, permitted uses shall include all uses permitted in the underlying zones with the following exceptions:*

- a) Residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and*
- b) Any use associated with the warehousing or the production of hazardous materials.*

### **10.10.2. Floodproofing**

*No development permit shall be issued, with the exception of Public Works structures, for the construction of permitted main buildings unless the following requirements are met:*

- a) Minimum height of any finished floor elevation shall be at least 10.0m (CGVD2013) for new main buildings. Accessory dwelling units are also subject to the 10.0 m minimum finished floor elevation;*
- b) Existing Buildings which have a finished floor elevation below 10.0m (CGVD2013) may be expanded in accordance with the underlying zone provided such expansion does not further reduce the existing finished floor level elevation.*
- c) Accessory buildings which are not habitable are subject to the underlying zone only.*

### **10.10.3. Marina and Marine Service Industry**

*Where permitted by the underlying zone Marina and Marine Service Industry uses are permitted to be located up to the shoreline and are not subject to the floodproofing requirements of the Fundy Flood Risk (FF) Overlay Zone.*

**PUBLIC INFORMATION:** *Please acknowledge that minimum floodproofing does not guarantee prevention of damage or loss in the event of a major flood.*

## **10.11. Fundy Erosion (FE-2050) and (FE-2100) Overlay Zones**

### **10.11.1. Restrictions on Permitted Uses**

*In the Fundy Erosion (FE-2050) and (FE-2100) Overlay Zones, new permanent structures shall not be permitted, except in accordance with:*

- a) Where existing main buildings are located within the Fundy Erosion (FE-2050) and (FE-2100) Overlay Zones, accessory structures are permitted in accordance with the underlying zone regulations. No new accessory structures or buildings shall be constructed closer to the coastline than the existing main building; Permitted new accessory structures shall not include accessory dwelling units;*
- b) Where an existing building is destroyed by fire or otherwise, the building shall be permitted to be replaced but the building cannot be closer to the coastline than the existing destroyed building; and*
- c) New Structures shall be permitted by site plan approval in the (FE-2100) Zone in accordance with the following provisions:*
  - i) structures shall be constructed on skids or helical piles to allow for the structure to be relocated at a future date;*
  - ii) site design and layout shall locate the new structure as far from the (FE-2050) Zone as possible;*
  - iii) the site plan shall show the location of the on-site sewage disposal system and well;*
  - iv) the on-site sewage disposal system and well shall be located to allow for the structure be relocated away from coastline at a future date; and*
  - v) no part of the on-site sewage disposal system and well shall be located in the (FE-2050) Zone; and*
  - vi) An application for site plan approval shall be in the format specified in Appendix C and shall be accompanied by a sketch in sufficient detail to address all of the matters identified above. The refusal or approval of a site plan is appealable to Council in the same manner as an appeal for a variance.*

### **10.11.2. Replacement of Building Due to Coastal Erosion**

*Where a building is destroyed or damaged by coastal erosion and the building cannot be located outside the Fundy Coastal Erosion (FE-2050) and (FE-2100) Overlay Zones the building shall be permitted to be replaced in accordance with the underlying zone and subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:*

- a) Site design and layout shall locate the new building as far from the edge of the existing coastline as possible.*
- b) Site design and layout shall take into consideration all existing and proposed structures, any watercourses or other natural features, location of septic system, driveway location, and other natural features.*

*An application for site plan approval shall be in the format specified in Appendix C and shall be accompanied by a sketch in sufficient detail to address all of the matters identified above. The refusal or approval of a site plan is appealable to Council in the same manner as an appeal for a variance.*

### **10.11.3. Coastal Erosion Study**

*If a coastal bank has been stabilized, a main permanent structure may be constructed in accordance with the underlying zone and subject to the approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:*

- a) A Coastal Erosion Study conforming to the format in Appendix E has been submitted which has been prepared by a qualified professional. The study shall demonstrate that the proposed new building is located outside the area which is projected to be lost to coastal erosion by 2100.*
- b) Site design and layout shall locate the new main building as far from the edge of the existing coastline as*

possible.

- c) An application for site plan approval shall be in the format specified in Appendix C and shall be accompanied by a sketch in sufficient detail to address all of the matters identified above. The refusal or approval of a site plan is appealable to Council in the same manner as an appeal for a variance.

#### 10.11.4. Marina and Marine Service Industry

Where permitted by the underlying zone Marina and Marine Service Industry uses are permitted to be located up to the shoreline and are not subject to the requirements of the Fundy Erosion (FE-2050) and (FE-2100) Overlay Zones.

#### 10.11.5. Recreation Vehicles

Where permitted by and in accordance with the underlying zone, Recreation Vehicles are permitted in the Fundy Erosion Overlay (FE-2050) and (FE-2100) Zones. Associated accessory structures are not permitted.

**PUBLIC INFORMATION:** Please acknowledge that the area adjacent to but outside the Fundy Erosion (FE-100) Overlay Zone does not guarantee that this area will not be subject to damage or loss of land to coastal erosion by 2100.

| Regulation                 | Amendment Date   | Description  |
|----------------------------|------------------|--|
| 10.2.6 Non-Conforming Uses | October 27, 2021 | Enables non-conforming use to change to non-conforming residential |



EAST HANTS

# Land Use Bylaw Maps

Appendix A

| Appendix   | Amendment Date & Description |
|--|------------------------------|
| <b>Map 1</b><br>South Corridor & Commercial Growth Management Area   |                              |
| <b>Map 2</b><br>Milford Growth Management Area                       |                              |
| <b>Map 3</b><br>Shubenacadie Growth Management Area                  |                              |
| <b>Map 4</b><br>Mount Uniacke Growth Management Area                 |                              |
| <b>Map 5</b><br>Grand Lake /<br>Horne Settlement Growth Reserve Area |                              |
| <b>Map 6</b><br>Belnan Growth Reserve Area                           |                              |
| <b>Map 7</b><br>Lantz Growth Reserve Area                            |                              |
| <b>Map 8</b><br>Official Community Plan Area                         |                              |



# Form-Based Zone Requirements for the Village Core (VC) Zone

## Appendix B

### Application

Form-Based Zone Requirements shall apply to:

- a. All properties within the Village Core (VC) Zones, except for:
  - i. where one commercial use is replaced with another commercial use of the same type occupancy, unless that commercial use has not occupied the commercial space for longer than two years;
  - ii. where renovations are occurring for an existing single unit or two unit dwelling;
  - iii. where the use is a single unit or two-unit residential dwelling; and
  - iv. renovations to buildings and properties of historical importance, as determined by the Heritage Coordinator, where the goal of the renovation is to restore the building or site to its original design.
  - v. **conversion of commercial building to single or two unit residential dwelling in a structure that was originally constructed as a residential building.**
- b. All new buildings, and alterations to existing buildings, greater than 100 m<sup>2</sup>.
- c. The front of a building and to those sides of a building, which are visible from the "Main" Street.
- d. Any site changes within these zones including parking lot expansion, new driveways or roads.

Examples of buildings exteriors facing the "main street".



### Information Required

Before a development permit is issued, the Development Officer shall be provided with the following information where applicable:

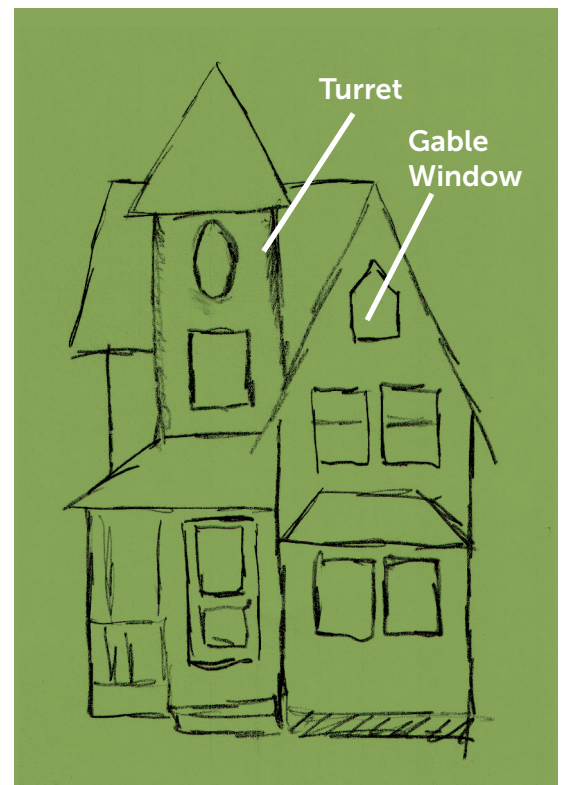
- a. Photographs showing all sides of an existing building.
- b. Building elevations to scale showing the front, side and rear elevations of the proposed development including all existing and proposed building elements.
- c. A site plan, to scale, showing all existing and proposed buildings, all yard setbacks, location and design of parking, driveways and vehicle circulation areas, pedestrian walkways and existing and proposed landscaping and plantings.
- d. A letter provided by the applicant indicating that the applicant and/or owner agrees to carry out the terms of the site plan.
- e. Any other information the Development Officer deems necessary to properly evaluate the proposal.

### Architectural Design Standards

The following requirements shall apply to the development of a new main building or an addition exceeding 100 m<sup>2</sup>. In the case of an addition, the design guidelines only apply to the addition, not the existing building.

#### Building Scale and Mass

- a. New buildings shall be constructed with a maximum height of 2.5 stories. Three stories will be permitted if the third story is integrated into the roof design.
- b. For single use commercial buildings, the maximum commercial



floor area shall be ~~230~~ **400** m<sup>2</sup>.

- c. Buildings with more than 80% commercial ground-floor area can exceed the existing 2.5 stories guidelines up to 4 stories, so long as the 'sectional' roof area at the height of 11 m is less than 15% of the building footprint.
- d. The maximum gross floor area shall be 835 m<sup>2</sup>.
- e. Large monolithic and monotonous buildings must be broken down into a collection of architectural parts.
- f. Any horizontal building dimension that exceeds 15 m must be broken into distinguishable 'architectural parts' using extending faces, changes in roof styles, changes in colour, and/or articulation in 'bays' to create an assemblage of architectural forms.
- g. Single level buildings with a footprint greater than 370 m<sup>2</sup> must incorporate a roof which gives the appearance of a second story using gabled windows, turrets or roof projections. The intent is to reduce 'pancake' or strip mall proportions.
- h. All sides of a building facing a street shall be designed as a street facing facade.**
- i. As-of-right residential development on the ground floor shall be designed to allow for easy conversion to commercial use by including the following design elements:
  - i. at grade entrances facing the street;
  - ii. ceilings minimum height of ~~4.5~~ **3.05** m (**10 ft**);
  - iii. windows should maintain their historical proportions. In new buildings ~~60%~~ **50%** or more of the building frontage shall be glass (no tinted, textured, reflective, or dark glass shall be permitted) unless, the historic nature of the building requires other treatments.

## Style

The architectural styles in East Hants are varied and traditional. The intent of the Style guidelines is to ensure that the style of new development is consistent with the vernacular of each village core and not with a placeless "corporate identity".

- a. Developers must select and adhere to an architectural style already found in the Village Core or neighbouring East Hants Village Core. The developer should identify the style, and demonstrate how all the building components reinforce the style (roof, siding, mass, doors, windows, columns, etc.). The building must be recognizable and identifiable. Bungalow style is not permitted.
- b. Standard 'corporate box designs' are not permitted in the village cores. Corporate chain outlets must be designed to fit the architectural context of each village core.
- c. For renovations, the style of the addition must either reinforce the existing style or be one of the styles already found in the Village Core.
- d. Building components not visible from the 'main street' (e.g. the back), can be built to a less stringent standard and do not require a discernible style so long as the style is coordinated with the front.
- e. The proposed signage must be shown on all elevation plans as part of the approval process.

## Roofs

Most of the traditional housing forms in East Hants incorporate peaked roofs with a minimum 8:12 pitch. Many of these have gable ends that face the street and eave overhangs. Gable and shed dormers are prevalent.

- a. Unless flat, roof pitches below 8:12 are permitted for no more

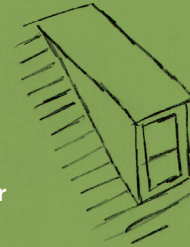
**Architectural Bays** are defined as the space between architectural elements, or a recess or compartment.

**Dormer** is a projecting structure built out from a sloping roof, usually housing a vertical window or ventilating louver (A Visual Dictionary of Architecture).

## Dormer Styles



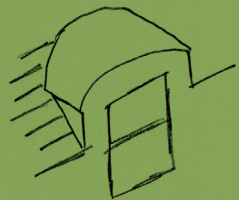
Gabled Dormer



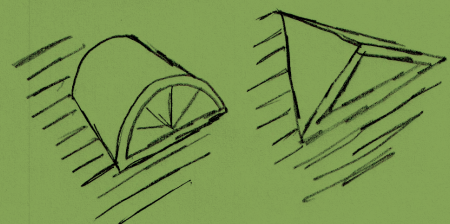
Shed Dormer



Hipped Dormer



Segmental Dormer



Eyebrow Dormers

than 25% of the roof area. The roof design should reinforce the architectural style of the building. Variations in roof lines should be used to add interest to, and reduce the scale of large buildings.

- b. Cross gables, gable dormers and shed dormers are encouraged wherever possible on roofs.
- c. False roofs placed on facades to change the apparent proportions of the building, shall look like 'real' roofs when viewed from any angle on the 'main' street.
- d. Eave and roof overhangs are encouraged particularly where they provide shelter over main entries.

## Materials

- a. No structures shall be wrapped completely in vinyl siding.

## Windows, Doors, and Ceiling Height

- a. The main entry of the building must front on the 'main' street'.  
*If the building has multiple commercial units at least one commercial unit has to front on the 'main street' with the main entry of the unit facing the 'main street'. -or within 3 m of the front on either side unless there is more than 1.8 m of grade difference between the street elevation and the finished floor elevation of the building.*
- b. *Buildings which front two or more streets shall be designed to appear that the building fronts on all streets.*
- c. Windows should maintain their historical proportions,
- d. In new buildings ~~60%~~ **50%** or more of the building frontage shall be glass (no tinted, textured, reflective, or dark glass shall be permitted) unless, the historic nature of the building requires other treatments.
- e. The minimum ground floor commercial ceiling height shall be ~~4.5~~ **3.05 m (10 ft)**.

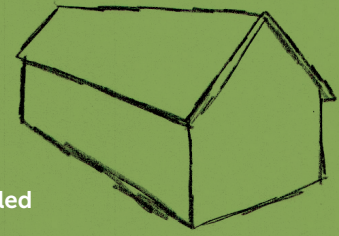
## Site Design

- a. No parking shall be permitted between the main Village Core street and the building front. Locate parking to the side and/or rear of the building. Entry driveways should not be placed within the buildings frontage if at all possible. Loading doors shall not front on the main street.
- b. Buildings shall be located close to the main street so that they are accessible and visible to pedestrians. At least 60% of the building's frontage shall be within 12 m of the main street (front property line). Any additional buildings on the lot are exempt, so long as the additional building footprint does not exceed the building closest to the main street. ***Buildings located on flag lots are exempt from this requirement.***
- c. Main entrances for buildings shall front onto the main street and be connected to the highway via a minimum 1.8 m wide walkway. The walkway is to be constructed of concrete, natural stone or pavers.

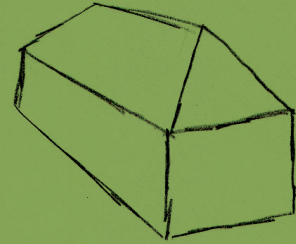
## Landscape Guidelines

- a. All trees greater than 15 cm diameter (measured at 8 cm from the base) should be preserved wherever possible.
- b. For any buildings set back 9 m or more from the front lot line, one 60 mm Caliper (minimum) sized tree is required to be planted between the building and the street for every 9 m of building frontage. ***Notwithstanding the above, a tree is not required when the portion of the street, on which the building fronts, has Municipally owned street trees located on the same side of the***

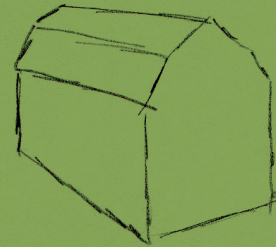
## Roof Styles



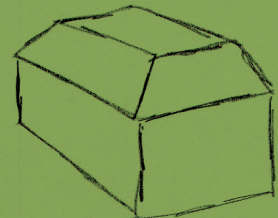
Gabled



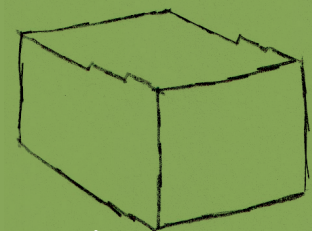
Hip



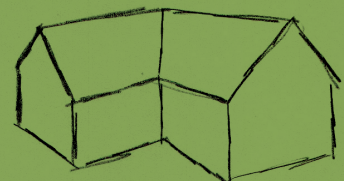
Gambrel



Mansard



Flat (with parapet)



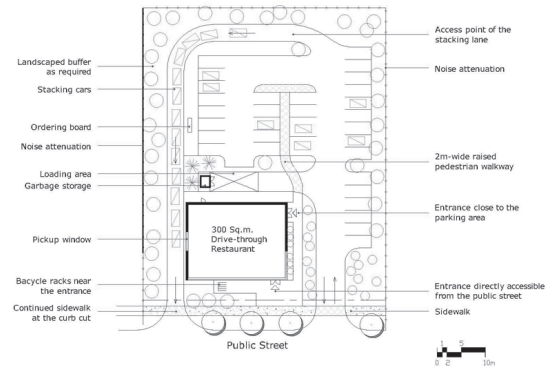
Cross Gable



**street as the building.**

- c. Trees shall be planted at a frequency of no less than one 60 mm Caliper (minimum) tree per 2,000 m<sup>2</sup> of disturbed site.
- d. All disturbed areas of the site shall be landscaped.
- e. A bike rack should be provided for all commercial developments with 1 bike space per every 185 m<sup>2</sup> of commercial floor space.
- f. **An opaque buffer shall be placed along property where the adjacent land use is residential. The buffer shall be a minimum height of 1.5 m. Buffers are not permitted along property lines adjoining streets.**
- g. Fences shall complement the style of the main building and shall be one of the following types: wooden picket, metal picket, baluster fence or common privacy fences such as treillage, or dog eared. The following fences shall not be permitted: chain link, stockade, split rail, basket weave or board-on-board batten.
- h. The finished side of the fence shall face the public right-of-way or the neighbouring property.

**Drive-thru Restaurant Design Example**

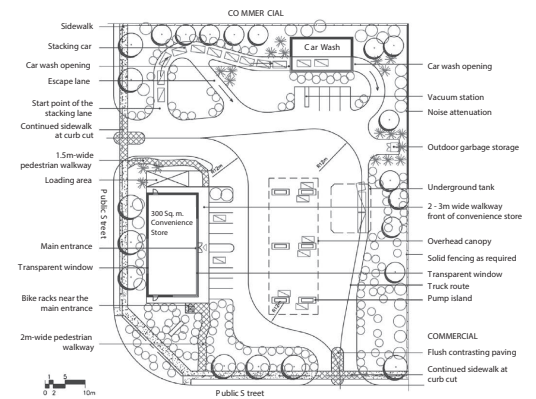


Reference: Urban Design Guidelines for Drive-Through Facilities, City of Ottawa Planning and Growth Management Department.

**Outdoor Storage and Display**

- a. Commercial displays shall be limited to the display of retail merchandise.
- b. Displays shall be permitted only during the open hours of the associated use.
- c. Outdoor trash receptacles are to be located in the rear or side yard and are to be screened from neighbouring buildings.

**Automobile Service Station Design Example**



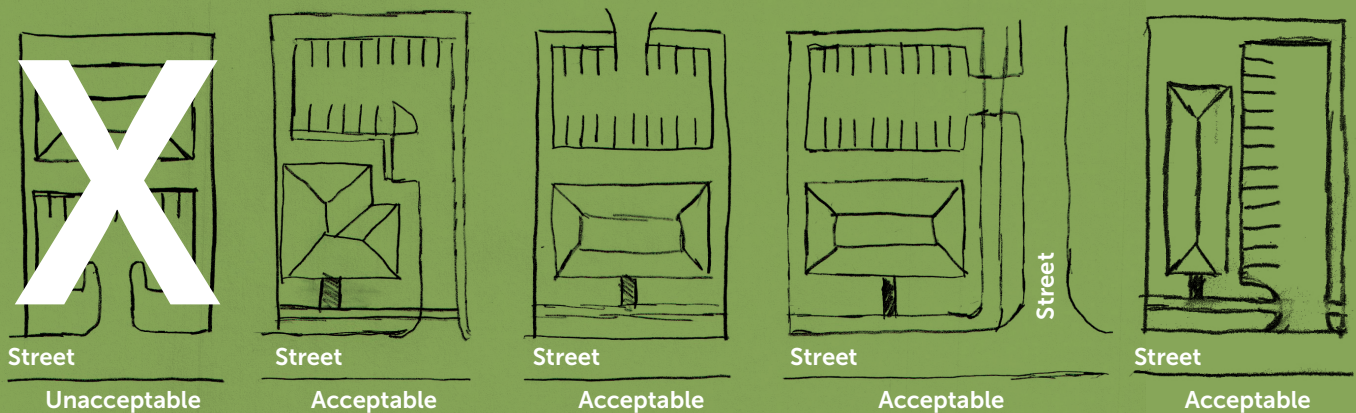
Reference: Urban Design Guidelines for Gas Stations, City of Ottawa Planning and Growth Management Department.

**Drive-Thru Restaurant and Automobile Service Station Design Requirements**

The purpose of having design requirements for drive-thru restaurants and automobile service stations in the Village Cores is to ensure the character and quality of these businesses enhance the Village Cores. Design requirements other than the ones listed below may be required as part of the development agreement process to ensure these more suburban uses do not detract from the compactness of the Village Cores.

- a. Buildings shall be located close to the street.
- b. Ample landscaping shall be used in combination with the building to enhance the streetscape and to help define the street edge.
- c. A minimum of **60%** **50%** of the pedestrian level street facing facade shall be transparent.

**Village Core Parking Lot Configurations**



- d. The architectural detail and character of the building and gas station canopy shall match surrounding property uses. ~~No corporate stores.~~
- e. Design all sides of buildings and pump islands with a consistent architectural style to enhance streetscape.
- f. One set of customer entrance doors must open up to the "main street" and shall provide access to the public sidewalk.
- g. Parking areas and stacking lanes shall be located in the side or rear yards, away from adjacent sensitive uses, such as residential and outdoor amenity areas.
- h. On-site circulation shall be designed to minimize conflicts between pedestrians and vehicles. Pedestrian walkways shall be provided where appropriate.
- i. Landscaping shall be used to help buffer the potential impacts of the drive-thru or automobile service station.

**Automobile Detailing**

- a. **Shall be the secondary use of an existing residential or commercial use.**
- b. **Shall be located in the rear or side yard.**
- c. **Space shall be limited to a maximum of 2 vehicles. A maximum of a two bay garage or other related structure shall be permitted.**
- d. **Waste water must be disposed of in accordance in all required regulations and shall not be permitted to run off of the subject property.**

**Shubenacadie Village Core (VC) Zone: Parking**

- a. **For properties located within 400 metres of PID 45330214 and where parking requirements cannot be met on-site, parking requirements can be reduced as follows:**
  - i. **The required commercial parking, for properties with existing main buildings which will be retained, can be reduced by up to 100%.**
  - ii. **The required commercial parking, for existing undersized lots where any existing main buildings are not being retained, can be reduced by a maximum of 50%.**
- b. **In the Shubenacadie Village Core (VC) Zone, where there are site constraints that don't enable the required parking to be provided to the side or rear of a building, parking may be provided in the front yard of a property. The Development Officer may consider on street parking if it can be demonstrated that this is available to the front of the property. All other requirements of the Form Based Zone Requirements shall apply.**

| Regulation  | Amendment Date | Description  |
|---|----------------|--|
| Building Scale and Mass h.ii<br>Windows, Doors, and Ceiling Height d.<br>Site Design b.<br>Drive-Thru and Automobile Service Station Design Requirements d.<br>Automobile Detailing | July 26, 2017  | Amendments approved as part of the one year review |





EAST HANTS

# Site Plan Approval Forms

Appendix C

| Appendix   | A site plan must accompany this application which adequately shows the following information:   |
|--|---|
| C1<br>Application for Site Plan Approval<br>Rural Use (RU) Zone                  | <ul style="list-style-type: none"><li>a. all existing and proposed structures.</li><li>b. the location of all watercourses.</li><li>c. the location of all intensive livestock operations on the subject property and neighbouring properties.</li><li>d. the distance between the proposed dwelling and the intensive livestock operation.</li><li>e. location, extent and type of vegetation or other fencing separating the proposed dwelling and the intensive livestock operation.</li></ul>   |
| C2<br>Application for Site Plan Approval<br>Agricultural Reserve (AR) Zone       | <ul style="list-style-type: none"><li>a. all existing and proposed structures.</li><li>b. the location of all watercourses and wells.</li><li>c. the proposed location of all intensive livestock operations on the subject property and neighbouring properties.</li><li>d. the distance between the proposed intensive livestock operation and the watercourse or well.</li><li>e. location, extent and type of vegetation or other buffer separating the proposed intensive livestock operation and the watercourse or well.</li></ul> |
| C3<br>Application for Site Plan Approval<br>Large Scale Wind Energy Developments | <b>Information required by Appendix D.</b>  |



|   |  |
|---|--|
| <p>C4<br/>Application for Site Plan Approval<br/>Residential Neighbourhood (LR, CR, R1, R2) Zones</p> | <ul style="list-style-type: none"> <li>a. all proposed and existing structures and areas for outdoor storage &amp; display are identified on the site plan.</li> <li>b. all proposed and existing automotive parking.</li> <li>c. all proposed and existing bicycle parking.</li> <li>d. all proposed and existing driveway accesses.</li> <li>e. the type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands.</li> <li>f. all requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering including proposed landscaping for yard setbacks, parking areas, and property lines.</li> <li>g. all retained vegetation including trees, shrubs, and ground cover.</li> <li>h. all proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the commercial entrance from the parking area and from the street.</li> <li>i. the type and location of outdoor lighting.</li> <li>j. All facilities for the storage of solid waste.</li> </ul> <p><b>Building elevations to scale showing the front, side and rear elevations of the proposed development must also be submitted.</b></p> |
| <p>C5<br/>Application for Site Plan Approval<br/>Mixed Use (R2-T, R3, MC) Zones</p>                   | <ul style="list-style-type: none"> <li>a. all proposed and existing structures and areas for outdoor storage &amp; display are identified on the site plan.</li> <li>b. all proposed and existing automotive parking.</li> <li>c. all proposed and existing bicycle parking.</li> <li>d. all proposed and existing driveway accesses.</li> <li>e. the type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands.</li> <li>f. all requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering including proposed landscaping for yard setbacks, parking areas, and property lines.</li> <li>g. all retained vegetation including trees, shrubs, and ground cover.</li> <li>h. all proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the commercial entrance from the parking area and from the street.</li> <li>i. the type and location of outdoor lighting.</li> <li>j. all facilities for the storage of solid waste.</li> </ul> <p><b>Building elevations to scale showing the front, side and rear elevations of the proposed development must also be submitted.</b></p> |
| <p>C6<br/>Application for Site Plan Approval<br/>Village Core (VC) Zone</p>                           | <ul style="list-style-type: none"> <li>a. all information identified as being required as part of the Form Based Zone Requirements for the Village Core (VC) Zone.</li> </ul>  |

|  |  |
|--|--|
| <p>C7<br/>Application for Site Plan Approval<br/>Separated Commercial (GC, HC, RC, BP) Zones</p> | <ul style="list-style-type: none"> <li>a. all proposed and existing structures and areas for outdoor storage &amp; display are identified on the site plan.</li> <li>b. all proposed and existing automotive parking.</li> <li>c. all proposed and existing bicycle parking.</li> <li>d. all proposed and existing driveway accesses.</li> <li>e. the type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping necessary to protect and minimize the land use impact on adjoining lands.</li> <li>f. all requirements under the Land Use Bylaw for landscaping and hedges or fencing used for buffering including proposed landscaping for yard setbacks, parking areas, and property lines.</li> <li>g. all retained vegetation including trees, shrubs, and ground cover.</li> <li>h. all proposed walkways are identified on the site plan and are located to provide safe and accessible pedestrian access to the commercial entrance from the parking area and from the street.</li> <li>i. the type and location of outdoor lighting.</li> <li>j. all facilities for the storage of solid waste.</li> </ul> <p><b>Building elevations to scale showing the front, side and rear elevations of the proposed development must also be submitted.</b></p> |
| <p>C8<br/>Application for Site Plan Approval<br/>Non-conforming Uses and/or Structures</p>       | <ul style="list-style-type: none"> <li>a. all existing structures and/or existing partial structures.</li> <li>b. the proposed structure to be repaired, and the portion of structure to be removed.</li> <li>c. setbacks from all property lines.</li> <li>d. footprint of original structure compared to footprint of proposed repair to structure.</li> </ul>   |
| <p>C9<br/>Application for Site Plan Approval<br/>Watercourse Greenbelt (WG)</p>                  | <ul style="list-style-type: none"> <li>a. all existing and proposed structures.</li> <li>b. the location of all watercourses.</li> <li>c. the location of all slopes exceeding 15% grade.</li> <li>d. soil conditions.</li> <li>e. location, extent and type of existing vegetation and proposed vegetation to be removed.</li> </ul>  |

|  |   |
|--|---|
| <p><b>C10</b><br/> <b>Application for Site Plan Approval</b><br/> <b>Fundy Erosion Overlay (FE) Zone</b></p> | <ul style="list-style-type: none"> <li>a. all existing and proposed structures</li> <li>b. the current location of the edge of the bank with the Bay of Fundy. Include the date the edge of the bank was measured.</li> <li>c. the distance between the edge of the bank and the existing and proposed structures</li> <li>d. proposed setbacks from all other property boundaries.</li> <li>e. the area of the property which has the Fundy Erosion Overlay (FE) Zone applied</li> <li>f. any existing features on the property (natural or man-made) which may affect the locating of proposed building. May include: existing septic system; established natural vegetation; driveway; watercourses; existing structures.</li> <li>g. in addition to the above - for a site plan approval application, where the bank has been stabilized, the location of the erosion area as identified by the qualified professional shall be identified on the site plan.</li> </ul> |
| <p><b>C11</b><br/> <b>Application for Site Plan Approval</b><br/> <b>Campground Development</b></p>          | <ul style="list-style-type: none"> <li>a. the dimensions and area of the lot.</li> <li>b. all existing and proposed structures.</li> <li>c. the location of all watercourses.</li> <li>d. location, extent and type of existing vegetation and proposed vegetation to be removed.</li> <li>e. adjacent uses.</li> <li>f. buffering if required.</li> <li>g. All elements, including parking, camp sites, public gathering areas, loading areas, refuse, and outdoor storage.</li> <li>h. traffic circulation and pedestrian circulation.</li> <li>i. areas to be left undisturbed.</li> </ul>   |
| <p><b>C12</b><br/> <b>Application for Site Plan Approval</b><br/> <b>Agrivoltaics</b></p>                    | <ul style="list-style-type: none"> <li>a. the proposed location and area of agrivoltaics on the lot.</li> <li>b. the dimensions and area of the lot.</li> <li>c. the location of all watercourses.</li> <li>d. all existing and proposed structures on the lot.</li> <li>e. setbacks from adjoining property lines and existing or proposed structures.</li> <li>f. type and area of agricultural lands to be farmed.</li> <li>g. any other information the Development Officer deems necessary to properly evaluate the proposal.</li> </ul>   |

**C13**  
***Application for Site Plan Approval***  
***FE-2100***

- a. the proposed location of any proposed structures and proposed on-site services in the FE-2100 Zone.
- b. the boundary of the FE-2100 Zone and FE-2050 Zone.
- c. the dimensions and area of the lot.
- d. the location of all watercourses.
- e. all existing structures.
- f. setbacks from adjoining property lines and existing or proposed structures.
- g. any other information the Development Officer deems necessary to properly evaluate the proposal.





EAST HANTS

# Application for Site Plan Approval

Property Owners Name:

Appendix C:

Agent (if acting on behalf of owner):

Mailing Address:

Email:

Contact Person:

Description of Proposed Development:

Applicant's Signature

Date

Date Application Received:

Initial:

Date Application Completed:

Initial:

Site Plan:  Approved

Refused

Development Officer's Signature

Date



3 copies of the Environmental study must be submitted to the Development Officer of the Municipality of East Hants. The study must contain the following information and conform to the following study format.

## STUDY FORMAT

### 1.1. Introduction

#### 1.1.1. Identification:

- Property owner and abutting owners.
- Zoning.
- Site plan.
- Subdivision plan if available.
- Location of project site on plan.

#### 1.1.2. Project description

- Site plan to scale.
- Distances of project to watercourses, ponds, and drainage channel(s).
- Total land area of project.
- Cubic estimate and types of materials to be added or taken from project site.
- Existing and proposed slope of lands.
- Nearest distance of the project to potable water supplies.

### 1.2. Impact Description

Potential project affects upon:

- Stormwater drainage and storage features on property and abutting properties.
- Floodwater flows, increase in flooding, ice passage from flooding.
- Unstable slopes.
- Other development constraints.

### 1.3. Measures to Mitigate Negative Impacts

- A description of mitigation measures and a draft implementation schedule timeline.

### 1.4. Conclusion

Will there be negative development impacts from the project.

### 1.5. Declaration

- When study was conducted.
- Signature of property owner(s).
- Signature and qualifications of study author(s).
- Date study submitted.
- Contact address and phone numbers to be reached for the study author and property owner(s).

### 1.6. Attached Supporting Information

Any additional descriptions of project, its impacts, and control measures.

| Regulation | Amendment Date | Description |
|------------|----------------|-------------|
|            |                |             |

# Requirements and Application for Large Scale Wind Developments

## Appendix E

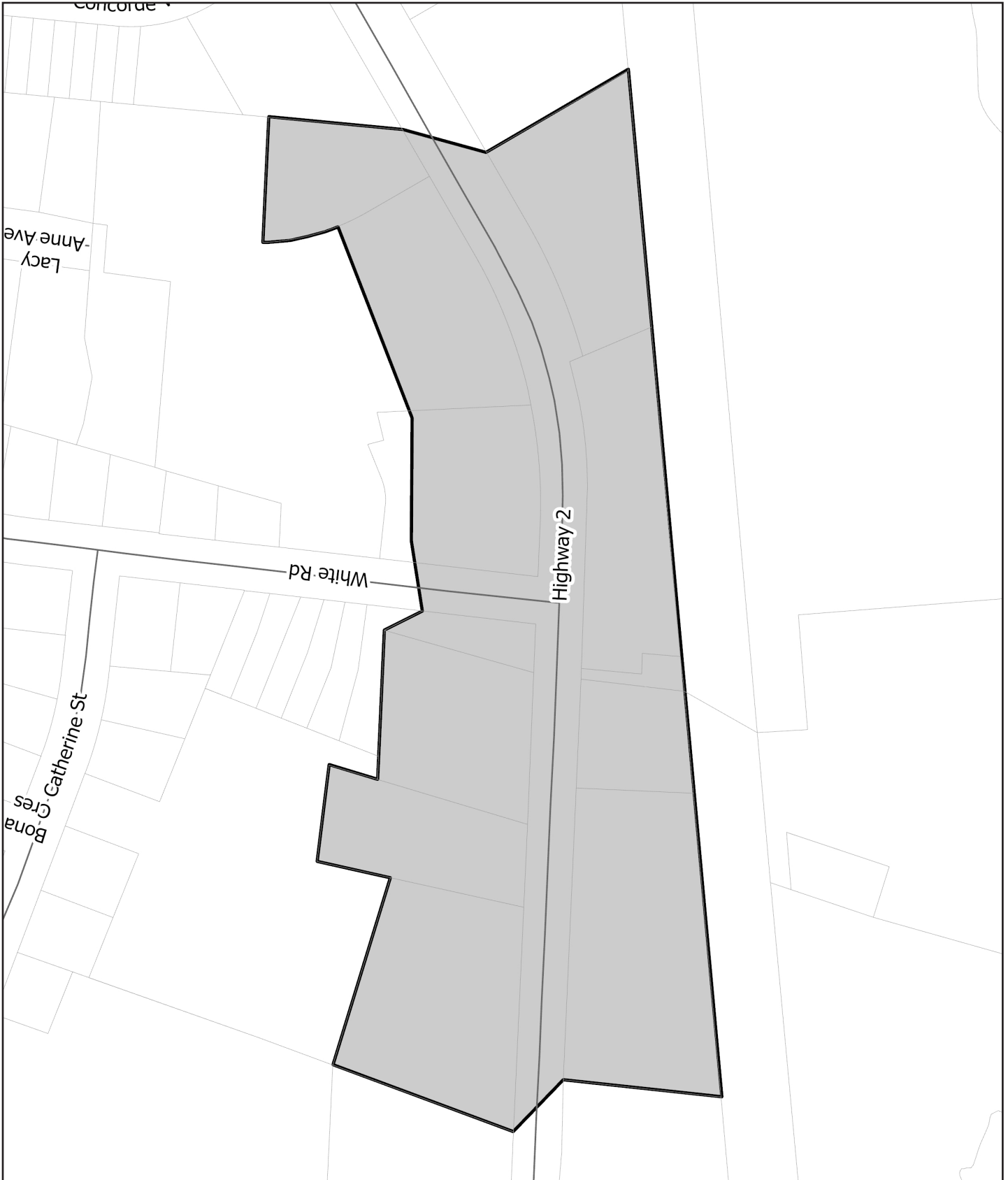
### Requirements for Large Scale Wind Turbines and/or Wind Farms

| Item Guide                  | Description   |
|-----------------------------|---|
| Site Plan                   | <p>Provide an accurate and to scale site plan addressing the following:</p> <ol style="list-style-type: none"> <li>a. proposed location of wind turbine(s) and related structure(s), as well as existing structures;</li> <li>b. proposed wind test tower sites;</li> <li>c. proposed and existing roads;</li> <li>d. adjoining property lines;</li> <li>e. utility lines;</li> <li>f. topography and contours;</li> <li>g. proposed landscaping;</li> <li>h. environmentally sensitive lands, and watercourses</li> <li>i. direction of prevailing winds;</li> <li>j. noise levels at adjoining property lines;</li> <li>k. type, size and location of any proposed security fencing;</li> <li>l. location of any proposed public safety signage; and</li> <li>m. possible future site expansion.</li> </ol>   |
| Impact Study                | <p>Provide an impact study examining how the proposed wind turbine or wind farm will affect neighbouring properties and community, including an assessment on:</p> <ol style="list-style-type: none"> <li>a. visual impact, including:               <ol style="list-style-type: none"> <li>ii. how the turbine modifies the landscape, e.g. shadow flicker, wind patterns, lighting, ice throws;</li> <li>iii. visual perspective of the local community;</li> <li>iv. visibility of the development from public viewpoints; and</li> <li>v. proximity to conservation areas, as well as, provincial and municipal parks.</li> </ol> </li> <li>b. noise impact including:               <ol style="list-style-type: none"> <li>iii. existing background noise levels;</li> <li>iv. expected noise levels associated with construction and operation of the wind development;</li> <li>v. if any, the effects increased noise levels will have on residents and wildlife near the wind development; and</li> <li>vi. decibel ratings for all equipment required in the wind development.</li> </ol> </li> </ol> |
| Visual Representation       | <p>Provide a visual representation including scale elevations, colour and proportion of wind turbine(s), photographs and/or digital representations showing placement and landscaping.</p>  |
| Manufacturer's Details      | <ol style="list-style-type: none"> <li>a. the turbine rated output in Kilowatts;</li> <li>b. sound characteristics;</li> <li>c. type of material used in tower, blade, and/or rotor construction;</li> <li>d. suggested footing construction (engineered plans); and</li> <li>e. safety features.</li> </ol>  |
| Decommissioning/Reclamation | <p>Provide a plan for decommissioning and reclamation of the land.</p>  |
| Application                 | <p>Complete the application for site plan approval in Appendix B.</p>   |

| Regulation | Amendment Date | Description |
|------------|----------------|-------------|
|            |                |             |

# Map of Special MC Zone Area

Appendix F



| Regulation | Amendment Date | Description |
|------------|----------------|-------------|
|------------|----------------|-------------|



3 copies of the Coastal Erosion Study must be submitted to the Development Officer of the Municipality of East Hants. The study must contain the following information and conform to the following study format.

## STUDY FORMAT

### 1.1. Introduction

#### 1.1.1. Identification:

- property owner and abutting owners;
- zoning;
- site plan illustrating the area studied.
- Site plan to include:
  - all watercourses;
  - existing structures;
  - any relevant site features;
  - location of project on site plan;
  - location and type of material used to stabilize bank; and
  - Subdivision plan if available.

#### 1.1.2. Project description

- site plan to scale including location of proposed structure;
- total area of property; and
- distance of proposed structure to existing bank with the Bay of Fundy.

### 1.2. Impact Description

- Provide a description of the type of bank stabilization used and how this impacts how the land is eroded, and if known when the bank stabilization was installed. Identify, on a site plan drawn to scale, the extent of land projected to be lost due to coastal erosion by the year 2100 based on the stabilized bank. Explain how this differs from the extent of the Fundy Erosion Overlay (FE) Zone and why.

### 1.3. Methodology for Study

- Methodology used to determine the projected amount of land which will be lost to coastal erosion by the year 2100. Provide details of any specific data used to reach the conclusion, including but not limited to LiDAR, imagery.

### 1.4. Conclusion

- That the proposed structure is located outside the area projected to be lost due to coastal erosion by the year 2100 as identified by the Coastal Erosion Study.

### 1.5. Declaration

- When the study was conducted. Signature of Property Owner(s).
- Date study submitted.
- Contact details for study author and property owner.
- Signature and qualifications of study author(s).
- How the qualifications of the study author qualify them to complete the professional study.

| Regulation | Amendment Date | Description |
|------------|----------------|-------------|
|            |                |             |