

Municipality of the District of Yarmouth Land Use By-law

DRAFT for First Reading – 2023.10.25





Municipality of the District of Yarmouth

932 Highway 1
Hebron, Nova Scotia
B5A 5Z5

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1 TITLE, APPLICATION, & PURPOSE

1.1 Title

1.1.1 This By-law shall be known and may be cited as the “Land Use By-law” of the Municipality of the District of Yarmouth

1.2 Application

1.2.1 This By-law shall apply to all lands located within the municipal boundaries of the Municipality of the District of Yarmouth.

1.3 Purpose

1.3.1 The purpose of this By-law is to facilitate the sustainable, orderly, economical, and beneficial *development* and use of land and *buildings* within the *Municipality*, and for that purpose the By-law, among other things:

- (a) divides the *Municipality* into *zones*;
- (b) prescribes and regulates for each *zone* the purposes for which land and *buildings* may be used;
- (c) establishes standards for the dimensions of land within each *zone* and the positioning of *buildings* thereon;
- (d) establishes the office of one or more *Development Officers*;
- (e) establishes a method of making decisions on applications for *development permits*, including the issuing of *development permits*; and
- (f) establishes a method for making decisions on applications for *site plan approval*.

1.3.2 This By-law shall be applied in a manner consistent with the *Municipality’s Municipal Planning Strategy* and the *Municipal Government Act* (“Act”) as amended from time to time.

Chapter 1 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

2 ZONES & ZONING MAPS

2.1 Zones

2.1.1 For the purposes of this By-law, the *Municipality* is divided into the following zones, the boundaries of which are shown on the attached Schedule A. Such zones may be referred to by the appropriate symbols.

Table 1: Zones

Zone Name	Zone Symbol
Residential General Zone	RG
Low-density Residential Zone	LDR
Multiple Unit Residential Zone	MU
Commercial General Zone	CG
Hamlet Residential Zone	HR
Hamlet Commercial Zone	HC
Rural Development Zone	RD
Rural Commercial Zone	RC
Airport Zone	AP
Airport Noise Restriction Zone	ANR
Business & Industrial Park Zone	BIP
Marine Industrial Zone	MI
General Industrial Zone	GI
Heavy Industrial Zone	HI
Watershed Zone	WS
Lakeside Residential Zone	LR
Sensitive Environment Zone	SE
Floodplain Zone	FP
Dykelands Zone	DL
Lightstation Heritage Zone	LH
Recreation Zone	REC

2.2 Zoning Maps

2.2.1 Schedule A attached hereto may be cited as the “Zoning Maps”.

2.2.2 The Zoning Maps form part of this By-law.

Chapter 2 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

3 INTERPRETATION

3.1 Certain Words

3.1.1 In this By-law:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

3.1.2 Words defined in this By-law are typically italicized to aid in reading; however, an absence of italics does not guarantee a word is not defined.

3.1.3 Words not otherwise defined in this By-law shall have the meaning assigned to them in the Act.

3.2 Conflict

3.2.1 In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall take priority.

3.2.2 Colour coding throughout this By-law and the Zoning Maps is for ease of reference only and the text of the By-law shall take priority.

3.2.3 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

3.2.4 In the case of conflict between a written *zone* name and a *zone* symbol, the written *zone* name shall take priority.

3.2.5 In the case of conflict within the regulations of this By-law, the more restrictive regulation shall take priority, unless otherwise specified.

3.2.6 Where the permitted uses listed in the permitted use table of Chapter 10 conflict with the list of permitted uses in an individual *zone's* chapter, the individual *zone's* chapter shall take priority.

3.3 Definitions

3.3.1 For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Chapter 32 - Definitions. Where a word is not defined in Chapter 32, the word shall have the meaning or meanings assigned by accepted English dictionaries.

3.4 Units of Measurement

3.4.1 This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

3.5 Interpretation of Zone Boundaries

3.5.1 Boundaries between *zones* shall be determined as follows:

- (a) where a *zone* boundary is indicated as following a survey line as recorded at the Registry of Deeds, the boundary shall follow that line;
- (b) where a *zone* boundary is indicated as following a street, *private road*, or controlled access highway the centerline of the street shall be the boundary unless otherwise indicated;
- (c) where a *zone* boundary is indicated as following a railway or utility *right-of-way*, the centerline of the *right-of-way* shall be the boundary unless otherwise indicated;
- (d) where the *zone* boundary is indicated as approximately following *lot lines*, the boundary shall follow the *lot lines*;
- (e) where the *zone* boundary is indicated as following the shoreline of a river, *watercourse*, lake, or saltwater body, the *ordinary high water mark* shall be the boundary;
- (f) where a *zone* boundary is indicated as approximately following a physical feature such as a watershed, the *zone* boundary shall follow such physical features as determined by field survey; and,
- (g) where none of the above provisions apply, the *Development Officer* shall scale the *zone* boundary from the zoning map.

3.6 Schedules and Appendices

3.6.1 All schedules and figures attached to this By-law form an official part of the By-law.

3.6.2 Any appendices that may be attached to this By-law are for information purposes and may be changed by resolution of Council without formally amending this By-law.

3.7 Severability

3.7.1 If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law.

Chapter 3 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

4 ADMINISTRATION

4.1 Administration of By-law

- 4.1.1 Council shall appoint one or more *Development Officer(s)* for the *Municipality*.
- 4.1.2 The *Development Officer* shall be responsible for the administration of this By-law.

4.2 Inspection

- 4.2.1 Subject to Section 267 of the *Municipal Government Act*, the *Development Officer* or authorized agent of the *Development Officer* is authorized to enter, at all reasonable times, into or upon any property within the *Municipality* for the purpose of any inspections necessary to administer this By-law.
- 4.2.2 Consistent with Section 267 of the *Municipal Government Act*, the *Development Officer* or authorized agent of the *Development Officer* shall not enter any place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance of the entry.

4.3 Enforcement & Penalty

- 4.3.1 In the event of any contravention of the provisions of this By-law, the *Municipality* may act as provided for in Section 266 of the *Municipal Government Act*.

4.4 Compliance with Other Legislation

- 4.4.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the *Municipality*, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the *Municipality* or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 4.4.2 Where the provisions in this By-law conflict with those of any other by-law of the *Municipality* or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

4.5 Restoration to a Safe Condition

- 4.5.1 Nothing in this By-law shall prevent the restoration of any *building* or *structure* to a safe condition, as determined by the *Municipality's* Building Official.

4.6 Effective Date

4.6.1 Upon adoption by the *Council* of the Municipality of the District of Yarmouth and approval by the Minister of Municipal Affairs, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the *Municipality*, informing the public that the Land Use By-law is in effect.

4.7 Existing Structures & Uses

4.7.1 A *structure* or *use* of land shall be deemed to exist on the effective date of this By-law if:

- (a) it has lawfully been constructed;
- (b) it has lawfully commenced;
- (c) it is lawfully under construction; or
- (d) all required permits for its construction or *uses* were in force and effect, except that this shall not apply unless the construction or *use* is commenced within 12 months after the date of the latest issuance of the required permits.

4.8 Repeal of By-law

4.8.1 The Municipality of the District of Yarmouth Land Use By-law adopted by *Council* for the Municipality of the District of Yarmouth on August 28th, 2013, as amended, is hereby repealed.

Chapter 4 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

5 DEVELOPMENT PERMITTING

5.1 Development Permit

- 5.1.1 Unless otherwise stated in this By-law, no person shall undertake a *development* within the *Municipality* without first obtaining a *development permit* from the *Development Officer*.
- 5.1.2 The *Development Officer* shall only issue a *development permit* in conformance with this By-law and any *development agreement* or *site plan agreement* in effect on the site, except where a *variance* is granted or in the case of an *existing non-conforming use* or *structure*, in which case a *development permit* shall be issued in conformance with *the Act*.
- 5.1.3 A *development permit* shall expire within the following time periods from the date issued if the *development* has not commenced:
- (a) three years for *large-scale wind turbine generators*.
 - (b) two years for *industrial uses*.
 - (c) one year for all other *uses*.
- 5.1.4 The *Development Officer* may revoke a *development permit* where information provided on the application is found to be inaccurate or the permit was issued in error.
- 5.1.5 The *Development Officer* shall, at the applicant's request and subject to the payment of fees in conformance with the fee schedule adopted by resolution of *Council*, renew a *development permit* for one additional year if:
- (a) the *development permit* has not been renewed previously; and
 - (b) the *Development Officer* is satisfied the *development permit* is consistent with the current Land Use By-law and any proposed amendments to the Land Use By-law of which *Council* has issued notification of their intent to adopt.

5.2 Development Not Requiring a Development Permit

5.2.1 The following *developments* shall not require a *development permit*:

- (a) interior or exterior renovations or *alterations* to a *structure* that do not result in a change in volume or *gross floor area*, number of *dwelling units*, or a change in use of the *structure*;
- (b) fences that do not exceed 1.9 metres in *height* except for a fence enclosing a swimming pool;
- (c) *signs* smaller than 0.2 square metres in sign area, where *signs* are permitted;
- (d) temporary *buildings* or *structures erected* for a period not exceeding 60 days;
- (e) temporary construction *buildings* and *structures* meeting the requirements of Section 6.28;
- (f) public and private *utilities* located within the street *right-of-way*;
- (g) temporary greenhouses, cloches, crop hoops, or other such temporary crop *structures*;
- (h) accessory buildings with a footprint of less than 10.0 square metres in zones where buildings are permitted;
- (i) household gardens;
- (j) special occasion uses meeting the requirements of Section 6.27;
- (k) *forest, fish, and farm stalls* meeting the requirements of Section 7.5;
- (l) *signs* permitted in all *zones*, as listed in Section 9.3.

5.2.2 For greater clarity, a *building permit* or other form of license may still be required for *developments* that are exempt from requiring a *development permit*. Applicants should inquire with the *Municipality* prior to undertaking any *development*.

5.3 No Exemption from Requirements

5.3.1 Every *development* shall be subject to the requirements of this By-law whether or not a *Development Permit* is required.

5.4 Application Requirements

5.4.1 Every application for a *development permit* shall be made in writing on an approved form and shall include:

- (a) the signature of the registered landowner or their duly authorized agent;
- (b) application fees in conformance with the fee schedule adopted by resolution of *Council*;
- (c) a statement of the proposed *use* of the land;
- (d) a statement of the estimated commencement and completion date of *development*;
- (e) a site plan, as detailed in Subsection 5.4.2; and
- (f) any other information required by this Land Use By-law.

Plan Requirements

5.4.2 Every application for a *development permit* shall be accompanied by a plan of the proposed *development*, drawn to an appropriate scale and showing:

- (a) the true shape and dimensions of all *lots* to be used;
- (b) the proposed *use*, location, *height* and dimensions of any *building, structure*, or work for which the permit is applied; which shall include measurements of the *lot frontage, front, side and rear yards*;
- (c) the location of *rights-of-way* and easements within the subject property;
- (d) the proposed location and dimensions of *parking areas, parking spaces, loading spaces*, driveways, curbs, landscaping and fencing; and landscaping areas where applicable;
- (e) the location of all *watercourses* on the property; and
- (f) other such information as may be necessary to determine whether or not every proposed *development* conforms with the requirements of this By-law.

Additional Plan Information

5.4.3 Where the *Development Officer* is unable to determine whether the proposed *development* conforms to this By-law or other by-laws and regulations in force, they may require that the plan submitted under Subsection 5.4.2 shows:

- (a) the location of every *building or structure* already *erected* on or partly *erected* on such *lot*;
- (b) the location of every *building erected* upon any abutting *lot*;
- (c) *existing* and proposed services; and/or
- (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

Lighting Plan

- 5.4.4 Applications for new main *buildings* on a *lot* containing five or more *dwelling units*, new commercial main *buildings*, and new industrial main *buildings* shall be accompanied by an outdoor lighting plan showing:
- (a) boundaries of the *lot*;
 - (b) location of all *existing* and proposed *structures*;
 - (c) location of any areas or *signs* requiring illumination;
 - (d) location and *height* of all *existing* and proposed outdoor lighting; and
 - (e) specifications of outdoor lighting type, wattage, spacing, and foundation.

Additional Studies & Plans

- 5.4.5 Where necessary to determine conformance with this Land Use By-law, the *Development Officer* may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or site plan prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) location certificate;
 - (c) *parking lot* layout and internal circulation;
 - (d) location of proposed solid waste containers and any screening or fencing;
 - (e) location of proposed outdoor storage areas and any screening or fencing;
 - (f) location of any open space and amenity areas;
 - (g) topography and soil conditions of the subject site;
 - (h) *watercourse* delineation study;
 - (i) any applicable *watercourse* or wetland setbacks;
 - (j) existing vegetation;
 - (k) stormwater management plan;
 - (l) groundwater study;
 - (m) environmental study;
 - (n) habitat delineation and migration study;
 - (o) floor plans and elevation drawings of any proposed structures;
 - (p) landscaping plan;
 - (q) existing heritage properties;
 - (r) existing easements;
 - (s) geotechnical study;
 - (t) site grading plan;
 - (u) traffic impact assessment or study;
 - (v) groundwater supply study; and/or
 - (w) any other information deemed necessary by the *Development Officer*.

5.5 Stormwater Management

5.5.1 Where stormwater management plans are required, they shall be subject to the following requirements:

- (a) stormwater management plans shall be prepared and stamped by a qualified Professional Engineer or a qualified professional Landscape Architect, licensed to practice in Nova Scotia;
- (b) stormwater management plans shall include a *site plan*; and
- (c) stormwater management plans shall include design calculations that confirm the design, at a minimum, meets the following criteria:
 - i. retains on-site stormwater runoff generated from the first 10 mm depth of a rainfall event; and
 - ii. balances stormwater runoff generated after the first 10 mm of a rainfall event to ensure matching of the pre- and post-development stormwater runoff conditions.

5.5.2 Where reasonable, stormwater management plans may be combined with servicing or grading plans.

5.6 Variances

5.6.1 Notwithstanding anything in this By-law, the *Development Officer* may grant a *variance* subject to Section 235 of the *Municipal Government Act*. Specifically, the *Development Officer* may grant:

- (a) up to 100% *variance* for parking requirements;
- (b) up to 50% *variance* for *setback* requirements; and
- (c) up to 25% *variance* for the following requirements:
 - i. the percentage of land that may be built upon;
 - ii. *lot frontage*;
 - iii. *lot area*;
 - iv. ground area of a *structure*;
 - v. *height* of a *structure*;
 - vi. floor area occupied by a *home occupation*; and/or
 - vii. *height* and area of a *sign*.

5.6.2 In accordance with Section 235 of the *Municipal Government Act*, the *Development Officer* shall not grant a *variance* if the:

- (a) *variance* violates the intent of the Land Use By-law;
- (b) difficulty experienced is general to properties in the area; or
- (c) difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.

- 5.6.3 Where the *Development Officer* has granted a *variance* in the requirements of this By-law, notification of the *variance* shall be provided in writing to all assessed property owners of all properties that lie within 30 metres of the property subject to the *variance*.
- 5.6.4 Notification of a *variance* shall:
- (a) describe the *variance* granted;
 - (b) identify the property(s) subject to the *variance*; and
 - (c) set out the right to appeal the decision of the *Development Officer* to *Council*.
- 5.6.5 *Variance* requests shall be accompanied by a deposit made to the *Municipality*, at the time of application, in an amount identified in the fee table established by *Council* sufficient to pay the costs associated with giving notice of *variances* as required by *the Act*. If the amount paid is not sufficient to cover the costs incurred the applicant shall pay to the *Municipality* the additional amount required. If the amount paid is more than sufficient, then the *Municipality* shall refund the excess amount.

5.7 Site Plan Approval

- 5.7.1 Some *zones* of this Land Use By-law permit certain uses only by *site plan approval*. Unless specifically addressed in a different manner by the applicable criteria of Chapter 31, all other applicable criteria of this Land Use By-law shall still apply to any *development* proposed and undertaken through *site plan approval*.

Application Requirements

- 5.7.2 In addition to the requirements of Section 5.4, applications for *site plan approval* shall meet the following requirements:
- (a) the site plan shall be fully and accurately dimensioned and shall be made under the stamp of a professional architect, planner, engineer, or surveyor licensed to practice in Nova Scotia.
 - (b) the application shall be accompanied by a written rationale and any necessary supporting illustrations addressing each of the applicable criteria outlined in Chapter 31.
 - (c) the application shall be accompanied by a fee, in the amount identified in the fee table established by *Council*, for advertising and notification costs.

Site Plan Approval Review

- 5.7.3 The *Development Officer* shall review applications for new *developments* permitted by *site plan approval*, and amendments to existing *site plan approvals*, against all applicable criteria of this Land Use By-law and the applicable criteria in Chapter 31.
- 5.7.4 *Council* may, by resolution, establish a committee or designate an existing committee to advise the *Development Officer* on qualitative matters related to the *site plan approval* criteria of Chapter 31 prior to the *Development Officer* granting or refusing approval.

Notification

- 5.7.5 Where the *Development Officer* has granted a *site plan approval*, notification of the approval shall be served upon all assessed property owners of all properties that lie within the following distances:
- (a) 152 metres of the property subject to the *site plan approval* for *small-scale wind turbine* development; or
 - (b) 30 metres of the property subject to the approval for all other *site plan approvals*.

Appeal of Site Plan Approval

- 5.7.6 Appeals of the *Development Officer's* decision regarding a *site plan approval* request may be made to *Council*, as provided for by Subsection 232(2) of the *Municipal Government Act*.

Chapter 5 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

6 GENERAL PROVISIONS

6.1 Scope

6.1.1 The provisions of this Part shall, unless otherwise specified, apply to all *uses* and *zones* and shall prevail over all *zone* requirements except where expressly stated otherwise.

6.2 Accessory Buildings & Structures

6.2.1 *Accessory buildings* and *structures* shall be permitted in any *zone*, but shall not:

- (a) be used for human habitation except where a *dwelling* or *tourist cabin* is a permitted *accessory use*;
- (b) be considered an *accessory building* if structurally attached to the *main building*;
- (c) be considered an *accessory building* if located completely underground;
- (d) be built closer to the *front, rear, or side lot line* than the minimum distance required by this By-law for the *main building*; or
- (e) except for *forest, fish, and farm stalls*, be built closer to the *front, rear, or side lot line* than the *existing building* is to the said line in cases where the *front, rear, or side yard* is nonconforming.

6.2.2 Notwithstanding Clause 6.2.1(d), the minimum *side* and *rear yard* requirements for *buildings* accessory to residential *uses* except those used for *home occupation* referred to in Section 7.6 of this By-law may be reduced to a minimum of 0.6 m provided there are no windows or perforations on the side of the *building* which faces said *lot line*.

6.2.3 Notwithstanding *zone* requirements:

- (a) where approval has been granted by appropriate provincial and/or federal authorities, *boathouses*, wharves, docks, and fishing gear sheds may be built across a *lot line* when said *lot line* corresponds to the water's edge;
- (b) bus shelters, roadside stands, awnings, children's play structures, *playground* equipment, pet houses, clothes poles, garden trellises, refuse receptacles, and retaining walls shall be exempt from the requirements of this Section. These *structures* shall be permitted to be located in any part of any *yard* except within the *corner vision triangle* of a *corner lot*; and
- (c) shared semi-detached garages may be centred on the mutual *side lot line*.

6.3 Accessory Uses Permitted

6.3.1 *Uses* accessory to a permitted *use* shall be permitted in all *zones*.

6.4 Buildings to be Moved

6.4.1 No person shall move any *building* onto a *lot* without first obtaining a *development permit* from the *Development Officer*.

6.5 Conformity with Existing Setbacks

6.5.1 The *Development Officer* shall approve a *front setback* less than the minimum *front setback* required in a *zone* if:

- (a) the proposed *setback* is not less than the smallest *front setback* of any *main building* within 60 metres on the same street and within the same *zone* as the proposed *building*; and
- (b) the proposed *setback* is not less than 2 metres.

6.6 Connection to Central Services

6.6.1 New plumbed *buildings* shall be connected to public sewer systems where such services are available, and in compliance with any applicable by-law. Where service availability is disputed or unclear, the Municipal Engineer shall decide based on site conditions and available system capacity.

6.7 Corner Vision Triangle

6.7.1 On a *corner lot* in any *zone*, outdoor display or outdoor storage, a fence, *sign*, hedge, shrub, bush or tree or any other *structure* or vegetation shall not be *erected* or established or permitted to grow to a *height* greater than 0.6 metres above *grade* of the roads that abut the *lot* within the triangular area included within the street lines for 6.0 metres from their point of intersection.

6.8 Encroachments

6.8.1 Notwithstanding anything else in this By-law, a *development permit* may be issued for *development* on an undersized *lot*, created as a result of an encroachment of a *development* component of a permanent nature such as a *structure*, driveway, well, or on-site sewage disposal system, provided that all other applicable provisions of this By-law are met.

6.9 Existing Main Buildings

6.9.1 Notwithstanding anything else in this By-law, in any zone, where lots containing at least one existing main building are to be created from an existing area of land containing two or more of such buildings, the following provisions shall apply:

- (a) any or all minimum yard requirements may be waived where they cannot otherwise be met; and
- (b) the minimum lot frontage requirement may be waived where it cannot otherwise be met provided the lot frontage shall not be less than 6.0 metres; or the lot is served by an existing right-of-way or new right-of-way with a minimum width of 6.0 metres; and
- (c) where it cannot be met, the minimum lot area requirement for a lot with an existing building located on it may be waived where the lot is located on a road served by a municipal sewer system; and
- (d) all other applicable provisions of this By-law are satisfied.

6.10 Exemption from Height Requirements

6.10.1 The height requirements of this By-law shall not apply to church spires, minarets, water tanks or reservoirs, elevator enclosures, stairwells, silos, barns, flag poles, television or radio antennae, ventilators, skylights, clock towers, guard rails, tree houses, chimneys, public art, beehives, solar collector systems, wind turbine generators, drive-in theatres, ice plants, and telecommunication towers.

6.11 Fences

6.11.1 Fences greater than 1.9 metres in height shall be considered a structure and, notwithstanding zone requirements, shall have a setback from property lines of a minimum of half the height of the structure.

6.12 Flag Lots

6.12.1 Unless prohibited in a *zone*, *flag lots* shall be permitted subject to the following requirements:

- (a) the *zone* standard for minimum *lot area* for the proposed *use* must be satisfied within the main portion of a *flag lot*;
- (b) the *lot* shall be able to contain a circle with a diameter equal to the *zone* standard for minimum *lot frontage*;
- (c) notwithstanding *zone* standards, where the main body of the *flag lot* is 100 metres or less from the road the width of the pole for its entire length shall be at least 6.1 metres;
- (d) notwithstanding zoning standards, where the main body of the *flag lot* is more than 100 metres from the road the width of the pole for its entire length shall be at least 12.2 metres;
- (e) minimum *setback* requirements shall apply to the main body of the *lot*, with the *front lot line* considered to be the *lot line* facing the road; and
- (f) no more than three *flag lots* shall be created from an area of land as it existed on [approval date].

6.13 Fronting on a Public Street or Private Road

6.13.1 No *development permit* shall be issued unless the *lot* or parcel of land intended to be used or upon which the *building* or *structure* is to be erected abuts and fronts upon a *public street* or *private road*.

6.13.2 Notwithstanding Subsection 6.13.1 developments in the Low Density Residential Zone, Residential General Zone, Multi Unit Zone, and Commercial General Zone shall only front on *public streets* or on *private roads* existing on [approval date].

6.14 Heritage Incentives

6.14.1 A property or *building* that is a municipally-, provincially-, or federally-registered heritage property shall be eligible for relaxations of By-law requirements as outlined in Table 2, Heritage Incentives.

Table 2: Heritage Incentives

Use	Permitted Relaxation
All uses	The minimum automobile parking space requirements of Chapter 8 shall not apply.
Accommodations	Number of sleeping units permitted as-of-right increased by 1
Boarding House	Number of sleeping units permitted as-of-right increased by 1
Converted Dwelling	Number of dwelling units permitted as-of-right increased by 1
Home Occupation	Number of permitted on-site, non-resident employees increased by 1

6.14.2 A property or *building* that is a municipally-, provincially-, or federally-registered heritage property may be permitted, by development agreement, to contain uses not otherwise permitted within the *zone* in which it is located subject to Policy 4-83 of the *Municipal Planning Strategy*.

6.15 Illumination

6.15.1 Exterior lighting on any *lot* shall be directed away from, and shall not cause glare on, adjoining properties or adjacent streets.

6.16 Multiple Uses

6.16.1 Where any land or *building* is used for more than one purpose, all provisions of this By-law relating to each *use* shall be satisfied. Where there is conflict such as in the case of *lot* size or *lot frontage*, the higher or more stringent standard shall apply.

6.17 Non-conforming Uses

6.17.1 A non-conforming *use* shall not be recommenced if discontinued for a continuous period of 12 months.

6.17.2 A non-conforming *use* may expand by *site plan approval*, subject to the criteria outlined in Section 31.6.

6.18 Non-conforming Structures

6.18.1 Notwithstanding *lot area*, *lot frontage*, and minimum *setback* requirements of this By-law, the *use* of a non-conforming *structure* may be changed to any other *use* permitted in that *zone*, provided all other requirements of this By-law are met.

6.18.2 Non-conforming *structures* may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:

- (a) any such construction does not further infringe on the By-law requirement(s) that created the non-conformity; and
- (b) all other requirements of this By-law are met.

6.19 Outdoor Furnaces

6.19.1 Notwithstanding anything else in this By-law, *outdoor furnaces*, whether contained within an *accessory building* or not, shall be located a minimum of 61.0 metres from any common *lot line*.

6.20 Outdoor Storage of Fishing Gear and Equipment

6.20.1 Nothing in this by-law shall prevent the open storage of fishing gear and equipment in any *yard* of any residential *use*.

6.21 Permitted Encroachments in Minimum Setbacks

- 6.21.1 Every part of any minimum *setback* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky.
- 6.21.2 Notwithstanding *zone* requirements, the following *structures* may project into or be located in a required minimum *setback* in accordance with the distances set out in the Table 3, below:

Table 3: Permitted Encroachments

Structure	Required Setback in which Projection is Permitted	Permitted Encroachment Distance
Balconies, decks, patios, steps, verandas, porches (open) not exceeding one storey in height, verandas (uncovered)	Any	2.0 m, but shall not be permitted within 1.0 m of lot line
Structures ensuring barrier-free access	Any	To lot line
Carports	Rear and side	Up to 2.0 m from lot line
Exterior insulation retrofitted to an existing dwelling	Any	0.3 m
Fire escapes and exterior staircases	Rear and side	1.5 m
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m
Window bays	Any	1.0 m

6.22 Personal Storage Buildings

- 6.22.1 Personal storage *buildings*, including but not limited to personal garages and *boathouses*, shall be permitted in zones that permit dwellings where there is no other *main building* on the *lot*, provided that:
- the personal storage *building* shall not be used for habitation;
 - the applicable *zone* requirements for the maximum *height* of an *accessory building* are satisfied;
 - the applicable *zone setback* requirements for a *main building* are satisfied;
 - the personal storage *building* does not exceed 75.0 square metres *gross floor area*; and
 - where approval has been granted by appropriate provincial and / or federal authorities, personal *boathouses* may be built across a *lot line* when said *lot line* corresponds to the water's edge.

6.23 Private Road Lot Frontage and Front/Flankage Setbacks

6.23.1 Where this By-law permits *development* on a *private road*, *lot frontage* and *front/flankage setbacks* shall be measured from the edge of the *private road right-of-way* or from the edge of the *private road surface*, whichever results in a smaller measured *setback*.

6.24 Reduced Lot Requirements

6.24.1 Notwithstanding the minimum *lot area* and *frontage* requirements in any *zone*, where a maximum of two *lots* are created pursuant to Section 5.4 of the *Subdivision By-law*, a *development permit* may be issued for *development* where:

- (a) the *lot area* and *frontage* or both are not less than 90% of the minimum required by this By-law where the *lots* are served by a municipal sewer system; or
- (b) the *lot frontage* is not less than 90% of the minimum required by this By-law where the *lots* are served by on-site sewage disposal systems; and
- (c) provided, in all cases, that all other applicable provisions and requirements of this By-law are satisfied.

6.25 Shipping Containers

6.25.1 *Shipping containers* shall not be used for human habitation.

6.25.2 Notwithstanding Subsection 6.25.1, modified *shipping containers* may be integrated as a building material into *dwellings*.

6.25.3 *Shipping containers* shall not be used as *accessory buildings*, except for the following:

- (a) temporary storage not exceeding 60 days in a calendar year;
- (b) any combination of *shipping containers* with a combined length not exceeding 40 feet (e.g. one 40-foot container, two 20-foot containers, etc.) on a *lot* in the following *zones*:
 - i. Hamlet Residential Zone
 - ii. Hamlet Commercial Zone
 - iii. Rural Development Zone
 - iv. Rural Commercial Zone
 - v. Airport Noise Restriction Zone outside of areas identified in (c)i.; and
- (c) any number of shipping containers within the following *zones*:
 - i. Airport Noise Restriction Zone fronting on Highway 3, west of its intersection with Chebogue Road
 - ii. Business & Industrial Park Zone
 - iii. Marine Industrial Zone
 - iv. General Industrial Zone
 - v. Heavy Industrial Zone

6.25.4 Except in industrial *zones*, where a *shipping container* is used as an *accessory building* the container shall only be permitted in the *rear yard* or *side yard* of a *lot*.

6.26 Side Setback Requirement Exemptions

6.26.1 Notwithstanding anything else in the By-law, where *buildings* on adjacent *lots* share a common wall, the applicable *side setback* requirements shall be waived.

6.27 Special Occasion Uses Permitted

6.27.1 Nothing in this By-law shall prevent *uses* erected for special occasions and holidays provided that no such use remains in place for more than 14 consecutive days. A *development permit* shall not be required for a special occasion use.

6.28 Temporary Uses Permitted

6.28.1 Nothing in this By-law shall prevent, and no development permit is required for, the temporary use of a *building, structure, or portable equipment* incidental to a main construction project provided that a *development permit* has been issued for the main construction project and the temporary use is discontinued and removed 30 days following completion of the main construction project.

6.29 Truck, Bus, and Coach Bodies

6.29.1 No automobile, truck, bus or coach body, whether or not same is mounted on wheels, or beached vessel shall be used for human habitation within the *Municipality* except for *recreational vehicles and travel trailers*.

6.30 Undersized Lots

6.30.1 Notwithstanding anything else in this By-law, an *existing vacant lot* having less than the minimum *lot area or frontage* or both required by this By-law, may be used for purpose permitted in the *zone* in which the *lot* is located, and a *building or structure* may be erected on the *lot* provided that all other applicable provisions in this By-law are satisfied.

6.30.2 Any *existing undersized lot* which is increased in area or *frontage* or both, but still remains undersized, shall be considered an *existing undersized lot*.

6.30.3 Notwithstanding Subsection 6.30.1, where a repeal of subdivision creates a lot or lots smaller than zone requirements, the lot or lots shall not be considered existing undersized lots.

6.31 Watercourse Buffer

- 6.31.1 For *development* in any *zone* an undisturbed buffer of 12.0 metres shall be maintained between any *structure* or developed portion of the *lot* and the ordinary high water mark of all *watercourses*. For greater clarity, buffers greater than 12.0 metres may be required in some zones (check zone standards).
- 6.31.2 Infilling or removal of material shall not be permitted within the *watercourse* buffer except for minimal disturbance incidental to a permitted undertaking.
- 6.31.3 In the *watercourse* buffer area, the natural flora and fauna shall remain substantially undisturbed except for penetrations for *developments* permitted by Subsection 6.31.5, below. Good ecological practices designed to minimize disturbance of natural shoreline areas shall be encouraged for all activities and *developments* within the buffer and all *developments* on properties abutting *watercourses* in the *Municipality*.
- 6.31.4 On any *lot* subject to the requirements of Subsection 6.31.1, above, the required buffer supersedes any minimum setback requirement which may be less than the required buffer.
- 6.31.5 Notwithstanding Subsection 6.31.1, the following *developments* are permitted within the *watercourse* buffer area (subject to *zone* requirements for permitted uses):
- (a) *boathouses*, fishing gear, sheds, docks, wharves, piers, and slipways;
 - (b) boardwalks, walkways, and trails with a maximum width of 3.0 metres;
 - (c) pumphouses;
 - (d) scientific research *structures*;
 - (e) the removal of vegetation and alterations to *grade* necessary to erect erosion control and flood control measures above the ordinary high-water mark. Where excess vegetation has been removed within the *watercourse* buffer area, natural vegetation shall be restored;
 - (f) the removal of windblown, diseased, or dead trees deemed to be hazardous or unsafe;
 - (g) the limbing of tree branches for improved view plane and ventilation;
 - (h) safety fences that do not exceed a *height* of 1.9 metres;
 - (i) *public streets* and public infrastructure; and
 - (j) *development* in the Marine Industrial Zone and Watershed Zone.
- 6.31.6 Notwithstanding Subsection 6.31.1, *existing buildings* located within a *watercourse* buffer may be reconstructed, renovated, repaired, moved, or replaced provided that the work does not increase the *building's* footprint within the buffer or reduce the depth of the shoreline buffer and all other applicable requirements of this By-law are met.

6.32 Setback Requirements Measured from Watercourses, Wetlands, or Slopes

6.32.1 Where, in this By-law, a *front, side, or rear setback* is required and part of the area of the *lot* is usually covered by water or marsh, or is beyond the rim of a river bank or *watercourse* or between the top and toe of a cliff or embankment having a slope of thirty percent (30%) or more from the horizontal, then the required *setback* 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 water or marsh, or to the rim of said river bank or watercourse, or to the top of said cliff or embankment if such area is closer than the *lot line*.

Chapter 6 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

7 USE-SPECIFIC REQUIREMENTS

7.1 Accessory Dwellings

7.1.1 *Accessory dwellings* shall be permitted accessory to a *dwelling use* in all zones that permit *dwellings* as a *main use*, except the Lakeshore Residential Zone, subject to the following requirements:

- (a) only one *accessory dwelling* shall be permitted on a *lot*;
- (b) the *accessory dwelling* shall not count towards the number of *dwellings* permitted on the *lot*;
- (c) the *gross floor area* of the *accessory dwelling* shall not exceed 90.0 square metres or 50% of the *gross floor area* of the *primary dwelling*, whichever is larger; and
- (d) if the *accessory dwelling* is located in a separate building from the *main dwelling*:
 - i. the *accessory dwelling* shall be subject to *height* requirements for *accessory buildings* in the applicable zone and all other zone requirements for *main buildings*;
 - ii. the *accessory dwelling* shall be located in the *rear* or *side yard*; and
 - iii. *lot coverage* shall not exceed 40 percent.

7.2 Automobile Sales, Rentals, Service Stations, and Car Washes

7.2.1 *Auto sales, rental, service stations, and car washes* shall meet the following requirements:

- (a) the *lot frontage* shall be a minimum of 45.0 metres;
- (b) no portion of any pump island or *car wash* shall be located closer than 6.0 metres from any street line;
- (c) the minimum distance between ramps or driveways shall not be less than 9.0 metres;
- (d) the minimum distance from a ramp or driveway to a street intersection shall be 15.0 metres;
- (e) the minimum angle of intersection of a ramp to a street line shall be 45 degrees and the maximum angle of intersection shall be 90 degrees; and
- (f) the minimum width of a ramp shall be 7.5 metres.

7.2.2 Facilities for the washing of automobiles at *car washes* shall meet the following requirements:

- (a) the minimum *lot area* shall be 920 square metres for a *serviced lot* and 3,700 square metres for an *unserviced lot*;
- (b) the *lot* shall contain a stopping / queue area, prior to the entry of vehicles into any part of the cleaning process, for no fewer than three (3) automobiles;
- (c) any outdoor storage shall be screened using a fence, vegetation, or any combination of both;
- (d) all wash water shall be channeled into a drainage system fitted with an oil separator.

7.3 Cemeteries

- 7.3.1 Notwithstanding zone requirements, new cemeteries shall:
- (a) have a minimum of 6.0 metres of *lot frontage*; and
 - (b) have a minimum *lot area* of at least 10,000 square metres.
- 7.3.2 *Accessory buildings* for a *cemetery* shall meet the *zone* requirements for *accessory buildings*.

7.4 Electric Vehicle Charging

- 7.4.1 Nothing in this By-law shall prevent the installation of an *electric vehicle charging* station as an *accessory use* where the station is for the exclusive domestic use of a *dwelling unit*.
- 7.4.2 Charging stations for electric vehicles that are not for the exclusive use of a *dwelling unit* shall be permitted as an *accessory use* in all *zones* except the Floodplain Zone, Dykelands Zone, and Conservation Zone.
- 7.4.3 *Electric vehicle charging* stations operated as a *main use* shall be permitted, or not, as indicated in each *zone's* permitted uses table.

7.5 Forest, Fish, and Farm Stalls

- 7.5.1 Nothing in this By-law shall prevent the direct sale of fish or other seafood; farm products such as, but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products by individuals or companies engaged in the harvesting of such, subject to the following provisions:
- (a) any associated *structures* shall be limited to a maximum total footprint of 10.0 square metres on a *lot*;
 - (b) associated *structures* shall meet *zone* requirements for minimum *side and rear setbacks*, but shall not be required to meet minimum *front setbacks*; and
 - (c) no *development permit* shall be required.

7.6 Home Occupations

7.6.1 The following *home occupations* shall be permitted accessory to a *dwelling* in all zones that permit dwellings as a *main use*, subject to the following requirements:

Table 4: Low-impact Home Occupation Requirements

(a) permitted uses	<ul style="list-style-type: none"> i. accommodations ii. assembly processing iii. building contractor iv. business or professional offices v. manufacturing vi. personal services vii. private teaching viii. small item repair shops – excluding small engine repair ix. retail use x. studios
(b) Maximum Number of On-site, Non-resident Employees	2
(c) Maximum Floor Area of Home Occupation if in the Dwelling	25% of dwelling, except accommodations, which shall be limited to 5 sleeping units
(d) Maximum Combined Floor Area of Dwelling and Home Occupation if in an Accessory Building	
i. Lot Size Under 2,787 m ²	152 m ²
ii. Lot Size 2,787 m ² or more	305 m ²
iii. Mini/Mobile Home Park	23 m ²
(e) Minimum Side Setback	3.0 m
(f) Minimum Rear Setback	3.0 m
(g) Outdoor Display and Storage	
i. Rear or Side Yards	Display and storage shall be screened from abutting residential <i>uses</i> and the nearest road by the <i>dwelling, accessory building, opaque fence, natural landform, existing</i> or planted vegetation, or a combination of the above.
ii. Front Yards	No more than 15% of total minimum <i>front yard area</i> to a maximum of 37 m ² , whichever is less, shall be used for display. Display shall not be located within the minimum front yard <i>setback</i> . Storage shall not be permitted within the front yard.

7.6.2 The following *uses* shall be permitted as a *home occupation* accessory to a *dwelling* by site plan approval in the Hamlet Residential Zone, Hamlet Commercial Zone, Rural Development Zone, and Rural Commercial Zone, subject to the site plan approval provisions of Chapter 31:

- (a) automotive repair shops
- (b) small engine repair shops
- (c) portable sawmill operations
- (d) firewood operations
- (e) construction and recycled building material operations

7.7 Household Livestock Operations

7.7.1 *Household livestock operations*, where permitted, shall be subject to the following requirements:

- (a) *lots* shall have a minimum *lot area* of 4,000 square metres;
- (b) the total *gross floor area* of all animal housing facilities shall not exceed 340 square metres;
- (c) all animal housing facilities shall meet the applicable *zone's* requirements for *main building setbacks*;
- (d) all manure storage facilities shall meet the applicable *zone's* requirements for *main buildings*;
- (e) all animal housing and manure storage facilities shall be set back a minimum of 50.0 metres from any off-site *dwelling*; and
- (f) all animal housing and manure storage facilities shall be set back a minimum of 50.0 metres from any *watercourse* and off-site wells.

7.8 No Travel Trailers, Campers, or Vehicles as Offices or Retail Outlets

7.8.1 Except as provided by Section 6.28 of this by-law, no *travel trailer*, camper or vehicle shall be used as an office or retail outlet in any *zone*.

7.9 Parks and Playgrounds

7.9.1 Notwithstanding *zone* requirements, *parks and playgrounds* shall have no minimum *lot area* and shall have a minimum *lot frontage* of 6.0 metres.

7.9.2 Notwithstanding *zone* requirements, *park and playground structures* shall have a maximum *height* of 10 metres and shall have a minimum *setback* of 3.0 metres from all *lot lines*. Where a *parks and playgrounds use* is located across multiple *lots* no *setback* shall be required from *lot lines* internal to the *parks and playgrounds use*.

7.10 Solar Collectors as an Accessory Use

7.10.1 *Solar collector systems* shall be permitted as an *accessory use* in all *zones*.

7.10.2 *Accessory solar collector systems* may be mounted as free-standing *structures* or on *buildings*.

7.11 Solar Collectors as a Main Use

7.11.1 Where permitted in a *zone*, *solar collectors* as a main use shall meet the following requirements:

- (a) all *utility* equipment shall be enclosed within a *building* or screened from view of the street and adjacent *dwellings*; and
- (b) all exterior lighting shall be of a full cutoff type and shall not emit light above the horizontal.

7.12 Telecommunications Uses

7.12.1 Telecommunications *uses* are subject to federal approvals processes and are exempt from municipal planning regulations. As enabled by Industry Canada regulations, the *Municipality* has adopted a consultation process for *telecommunications towers*. Please see Subsection 4.4.6 of the *Municipal Planning Strategy*.

7.13 Trails and Conservation Uses

7.13.1 Notwithstanding *zone* requirements, *trails and conservation uses* shall have no minimum *lot area* and no minimum *lot frontage*.

7.13.2 Notwithstanding *zone* requirements, *trails and conservation structures* shall have a maximum *height* of 10.0 metres and shall have a minimum *setback* of 3.0 metres from all *lot lines*. Where a *trail or conservation use* is located across multiple *lots* no *setback* shall be required from *lot lines* internal to the trail.

7.14 Utilities

- 7.14.1 Unless otherwise stated, any public *utility* that is essential for the actual provision of a service, not including electrical generation stations, *wind turbine generators*, *solar collector systems*, and *telecommunication towers*, shall be permitted in any *zone* and shall be exempt from *lot requirements* and the requirements of Section 6.13 related to road *frontage*. These *utilities* include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.
- 7.14.2 For greater clarity, *uses* not directly related to the provision of service shall not be included in the exemptions of this Section, and shall only be permitted in accordance with zone requirements. Such *uses* include, but are not limited to, administrative offices and maintenance depots.

7.15 Wind Turbines Generators: Micro-scale

- 7.15.1 Notwithstanding *zone requirements*, *micro wind turbine generators* a maximum of 20.0 metres in *height* shall be permitted as *accessory structures* in any *zone* and may be mounted or attached to any other *building* or *structure*, provided the following requirements are met:
- (a) wind turbines shall have a minimum *setback* from all lot lines of 1.25 times the *total height* of the wind turbine measured either from *grade* or from the base of any supporting *structure*, whichever is greater; and
 - (b) no advertising shall be permitted on the wind turbine other than the manufacturer's name.
- 7.15.2 Any required *setback*, *yard* requirement, or *separation distance* which cannot be satisfied shall be waived for the siting of a *wind turbine generator* where a legal agreement for the siting is obtained by the developer from the owners of all affected adjacent dwellings, and all property owners within the required *setback*, *yard* requirement, and *separation distance*.

Chapter 7 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

8 PARKING

8.1 Exemption from Parking Requirements

- 8.1.1 The requirements of this Part shall not apply to any land use that was in existence on the effective date of this By-law.
- 8.1.2 Where a change in use would require parking that could not be accommodated on the *lot* without the demolition, in whole or in part, of a main *building existing* on [adoption date] the *Development Officer* may consider a reduction in the number of *parking spaces* via the *variance* process as outlined in Section 5.6.

8.2 Minimum Number of Automobile Parking Spaces

- 8.2.1 No *development permit* shall be issued for any *development* unless off-street parking, located on the same *lot* of the use, is provided, with unobstructed access to a *public* or *private road*. The parking shall be provided and maintained in conformity with Table 5.
- 8.2.2 Notwithstanding Subsection 8.2.1, where an *existing* developed *lot* in any *zone* is not capable of providing some or all of the required number of *parking spaces* for the intended use, such spaces shall be permitted on another *lot*, provided the nearest portion is within 91.0 metres of the location it is intended to serve and provided that all other applicable parking requirements are satisfied. In cases where the *parking area* is immediately adjacent to the *lot* with the use it is intended to serve, applicable *side or rear setback* distance for parking shall be waived.
- 8.2.3 Where a *lot* contains more than one use, the number of required *parking spaces* shall be the sum of the number of *parking spaces* required for each use.
- 8.2.4 Where the number of automobile *parking spaces* required includes a fraction or fractions of whole spaces, the number of spaces for all uses shall be totalled before any rounding, and then the total shall be rounded to the nearest whole number. Half spaces shall be rounded down.
- 8.2.5 Required automobile *parking spaces* shall be:
- (a) a minimum of 2.5 metres wide by 5.5 metres long for 90-degree spaces;
 - (b) a minimum of 3.6 metres wide by 5.7 metres long for angled spaces; and
 - (c) except for *dwellings* with fewer than four units, shall be independently accessible.
- 8.2.6 Where barrier-free *parking spaces* are required by other legislation or provided, every effort shall be made to ensure barrier-free *parking spaces* comply with the standards provided in the most recent CSA B651 Accessible Design for the Built Environment.

8.2.7 Notwithstanding Subsection 8.2.5, where the number of required automobile *parking spaces* exceeds 10, up to 10% of the spaces may be intended for small cars. Such spaces shall:

- (a) be 90-degree spaces;
- (b) have minimum dimensions of 2.3 metres wide by 4.6 metres long; and
- (c) be labeled “Small Car”.

Table 5: Minimum Automobile Parking Space Requirements

Type of Use	Parking Spaces Required
(a) Dwellings	1 space per <i>dwelling unit</i> for the first two <i>dwelling units</i> on a <i>lot</i> and 1.25 spaces per <i>dwelling unit</i> thereafter.
(b) Special Care Homes	1 space per every 2 sleeping units or 1 space per 37 m ² of <i>gross floor area</i> , whichever is greater.
(c) Accommodations, Boarding House	1 per sleeping unit.
(d) Home Occupations <ul style="list-style-type: none"> i. Intensive ii. Low-impact 	2 spaces. 1 space.
(e) Recreation Facilities <ul style="list-style-type: none"> i. Indoor 	1 space per 50 m ² of <i>gross floor area</i> devoted to public use, excluding hallways, aisles, vestibules, washrooms, closets.
(f) Cultural Facilities	1 space per 50 m ² of <i>gross floor area</i> , excluding hallways, aisles, vestibules, washrooms, and closets.
(g) Restaurants <ul style="list-style-type: none"> i. Eat-in, Drive-through ii. Take Out 	1 space per 20 m ² of <i>gross floor area</i> . 3 spaces.
(h) Business or Professional Offices	1 space per 50 m ² of <i>gross floor area</i> .
(i) Funeral Homes	1 space per 15 m ² of <i>gross floor area</i> , not including area dedicated to crematoria.
(j) Other Commercial Uses	1 space per 28 m ² of commercial floor area.
(k) Industrial uses	1 space per 42 m ² of <i>gross floor area</i> .

8.3 Bicycle Parking in Lieu of Automobile Parking

- 8.3.1 The minimum number of automobile *parking spaces* required for a use, as outlined in Section 8.2 may be reduced by 1 for every 4 bicycle *parking spaces* provided that meets the standards of Section 8.5, for uses within the Hamlet Residential, Residential General, Commercial General, and Hamlet Commercial Zones.
- 8.3.2 The maximum reduction of automobile *parking spaces* provided by Subsection 8.3.1 shall be limited to 6 spaces or 10% of the required automobile *parking spaces*, whichever is greater.

8.4 Automobile Parking Area Standards

- 8.4.1 Where parking for more than four vehicles is required or provided, the facilities shall meet the following requirements:
- (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 lights used for illumination of the *parking lot* or parking station shall be so arranged as to divert the light away from streets, adjacent *lots*, and *buildings*;
 - (c) a *structure*, not more than 4.6 metres in *height* and not more than 5.0 square metres in area may be erected in the parking area for the use of attendants;
 - (d) when the parking area is of a permanent hard surface, each *parking space* shall be clearly marked and maintained;
 - (e) approaches or driveways to any parking area, other than that required for a *single detached dwelling*, *semi-detached dwelling*, or a *duplex dwelling* shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a curb, fence, or other suitable obstruction designed to provide a neat appearance;
 - (f) the location of approaches or driveways shall not be closer than 15.0 metres from the limits of the *right-of-way* at a street intersection;
 - (g) exit and entrance ramps to parking areas shall not exceed two in number on any one street and each ramp shall be at least 6.0 metres in width and not greater than 9.0 metres at the street line. Where *frontage* exceeds 150 metres on one street, three ramps may be permitted on that street; and
 - (h) the width of a driveway leading to parking or *loading areas*, or of a driveway or aisle in a parking area, shall be a minimum of 3.0 metres for one-way traffic and a minimum of 6.0 metres for two-way traffic, and the maximum width of a driveway shall be 9.0 metres.
- 8.4.2 Where the parking area is located between a *main building* and a street, any *parking lot* for 4 or more automobile *parking spaces* shall provide a pedestrian pathway between the street and the main entrance of the *main building*, delineated with curbs or other similar barriers or a change of colour, material, or elevation. The pedestrian pathway shall be a minimum 1.5 metres wide and surfaced with asphalt, concrete, or interlocking paving stones.

8.5 Bicycle Parking Space Standards

8.5.1 Each bicycle *parking space* provided for the purposes of Section 8.3 shall:

- (a) be located between the *main building* and the *front lot line* unless, in the opinion of the *Development Officer*, this location is impossible due to the *main building* being located on or near to the *front lot line*;
- (b) be accessible to the public;
- (c) have a minimum width of 0.6 metres and a minimum length of 2.0 metres;
- (d) be free of obstructions to a *height* of 2.0 metres;
- (e) be surfaced with asphalt, concrete, or interlocking paving stones;
- (f) not obstruct vehicular or pedestrian circulation;
- (g) be accessed by an access lane with a minimum unobstructed width of 1.2 metres; and
- (h) include an “inverted U” or “post-and-ring” bicycle rack that:
 - i. is located on one side of the *parking space* and oriented parallel to the length of the *parking space*;
 - ii. is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the *parking space*; and
 - iii. is made of metal.

8.5.2 For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle *parking spaces* by placing it on the shared border of the two spaces.

8.6 Loading Spaces

- 8.6.1 In any zone where commercial or industrial uses are permitted, no person shall erect or use any *building* or *structure* for commercial or industrial purposes involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such *building*, *structure* or *use*, one offstreet space for standing, loading, and unloading for every 3,000 square metres or fraction thereof of building floor area used for any such purpose to a maximum of 6 *loading spaces*.
- 8.6.2 A *loading space* shall be at least 3.65 metres by 12.2 metres with a minimum of 4.3 metres in *height* clearance.
- 8.6.3 A *loading space* or spaces shall be located on the same *lot* and in the same *zone* as the *use* and have unobstructed access to a *public road* or *private road*.
- 8.6.4 The provision of a *loading space* for any *building* with less than 150 square metres of *gross floor area* shall be optional.
- 8.6.5 No *loading space* shall be located within any *required front yard of a lot*, or be located within any *yard* that abuts a Residential General, Low-density Residential, Multiple Unit Residential, Hamlet Residential, or Recreation Zone.
- 8.6.6 *Loading space* areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 8.6.7 Ingress and egress to and from a required *loading space* shall be provided by means of unobstructed driveways with a minimum width of 3.0 metres for one-way traffic and a minimum width of 6.0 metres for two-way traffic.

Chapter 8 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

9 SIGNS

9.1 Sign Provisions for All Zones

- 9.1.1 Where this part is inconsistent with the regulations respecting advertising *signs* on or near public highways made or administered by the Department of Public Works, the more restrictive regulations shall apply.
- 9.1.2 No person shall erect a *sign* without first obtaining a permit from the *Development Officer* and no permit to erect a *sign* shall be issued unless all the *sign* provisions of this By-law are satisfied.
- 9.1.3 No commercial *sign* shall be permitted in the Dykelands Zone or Coastal Wetlands Zone.

9.2 Signs Prohibited in All Zones

- 9.2.1 The following *signs* shall not be permitted in any *zone*:
- (a) *signs* that incorporate in any manner any flashing or moving illumination which varies in intensity, or which varies in color and *signs* that have any visible moving parts, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement, achieved by electrical pulsations or by actions of normal wind currents;
 - (b) any *sign* or *sign structure* that constitutes a hazard to public safety or health;
 - (c) *signs* that by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on *public roads*;
 - (d) any *sign* that obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
 - (e) *signs* not *erected* by a public authority that make use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD” or any similar words, phrases, symbols, lights, and characters in such manner as to interfere with, mislead, or confuse traffic along a *public road*;
 - (f) *signs* on public property or public *rights-of-way* unless erected by a governmental body, or unless required to be so located by order of a governmental body, but no sign located on public property or a public *right-of-way* shall bear any commercial advertising;
 - (g) *signs* not erected by a public authority that are located at or near sharp road curves or below the crest of a steep road *grade*;
 - (h) search lights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions, and similar occasions; and
 - (i) any *sign* that no longer advertises a bona fide business conducted or a product sold.

9.3 Signs Permitted in All Zones

9.3.1 Notwithstanding any other provisions of this By-law, the following *signs* are permitted in all *zones* without requirement for a *development permit*:

- (a) “No Trespassing” *signs* or other such *signs* regulating the use of a property, and of not more than 0.2 square metres in *sign area*;
- (b) election *signs*;
- (c) memorial *signs* or tablets and *signs* denoting the date of erection of a *structure*, not exceeding 2.0 square metres in *sign area*;
- (d) real estate *signs* not exceeding 0.5 square metres in *sign area* in a residential or hamlet *zone* and 1.4 square metres in *sign area* in other *zones*, which advertise the sale, rental, or lease of the premises;
- (e) *signs* erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic *signs*, safety *signs*, *signs* identifying public schools, public election lists, signs giving legal notice, planning application *signs*, and public identification and information *signs*;
- (f) *signs* identifying the name and address of resident, and not more than 0.2 square metres in *sign area*;
- (g) *signs* incidental to construction and having an area not more than 5.0 square metres and within the area designated for such purposes;
- (h) *signs* mounted on the interior surface of sporting facilities such as, but not limited to, *signs* mounted on baseball diamond fences, provided the faces of such *signs* are not visible from adjacent streets;
- (i) *signs* regulating or denoting on-premise traffic, or parking or other *signs* denoting the direction or function of various parts of a building or premise, provided that such *signs* are less than 0.5 square metres in area;
- (j) the flag, pennant, or insignia of any nation, province, or state or of any religious, charitable, or fraternal organization; and
- (k) interpretive panels describing the history, science, or cultural relevance of a location and bearing no commercial advertising.

9.4 Facial Wall Signs

9.4.1 No *facial wall sign* shall:

- (a) extend above the top of the wall on which it is placed; or
- (b) extend beyond the extremities of the wall upon which it is attached.

9.5 Ground Signs

9.5.1 No *ground sign* shall:

- (a) extend beyond a property line or project over public *rights-of-way*, other adjoining lands, or any driveway or *parking space*; or
- (b) be set back less than 1.5 metres from any street line, common *lot* boundary, driveway, or parking area.

9.6 Projecting Wall Signs

9.6.1 No *projecting wall sign* shall:

- (a) project more than 2.0 metres from the wall upon which it is attached;
- (b) project over a public *right-of-way*;
- (c) project above the eaves, parapet, or roof line of a *building*;
- (d) be permitted to swing freely on its supports; or
- (e) be erected below a *height* of 3.0 metres or above a *height* of 4.5 meters above *grade*.

9.7 Roof Signs

9.7.1 No *roof sign* shall:

- (a) extend beyond the extremities of the roof to which it is affixed; or
- (b) be permitted to swing freely on its supports.

Chapter 9 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

10 PERMITTED USE TABLE

10.1 Permitted Main Uses

10.1.1 The main *uses* permitted in the *zone* are indicated in Tables 6 and 7, subject to the following scheme:

- (a) “P” indicates that *uses* are permitted in the *zone*, subject to all applicable requirements of this By-law;
- (b) “PC” indicates that *uses* are permitted in the *zone*, subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or in the specific chapter for that *zone*;
- (c) “S” indicates that *uses* are permitted in the *zone* by *site plan approval*, subject to the *site plan approval* criteria of Chapter 31;
- (d) “DA” indicates that *uses* are permitted in the *zone* by *development agreement*, subject to the MPS policy indicated in the specific chapter for that *zone*; and
- (e) “-” indicates that *uses* are not permitted in that *zone*.

Please note that municipal land use planning does not regulate resource extraction uses that do not involve structures. Such uses include, but are not limited to, animal grazing, cropping, timber harvesting, and quarrying. These uses may occur even though zones do not expressly permit them, subject to all applicable provincial and federal regulations. However, associated structures and long-term activities are typically subject to this Land Use By-law. For example, timber harvesting is not controlled by this By-law, but sawmills are included under the definition of “Forestry-related uses”. Similarly, quarrying would not be controlled by this By-law, but a storage site for processed aggregate is included in “Aggregate-related industries”.

Table 6: Permitted uses, Residential

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Boarding/Rooming House	P	P	P	-	P	P	P	P	-	-	-	-	-	-	S	-	-	-	-	-
Dwellings																				
1 dwelling unit per lot	P	P	P	-	P	P	P	P	-	-	-	-	-	P	S	-	-	-	-	-
2 dwelling units per lot	P	P	P	-	P	P	P	P	-	-	-	-	-	-	S	-	-	-	-	-
3-4 dwelling units per lot	P	P	P	-	P	P	P	P	-	-	-	-	-	-	DA	-	-	-	-	-
5-10 dwelling units per lot	DA	-	P	DA	DA	DA	DA	DA	-	-	-	-	-	-	DA	-	-	-	-	-
>10 dwelling units per lot	DA	-	DA	DA	DA	DA	DA	DA	-	-	-	-	-	-	DA	-	-	-	-	-
Small Options Home	P	P	P	-	P	P	P	P	-	-	-	-	-	P	S	-	-	-	-	-
Special Care Homes	P	-	P	P	P	P	P	P	-	-	-	-	-	-	S	-	-	-	-	-

Table 7: Permitted uses, Non-residential

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Abattoirs																				
Larger than 400 m ² GFA	-	-	-	-	-	-	-	-	-	-	-	-	DA	-	-	-	-	-	-	-
400 m ² GFA or smaller	-	-	-	-	P	P	P	P	-	P	P	-	P	-	-	-	-	-	-	-
Accommodations	-	-	-	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Aggregate-related Industries	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	-	-	-	-	-
Agriculture-related Uses	-	P	-	-	P	P	P	P	-	P	P	-	P	-	-	-	-	-	-	-
Aircraft Parts and Aircraft Assembly Plants	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-	-	-
Airport Instrument Approach	-	-	-	-	-	-	P	-	P	P	-	-	-	-	P	-	-	-	-	-
Airport Navigational Systems	-	-	-	-	-	-	P	-	P	P	-	-	-	-	P	-	-	-	-	-
Airport-related Uses	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Animal Care	-	-	-	P	-	P	-	P	-	-	P	-	-	-	-	-	-	-	-	-
Animal Rendering Plants	-	-	-	-	-	-	-	-	-	-	-	-	DA	-	-	-	-	-	-	-
Animal Shelter	-	-	-	P	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-
Aquaculture Operations, Recirculating (Land-based)	-	-	-	-	-	-	-	-	-	-	DA	DA	DA	-	-	-	-	-	-	-

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Asphalt Paving Plants, Permanent	-	-	-	-	-	-	DA	-	-	-	-	-	DA	-	-	-	-	-	-	-
Automobile Sales, Rentals, Service Stations, and Car Washes	-	-	-	PC	-	-	-	PC	PC	PC	PC	-	PC	-	-	-	-	-	-	-
Aviation Clubs	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
Banks and Financial Institutions	-	-	-	P	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-
Building Contractor	-	-	-	P	-	P	-	P	-	P	P	-	P	-	-	-	-	-	-	-
Bulk Petroleum Storage Depots	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	-	-	-	-	-
Business and Professional Offices	-	-	-	P	-	P	-	P	P	P	-	-	P	-	-	-	-	-	-	-
Call Centres	-	-	-	P	-	-	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Campgrounds	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P
Cemeteries	PC	PC	-	-	PC	PC	PC	PC	-	PC	-	-	PC	-	-	-	-	-	-	PC
Commercial Fitness Centres	-	-	-	P	-	P	-	P	P	P	P	-	-	-	-	-	-	-	-	-
Commercial Schools	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Commercial Storage Facilities	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Community Centres and Community Clubs	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	P
Concrete Plants	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Cultural Facilities	-	-	-	P	-	P	-	P	P	-	-	P	-	-	-	-	-	-	-	P
Daycare Operations	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	-	-	-	-	-
Display Court	-	-	-	P	-	-	-	P	P	P	P	-	P	-	-	-	-	-	-	-
Drive-in Theatres	-	-	-	P	-	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-
Electric Vehicle Charging as a Main Use	-	-	-	PC	-	PC	-	PC	PC	-	PC	-	PC	-	-	-	-	-	-	-
Emergency Services	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Equestrian Facilities	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P
Equipment Storage Buildings	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Farm Machinery Sales and Services	-	-	-	P	-	P	-	P	P	-	P	-	P	-	-	-	-	-	-	-
Farmers' Markets	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Fish Coolers and Freezers	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-
Fish Reduction Operations	-	-	-	-	-	-	DA	-	-	-	-	DA	DA	-	-	-	-	-	-	-
Fishery and Marine-related Service Industries	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Food Processing Plants	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-
Forestry-related Uses	-	-	-	-	P	P	P	P	-	P	-	-	P	-	-	-	-	-	-	-
Funeral Homes	-	-	-	P	-	P	-	P	P	-	P	-	P	-	-	-	-	-	-	-
Fur Farms	-	-	-	-	-	-	DA	-	-	DA	-	-	-	-	-	-	-	-	-	-
Garden and Nursery Sales and Supplies	-	-	-	P	-	P	-	P	P	-	P	-	P	-	-	-	-	-	-	-
Government Buildings and Offices	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Industrial Uses																				
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Light	-	-	-	S	-	S	-	S	P	P	P	P	P	-	-	-	-	-	-	-
Institutional Uses	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	-	-	P	P
Interpretive Centres	-	-	-	P	-	P	-	P	P	-	-	-	-	-	-	-	-	-	P	P
Kennels	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-
Licensed Liquor Establishments	-	-	-	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Livestock Operations																				
Household	PC	PC	PC	-	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	-
Intensive	-	-	-	-	-	-	DA	-	-	DA	-	-	-	-	-	-	-	-	-	-
Lobster Holding Facilities	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	-
Marinas	-	-	-	-	-	-	-	P	-	-	-	P	P	-	P	-	-	-	-	P
Marine Railway Facilities	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Medical Clinics	-	-	P	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Municipal Landfill Sites	-	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-	-	-	-	-

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Parking Lots and Parking Structures	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Parks and Playgrounds	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	-	PC	-	PC	PC	PC	-	PC	PC
Personal Service Shops	-	-	P	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Places of Worship	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	-	-	-	P	P
Private Recreational Uses																				
Indoor	-	-	-	P	-	P	-	P	P	-	P	-	-	-	-	-	-	-	-	-
Outdoor	P	P	P	P	P	-	P	P	P	P	P	-	P	-	P	-	-	-	P	P
Racing Tracks																				
Animal	-	-	-	-	-	-	DA	P	P	DA	-	-	-	-	-	-	-	-	-	-
Motor Vehicle	-	-	-	-	-	-	DA	-	-	DA	-	-	-	-	-	-	-	-	-	-
Recreational Boat, Snowmobile, Recreational Vehicle and Travel Trailer Sales, Services, and Rentals	-	-	-	P	-	P	-	P	P	P	P	P	P	-	-	-	-	-	-	-
Recycling Depots	-	-	-	S	-	S	-	S	S	-	S	-	S	-	-	-	-	-	-	-
Restaurants	-	-	-	P	-	P	-	P	P	-	-	P	-	-	-	-	-	-	P	-
Retail Stores	-	-	-	P	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-
RV Park	-	-	-	-	-	S	S	S	-	-	-	-	-	-	S	-	-	-	-	S
Salvage and Scrap Yards	-	-	-	-	-	-	DA	-	-	-	-	-	DA	-	-	-	-	-	-	-
Shooting Ranges	-	-	-	-	-	-	DA	-	-	DA	-	-	-	-	-	-	-	-	-	-
Slipways	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-
Small Item Repair Shops	-	-	-	P	-	P	P	P	-	P	-	-	P	-	-	-	-	-	-	-
Solar Collectors as a Main Use	-	-	-	-	-	PC	PC	PC	PC	PC	PC	-	PC	-	-	-	-	-	-	-
Solid Waste Disposal	-	-	-	-	-	-	DA	-	-	-	-	-	DA	-	-	-	-	-	-	-
Taxi and Bus Stations	-	-	-	P	-	P	-	P	P	P	P	-	-	-	-	-	-	-	-	-
Tour Operators	-	-	-	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	P	P
Trails and Conservation Uses	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Utilities	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wharves	-	-	-	-	-	-	P	P	-	-	-	P	P	-	P	-	-	-	-	-

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Wholesale and Distribution Operations	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-
Wind Turbine Generators																				
Small-scale	-	-	-	-	-	S	S	S	-	-	S	S	S	S	S	-	-	-	-	-
Large-scale	-	-	-	-	-	-	DA	-	-	-	-	-	-	-	-	-	-	-	-	-

Chapter 10 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

11 RESIDENTIAL GENERAL ZONE (RG)

11.1 Intent

This zone is intended to accommodate a range of residential *uses*, as well as *institutional* and *recreational uses* in serviced areas of the municipality.

11.2 Permitted Main Uses

11.2.1 The following uses shall be permitted as a main use in the Residential General (RG) Zone subject to the requirements of this By-law:

- (a) Boarding/Rooming House
- (b) Community Centres and Community Clubs
- (c) Daycare Operations
- (d) Dwellings – 1 to 4 dwelling units per lot
- (e) Institutional Uses
- (f) Places of Worship
- (g) Private Recreational Uses – Outdoor
- (h) Small Options Home
- (i) Special Care Homes

11.3 Developments Permitted Subject to Other Requirements

11.3.1 The following *uses* are permitted as main uses in the Residential General Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Cemeteries* – Section 7.3
- (b) *Household Livestock Operations* – Section 7.7
- (c) *Parks and Playgrounds* – Section 7.9
- (d) *Trails and Conservation Uses* – Section 7.13
- (e) *Utilities* – Section 7.14

11.4 Developments Permitted by Site Plan Approval

11.4.1 The following *uses* are permitted by *site plan approval* in the Residential General Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of a non-conforming use

11.5 Developments Permitted by Development Agreement

11.5.1 The following *uses* are permitted by *development agreement* in the Residential General Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Dwellings* with 5 or more units on a lot – MPS Policy 4-56

11.6 Zone Standards

11.6.1 In the Residential General Zone, no development permit shall be issued except in conformance with the following requirements:

Table 8: RG Zone Development Standards

Standard	Dwellings	All Other Permitted Main Uses
(a) Minimum Lot Area		
i. Sewer-serviced	250 m ² /unit	1,000 m ²
ii. Unserviced	See Dept of Env.	See Dept of Env.
(b) Minimum Lot Frontage	6.0 m	12.0 m
(c) Minimum Front / Flankage Setback	3.0 m	3.0 m
(d) Minimum Side Setback	1.8 m on one side, 3.0 m on the other	3.0 m on both sides
(e) Minimum Rear Setback	7.6 m	7.6 m
(f) Maximum Building Height	10.7 m	10.7 m

11.7 Special Zone Requirements

None

Chapter 11 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

12 LOW-DENSITY RESIDENTIAL ZONE (LDR)

12.1 Intent

This zone is intended to accommodate a range of lower density residential uses, as well as institutional and recreational uses.

12.2 Permitted Main Uses

12.2.1 The following uses shall be permitted as a main use in the Low-density Residential (LDR) Zone subject to the requirements of this By-law:

- (a) Agriculture-related Uses
- (b) Boarding/Rooming House
- (c) Community Centres and Community Clubs
- (d) Daycare Operations
- (e) Dwellings – 1 to 4 dwelling units per lot
- (f) Institutional Uses
- (g) Places of Worship
- (h) Private Recreational Uses – Outdoor
- (i) Small Options Home

12.3 Developments Permitted Subject to Other Requirements

12.3.1 The following uses are permitted as main uses in the Lower-density Residential Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Cemeteries* – Section 7.3
- (b) *Household Livestock Operations* – Section 7.7
- (c) *Parks and Playgrounds* – Section 7.9
- (d) *Trails and Conservation Uses* – Section 7.13
- (e) *Utilities* – Section 7.14

12.4 Developments Permitted by Site Plan Approval

12.4.1 The following uses are permitted by *site plan approval* in the Lower-density Residential Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of a non-conforming use

12.5 Developments Permitted by Development Agreement

12.5.1 The following uses are permitted by *development agreement* in the Lower-density Residential Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

12.6 Zone Standards

12.6.1 In the Lower Density Residential Zone, no development permit shall be issued except in conformance with the following requirements:

Table 9: LDR Zone Development Standards

Standard	Dwellings	All Other Permitted Main Uses
(a) Minimum Lot Area		
i. Sewer-serviced	250 m ² /unit	1,000 m ²
ii. Unserviced	See Dept of Env.	See Dept of Env.
(b) Minimum Lot Frontage	6.0 m	12.0 m
(c) Minimum Front / Flankage Setback	3.0 m	3.0 m
(d) Minimum Side Setback	1.8 m on one side, 3.0 m on the other	3.0 m on both sides
(e) Minimum Rear Setback	7.6 m	7.6 m
(f) Maximum Building Height	10.7 m	10.7 m

12.7 Special Zone Requirements

None

Chapter 12 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

13 MULTIPLE UNIT RESIDENTIAL ZONE (MU)

13.1 Intent

This zone is intended primarily for multiple unit *dwelling*s.

13.2 Permitted Main Uses

13.2.1 The following uses shall be permitted as a main use in the Multiple Unit Residential (MU) Zone subject to the requirements of this By-law:

- (a) Boarding/Rooming House
- (b) Community Centres and Community Clubs
- (c) Daycare Operations
- (d) Dwellings – 1 to 10 dwelling units per lot
- (e) Institutional Uses
- (f) Medical Clinics
- (g) Personal Service Shops
- (h) Places of Worship
- (i) Private Recreational Uses – Outdoor
- (j) Small Options Home
- (k) Special Care Homes

13.3 Developments Permitted Subject to Other Requirements

13.3.1 The following *uses* are permitted as main uses in the Multiple Unit Residential Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Household Livestock Operations* – Section 7.7
- (b) *Parks and Playgrounds* – Section 7.9
- (c) *Trails and Conservation Uses* – Section 7.13
- (d) *Utilities* – Section 7.14

13.4 Developments Permitted by Site Plan Approval

13.4.1 The following *uses* are permitted by *site plan approval* in the Multiple Unit Residential Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of a non-conforming use

13.5 Developments Permitted by Development Agreement

13.5.1 The following *uses* are permitted by *development agreement* in the Multiple Unit Residential Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Dwellings* with over 10 units on a lot – MPS Policy 4-56

13.6 Zone Standards

13.6.1 In the Multiple Unit Residential Zone, no development permit shall be issued except in conformance with the following requirements:

Table 10: MU Zone Development Standards

Standard	Dwellings	All Other Permitted Main Uses
(a) Minimum Lot Area		
i. Sewer-serviced	150 m ² /unit	1,000 m ²
ii. Unserviced	See Dept of Env.	See Dept of Env.
(b) Minimum Lot Frontage	6.0 m	12.0 m
(c) Minimum Front / Flankage Setback	3.0 m	3.0 m
(d) Minimum Side Setback	1.8 m on one side, 3 m on the other	3.0 m on both sides
(e) Minimum Rear Setback	7.6 m	7.6 m
(f) Maximum Building Height	14.0 m	14.0 m

13.7 Special Zone Requirements

None

Chapter 13 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

14 COMMERCIAL GENERAL ZONE (CG)

14.1 Intent

14.1.1 This zone is intended to accommodate a wide range of commercial uses along Highway 1, between the north tip of Lake Milo and Greenville Road.

14.2 Permitted Main Uses

14.2.1 The following uses shall be permitted as a main use in the Commercial General (CG) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Animal Care
- (c) Animal Shelter
- (d) Banks and Financial Institutions
- (e) Building Contractor
- (f) Business and Professional Offices
- (g) Call Centres
- (h) Campgrounds
- (i) Commercial Fitness Centres
- (j) Commercial Schools
- (k) Commercial Storage Facilities
- (l) Community Centres and Community Clubs
- (m) Cultural Facilities
- (n) Daycare Operations
- (o) Display Court
- (p) Drive-in Theatres
- (q) Emergency Services
- (r) Farm Machinery Sales and Service
- (s) Farmers' Markets
- (t) Funeral Homes
- (u) Garden and Nursery Sales and Supplies
- (v) Government Buildings and Offices
- (w) Institutional Uses
- (x) Interpretive Centres
- (y) Licensed Liquor Establishments
- (z) Medical Clinics
- (aa) Parking Lots and Parking Structures
- (bb) Personal Service Shops
- (cc) Places of Worship
- (dd) Private Recreational Uses

- (ee) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (ff) Restaurants
- (gg) Retail Stores
- (hh) Small Item Repair Shops
- (ii) Taxi and Bus Stations
- (jj) Tour Operators
- (kk) Special Care Homes

14.3 Developments Permitted Subject to Other Requirements

14.3.1 The following *uses* are permitted as main uses in the Commercial General Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Automobile Sales, Rentals, Service Stations, and Car Washes* – Section 7.2
- (b) *Electric Vehicle Charging as a main use* – Section 7.4
- (c) *Parks and Playgrounds* – Section 7.9
- (d) *Trails and Conservation Uses* – Section 7.13
- (e) *Utilities* – Section 7.14

14.4 Developments Permitted by Site Plan Approval

14.4.1 The following *uses* are permitted by *site plan approval* in the Commercial General Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Expansion of non-conforming uses*
- (b) *Light Industrial Uses*
- (c) *Recycling Depots*

14.5 Developments Permitted by Development Agreement

14.5.1 The following *uses* are permitted by *development agreement* in the Commercial General Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) *Adaptive re-use of former institutional buildings* – MPS Policy 4-88
- (b) *Adaptive re-use of registered heritage properties* – MPS Policy 4-83
- (c) *Dwellings with 5 or more units on a lot* – MPS Policy 4-56

14.6 Zone Standards

14.6.1 In the Commercial General Zone, no development permit shall be issued except in conformance with the following requirements:

Table 11: CG Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	
i. Sewer-serviced	900 m ²
ii. Unserviced	See Dept of Env.
(b) Minimum Lot Frontage	15.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	3.0 m on both sides
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

14.7 Special Zone Requirements

None

Chapter 14 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

15 HAMLET RESIDENTIAL ZONE (HR)

15.1 Intent

15.1.1 This zone is intended to primarily accommodate the lower density residential neighbourhoods in hamlets, with some opportunities for agricultural and institutional development.

15.2 Permitted Main Uses

15.2.1 The following uses shall be permitted as a main use in the Hamlet Residential (HR) Zone subject to the requirements of this By-law:

- (a) Abattoirs – 400 m² gross floor area or smaller
- (b) Agriculture-related Uses
- (c) Boarding/Rooming House
- (d) Community Centres and Community Clubs
- (e) Daycare Operations
- (f) Dwellings – 1 to 4 dwelling units per lot
- (g) Forestry-related Uses
- (h) Institutional Uses
- (i) Places of Worship
- (j) Private Recreational Uses – Outdoor
- (k) Small Options Home
- (l) Special Care Homes

15.3 Developments Permitted Subject to Other Requirements

15.3.1 The following uses are permitted as main uses in the Hamlet Residential Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Cemeteries* – Section 7.3
- (b) *Household Livestock Operations* – Section 7.7
- (c) *Parks and Playgrounds* – Section 7.9
- (d) *Trails and Conservation Uses* – Section 7.13
- (e) *Utilities* – Section 7.14

15.4 Developments Permitted by Site Plan Approval

15.4.1 The following uses are permitted by *site plan approval* in the Hamlet Residential Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Expansion of non-conforming uses*

15.5 Developments Permitted by Development Agreement

15.5.1 The following *uses* are permitted by *development agreement* in the Hamlet Residential Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Dwellings* with 5 or more units on a lot – MPS Policy 4-56

15.6 Zone Standards

15.6.1 In the Hamlet Residential Zone, no development permit shall be issued except in conformance with the following requirements:

Table 12: HR Zone Development Standards

Standard	Dwellings	All Other Permitted Main Uses
(a) Minimum Lot Area i. Sewer-serviced ii. Unserviced	500 m ² /unit See Dept of Env.	2,000 m ² See Dept of Env.
(b) Minimum Lot Frontage	12.0 m	15.0 m
(c) Minimum Front / Flankage Setback	7.6 m	7.6 m
(d) Minimum Side Setback	1.8 m on one side, 3.0 m on the other	3.0 m on both sides
(e) Minimum Rear Setback	7.6 m	7.6 m
(f) Maximum Building Height	10.7 m	10.7 m

15.7 Special Zone Requirements

None

Chapter 15 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

16 HAMLET COMMERCIAL ZONE (HC)

16.1 Intent

This zone is intended to accommodate small-scale commercial *development* in hamlets.

16.2 Permitted Main Uses

16.2.1 The following uses shall be permitted as a main use in the Hamlet Commercial (HC) Zone subject to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Accommodations
- (c) Agriculture-related Uses
- (d) Animal Care
- (e) Animal Shelter
- (f) Banks and Financial Institutions
- (g) Building Contractor
- (h) Boarding/Rooming House
- (i) Business and Professional Offices
- (j) Campgrounds
- (k) Commercial Fitness Centres
- (l) Commercial Schools
- (m) Commercial Storage Facilities
- (n) Community Centres and Community Clubs
- (o) Cultural Facilities
- (p) Daycare Operations
- (q) Drive-in Theatres
- (r) Dwellings – 1 to 4 dwelling units per lot
- (s) Emergency Services
- (t) Equestrian Facilities
- (u) Farm Machinery Sales and Services
- (v) Farmers' Markets
- (w) Forestry-related Uses
- (x) Funeral Homes
- (y) Garden and Nursery Sales and Supplies
- (z) Government Buildings and Offices
- (aa) Institutional Uses
- (bb) Interpretive Centres
- (cc) Licensed Liquor Establishments
- (dd) Medical Clinics
- (ee) Parking Lots and Parking Structures
- (ff) Personal Service Shops
- (gg) Places of Worship

- (hh) Private Recreational Uses – Indoor
- (ii) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (jj) Restaurants
- (kk) Retail Stores
- (ll) Small Item Repair Shops
- (mm) Taxi and Bus Stations
- (nn) Tour Operators
- (oo) Small Options Home
- (pp) Special Care Homes

16.3 Developments Permitted Subject to Other Requirements

16.3.1 The following *uses* are permitted as main uses in the Hamlet Commercial Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Cemeteries* – Section 7.3
- (b) Electric Vehicle Charging as a main use – Section 7.4
- (c) *Household Livestock Operations* – Section 7.7
- (d) *Parks and Playgrounds* – Section 7.9
- (e) Solar Collectors as a main use – Section 7.11
- (f) *Trails and Conservation Uses* – Section 7.13
- (g) *Utilities* – Section 7.14

16.4 Developments Permitted by Site Plan Approval

16.4.1 The following *uses* are permitted by *site plan approval* in the Hamlet Commercial Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses
- (b) Light Industrial Uses
- (c) Recycling Depots
- (d) RV Park
- (e) Small-scale Wind Turbine Generators

16.5 Developments Permitted by Development Agreement

16.5.1 The following *uses* are permitted by *development agreement* in the Hamlet Commercial Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Dwellings* with 5 or more units on a lot – MPS Policy 4-56

16.6 Zone Standards

16.6.1 In the Hamlet Commercial Zone, no development permit shall be issued except in conformance with the following requirements:

Table 13: HC Zone Development Standards

Standard	Dwellings	All Other Permitted Main Uses
(a) Minimum Lot Area i. Sewer-serviced ii. Unserviced	500 m ² /unit See Dept of Env.	1,500 m ² See Dept of Env.
(b) Minimum Lot Frontage	12.0 m	15.0 m
(c) Minimum Front / Flankage Setback	7.6 m	7.6 m
(d) Minimum Side Setback	1.8 m on one side, 3.0 m on the other	3.0 m on both sides
(e) Minimum Rear Setback	7.6 m	7.6 m
(f) Maximum Building Height	10.7 m	10.7 m

16.7 Special Zone Requirements

None

Chapter 16 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

17 RURAL DEVELOPMENT ZONE (RD)

17.1 Intent

This zone is intended to give priority to a wide range of rural land uses.

17.2 Permitted Main Uses

17.2.1 The following uses shall be permitted as a main use in the Rural Development (RD) Zone subject to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Agriculture-related Uses
- (c) Airport Instrument Approach
- (d) Airport Navigation Systems
- (e) Animal Shelter
- (f) Boarding/Rooming House
- (g) Campgrounds
- (h) Community Centres and Community Clubs
- (i) Daycare Operations
- (j) Dwellings – 1 to 4 dwelling units per lot
- (k) Equestrian Facilities
- (l) Farmers' Markets
- (m) Forestry-related Uses
- (n) Institutional Uses
- (o) Places of Worship
- (p) Private Recreational Uses – Outdoor
- (q) Small Item Repair Shops
- (r) Small Options Home
- (s) Special Care Homes
- (t) Wharves

17.3 Developments Permitted Subject to Other Requirements

17.3.1 The following uses are permitted as main uses in the Rural Development Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Cemeteries* – Section 7.3
- (b) *Household Livestock Operations* – Section 7.7
- (c) *Parks and Playgrounds* – Section 7.9
- (d) Solar Collectors as a main use – Section 7.11
- (e) *Trails and Conservation Uses* – Section 7.13
- (f) *Utilities* – Section 7.14

17.4 Developments Permitted by Site Plan Approval

17.4.1 The following uses are permitted by site plan approval in the Rural Development Zone subject to the site plan approval criteria of Chapter 31 of this By-law:

- (a) *Expansion of non-conforming uses*
- (b) *RV Park*
- (c) *Small-scale Wind Turbine Generators*

17.5 Developments Permitted by Development Agreement

17.5.1 The following *uses* are permitted by *development agreement* in the Rural Development Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) *Adaptive re-use of former institutional buildings – MPS Policy 4-88*
- (b) *Adaptive re-use of registered heritage properties – MPS Policy 4-83*
- (c) *Dwellings with 5 or more units on a lot – MPS Policy 4-56*
- (d) *Permanent Asphalt Paving Plants – MPS Policy 5-19*
- (e) *Fish Reduction Operations - MPS Policy 5-19*
- (f) *Fur Farms – MPS Policy 4-68*
- (g) *Intensive Livestock Operations – MPS Policy 4-68*
- (h) *Racing Tracks – MPS Policy 5-19*
- (i) *Salvage and Scrap Yards – MPS Policy 4-33*
- (j) *Shooting Ranges – MPS Policy 5-19*
- (k) *Solid Waste Disposal – MPS Policy 4-33*
- (l) *Large-scale Wind Turbine Generators – MPS Policy 4-13*

17.6 Zone Standards

17.6.1 In the Rural Development Zone, no development permit shall be issued except in conformance with the following requirements:

Table 14: RD Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	See Dept of Env.
(b) Minimum Lot Frontage	30.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	3.0 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

17.7 Special Zone Requirements

None

Chapter 17 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

18 RURAL COMMERCIAL ZONE (RC)

18.1 Intent

18.1.1 This zone is intended to accommodate a range of small-scale commercial *uses* in rural areas.

18.2 Permitted Main Uses

18.2.1 The following uses shall be permitted as a main use in the Rural Commercial (RC) Zone subject to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Accommodations
- (c) Agriculture-related Uses
- (d) Animal Care
- (e) Animal Shelter
- (f) Banks and Financial Institutions
- (g) Boarding/Rooming House
- (h) Building Contractor
- (i) Business and Professional Offices
- (j) Call Centres
- (k) Campgrounds
- (l) Commercial Fitness Centres
- (m) Commercial Schools
- (n) Commercial Storage Facilities
- (o) Community Centres and Community Clubs
- (p) Cultural Facilities
- (q) Daycare Operations
- (r) Display Court
- (s) Drive-in Theatres
- (t) Dwellings – 1 to 4 dwelling units per lot
- (u) Emergency Services
- (v) Equestrian Facilities
- (w) Farm Machinery Sales and Service
- (x) Farmers' Markets
- (y) Forestry-related Uses
- (z) Funeral Homes
- (aa) Garden and Nursery Sales and Supplies
- (bb) Government Buildings and Offices
- (cc) Institutional Uses
- (dd) Interpretive Centres
- (ee) Kennels

- (ff) Licensed Liquor Establishments
- (gg) Marinas
- (hh) Medical Clinics
- (ii) Parking Lots and Parking Structures
- (jj) Personal Service Shops
- (kk) Places of Worship
- (ll) Private Recreational Uses
- (mm) Racing Tracks – Animal
- (nn) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (oo) Restaurants
- (pp) Retail Stores
- (qq) Small Item Repair Shops
- (rr) Small Options Home
- (ss) Special Care Homes
- (tt) Taxi and Bus Stations
- (uu) Tour Operators
- (vv) Wharves

18.3 Developments Permitted Subject to Other Requirements

18.3.1 The following *uses* are permitted as main uses in the Rural Commercial Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Automobile Sales, Rentals, Service Stations, and Car Washes* – Section 7.2
- (b) *Cemeteries* – Section 7.3
- (c) *Electric Vehicle Charging as a main use* – Section 7.4
- (d) *Household Livestock Operations* – Section 7.7
- (e) *Parks and Playgrounds* – Section 7.9
- (f) *Solar Collectors as a main use* – Section 7.11
- (g) *Trails and Conservation Uses* – Section 7.13
- (h) *Utilities* – Section 7.14

18.4 Developments Permitted by Site Plan Approval

18.4.1 The following *uses* are permitted by *site plan approval* in the Rural Commercial Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Expansion of non-conforming uses*
- (b) *Light Industrial Uses*
- (c) *Recycling Depots*
- (d) *RV Park*
- (e) *Small-scale Wind Turbine Generators*

18.5 Developments Permitted by Development Agreement

18.5.1 The following *uses* are permitted by *development agreement* in the Rural Commercial Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Dwellings* with 5 or more units on a lot – MPS Policy 4-56

18.6 Zone Standards

18.6.1 In the Rural Commercial Zone, no development permit shall be issued except in conformance with the following requirements:

Table 15: RC Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	See Dept of Env.
(b) Minimum Lot Frontage	30.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	3.0 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

18.7 Special Zone Requirements

None

Chapter 18 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

19 AIRPORT ZONE (AP)

19.1 Intent

This zone is intended to facilitate the future *development* of airport lands.

19.2 Permitted Main Uses

19.2.1 The following uses shall be permitted as a main use in the Airport (AP) Zone subject to the requirements of this By-law:

- (a) Aircraft Parts and Aircraft Assembly Plants
- (b) Airport Instrument Approach
- (c) Airport Navigational Systems
- (d) Airport-related Uses
- (e) Aviation Clubs
- (f) Banks and Financial Institutions
- (g) Business and Professional Offices
- (h) Call Centres
- (i) Commercial Fitness Centres
- (j) Commercial Schools
- (k) Commercial Storage Facilities
- (l) Community Centres and Community Clubs
- (m) Cultural Facilities
- (n) Display Court
- (o) Drive-in Theatres
- (p) Emergency Services
- (q) Equipment Storage Buildings
- (r) Farm Machinery Sales and Service
- (s) Fish Coolers and Freezers
- (t) Funeral Homes
- (u) Garden and Nursery Sales and Supplies
- (v) Government Buildings and Offices
- (w) Institutional Uses
- (x) Interpretive Centres
- (y) Kennels
- (z) Light Industrial Uses
- (aa) Lobster Holding Facilities
- (bb) Municipal Landfill Sites
- (cc) Parking Lots and Parking Structures
- (dd) Private Recreational Uses
- (ee) Racing Tracks – Animal

- (ff) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (gg) Restaurants
- (hh) Retail Stores
- (ii) Taxi and Bus Stations
- (jj) Wholesale and Distribution Operations

19.3 Developments Permitted Subject to Other Requirements

19.3.1 The following *uses* are permitted as main uses in the Airport Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Automobile Sales, Rentals, Service Stations, and Car Washes* – Section 7.2
- (b) *Electric Vehicle Charging as a main use* – Section 7.4
- (c) *Parks and Playgrounds* – Section 7.9
- (d) *Solar Collectors as a main use* – Section 7.11
- (e) *Trails and Conservation Uses* – Section 7.13
- (f) *Utilities* – Section 7.14

19.4 Developments Permitted by Site Plan Approval

19.4.1 The following *uses* are permitted by *site plan approval* in the Airport Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Bulk Petroleum Storage Depots*
- (b) *Expansion of non-conforming uses*
- (c) *Recycling Depots*

19.5 Developments Permitted by Development Agreement

19.5.1 The following *uses* are permitted by *development agreement* in the Airport Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

19.6 Zone Standards

19.6.1 In the Airport Zone, no development permit shall be issued except in conformance with the following requirements:

Table 16: AP Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	
i. Sewer-serviced	1,800 m ²
ii. Unserviced	See Dept of Env.
(b) Minimum Lot Frontage	6.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	3.0 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

19.7 Special Zone Requirements

19.7.1 *Light industrial uses* which are *obnoxious* by reason of sound, odour, fumes, smoke, or other reasons, shall not be permitted in the Airport Zone.

Chapter 19 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

20 AIRPORT NOISE RESTRICTION ZONE (ANR)

20.1 Intent

This zone is intended to reduce potential land use conflicts with aircraft travel.

20.2 Permitted Main Uses

20.2.1 The following uses shall be permitted as a main use in the Airport Noise Restriction (ANR) Zone subject to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Agriculture-related Uses
- (c) Airport Instrument Approach
- (d) Airport Navigational Systems
- (e) Automobile Sales, Rentals, Service Stations, and Car Washes
- (f) Aviation Clubs
- (g) Banks and Financial Institutions
- (h) Building Contractor
- (i) Business and Professional Offices
- (j) Commercial Fitness Centres
- (k) Community Centres and Community Clubs
- (l) Display Court
- (m) Forestry-related Uses
- (n) Light Industrial Uses
- (o) Private Recreational Uses – Outdoor
- (p) Recreational Boat, Snowmobile, Recreational Vehicle and Travel Trailer Sales, Services, and Rentals
- (q) Retail Stores
- (r) Small Item Repair Shops
- (s) Taxi and Bus Stations

20.3 Developments Permitted Subject to Other Requirements

20.3.1 The following uses are permitted as main uses in the Airport Noise Restriction Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Cemeteries* – Section 7.3
- (b) *Parks and Playgrounds* – Section 7.9
- (c) Solar Collectors as a main use – Section 7.11
- (d) *Trails and Conservation Uses* – Section 7.13
- (e) *Utilities* – Section 7.14

20.4 Developments Permitted by Site Plan Approval

20.4.1 The following *uses* are permitted by *site plan approval* in the Airport Noise Restriction Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses

20.5 Developments Permitted by Development Agreement

20.5.1 The following *uses* are permitted by *development agreement* in the Airport Noise Restriction Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Fur Farms* – MPS Policy 4-68
- (d) *Intensive Livestock Operations* - MPS Policy 4-68
- (e) *Racing Tracks* – MPS Policy 5-30
- (f) *Shooting Ranges* – MPS Policy 5-30

20.6 Zone Standards

20.6.1 In the Airport Noise Restriction Zone, no development permit shall be issued except in conformance with the following requirements:

Table 17: ANR Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area iii. Sewer-serviced iv. Unserviced	1,800 m ² See Dept of Env.
(b) Minimum Lot Frontage	6 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	3 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

20.7 Special Zone Requirements

None

Chapter 20 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

21 BUSINESS & INDUSTRIAL PARK ZONE (BIP)

21.1 Intent

This zone is intended to accommodate a range of light *industrial*, commercial, *institutional*, *utility*, and *emergency services uses*.

21.2 Permitted Main Uses

21.2.1 The following uses shall be permitted as a main use in the Business and Industrial Park (BIP) Zone subject to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Agriculture-related Industries
- (c) Aircraft Parts and Aircraft Assembly Plants
- (d) Animal Care
- (e) Animal Shelter
- (f) Building Contractor
- (g) Call Centres
- (h) Commercial Fitness Centres
- (i) Commercial Schools
- (j) Commercial Storage Facilities
- (k) Community Centres and Community Clubs
- (l) Display Court
- (m) Emergency Services
- (n) Equipment Storage Buildings
- (o) Farm Machinery Sales and Service
- (p) Fish Coolers and Freezers
- (q) Funeral Homes
- (r) Garden and Nursery Sales and Supplies
- (s) Government Buildings and Offices
- (t) Kennels
- (u) Light Industrial Uses
- (v) Parking Lots and Parking Structures
- (w) Private Recreational Uses
- (x) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (y) Taxi and Bus Stations
- (z) Wholesale and Distribution Operations

21.3 Developments Permitted Subject to Other Requirements

21.3.1 The following *uses* are permitted main uses in the Business and Industrial Park Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Automobile Sales, Rentals, Service Stations, and Car Washes* – Section 7.2
- (b) *Electric Vehicle Charging as a main use* – Section 7.4
- (c) *Parks and Playgrounds* – Section 7.9
- (d) *Solar Collectors as a main use* – Section 7.11
- (e) *Trails and Conservation Uses* – Section 7.13
- (f) *Utilities* – Section 7.14

21.4 Developments Permitted by Site Plan Approval

21.4.1 The following *uses* are permitted by *site plan approval* in the Business and Industrial Park Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Aggregate-related Industries*
- (b) *Expansion of non-conforming uses*
- (c) *Food Processing Plants*
- (d) *Recycling Depots*
- (e) *Small-scale Wind Turbine Generators*

21.5 Developments Permitted by Development Agreement

21.5.1 The following *uses* are permitted by *development agreement* in the Business and Industrial Park Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) *Adaptive re-use of former institutional buildings* – MPS Policy 4-88
- (b) *Adaptive re-use of registered heritage properties* – MPS Policy 4-83
- (c) *Aquaculture Operations, recirculating (land-based)* – MPS Policy 4-69

21.6 Zone Standards

21.6.1 In the Business and Industrial Park Zone, no development permit shall be issued except in conformance with the following requirements:

Table 18: BIP Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	
i. Sewer-serviced	1,800 m ²
ii. Unserviced	See Dept of Env.
(b) Minimum Lot Frontage	30.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	4.5 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

21.7 Special Zone Requirements

None

Chapter 21 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

22 MARINE INDUSTRIAL ZONE (MI)

22.1 Intent

This zone is intended to accommodate fishery and marine-related industrial and commercial uses in the vicinity of wharves.

22.2 Permitted Main Uses

22.2.1 The following uses shall be permitted as a main use in the Marine Industrial (MI) Zone subject to the requirements of this By-law:

- (a) Call Centres
- (b) Commercial Schools
- (c) Commercial Storage Facilities
- (d) Community Centres and Community Clubs
- (e) Cultural Facilities
- (f) Emergency Services
- (g) Equipment Storage Buildings
- (h) Fish Coolers and Freezers
- (i) Fishery and Marine-related Service Industries
- (j) Government Buildings and Offices
- (k) Light Industrial Uses
- (l) Lobster Holding Facilities
- (m) Marinas
- (n) Marine Railway Facilities
- (o) Parking Lots and Parking Structures
- (p) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (q) Restaurants
- (r) Slipways
- (s) Wharves
- (t) Wholesale and Distribution Operations

22.3 Developments Permitted Subject to Other Requirements

22.3.1 The following uses are permitted as main uses in the Marine Industrial Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Trails and Conservation Uses* – Section 7.13
- (b) *Utilities* – Section 7.14

22.4 Developments Permitted by Site Plan Approval

22.4.1 The following *uses* are permitted by *site plan approval* in the Marine Industrial Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses
- (b) *Small-scale Wind Turbine Generators*

22.5 Developments Permitted by Development Agreement

22.5.1 The following *uses* are permitted by *development agreement* in the Marine Industrial Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83
- (c) *Aquaculture Operations, recirculating (land-based)* – MPS Policy 4-69
- (d) *Fish Reduction Operations* – MPS Policy 5-36

22.6 Zone Standards

22.6.1 In the Marine Industrial Zone, no development permit shall be issued except in conformance with the following requirements:

Table 19: MI Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	See Dept of Env.
(b) Minimum Lot Frontage	N/A
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	6.0 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	14.0 m

22.7 Special Zone Requirements

22.7.1 Business and commercial *uses* shall be permitted in the Marine Industrial Zone only in conjunction with *fishery* and *marine-related uses*.

22.7.2 *Dwellings* and *boarding/rooming* houses shall be permitted as an accessory use in the Marine Industrial Zone.

22.7.3 *Fish reduction plants* shall not be permitted within Port Maitland.

Chapter 22 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

23 GENERAL INDUSTRIAL ZONE (GI)

23.1 Intent

23.1.1 This zone is intended to permit a range of *industrial* and commercial uses throughout the municipality.

23.2 Permitted Main Uses

23.2.1 The following uses shall be permitted as a main use in the General Industrial (GI) Zone subject to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Agriculture-related Uses
- (c) Aircraft Parts and Aircraft Assembly Plants
- (d) Building Contractor
- (e) Business and Professional Offices
- (f) Call Centres
- (g) Commercial Schools
- (h) Commercial Storage Facilities
- (i) Community Centres and Community Clubs
- (j) Concrete Plants
- (k) Display Court
- (l) Emergency Services
- (m) Equipment Storage Buildings
- (n) Farm Machinery Sales and Services
- (o) Fish Coolers and Freezers
- (p) Fishery and Marine-related Service Industries
- (q) Forestry-related Uses
- (r) Funeral Homes
- (s) Garden and Nursery Sales and Supplies
- (t) Government Buildings and Offices
- (u) Heavy Industrial Uses
- (v) Light Industrial Uses
- (w) Lobster Holding Facilities
- (x) Marinas
- (y) Marine Railway Facilities
- (z) Municipal Landfill Sites
- (aa) Parking Lots and Parking Structures
- (bb) Private Recreational Uses – Outdoor
- (cc) Recreational Boat, Snowmobile, Recreational Vehicle, and Travel Trailer Sales, Services, and Rentals
- (dd) Slipways

- (ee) Small Item Repair Shops
- (ff) Wharves
- (gg) Wholesale and Distribution Operations

23.3 Developments Permitted Subject to Other Requirements

23.3.1 The following *uses* are permitted as main uses in the General Industrial Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Automobile Sales, Rentals, Service Stations, and Car Washes* – Section 7.2
- (b) *Cemeteries* – Section 7.3
- (c) *Electric Vehicle Charging as a main use* – Section 7.4
- (d) *Parks and Playgrounds* – Section 7.9
- (e) *Solar Collectors as a main use* – Section 7.11
- (f) *Trails and Conservation Uses* – Section 7.13
- (g) *Utilities* – Section 7.14

23.4 Developments Permitted by Site Plan Approval

23.4.1 The following *uses* are permitted by *site plan approval* in the General Industrial Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Aggregate-related Industries*
- (b) *Bulk Petroleum Storage Depots*
- (c) *Expansion of non-conforming uses*
- (d) *Food Processing Plants*
- (e) *Recycling Depots*
- (f) *Small-scale Wind Turbine Generators*

23.5 Developments Permitted by Development Agreement

23.5.1 The following *uses* are permitted by *development agreement* in the General Industrial Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) *Abattoirs – larger than 400 m² gross floor area* – MPS Policy 5-38
- (b) *Adaptive re-use of former institutional buildings* – MPS Policy 4-88
- (c) *Adaptive re-use of registered heritage properties* – MPS Policy 4-83
- (d) *Animal Rendering Plants* – MPS Policy 5-38
- (e) *Aquaculture Operations, recirculating (land-based)* – MPS Policy 4-69
- (f) *Permanent Asphalt Paving Plants* – MPS Policy 5-38
- (g) *Fish Reduction Operations* – MPS Policy 5-38
- (h) *Salvage and Scrap Yards* – MPS Policy 4-33
- (i) *Solid Waste Disposal* – MPS Policy 4-33

23.6 Zone Standards

23.6.1 In the General Industrial Zone, no development permit shall be issued except in conformance with the following requirements:

Table 20: GI Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	29,000 m ²
(b) Minimum Lot Frontage	30.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	12.0 m
(e) Minimum Rear Setback	12.0 m
(f) Maximum Building Height	14.0 m

23.7 Special Zone Requirements

23.7.1 Manufacturing, processing, assembly, warehousing, and *industrial uses* shall be allowed in the General Industrial Zone only within wholly enclosed *buildings*.

23.7.2 Business offices and commercial uses shall be permitted in the General Industrial Zone only where accessory to a main use.

23.7.3 *Dwellings* and *boarding / rooming houses* shall be permitted as an accessory use in the General Industrial Zone.

23.7.4 *Parking lots, loading spaces* and areas of open storage on *lots* used for any industrial purpose shall in the General Industrial Zone be screened by natural landforms, *existing* or planted vegetation; an opaque fence or a combination of such method of screening so as not to be visible from abutting residential, *institutional*, or *recreational uses* in any zone.

23.7.5 The following requirements shall apply where any *yard* of any *industrial use* in the General Industrial Zone abuts a residential, *institutional* or *recreational use* in any zone:

- (a) no open storage shall be permitted in the abutting industrial yard;
- (b) no *parking lot* or *loading space* shall be permitted in the abutting industrial yard within 6.0 m of a *side* or *rear lot line*;
- (c) no open storage, outdoor display, *parking lot* or loading or unloading space shall be permitted in the minimum required industrial *side yard* or *rear yard* except where an opaque fence of no less than 1.8 m higher than the maximum elevation of the abutting residential, institutional, or recreational *yard*, is erected in the abutting industrial *yard*.
- (d) outdoor display and open storage for *industrial uses* shall be at least 7.9 m from the boundary line of a *public road*.

23.7.6 Where an *industrial use* in the General Industrial Zone abuts another *industrial use* in any zone, the abutting *side yard* requirement for each use may be reduced to 3.0 metres.

Chapter 23 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

24 WATERSHED ZONE (WS)

24.1 Intent

This *zone* is intended to protect public drinking water quality for the *municipality*.

24.2 Permitted Main Uses

24.2.1 The following uses shall be permitted as a main use in the Watershed (WS) Zone subject to the requirements of this By-law:

- (a) Dwellings – 1 dwelling unit per lot
- (b) Small Options Homes

24.3 Developments Permitted Subject to Other Requirements

24.3.1 The following *uses* are permitted as main uses in the Watershed Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Trails and Conservation Uses* – Section 7.13
- (b) *Utilities* – Section 7.14

24.4 Developments Permitted by Site Plan Approval

24.4.1 The following *uses* are permitted by *site plan approval* in the Watershed Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Expansion of non-conforming uses*
- (b) *Small-scale Wind Turbine Generators*

24.5 Developments Permitted by Development Agreement

24.5.1 The following *uses* are permitted by *development agreement* in the Watershed Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

24.6 Zone Standards

24.6.1 In the Watershed Zone, no development permit shall be issued except in conformance with the following requirements:

Table 21: WS Zone Built Form Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	12,140.6 m ²
(b) Minimum Lot Frontage	61 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	6.0 m
(e) Minimum Rear Setback	12.0 m
(f) Maximum Building Height	14.0 m

24.7 Special Zone Requirements

24.7.1 Excluding water utility *buildings* and *structures* the minimum *setback* for all other *buildings* and *structures* from any *watercourse* within the Watershed (WS) Zone shall be 92 metres.

24.7.2 A nonconforming farm *building* housing *livestock*, produce, or farm machinery in the Watershed (WS) Zone which is destroyed by fire or otherwise shall be permitted to be rebuilt provided that its reconstruction is located within *existing lot* boundaries and which does not further reduce the *front, side, or rear yard* that does not conform with Section 24.6 of this By-law.

24.7.3 Except for water utility *buildings* and *structures*, only one *main building* shall be permitted on a *lot* in the Watershed Zone.

Chapter 24 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

25 LAKESIDE RESIDENTIAL ZONE (LR)

25.1 Intent

25.1.1 This zone is intended to give priority to sustainable residential *development* within approximately 200 metres of major lakes, excluding Lake George, Lake Milo, and Doctor's Lake.

25.2 Permitted Main Uses

25.2.1 The following uses shall be permitted as a main use in the Lakeside Residential (LR) Zone subject to the requirements of this By-law:

- (a) Airport Instrument Approach
- (b) Airport Navigational Systems
- (c) Community Centres and Community Clubs
- (d) Daycare Operations
- (e) Institutional Uses
- (f) Marinas
- (g) Places of Worship
- (h) Private Recreational Uses – Outdoor
- (i) Slipways
- (j) Wharves

25.3 Developments Permitted Subject to Other Requirements

25.3.1 The following *uses* are permitted as main uses in the Lakeside Residential Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Parks and Playgrounds* – Section 7.9
- (b) *Trails and Conservation Uses* – Section 7.13
- (c) *Utilities* – Section 7.14

25.4 Developments Permitted by Site Plan Approval

25.4.1 The following *uses* are permitted by *site plan approval* in the Lakeside Residential Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) *Boarding / Rooming Houses*
- (b) *Dwellings – 1 or 2 dwelling units per lot*
- (c) *Expansion of non-conforming uses*
- (d) *Small options homes*
- (e) *Special Care Homes*
- (f) *Small-scale Wind Turbine Generators*

25.5 Developments Permitted by Development Agreement

25.5.1 The following *uses* are permitted by *development agreement* in the Lakeside Residential Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) *Adaptive re-use of former institutional buildings – MPS Policy 4-88*
- (b) *Adaptive re-use of registered heritage properties – MPS Policy 4-83*
- (c) *Dwellings with 3 or more units on a lot – MPS Policy 4-56*

25.6 Zone Standards

25.6.1 In the Lakeside Residential Zone, no development permit shall be issued except in conformance with the following requirements:

Table 21: LR Zone Built Form Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	5,000 m ² or Dept. of Env. requirement, whichever is larger
(b) Minimum Lot Frontage	30.0 m
(c) Minimum Front / Flankage Setback	7.6 m
(d) Minimum Side Setback	3.0 m
(e) Minimum Rear Setback	7.6 m
(f) Maximum Building Height	10.7 m

25.7 Special Zone Requirements

25.7.1 Notwithstanding Subsection 6.31.1, the *watercourse* buffer in the Lakeshore Residential Zone shall be 15.0 metres.

Chapter 26 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

26 SENSITIVE ENVIRONMENT ZONE (SE)

26.1 Intent

26.1.1 This zone is intended to protect *development* from potential hazards in these low-lying, marshy, or unstable areas while at the same time protecting these sensitive habitats from potential negative impacts of *development*.

26.2 Permitted Main Uses

26.2.1 The following uses shall be permitted as a main use in the Sensitive Environment (SE) Zone subject to the requirements of this By-law:

None

26.3 Developments Permitted Subject to Other Requirements

26.3.1 The following *uses* are permitted as main uses in the Sensitive Environment Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Parks and Playgrounds* – Section 7.9
- (b) *Trails and Conservation Uses* – Section 7.13
- (c) *Utilities* – Section 7.14

26.4 Developments Permitted by Site Plan Approval

26.4.1 The following *uses* are permitted by *site plan approval* in the Sensitive Environment Zone subject to *the site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses

26.5 Developments Permitted by Development Agreement

26.5.1 The following *uses* are permitted by *development agreement* in the Sensitive Environment Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

26.6 Special Zone Requirements

None

Chapter 26 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

27 FLOODPLAIN ZONE (FP)

27.1 Intent

This zone is intended to protect the natural floodplain and mitigate negative impacts of potential flooding.

27.2 Permitted Main Uses

27.2.1 The following uses shall be permitted as a main use in the Floodplain (FP) Zone subject to the requirements of this By-law:

None

27.3 Developments Permitted Subject to Other Requirements

27.3.1 The following *uses* are permitted as main uses in the Floodplain Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Parks and Playgrounds* – Section 7.9
- (b) *Trails and Conservation Uses* – Section 7.13
- (c) *Utilities* – Section 7.14

27.4 Developments Permitted by Site Plan Approval

27.4.1 The following *uses* are permitted by *site plan approval* in the Floodplain Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses

27.5 Developments Permitted by Development Agreement

27.5.1 The following *uses* are permitted by *development agreement* in the Floodplain Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

27.6 Special Zone Requirements

27.6.1 Removal of soils and infilling (including for the purpose of trail *development*) is prohibited within the Floodplain Zone (FP).

Chapter 27 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

28 DYKELANDS ZONE (DL)

28.1 Intent

This zone is intended to preserve dykelands while permitting non-building agricultural uses.

28.2 Permitted Main Uses

28.2.1 The following uses shall be permitted as a main use in the Dykelands (DL) Zone subject to the requirements of this By-law:

None

28.3 Developments Permitted Subject to Other Requirements

28.3.1 The following uses are permitted as main uses in the Dykelands Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special zone requirements:

- (a) *Trails and Conservation Uses* – Section 7.13
- (b) *Utilities* – Section 7.14

28.4 Developments Permitted by Site Plan Approval

28.4.1 The following uses are permitted by *site plan approval* in the Dykelands Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses

28.5 Developments Permitted by Development Agreement

28.5.1 The following uses are permitted by *development agreement* in the Dykelands Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

28.6 Special Zone Requirements

28.6.1 New *buildings* and *structures* are prohibited in the Dykelands Zone.

Chapter 28 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

29 LIGHTSTATION HERITAGE ZONE (LH)

29.1 Intent

This zone is intended to support uses related to the Cape Forchu Lighthouse.

29.2 Permitted Main Uses

29.2.1 The following uses shall be permitted as a main use in the Lightstation Heritage (LH) Zone subject to the requirements of this By-law:

- (a) Cultural Facilities
- (b) Institutional Uses
- (c) Interpretive Centres
- (d) Places of Worship
- (e) Private Recreational Uses – Outdoor
- (f) Restaurants
- (g) Tour Operators

29.3 Developments Permitted Subject to Other Requirements

29.3.1 The following *uses* are permitted as main uses in the Lightstation Heritage Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Parks and Playgrounds* – Section 7.9
- (b) *Trails and Conservation Uses* – Section 7.13
- (c) *Utilities* – Section 7.14

29.4 Developments Permitted by Site Plan Approval

29.4.1 The following *uses* are permitted by *site plan approval* in the Lightstation Heritage Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses

29.5 Developments Permitted by Development Agreement

29.5.1 The following *uses* are permitted by *development agreement* in the Lightstation Heritage Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

29.6 Special Zone Requirements

29.6.1 Commercial uses shall be permitted in the Lightstation Heritage Zone where they are accessory to a main use.

Chapter 29 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

30 RECREATION ZONE (REC)

30.1 Intent

This *zone* is intended to permit the development of parks and recreation *uses*.

30.2 Permitted Main Uses

30.2.1 The following uses shall be permitted as a main use in the Recreation (REC) Zone subject to the requirements of this By-law:

- (a) Campgrounds
- (b) Community Centres and Community Clubs
- (c) Equestrian Facilities
- (d) Institutional Uses
- (e) Interpretive Centres
- (f) Marinas
- (g) Places of Worship
- (h) Private Recreation Uses – Outdoor
- (i) Tour Operators

30.3 Developments Permitted Subject to Other Requirements

30.3.1 The following *uses* are permitted as main uses in the Recreation Zone subject to all applicable requirements of this By-law, and to use-specific requirements found either in Chapter 7 of this By-law or the special *zone* requirements:

- (a) *Cemeteries* – Section 7.3
- (b) *Parks and Playgrounds* – Section 7.9
- (c) *Trails and Conservation Uses* – Section 7.13
- (d) *Utilities* – Section 7.14

30.4 Developments Permitted by Site Plan Approval

30.4.1 The following *uses* are permitted by *site plan approval* in the Recreation Zone subject to the *site plan approval* criteria of Chapter 31 of this By-law:

- (a) Expansion of non-conforming uses
- (b) RV Parks

30.5 Developments Permitted by Development Agreement

30.5.1 The following uses are permitted by *development agreement* in the Recreation Zone subject to the indicated *Municipal Planning Strategy* policy:

- (a) Adaptive re-use of former institutional buildings – MPS Policy 4-88
- (b) Adaptive re-use of registered heritage properties – MPS Policy 4-83

30.6 Zone Standards

30.6.1 In the Recreation Zone, no development permit shall be issued except in conformance with the following requirements:

Table 22: REC Zone Built Form Standards

Standard	All Permitted Main Uses
(a) Minimum Front / Flankage Setback	7.6 m
(b) Minimum Side Setback	6.0 m
(c) Minimum Rear Setback	7.6 m
(d) Maximum Building Height	10.7 m

30.7 Special Zone Requirements

30.7.1 *Uses accessory to recreation or institutional uses* shall be permitted in the Recreation Zone, including but not limited to refreshment stands, canteens, and picnic areas.

Chapter 30 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

31 SITE PLAN APPROVAL CRITERIA

31.1 Dwellings Within the Lakeside Residential Zone

31.1.1 Where *dwellings, boarding/rooming houses, small options homes, and special care homes* are permitted within the Lakeside Residential Zone by *site plan approval*, the *Development Officer* shall approve a site plan agreement where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) the *development* shall not have significant negative impacts on any known species-at-risk habitat within the property;
- (b) the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
- (c) the proponent shall provide a site plan including the following:
 - i. property boundary and any shorelines;
 - ii. any *watercourses*, wetlands, or slopes over 20%;
 - iii. any sand dunes;
 - iv. *existing* riparian buffer;
 - v. any areas to be maintained as natural vegetation;
 - vi. any *existing* or proposed landscaping or lawns;
 - vii. any areas that may be cleared or partially cleared of vegetation;
 - viii. any *existing* or proposed *driveways*;
 - ix. *main building* envelope;
 - x. any *accessory buildings*; and
 - xi. information on any species-at-risk habitat.
- (d) lighting
 - i. all exterior lighting shall be of a full cut-off type and shall not emit light above the horizontal.

31.2 Home Occupations

31.2.1 Where a zone permits home occupations by *site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) design;
 - i. adequate screening shall be provided by natural landforms or opaque fencing to screen outdoor storage areas so as to not be visible from abutting residential, *institutional* or *recreational uses*;
 - ii. the proposed *development* shall not substantially alter the character or stability of the adjacent *uses*;
 - iii. *side and rear setbacks* of at least 4.5 metres shall be provided;
 - iv. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
- (b) parking:
 - i. adequate off-street parking shall be provided on the site to prevent congestion, nuisance and inconvenience to adjacent *uses*;
- (c) environment:
 - i. mitigation of noise, visual impacts, and environmental impacts of the operation shall be undertaken to minimize any potential negative effects of the *development* on adjacent *uses*; and
 - ii. the *development* shall not create or worsen a pollution problem in the area such as but not limited to soil erosion and siltation of *watercourses*.

31.3 Aggregate-related Industries

31.3.1 Where a zone permits *aggregate-related industries* by *site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) *building* location and design;
 - i. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
 - ii. *aggregate-related industries* shall be a minimum of 400 metres from *existing dwellings*;
- (b) lighting;
 - i. All exterior lighting shall be of a full cutoff type and shall not emit light above the horizontal;
 - ii. exterior lighting shall not cause glare on adjacent properties;
- (c) enclosure and screening;
 - i. any equipment including but not limited to mixers, batchers, silos, and similar structures shall be contained within a fenced enclosure;
- (d) environment;
 - i. the *development* shall not create or worsen a pollution problem in the area such as but not limited to soil erosion and siltation of *watercourses*.

31.4 Bulk Petroleum Storage Depots

31.4.1 Where a zone permits *bulk petroleum storage depots* by *site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) *building* location and design;
 - i. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
 - ii. *bulk petroleum storage depots* shall be a minimum of 400 metres from *existing dwellings*;
- (b) *loading areas*;
 - i. *loading areas* shall be located and, if necessary, screened so as to minimize impacts on adjacent *uses*;
- (c) lighting;
 - i. All exterior lighting shall be of a full cutoff type and shall not emit light above the horizontal;
 - ii. exterior lighting shall not cause glare on adjacent properties;
- (d) enclosure and screening
 - i. all oil tanks and related *utilities* shall be contained within a fenced enclosure;
- (e) environment;
 - i. the *development* shall not create or worsen a pollution problem in the area such as but not limited to soil erosion and siltation of *watercourses*.

31.5 Concrete Plants

31.5.1 Where a *zone* permits *concrete plants* by *site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) *building* location and design;
 - i. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
 - ii. *concrete plants* shall be a minimum of 400 m from *existing dwellings*;
- (b) *loading areas*;
 - i. *loading areas* shall be located and, if necessary, screened so as to minimize impacts on adjacent *uses*;
- (c) lighting;
 - i. All exterior lighting shall be of a full cutoff type and shall not emit light above the horizontal;
 - ii. exterior lighting shall not cause glare on adjacent properties;
- (d) enclosure and screening
 - i. any equipment including but not limited to mixers, batchers, silos, and similar *structures* shall be contained within a fenced enclosure.

31.6 Expansion of Non-conforming Uses

31.6.1 Where a non-conforming *use* expands by *site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) *use* requirements;
 - i. if the *use* is listed in the *zone* as a use permitted as-of-right, but is otherwise non-conforming for reasons such as, but not limited to, *setbacks* or other *zone* requirements, the conditions that prevents the proposal from being permitted as-of-right in the *zone* shall be addressed by the site plan. Measures to address these conditions may include, but are not limited to, enhanced buffering and the positioning and design of *buildings* and *structures*; and
 - ii. If the *use* is not listed in the *zone* as a use permitted as-of-right, the site plan shall control the expansion in a manner that is compatible with the purpose and permitted uses in the *zone*. Controls may include, but are not limited to, enhanced buffering and screening; the positioning, bulk, and design of *buildings* and *structures*; mitigation measures for noise, dust, and other emissions; the location and design of parking areas; landscaping; lighting design; and controls on outdoor storage and display.

31.7 Food Processing Plants

31.7.1 Where a zone permits *food processing plants by site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) *building* location and design;
 - i. ground-level front and flankage façades of any *buildings* shall be designed with a façade treatment that gives the visual appearance of a *building* articulated with ‘window’ openings;
 - ii. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
- (b) servicing and *utilities*;
 - i. all *utility* equipment shall be enclosed within a *building* or screened from view of the street, including but is not limited to *utility* boxes, meters, and air compressors;
 - ii. facilities for solid waste collection shall be screened from view of the street and adjacent *dwellings*;
- (c) lighting;
 - i. all exterior lighting shall be of a full cutoff type and shall not emit light above the horizontal;
 - ii. exterior lighting shall not cause glare on adjacent properties;
- (d) *loading areas*;
 - i. *loading areas* shall be located and, if necessary, screened so as to minimize impacts on adjacent *uses*, particularly residential *uses*.

31.8 Recycling Depots

31.8.1 Where a zone permits *recycling depots by site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) *building* location and design;
 - i. ground-level front and flankage façades shall be designed with a façade treatment that gives the visual appearance of a *building* articulated with ‘window’ openings;
 - ii. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
- (b) servicing and *utilities*;
 - i. all recycling storage and sorting facilities shall be enclosed within a *building* or screened from view of the street and adjacent *dwellings*;
- (c) *loading areas*;
 - i. *loading areas* and drop-off locations shall be located and, if necessary, screened so as to minimize impacts on adjacent *uses*, particularly residential *uses*.

31.9 Small-scale Wind Turbine Generators

31.9.1 Where a zone permits *small-scale wind turbine generators by site plan approval*, the *Development Officer* shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) design and location:
 - i. wind turbines shall be a minimum of 200 metres from all *existing dwellings*;
 - ii. any required *setback, yard* requirement, or *separation distance* which cannot be satisfied shall be waived for the siting of a *wind turbine generator* where a legal agreement for the siting is obtained by the developer from the owners of all affected adjacent *dwelling* owners, and all property owners within the required *setback, yard* requirement, and *separation distance*;
 - iii. no commercial advertising other than the manufacturer’s name shall be permitted on any WTG or accessory structures;
 - iv. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
- (b) environment
 - i. the proponent shall undertake mitigation of noise, visual impacts, shadow effects, and environment impacts of wind turbines to minimize any potential negative effects of the development on adjacent *uses*;
 - ii. the proponent shall provide all documentation required by the Department of National Defence, Environment Canada, Navigation Canada, Transport Canada, Canadian Coast Guard, Royal Canadian Mounted Police and Nova Scotia Department of Natural Resources; and
- (c) decommissioning
 - i. the proponent shall provide a decommissioning plan ensuring wind turbines shall be removed from the site after a period of 2 years from the date of cessation of electrical power generation of the wind turbine.

Chapter 31 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

32 DEFINITIONS

A

Abattoir

means the use of a building, structure, or part thereof, for slaughtering animals but does not include the slaughtering of game animals for personal use.

Accessory Building

means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Structure

means a separate structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Use

means a use subordinate and naturally incidental to a main use of land or building located on the same lot.

Accommodations

means the provision of a building, buildings, or part thereof to a single party or group of the travelling public, for payment or compensation, for a period of 28 days or less, and may include, but is not limited to, tourist facilities such as hotels; motels; hostels; bed and breakfast establishments; and entire home, individual room, cottage, cabin, geodesic dome, or yurt rentals.

Active Transportation

means any form of human-powered transportation including but not limited to walking, cycling, skateboarding, roller-skating, skiing, kayaking, canoeing, and includes the use of manual or powered assistive devices.

Aggregate-related Industries

Means buildings, structures, land, or part thereof, used for aggregate processing, storage, and related uses including, but not limited to, asphalt processing, concrete batching and component manufacturing, sand pit operations, and mineral bulk storage.

Agriculture-related Uses

means the use of land, buildings, or structures for processing, packing, storing or treating agricultural crops; fertilizer production from organic matter; veterinary care for livestock; on-farm brewing, wine-making, and similar uses; the sale of farm produce to the general public; and tourism activities related to on-site agricultural activities, such as u-picks or hay rides; the production, cultivation, and processing of cannabis products, as well as analytical testing and research related to cannabis, but excludes the processing of animals, which is covered by the definition of abattoir.

Alter

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

Animal Care

means the use of land, buildings, or structures for the care of domestic animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

Animal Rendering Plant

means a facility for the rendering of animal by-product materials for the production of tallow, grease, and meat and bone meal.

Animal Shelter

means a facility that holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g. dogs, cats, birds), but does not include livestock.

Aquaculture Operation, Recirculating (Land-based)

means a land-based facility for the commercial cultivation of fish, shellfish, or aquatic plants or algae and which utilizes closed containment systems to prevent the discharge of waste products to the marine environment.

Asphalt Paving Plant

means a plant or any part thereof in which asphalt concrete is produced by heating and drying aggregate and mixed with asphalt cement.

Automobile Service Station, Car Wash

means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile carwash, or both.

B

Boarding House / Rooming House

means a dwelling in which the proprietor supplies either room or room and board for compensation for more than 2 but not more than 12 bedrooms exclusive of the lessee or owner and family and which is not open to the general public.

Boathouse

means a structure used for the storage of watercraft.

Building

means any structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment but does not include frames for sheltering crops.

Building Contractor

means the use of buildings or land for the storage of materials and small tools in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, and plumbers, but does not include the storage of heavy equipment.

Building Official

means the person or persons, or designate, appointed by Council from time to time to administer the Building By-law.

Bulk Petroleum Storage Depot

means a facility intended for the storage of fuel including but not limited to gasoline, kerosene, diesel, and oil.

Business or Professional Office

means the use of a building or portion of a building where business may be transacted, a service performed or consultation given, and includes but is not limited to offices lawyers, architects, engineers, planners, accountants, real estate agents, and photographers but shall not include any place where manufacturing of any product or selling of goods is carried on.

C

Call Centre

means a business intended to handle a large volume of phone calls included but limited to the purpose of customer service or sales.

Campgrounds

means the use of land, or part thereof, for providing an overnight camping experience in tents, yurts, bunkies and similar structures, where the number of camping sites exceeds two, but does not include an RV park. For greater clarity, and without limiting the generality of the foregoing, uses accessory to a campground may include convenience stores, laundries, take-out restaurants, recreational facilities, halls, and management offices provided such uses are for the exclusive use of campground patrons.

Cemetery

means the land used for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

Christmas Tree Operation

means land intended for the cultivation and harvesting of Christmas trees, typically including pine, spruce, and/or fir trees, but excluding agricultural uses, agriculture-related uses, and non-industrial forestry uses.

Commercial Fitness Centre

means an establishment intended for fitness uses or instruction, including but not limited to gyms, yoga studios, and fitness classes, but excluding indoor recreation facilities and commercial schools.

Commercial School

means an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include elementary, secondary, or post-secondary schools.

Commercial Storage Building

means a building, collection of buildings, or a part of a building consisting of individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

Community Centres and Community Club

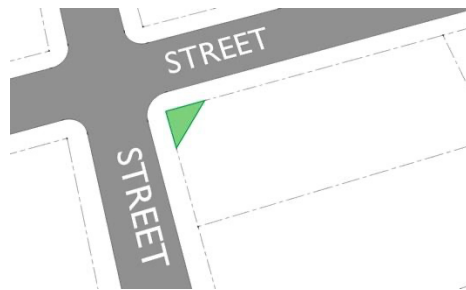
means any tract of land, or building(s), or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board, service club, fraternal organization, recreation association, or registered community association.

Concrete Plant

means a facility intended for the production and batching of concrete.

Corner Vision Triangle

means the area of a corner lot that is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are 6 metres in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points 6 metres from the intersection.



Council

Means the Council of the Municipality of the District of Yarmouth.

Cultural Facilities

means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes galleries, art or craft workshops or studios, libraries, museums, performance arts theatres, visual arts centres, war memorials, cenotaphs, and other similar uses, but excludes drive-in theatres.

D

Daycare Operation

means a place where humans are cared for without overnight accommodation, but does not include a school.

Development

means any erection, construction, alteration, placement, replacement, location, relocation of, or addition to any structure and any change or alteration in the use made of land or structures.

Development Agreement

means a legal agreement between Council and a property owner governing the use of the property owner's land, as enabled by the *Municipal Government Act* and Municipal Planning Strategy and registered on title.

Development Officer

means the person or persons, or designate, appointed by Council from time to time to administer the Land Use By-law and Subdivision By-law.

Display Court

means the use of land for the outdoor display and sale of large household or recreational items such as, but not limited to, all-terrain vehicles, hot tubs, swimming pools, and recreational vehicles. This definition shall include the display and sale of prefabricated homes but shall not include heavy equipment sales and rental or boat and marine sales.

Drive-in Theatre

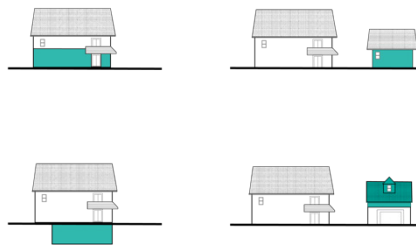
means land used for a cinema structure consisting of a large outdoor screen, projection booth, and parking area for automobiles, including concessions but excluding outdoor recreation uses.

Dwelling

means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and may be built on-site or built off-site and transported to the site where it is to be occupied as a residence, but shall not include a fixed-roof overnight accommodation, or recreational vehicle.

Dwelling, Accessory

means a subservient dwelling either located within a dwelling or in a building on a lot with a dwelling.



Dwelling Unit

means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

E

Electric Vehicle Charging

means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.

Electric Vehicle Charging, Accessory Use

means electric vehicle charging accessory to a main use.

Electric Vehicle Charging, Main Use

means commercial electric vehicle charging as a main use and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles.

Emergency Services

means a building or use of land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

Equestrian Facility

means the land, buildings or structures used for the boarding or training of horses, ponies, or riders, and the staging of equestrian events.

Equipment Storage Building

means a building intended for the storage of commercial equipment such as but not limited to vehicles and commercial fishing gear.

Erect

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

Established Grade

means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building exclusive of any artificial embankment or entrenchment or when used with reference to a structure which is not a building shall mean the average elevation of the finished grade of the ground immediately surrounding such structures exclusive of any artificial embankment or entrenchment.

Existing

means legally existing on the indicated date or, where no date is indicated, legally existing on the effective date of this By-law. For streets and private roads, the date the street or private road was shown on a plan of subdivision tentatively approved by the Municipality shall be used to determine whether or not it was existing on an indicated date.

F

Farm Machinery Sales and Services

means an establishment intended for the purpose of sales, repairs, or servicing of farm-related machinery.

Farmer's Market

means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, meat, fish, craft products, and ready-to-eat food by independent vendors.

Fish Cooler

means a building or part of a building wherein fresh fish or bait is packed and chilled for future sale to the wholesale or retail markets. For the purpose of this By-law, existing fish coolers which have been involved in fish processing or the holding of live lobster at the time of adoption of this By-law shall be deemed to be fish coolers.

Fish Freezer

means a building or part of a building wherein fresh, chilled or previously frozen fish or bait is packed and stored in a freezer for future sale to the wholesale or retail markets. For the purpose of this By-law, existing fish freezers which have been involved in fish processing or the holding of live lobsters at the time of adoption of this By-law shall be deemed to be fish freezers.

Fish Plant

means the use of land, buildings or structures where fresh water or saltwater fish either fresh, chilled or frozen; mollusks or crustaceans are processed in any one or more of the following ways; cleaned, cooked, preserved or canned and where the finished product is stored fresh, chilled or frozen for future sale to the wholesale or retail markets.

Fish Reduction Operations

means a building or part of a building wherein fish offal, whole or parts of fish or any combination thereof is rendered into fish meal, fertilizers, a slurry or other by-product but does not include a fish plant.

Fisheries and Marine-related Industrial Use

means the use of land, buildings, or part thereof in support of the fishery and without limiting the generality of the foregoing includes commercial storage of fishing vessels, gear, and other related materials; docks; boat launches; and repair facilities; but does not include fish processing, and for greater clarity includes business and commercial uses related to the primary fishing and marine use.

Food Processing Plant

means the transformation of raw ingredients into food, or of food into other forms. This involves taking clean, harvested crops or butchered animal, fish or other aquatic products, excluding dairy products, and using these to produce attractive, marketable and often long shelf-life food products.

Footprint

means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls

Forest, Fish, and Farm Stall

means the direct sale of fish or other seafood; farm products such as but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products, by individuals or companies engaged in the harvesting of such.

Forestry Uses

means commercial silviculture and the production of lumber or pulp and uses associated with the forestry industry, including saw mills, maple sugaring operations, Christmas tree u-picks, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.

Funeral Home

means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

Fur Farm

means any operation where one or more males and females of any species of fur bearing animal, unless such are neutered or spayed, are confined to an enclosed structure for feeding, breeding or holding for production purposes or for pelts or for future sale.

G

Garden and Nursery Sales and Supplies

means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements and that are sold at retail from such buildings or lot to the general public.

Grade

Means:

- (a) when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, exclusive of any artificial embankment or entrenchment; or
- (b) when used in reference to a structure that is not a building, the average elevation of the fished grade of the ground immediately surrounding such structures, exclusive of any artificial embankments or entrenchment.

Gross Floor Area

means the sum of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.

H

Height

means the vertical distance on a building between the established grade and:

- (a) the highest point of the roof structure or the parapet, whichever is greater, of a flat roof;
- (b) the deck line of a mansard roof; or
- (c) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

Home Occupation

means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

I

Industrial Uses

means:

Industrial Uses, Heavy

means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial Uses, Light

means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Institutional Uses

means a building or part of a building used as an auditorium, public day care centre, government buildings (federal, provincial and municipal excluding provincial liquor stores), hospitals, emergency services, public schools, public sports complex, public recreation facilities, post offices, theatres, and uses of a similar nature, but excluding cultural facilities, parks and playgrounds, private recreation facilities, and correctional facilities.

Interpretive Centre

means the use of a building or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

J

K

Kennel

means a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold or kept for sale or boarding.

L

Licensed Liquor Establishment

means a licensed eating establishment, lounge, beverage room, cabaret, club, hospitality room, or special premises licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

Livestock

means cattle, sheep, swine, goats, horses, ponies, mules, ratites, farmed deer and game farm animals and any other livestock designated by the Minister of Agriculture under authority of the *Fences and Detention of Stray Livestock Act*. R.S., c. 166, s.1.

Livestock Operation

means the use of land, buildings, or part thereof for keeping of livestock or poultry, and:

Livestock Operation, Household

Means a livestock operation with animal housing structure(s) greater than 7 m² in gross floor area, to a maximum of 340 m².

Livestock Operation, Intensive

Means a livestock operation with animal housing structure(s) greater than 340 m² in gross floor area, and shall include fur farms.

Loading Space

means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which is:

- (a) suitable for the temporary parking of one 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;
- (b) does not include any portion of a public or private road right-of-way; and
- (c) 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 temporary parking or storage of one or more motor vehicles.

Lot

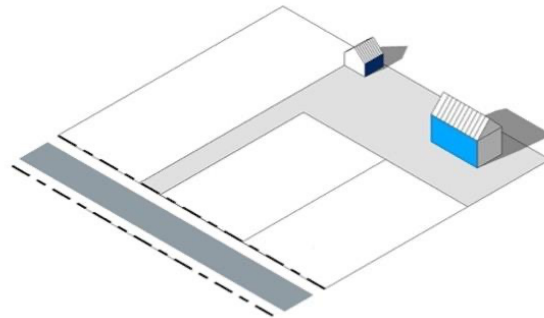
means any parcel of land described in a deed or as shown on a registered plan of subdivision.

Corner Lot

means a lot situated at the intersection of land abutting on two or more streets or private roads.

Flag Lot

means a lot characterized by the main body of the lot generally to the rear of another lot and with lot frontage provided by a narrow prolongation or “pole” that extends from the main body of the lot to a public or private road.



Serviced Lot

means a lot that is serviced by a municipal sewer system, or is in the process of tentative subdivision approval and has been identified for connection to a municipal sewer system, and may or may not include municipal water services.

Unserviced Lot

means a lot that is not serviced by a municipal sewer system.

Lot Area

means the total horizontal area within the lot lines of a lot.

Lot Coverage

means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition eaves, cantilevers, or other such projections of a roof shall be counted.

Lot Depth

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

Lot Frontage

means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road.

Lot Frontage, Corner

means a lot situated at the intersection of and abutting on two or more public roads or private roads, or any combination thereof. The shorter lot line shall be deemed the front lot line of the said lot.

Lot Frontage, Interior

means a lot situated between two lots and having access to one public road, private road or right-of-way.

Lot Frontage, Island or Waterfront

means a lot which does not abut or have access to a public road, private road, or right-of-way.

Lot Frontage, Through

means a lot bounded on two opposite sides by a public road, private road or combination thereof provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

Lot Line

means a boundary line of a lot.

Flankage Lot Line

means any lot line that abuts the street or private road but is not the front lot line.

Front Lot Line

means the line dividing the lot from the street or private road. In the case of a corner lot or a lot with more than one line abutting a single street or private road the shorter boundary line abutting the street or private road shall be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street or private road shall be deemed to be the front lot line.

Rear Lot Line

means the lot line farthest from or opposite to the front lot line, but is not a flankage lot line.

Side Lot Line

means a lot line other than a front, flankage, or rear lot line.



M

Main Building

means the building designed or used for the principle use on the lot.

Main Wall

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

Marina

means a commercial establishment or premise, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired, or kept for sale or rent and may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Medical Clinic

means a building or part of a building where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital or a professional office located in the practitioner's home.

Municipal Government Act ("The Act")

means the *Municipal Government Act*, SNS 1998, Chapter 18 and amendments thereto.

Municipal Landfill Site

means land owned by the Municipality of the District of Yarmouth and intended for the disposal of waste material, including the temporary storage, consolidation and transfer, sorting, processing, treatment, or recycling of waste material.

Municipal Planning Strategy

means the Municipal Planning Strategy of the Municipality of the District of Yarmouth.

Municipality

means, where the context dictates, either the Body Corporate of the Municipality of the District of Yarmouth, or the geographical area incorporated as the Municipality of the District of Yarmouth.

N

O

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 the emission of gas, fumes, dust or objectionable odour; or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste, or other material.

Ordinary High Water Mark

means, for non-tidal waters, the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; and for tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows.

Outdoor Commercial Display

means a lot or an area of land where goods are displayed for the purpose of encouraging the purchase of the display items by the general public.

Outdoor Furnace

means a solid fuel burning furnace which provides heat to any structure other than that which houses the outdoor furnace.

P

Park or Playground

means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, walking paths, play structures, ponds, fountains, and dog parks.

Parking Lot or Structure

means an open area of land other than a street or an area within a structure for the parking of motor vehicles.

Parking Space

means an area of land for the temporary parking of motor vehicles exclusive of driveways, aisles or maneuvering areas.

Personal Service Shop

means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining or shoe repair shops, tailoring shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning.

Place of Worship

means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

Private Road

means any road that is not owned by the Municipality of the District of Yarmouth or the Province of Nova Scotia.

Public Road or Street

means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality of the District of Yarmouth, but does not include a controlled-access highway.

Q

Qualified Person

means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession in the province of Nova Scotia and, if required by applicable legislation, is a member in good standing in the professional body representing and/or regulating the profession in Nova Scotia.

R

Racing Track

means:

Racing Track, Animal

means a facility built for the racing of animals, including but not limited to horses.

Racing Track, Vehicle

means a facility built for the racing of vehicles.

Recreational Use, Private

means:

Private Recreational Use, Indoor

means the use of private buildings or facilities for arenas, sports facilities, swimming pools, or commercial recreation or amusement opportunities.

Private Recreational Use, Outdoor

means the use of private land for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, amusement, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including recreation centres, shooting ranges, or a track for the racing of animals, or any form of motorized vehicles.

Recreational Vehicle

means a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that meets the definition of a derelict vehicle under the *Municipal Government Act*.

Recycling Depot

means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

Restaurant

means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public, including a drive-through, eat-in, or take-out restaurant.

Retail Store

means a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, display courts, retail lumber and home improvement yards, or heavy equipment sales and rentals.

Right-of-way

means an easement for access extending to and having access to a public road or water frontage.

RV Park

means the use of land for more than two recreational vehicles for the purpose of habitation or accommodations.

S

Salvage Yard

means an area of land where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery are placed or stored or kept; and a salvage yard under this By-law is not limited to a salvage yard as defined by the *Salvage Yards Licensing Act* of Nova Scotia and it does not include a scrap yard or recycling depot.

Scrap Yard

means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, tires, metal or other scrap material but does not include a salvage yard or recycling depot.

Setback

means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

Setback, Flankage

means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

Setback, Front

means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot.

Setback, Rear

means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.

Setback, Side

means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.

Separation Distance

means the straight line distance measured between two structures.

Shipping Container

means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.

Shooting Range

means the use of land or buildings with provided targets for the purpose of controlled firearms shooting practice.

Sign

means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose and that is intended to be seen from off the premises or from a parking lot. For greater clarity, signs not located such that they are visible from off the premises or from a parking lot are not considered signs for the purpose of this By-law and are not subject to the signage requirements of this By-law.

Facial Wall Sign

means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building or structure wall.

Ground Sign

means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Projecting Wall Sign

means a sign that is attached to and projects from a structure or building face.

Roof Sign

means a sign which is located on or projects above the roof line of a building and is fastened or secured in any manner to the roof.

Sign Area

means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.

Site Plan Approval

means an approval issued by the Development Officer authorizing a development in accordance with the provisions for site-plan approvals in the Municipal Planning Strategy, Land Use By-law and *Municipal Government Act*.

Sleeping Unit

means a lockable room or rooms provided for the use of a single party and may or may not include an *en suite* washroom and/or small kitchenette facilities.

Small Item Repair Shop

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

Small Options Home

means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Solar Collector

means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Solar Collector, Accessory

means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.

Solar Collector, Main

means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.

Solid Waste Disposal

means facilities for the treatment and disposal of solid waste, such as garbage or compost, and includes incinerators and landfills, but does not include a salvage yard.

Special Care Home

means an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves. This includes nursing homes, long-term care facilities, supportive housing, transitional housing, rooming homes, emergency shelters, and similar uses, but shall not include correctional facilities.

Storey

means that portion of a building between any floor and the floor, ceiling, or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 feet above grade. Any portion of a storey exceeding 14 feet in height shall be deemed an additional storey for each 14 feet or fraction thereof.

Street Line

means the boundary line of a public road or private road.

Structure

means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building, but shall exclude fences less than 1.9 metres in height.

Subdivision By-law

means the Subdivision By-law of the Municipality of the District of Yarmouth.

T

Taxi and Bus Station

Text

Telecommunications Structures

means a building or structure erected for the purpose of transmitting communication signals including but not limited to radio and TV broadcasting, emergency medical services, global positioning satellite, and cellular phone signals.

Tour Operator

means any commercial establishment or business offering sightseeing tours or experiential tourism offerings including but not limited to cycling, walking, or watercraft tours, fishing excursions, and whale watching.

Trails and Conservation Uses

means the use of land for trails, boardwalks, floating docks, open space, interpretive panels or kiosks, washrooms, and any structure or building necessary for conservation purposes or scientific research related to the lands in question or to adjacent water bodies.

Travel Trailer

means a trailer that is mounted on axels, licensed for highway use and designed to be towed by vehicles on highways that is used or intended to be used for short-term and is intended to be located or parked on a site for a temporary period.

U

Use

means the purpose for which any land, building, or structure is utilized.

Utility

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

V

Variance

means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in Section 235-237 of the *Municipal Government Act*.

W

Water Frontage

means the horizontal distance between the two points where the side lot lines of a waterfront lot intersect the ordinary high-water mark of a watercourse. Where a lot intersects a watercourse or watercourses multiple times the water frontage for the lot shall be considered the sum of all segments greater than 2.0 metres in length.

Watercourse

means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

Wholesale and Distribution

Large-scale distribution and sales of goods in large quantities.

Wind Turbine Generator

means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

Blade

means an element of the wind turbine rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

Blade Clearance

means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

Horizontal Axis Rotor

means a device that utilizes the wind's kinetic energy to produce electrical power or mechanical energy where the rotor is mounted on an axis approximately parallel to the earth's surface.

Nacelle

means a component of a wind turbine that houses its generating components including, but not limited to, the gearbox, generator, drive train, and brake assembly.

Rotor's Arc

means the largest circumferential path travelled by the wind turbine blade.

Separation Distance

means the horizontal distance measured from the closest external face of the base of the wind turbine tower to any specified feature or object.

Total Height

means the height from grade to the highest vertical extension of the wind turbine, and in the case of a wind turbine with a horizontal axis rotor, means the vertical distance measured from established grade to the highest point of the rotor's arc.

Tower

means the structure which supports the rotor above grade.

Vertical Axis Rotor

means a device that utilizes the wind's kinetic energy to produce electrical power or mechanical energy where the rotor is mounted on an axis approximately perpendicular to the earth's surface.

Wind Turbine Generator, Micro-scale

means a wind turbine generator less than 10 kw in nameplate generating capacity. The power generated from a micro-scale wind turbine generator is typically intended for on-site usage.

Wind Turbine Generator, Small-scale

means a wind turbine generator between 10 and 100 kilowatts (kW) in nameplate generating capacity and less than 60 metres in total height. The power generated from a small-scale wind turbine generator is typically intended for on-site usage.

Wind Turbine Generator, Large-scale

means a wind turbine generator greater than 100 kilowatts (kW) in nameplate generating capacity and/or greater than 60 metres in total height. The power generated from a large-scale wind turbine generator is typically intended to supply the Nova Scotia Power grid system.



Y

Yard

means an open uncovered space on the lot of a main building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law.

Yard, Flankage

means the area of land extending from the front yard to the rear yard and between the flankage lot line and the nearest main wall of any main building on the lot.

Yard, Front

means the area extending across the full width of a lot between the front lot line and the nearest main wall of any main building on the lot.

Yard, Rear

means the area extending across the full width of a lot between the rear lot line and the nearest main wall of any main building on the lot.

Yard, Side

means the area of land extending from the front yard to the rear yard and between the side lot line and the nearest main wall of any main building on the lot.

Z

Zone

means a specified area of land shown on Schedule “A” of this By-law.

Chapter 32 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

33 SCHEDULES AND APPENDICES

Schedule A—Zoning Maps

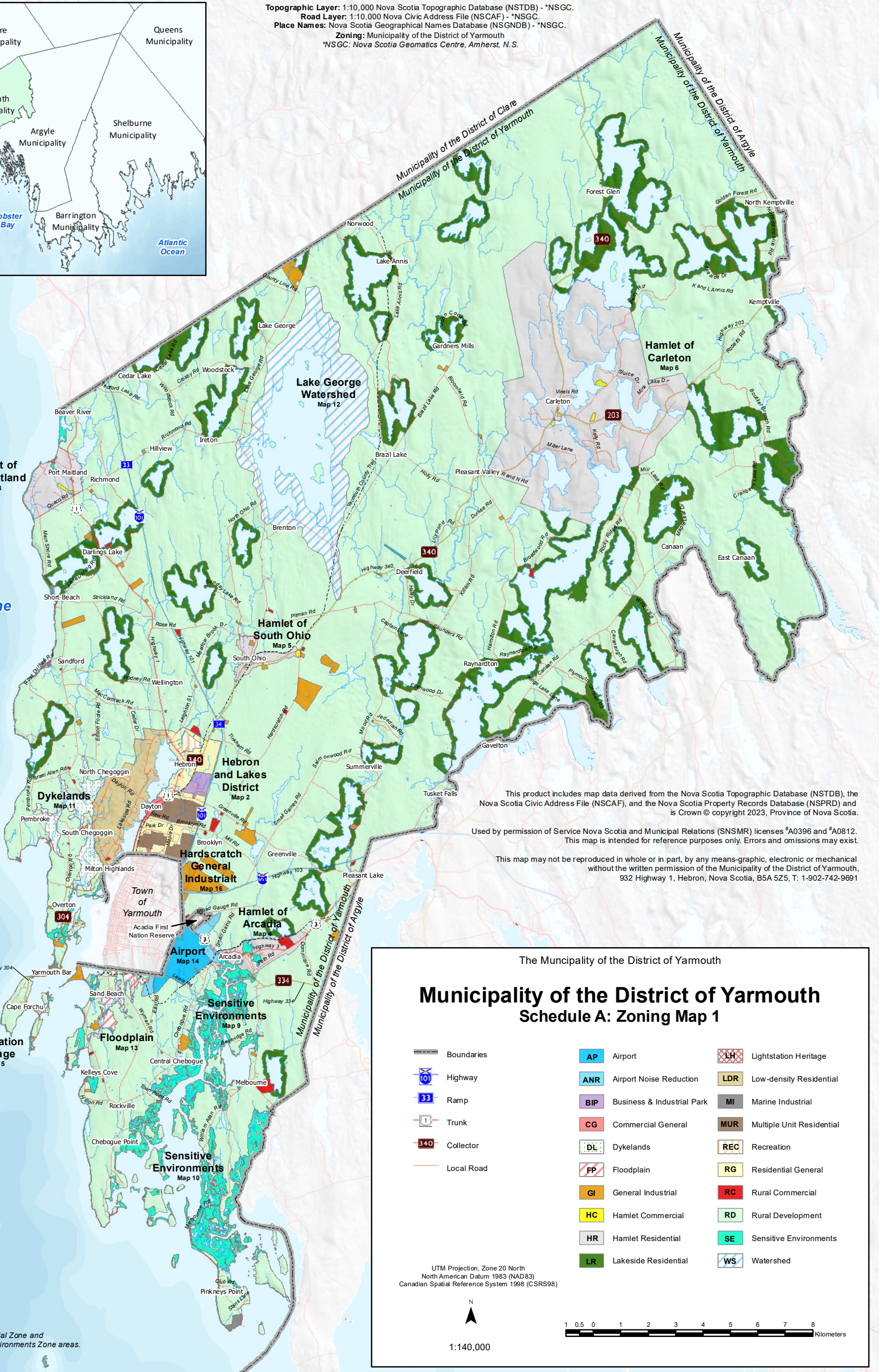
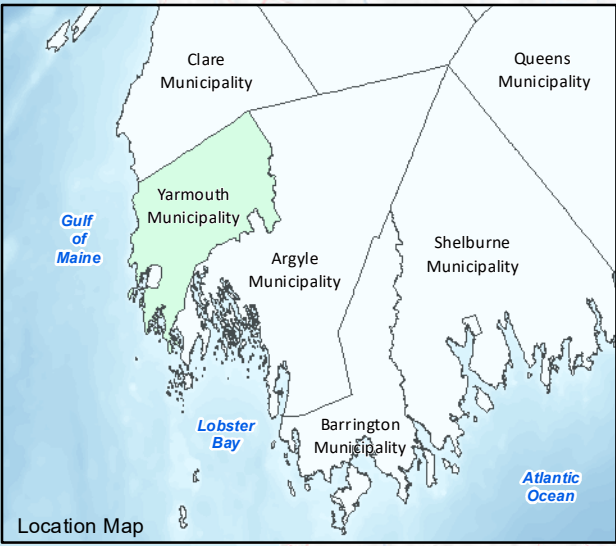
Appendix A—Site Plan Application

Appendix B—Lake George Watershed Protected Water Area Regulations

Chapter 33 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

Topographic Layer: 1:10,000 Nova Scotia Topographic Database (NSTDB) - *NSGC.
 Road Layer: 1:10,000 Nova Civic Address File (NSCAF) - *NSGC.
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The Municipality of the District of Yarmouth

Municipality of the District of Yarmouth Schedule A: Zoning Map 1

Boundaries	Airport	Lightstation Heritage
Highway	Airport Noise Reduction	Low-density Residential
Ramp	Business & Industrial Park	Marine Industrial
Trunk	Commercial General	Multiple Unit Residential
Collector	Dykelands	Recreation
Local Road	Floodplain	Residential General
	General Industrial	Rural Commercial
	Hamlet Commercial	Rural Development
	Hamlet Residential	Sensitive Environments
	Lakeside Residential	Watershed

UTM Projection, Zone 20 North
 North American Datum 1983 (NAD83)
 Canadian Spatial Reference System 1998 (CSRS98)

1:140,000

0 1 2 3 4 5 6 7 8 Kilometers

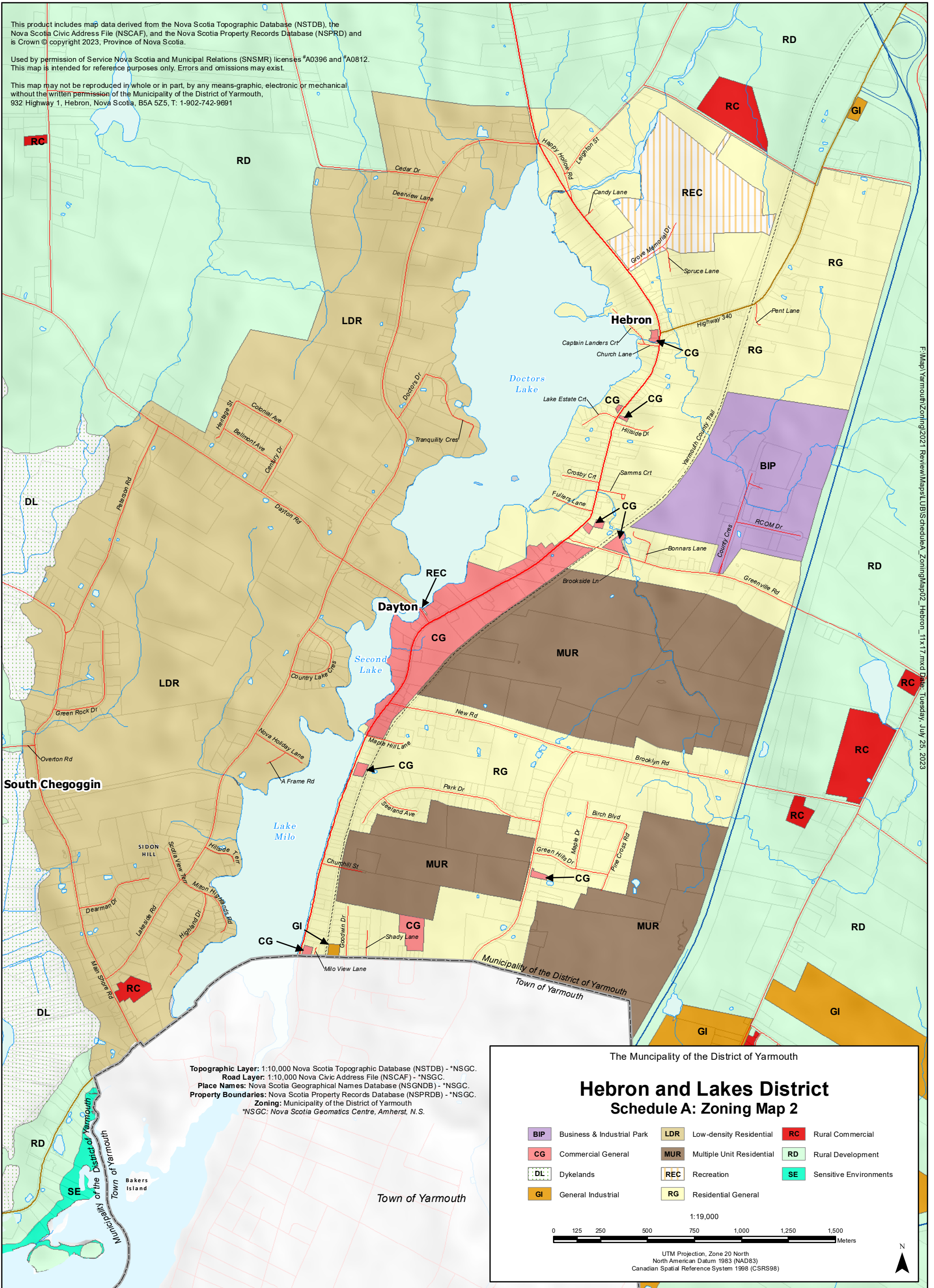
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See map 7 for Marine Industrial Zone and map 8 for other Sensitive Environments Zone areas.

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The Municipality of the District of Yarmouth

Hebron and Lakes District Schedule A: Zoning Map 2

BIP Business & Industrial Park	LDR Low-density Residential	RC Rural Commercial
CG Commercial General	MUR Multiple Unit Residential	RD Rural Development
DL Dykelands	REC Recreation	SE Sensitive Environments
GI General Industrial	RG Residential General	

1:19,000

0 125 250 500 750 1,000 1,250 1,500
Meters

UTM Projection, Zone 20 North
North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)

N

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The Municipality of the District of Yarmouth

Hamlet of Port Maitland Schedule A: Zoning Map 3

- | | |
|------------------------------|---------------------------------|
| HR Hamlet Residential | MI Marine Industrial |
| HC Hamlet Commercial | SE Sensitive Environment |

1:9,000



UTM Projection, Zone 20 North
North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)



Topographic Layer: 1:10,000 Nova Scotia Topographic Database (NSTDB) - *NSGC.
Road Layer: 1:10,000 Nova Civic Address File (NSCAF) - *NSGC.
Place Names: Nova Scotia Geographical Names Database (NSGNDB) - *NSGC.
Property Boundaries: Nova Scotia Property Records Database (NSPRDB) - *NSGC.
Zoning Layers: Municipality of the District of Yarmouth
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Gulf of Maine

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Burns Point

Pitmans

Backus

Breakwater Rd

Main Street Rd

Gauley Rd

Quapp Rd

Spider St

Lake Rd

Charles St

Hector St

High St

Richmond Rd

Port Maitland

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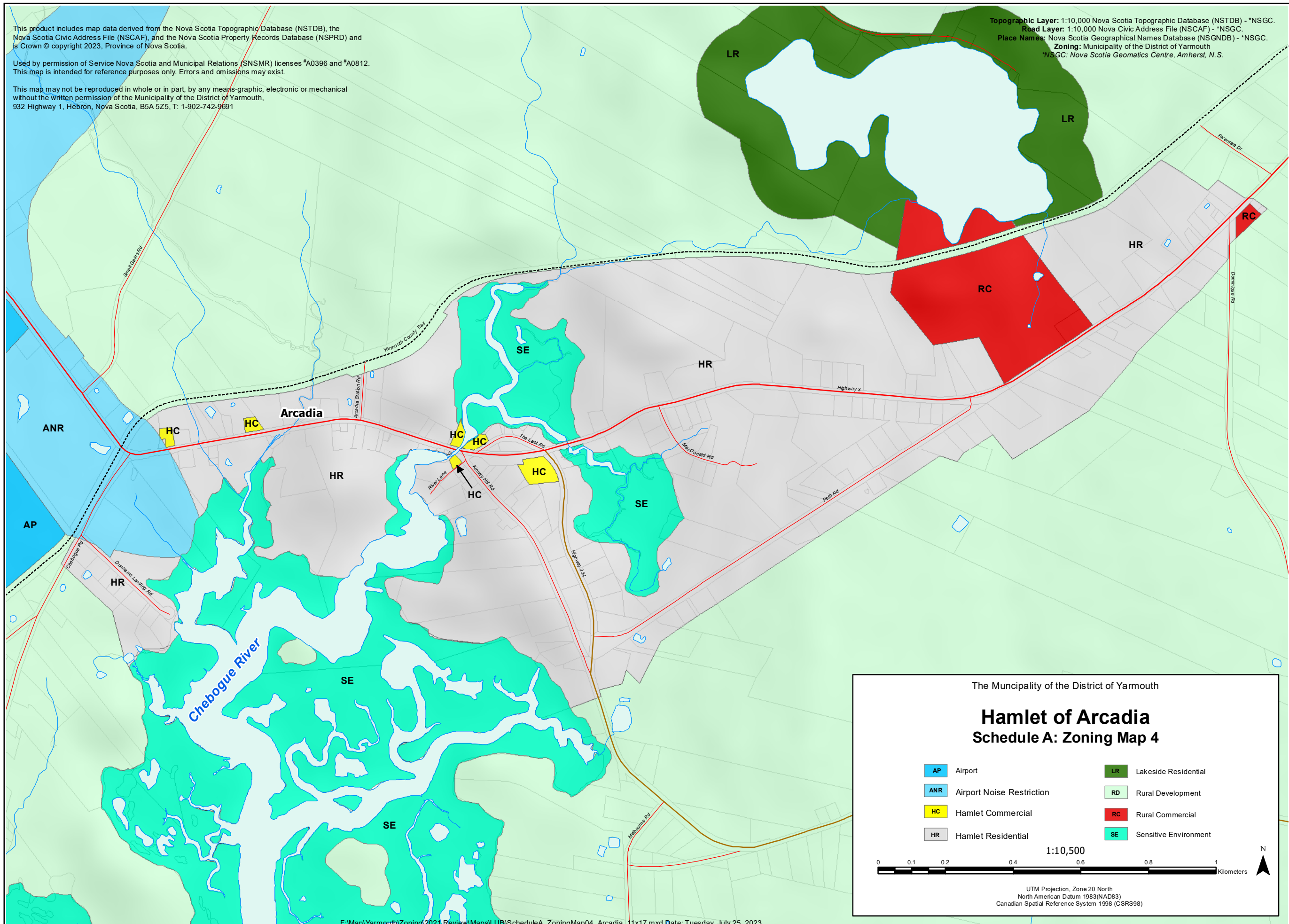
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 Zoning: Municipality of the District of Yarmouth
 *NSGC: Nova Scotia Geomatics Centre, Amherst, N.S.



The Municipality of the District of Yarmouth

Hamlet of Arcadia Schedule A: Zoning Map 4

AP Airport	LR Lakeside Residential
ANR Airport Noise Restriction	RD Rural Development
HC Hamlet Commercial	RC Rural Commercial
HR Hamlet Residential	SE Sensitive Environment

1:10,500

0 0.1 0.2 0.4 0.6 0.8 1 Kilometers

N

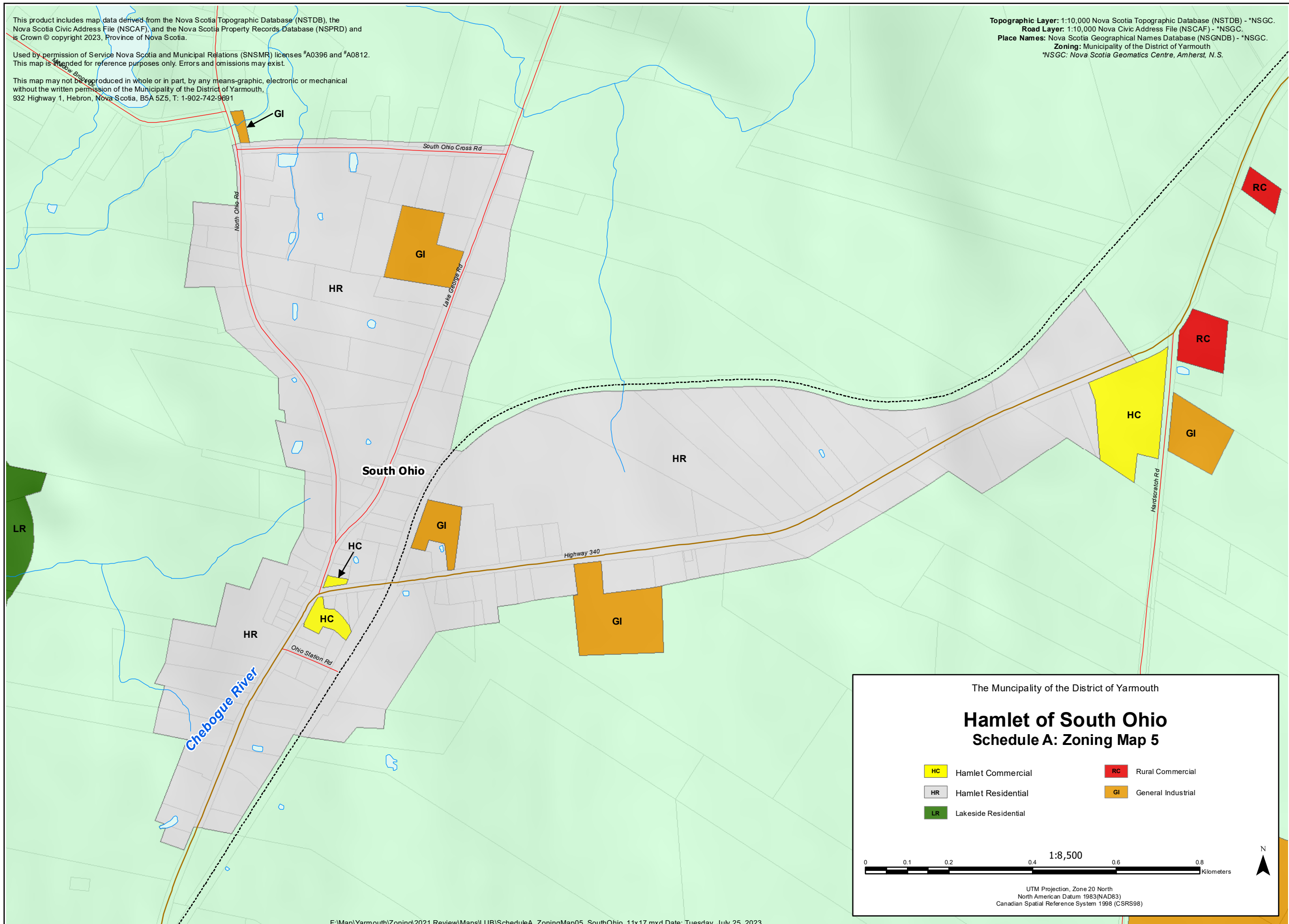
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 Canadian Spatial Reference System 1998 (CSRS98)

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Road Layer: 1:10,000 Nova Civic Address File (NSCAF) - *NSGC.
Place Names: Nova Scotia Geographical Names Database (NSGND) - *NSGC.
Zoning: Municipality of the District of Yarmouth
*NSGC: Nova Scotia Geomatics Centre, Amherst, N.S.



The Municipality of the District of Yarmouth

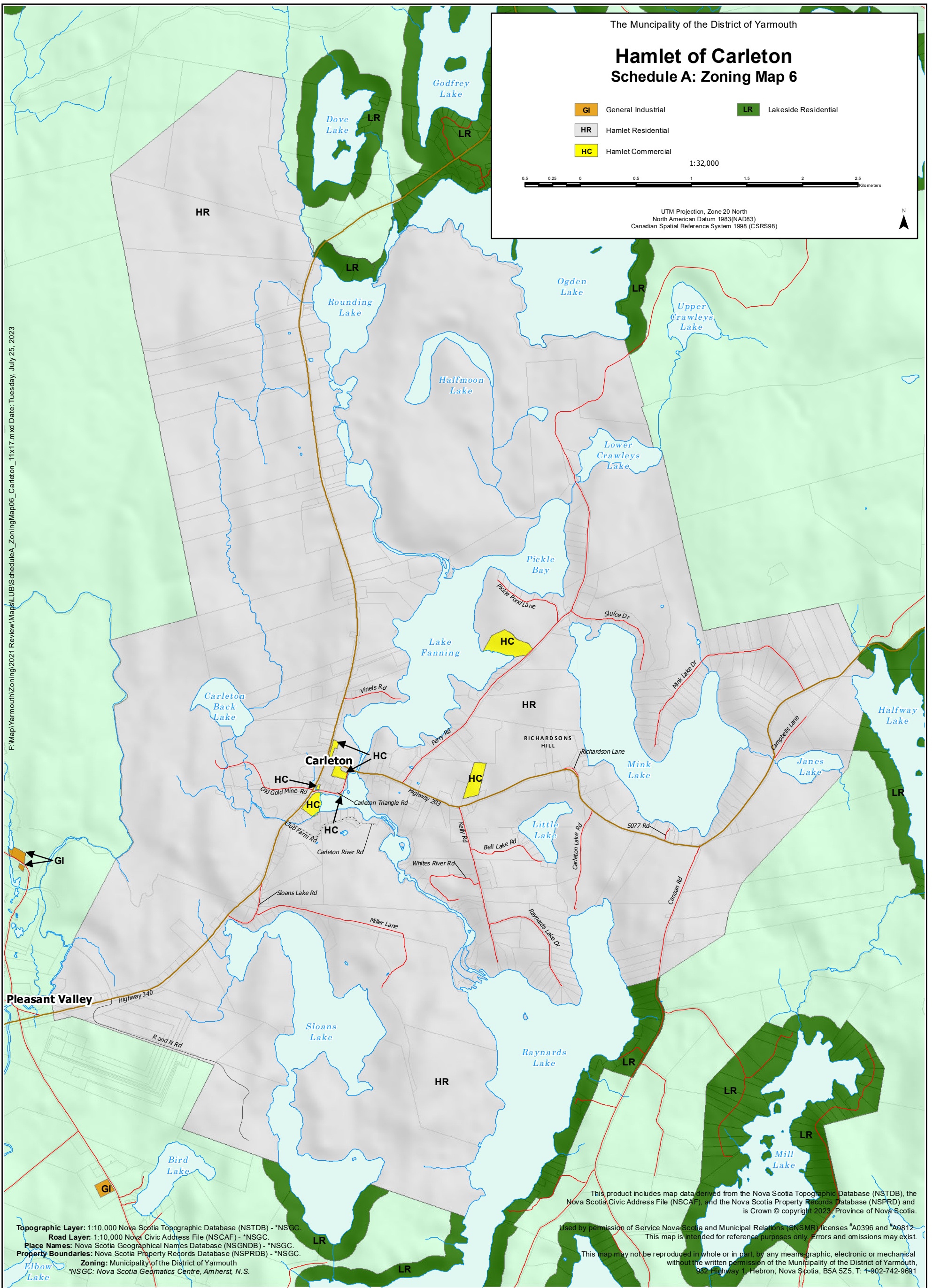
Hamlet of Carleton Schedule A: Zoning Map 6

- GI General Industrial
- HR Hamlet Residential
- HC Hamlet Commercial
- LR Lakeside Residential

1:32,000



UTM Projection, Zone 20 North
North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)



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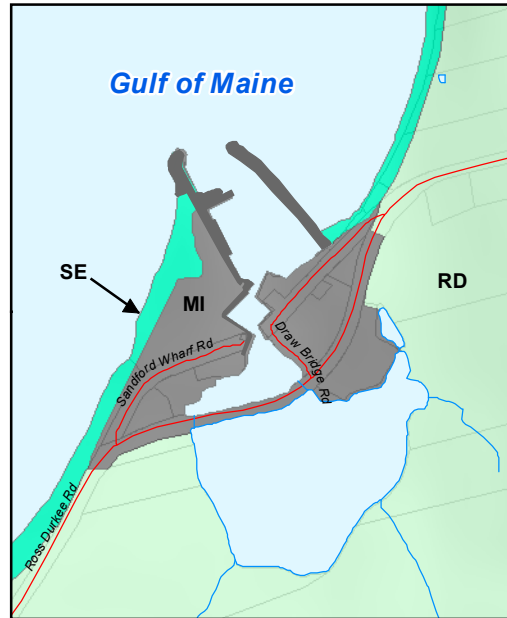
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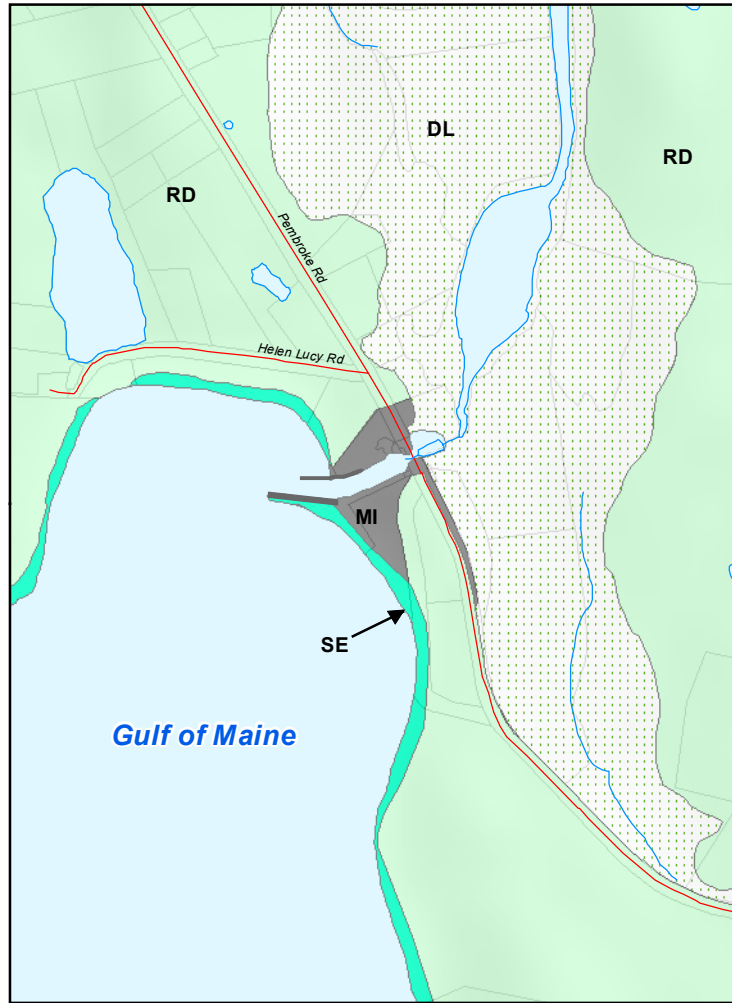
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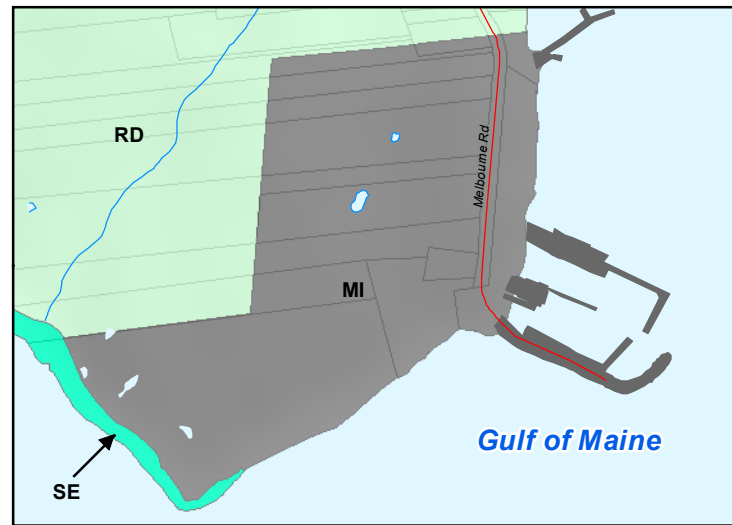
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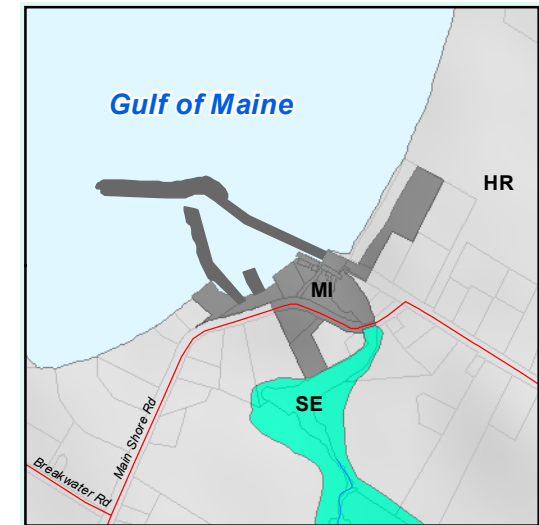
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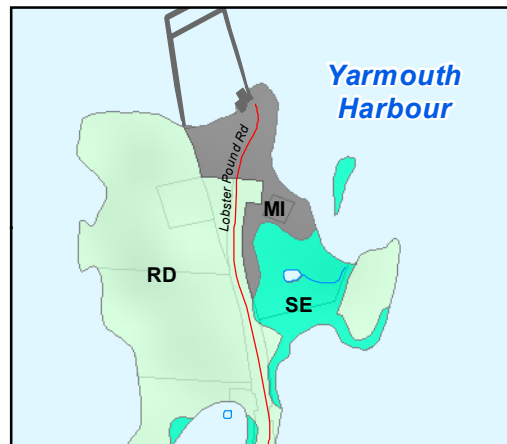
Pembroke



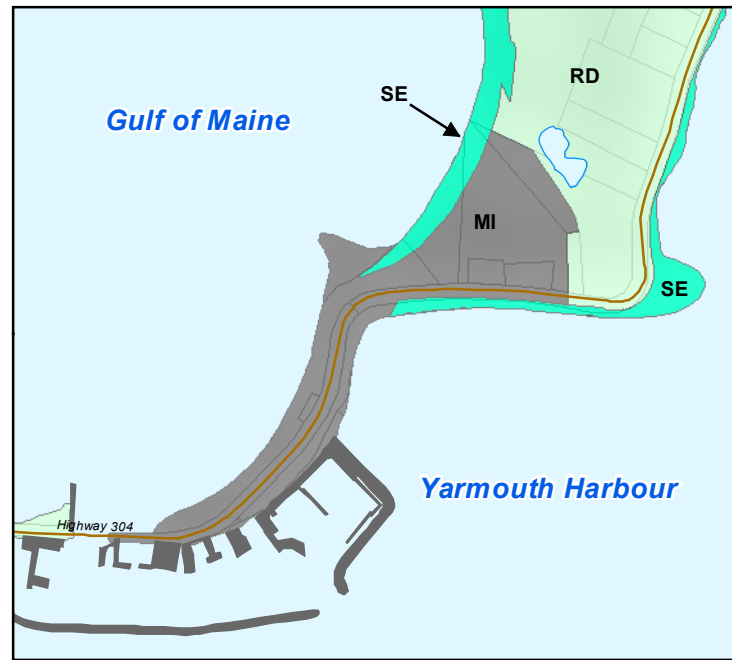
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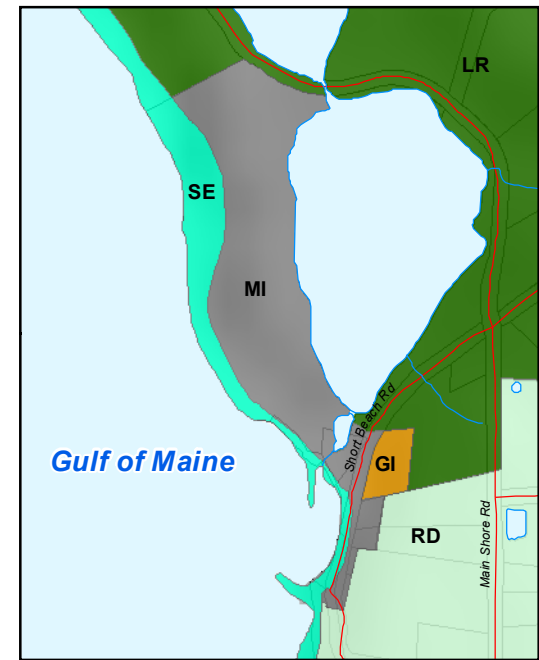
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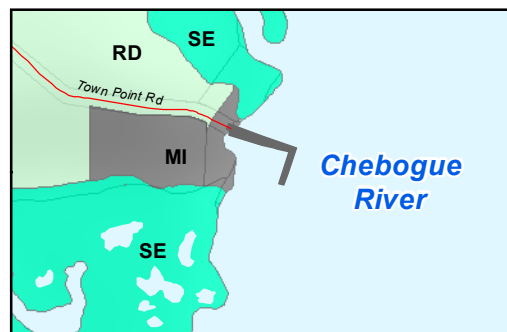
Potato Field Point



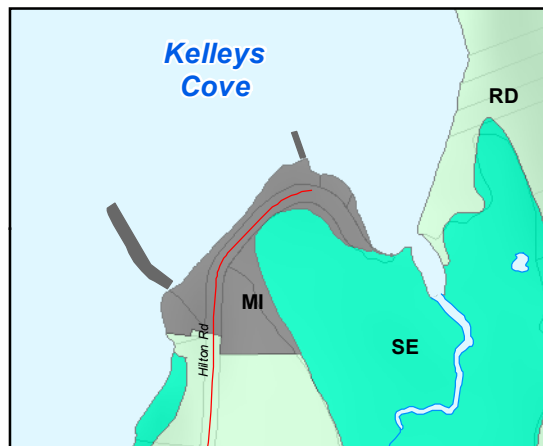
Yarmouth Bar



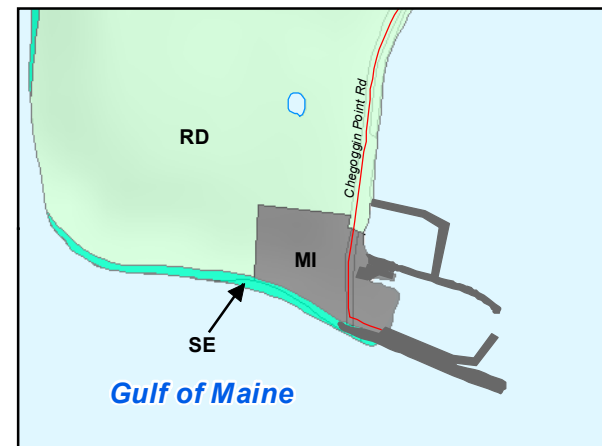
Short Beach



Town Point



Kellys Cove



Chegoggin Point

The Municipality of the District of Yarmouth

Marine Industrial Schedule A: Zoning Map 7

DL Dykelands	RD Rural Development
HR Hamlet Residential	GI General Industrial
LR Lakeside Residential	SE Sensitive Environment
MI Marine Industrial	

1:10,000

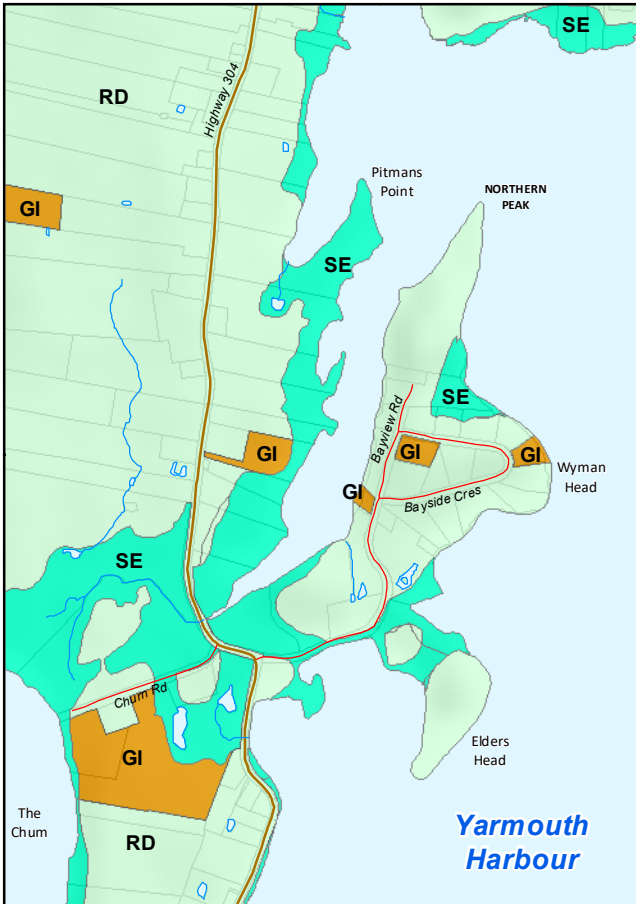
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North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)

Topographic Layer: 1:10,000 Nova Scotia Topographic Database (NSTDB) - *NSGC.
Road Layer: 1:10,000 Nova Civic Address File (NSCAF) - *NSGC.
Place Names: Nova Scotia Geographical Names Database (NSGND) - *NSGC.
Property Boundaries: Nova Scotia Property Records Database (NSPRD) - *NSGC.
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*NSGC: Nova Scotia Geomatics Centre, Amherst, N.S.

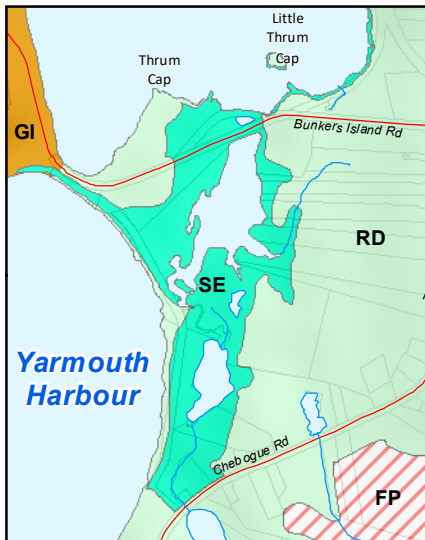
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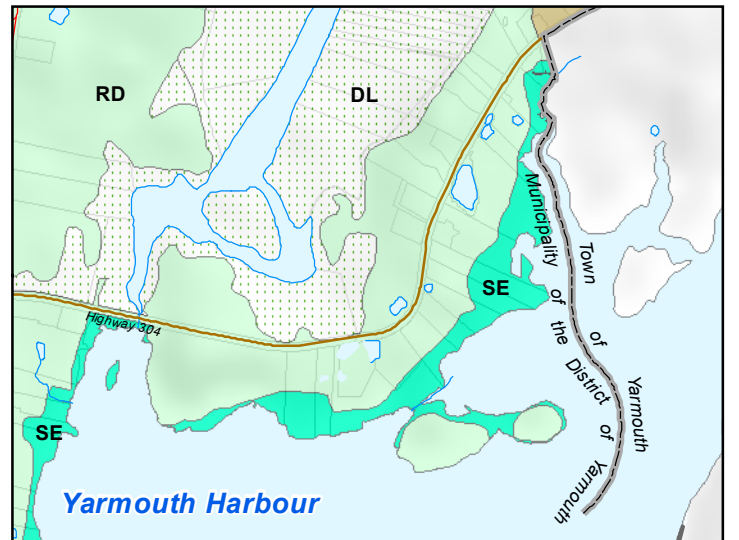
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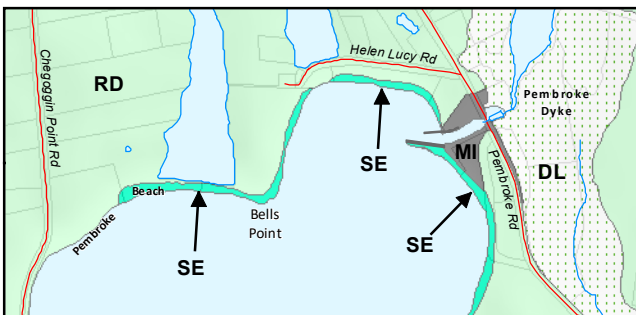
Overton



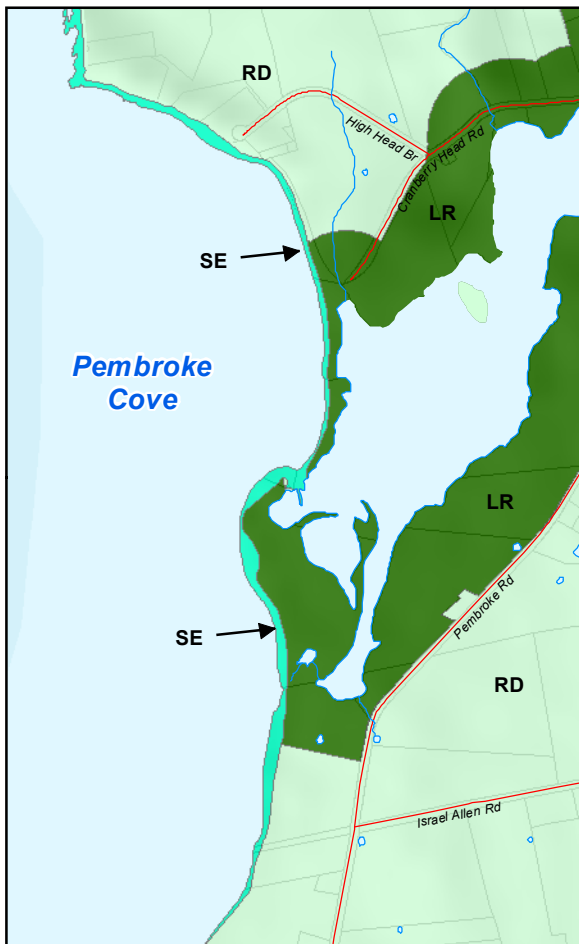
Sand Beach



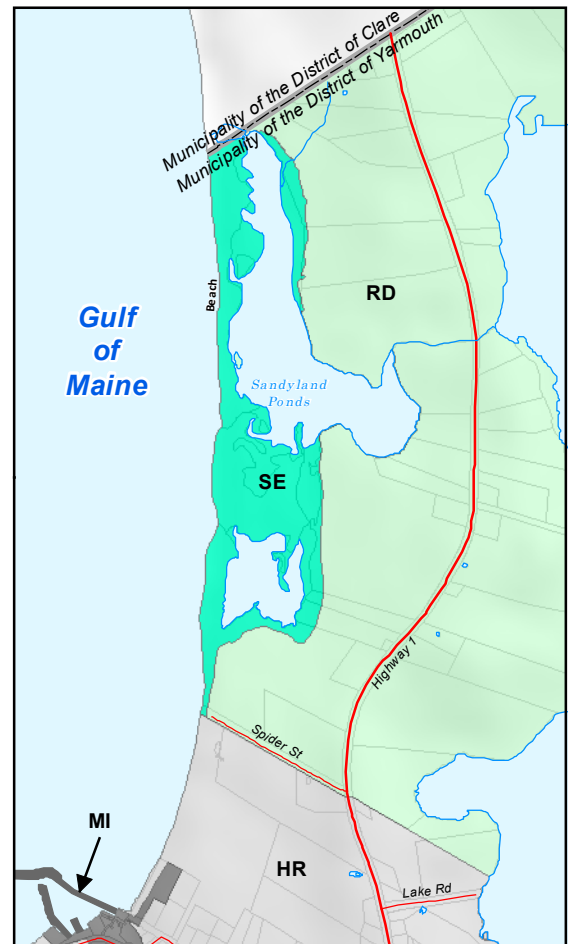
Overton



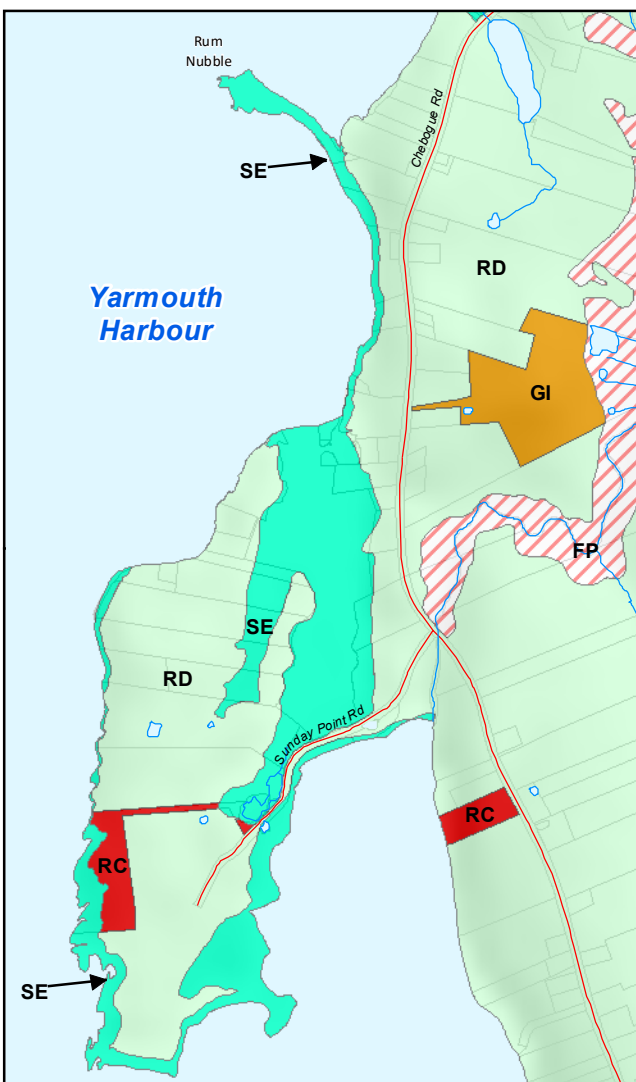
Pembroke Beach



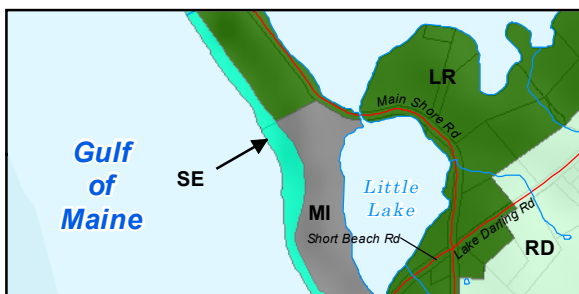
Pembroke



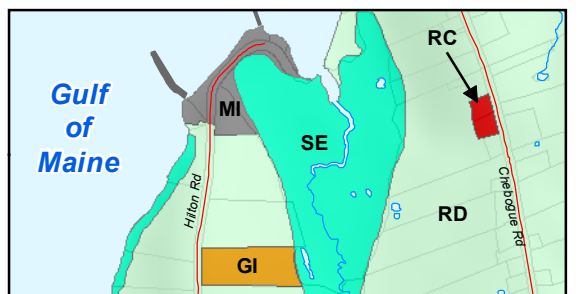
Port Maitland



Sand Beach



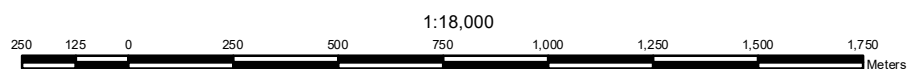
Short Beach



Kellys Cove

The Municipality of the District of Yarmouth
**Sensitive Environments
 Schedule A: Zoning Map 8**

- Dykelands
- Lakeside Residential
- General Industrial
- Floodplain
- Marine Industrial
- Rural Commercial
- Hamlet Residential
- Rural Development
- Sensitive Environments














UTM Projection, Zone 20 North
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 Canadian Spatial Reference System 1998 (CSRS98)



Topographic Layer: 1:10,000 Nova Scotia Topographic Database (NSTDB) - *NSGC.
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The Municipality of the District of Yarmouth

Sensitive Environments Schedule A: Zoning Map 9

- | | | |
|---|---|--|
|  AP Airport |  HC Hamlet Commercial |  RC Rural Commercial |
|  ANR Airport Noise Reduction |  HR Hamlet Residential |  RD Rural Development |
|  FP Floodplain |  LR Lakeside Residential |  SE Sensitive Environment |
|  GI General Industrial |  MI Marine Industrial | |

0.25 0.125 0 0.25 0.5 0.75 1 1.25 1.5 1.75 2
Kilometers

UTM Projection, Zone 20 North
North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)

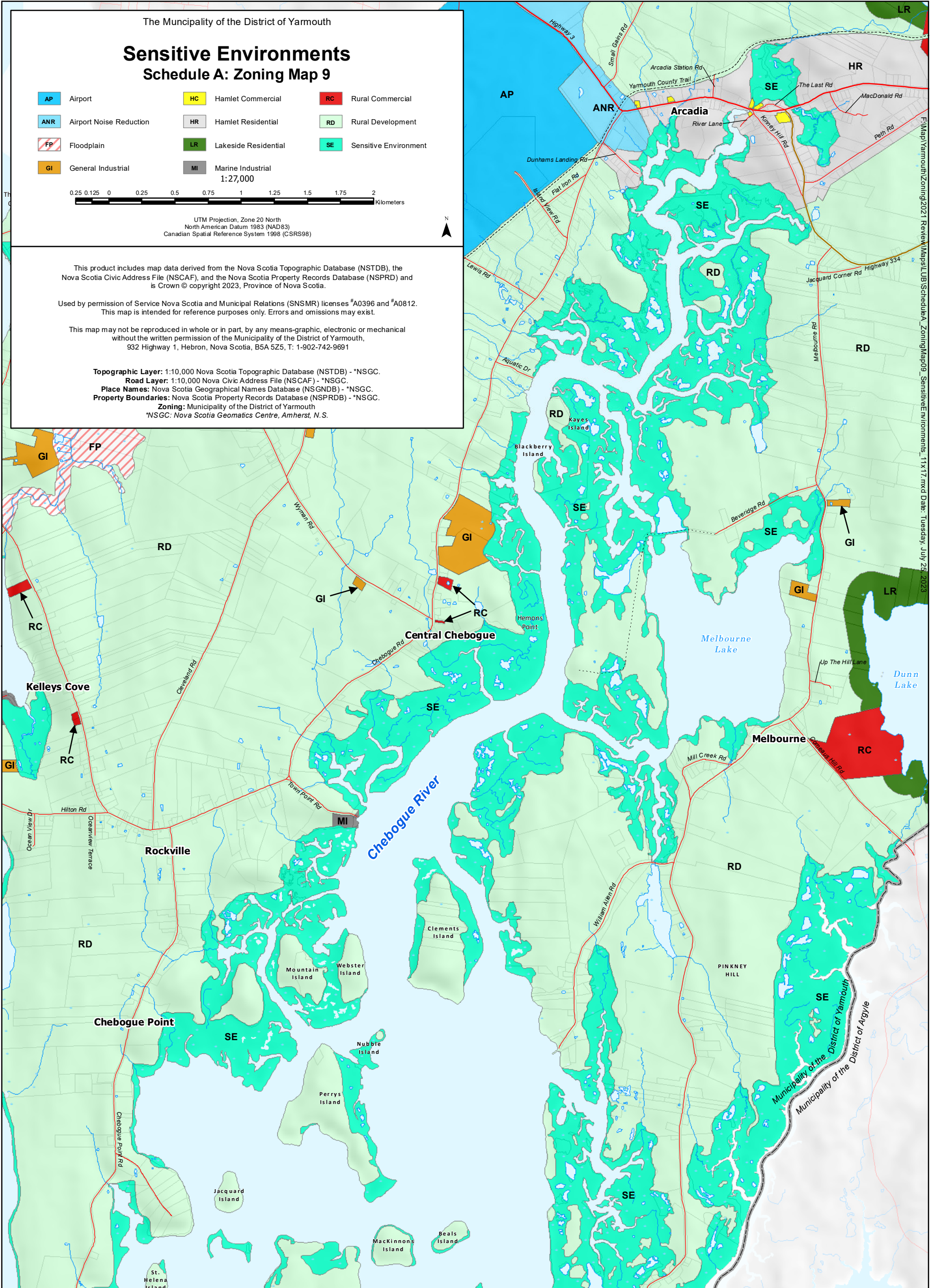


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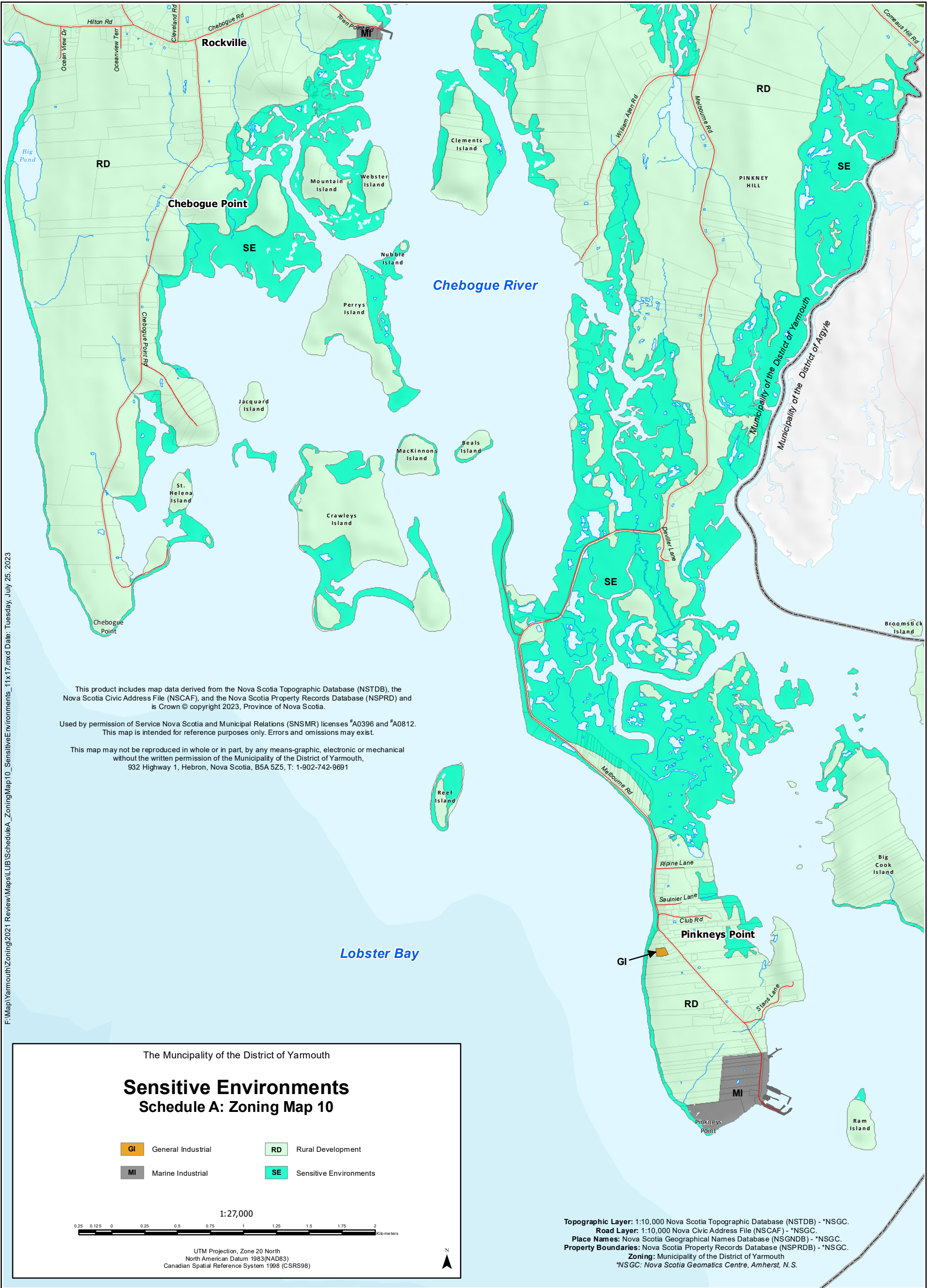
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The Municipality of the District of Yarmouth

Sensitive Environments Schedule A: Zoning Map 10

- GI General Industrial
- MI Marine Industrial
- RD Rural Development
- SE Sensitive Environments

1:27,000



UTM Projection, Zone 20 North
North American Datum 1983(NAD83)
Canadian Spatial Reference System 1998 (CSRS98)



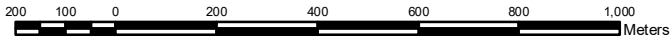
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Place Names: Nova Scotia Geographical Names Database (NSGND) - *NSGC.
Property Boundaries: Nova Scotia Property Records Database (NSPRD) - *NSGC.
Zoning: Municipality of the District of Yarmouth
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The Municipality of the District of Yarmouth

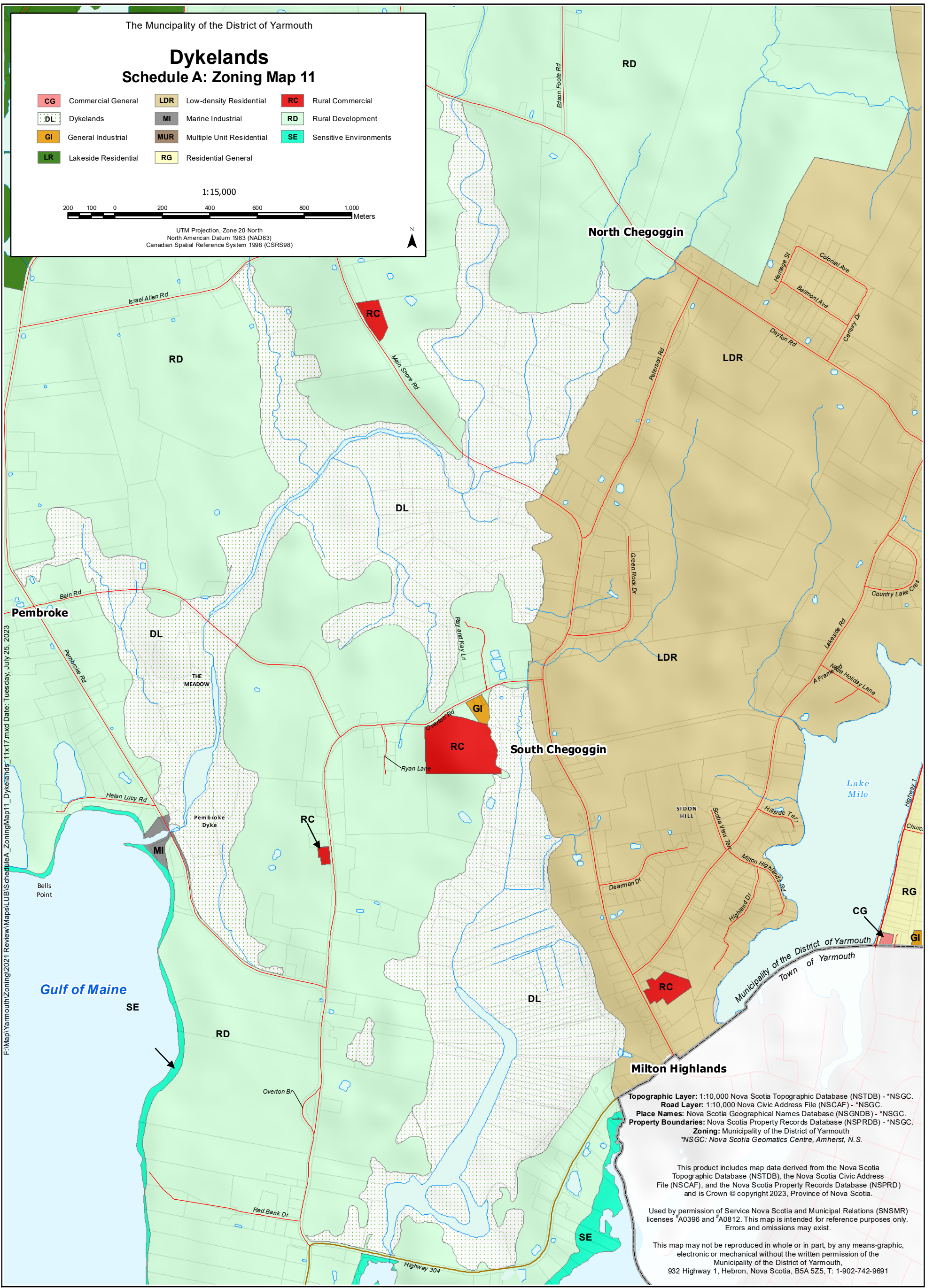
Dykeland's Schedule A: Zoning Map 11

CG Commercial General	LDR Low-density Residential	RC Rural Commercial
DL Dykelands	MI Marine Industrial	RD Rural Development
GI General Industrial	MUR Multiple Unit Residential	SE Sensitive Environments
LR Lakeside Residential	RG Residential General	

1:15,000



UTM Projection, Zone 20 North
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 Canadian Spatial Reference System 1998 (CSRS98)



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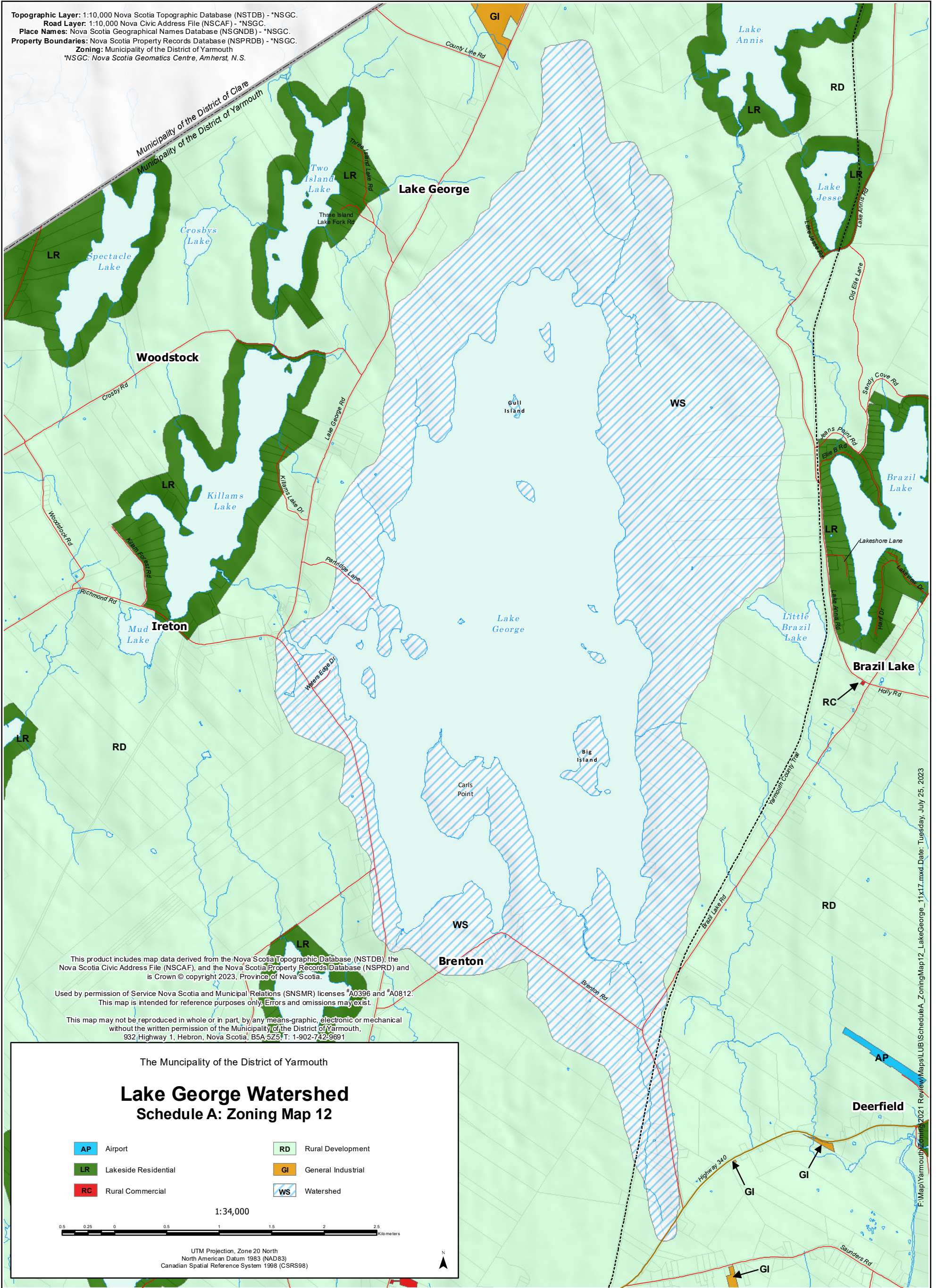
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Property Boundaries: Nova Scotia Property Records Database (NSPRDB) - *NSGC.
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The Municipality of the District of Yarmouth
Lake George Watershed
Schedule A: Zoning Map 12

- | | |
|--------------------------------|------------------------------|
| AP Airport | RD Rural Development |
| LR Lakeside Residential | GI General Industrial |
| RC Rural Commercial | WS Watershed |

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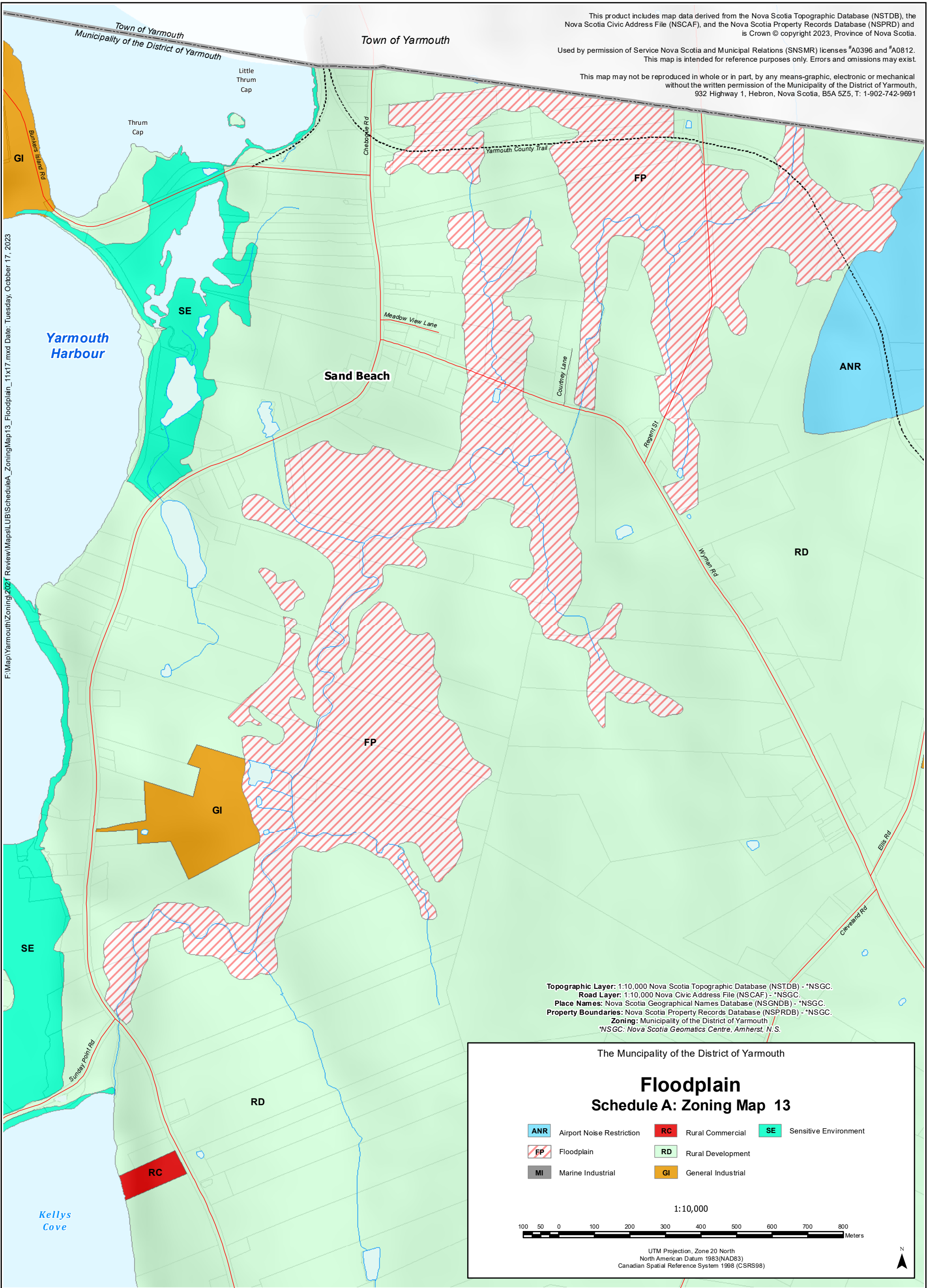


UTM Projection, Zone 20 North
 North American Datum 1983 (NAD83)
 Canadian Spatial Reference System 1998 (CSRS98)



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F:\Map\Yarmouth\Zoning\2021\Review\Map\LUB\ScheduleA_ZoningMap13_Floodplain_11x17.mxd Date: Tuesday, October 17, 2023



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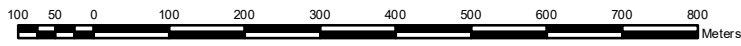
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The Municipality of the District of Yarmouth

Floodplain Schedule A: Zoning Map 13

- ANR** Airport Noise Restriction
- RC** Rural Commercial
- SE** Sensitive Environment
- FP** Floodplain
- RD** Rural Development
- MI** Marine Industrial
- GI** General Industrial

1:10,000



UTM Projection, Zone 20 North
North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)

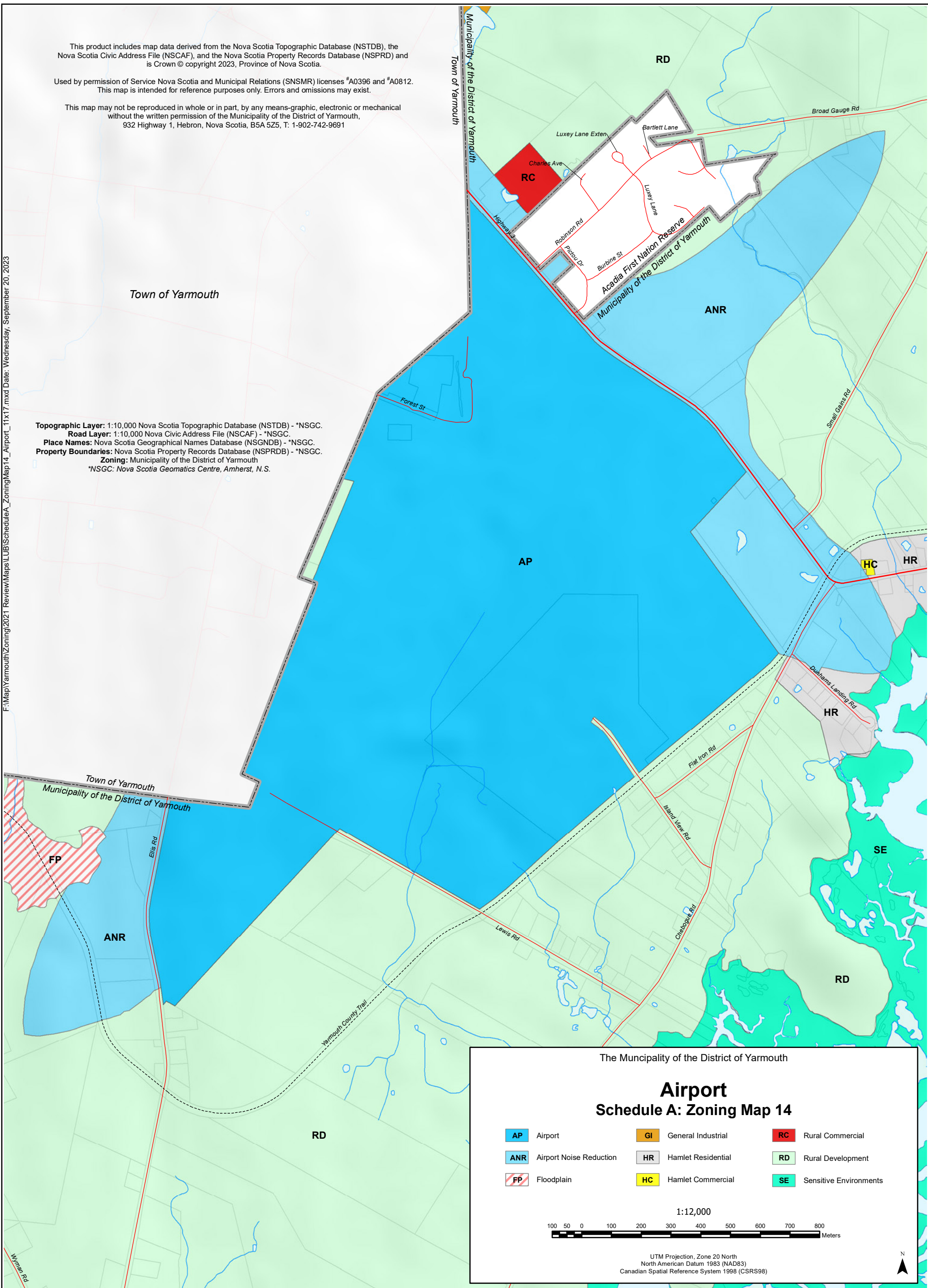


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F:\Map\Yarmouth\Zoning\2021_Review\Maps\LUB\ScheduleA_ZoningMap14_Airport_11x17.mxd Date: Wednesday, September 20, 2023



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The Municipality of the District of Yarmouth

Airport Schedule A: Zoning Map 14

AP Airport	GI General Industrial	RC Rural Commercial
ANR Airport Noise Reduction	HR Hamlet Residential	RD Rural Development
FP Floodplain	HC Hamlet Commercial	SE Sensitive Environments

1:12,000

100 50 0 100 200 300 400 500 600 700 800 Meters

UTM Projection, Zone 20 North
North American Datum 1983 (NAD83)
Canadian Spatial Reference System 1998 (CSRS98)

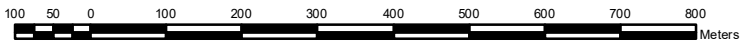
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The Municipality of the District of Yarmouth

Lightstation Heritage Schedule A: Zoning Map 15

- Lightstation Heritage
- RD Rural Development
- MI Marine Industrial
- SE Sensitive Environment

1:10,000



UTM Projection, Zone 20 North
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Gulf of Maine

SE

RD

Cape Forchu

SE

OUTER
FALSE
HARBOUR

INNER
FALSE
HARBOUR

Johns
Cove

West
Cape

SE

LH

RD

East
Cape

Spruce
Point

Careys
Cove

SE

Yarmouth Bar

MI

RD

Highway 304

Doanes
Point

Bear
Island

Tympanys
Island

Potato
Field
Point

Rams
Horn

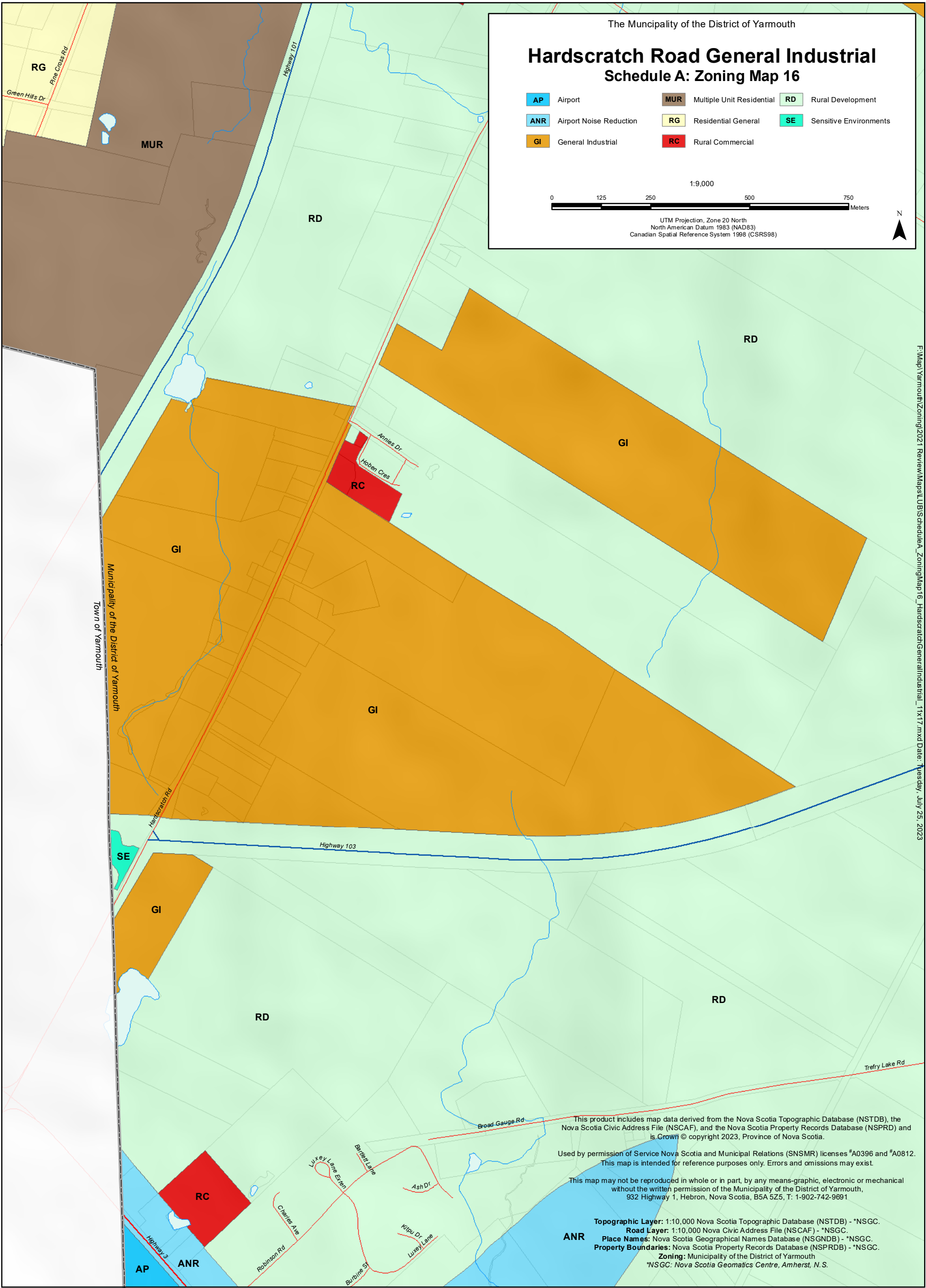
Ships
Stren

Gunners
Point

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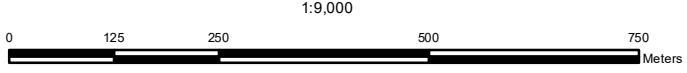
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The Municipality of the District of Yarmouth

Hardscratch Road General Industrial Schedule A: Zoning Map 16

- AP Airport
- MUR Multiple Unit Residential
- RD Rural Development
- ANR Airport Noise Reduction
- RG Residential General
- SE Sensitive Environments
- GI General Industrial
- RC Rural Commercial



UTM Projection, Zone 20 North
 North American Datum 1983 (NAD83)
 Canadian Spatial Reference System 1998 (CSRS98)



Municipality of the District of Yarmouth
Town of Yarmouth

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Appendix A—Site Plan Application

Site Plan Information Required for Small-scale Wind Turbines

Item	Description
Site Plan	provide an accurate scaled Site Plan showing the following: <ul style="list-style-type: none">(a) proposed location of wind turbine(s) and related structure(s), as well as location of all existing structures on the lot;(b) existing and proposed utility lines existing and proposed roads showing access to the lot and access to proposed structures;(c) noise levels at property boundary lines;(d) all property lines and distances of all proposed structures to the property lines;(e) type, size and location of any proposed fencing; and(f) proposed landscaping.
Manufacturer's Details	<ul style="list-style-type: none">(g) height of turbine and rotor(h) the turbine rated output in Kilowatts(i) sound characteristics of turbine(s)(j) engineering approval for foundations, towers and support structures(k) safety features of turbine(s) and structures
Visual Representation	Provide a visual representation of the proposed WTG installation including scale elevations and proportions of wind turbines, photographs and/or digital representations showing placement and landscaping
Safety Analysis	Provide a report on how human safety will be protected
Application	Complete the application for site plan approval



Municipality of the District of Yarmouth
Site Plan Approval Application

(Office use) File No. _____ Date Received _____

Property Information:
Property PID _____ Civic Address _____
Owner Name: _____
Address _____
Telephone: _____ E-mail: _____

Applicant Name: _____
Applicant Address: _____
Telephone: _____ E-mail: _____

Contact Person/Agent: _____
Address: _____
Telephone: _____ E-mail: _____

Description of Proposal: (use additional sheet if necessary)

Applicant Signature: _____ Date: _____

(Office Use) Application Complete Date: _____
Site-plan Approved
 Refused Signature: _____ Date: _____

Appendix B—Lake George Watershed Protected Water Area Regulations

This consolidation is unofficial and is for reference only. For the official version of the regulations, consult the original documents on file with the Registry of Regulations, or refer to the Royal Gazette Part II.

Regulations are amended frequently. Please check the list of Regulations by Act to see if there are any recent amendments to these regulations filed with the Registry that are not yet included in this consolidation.

Although every effort has been made to ensure the accuracy of this electronic version, the Registry of Regulations assumes no responsibility for any discrepancies that may have resulted from reformatting.

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Lake George Watershed Protected Water Area Regulations
made under Section 106 of the
Environment Act
S.N.S. 1994-95, c. 1
N.S. Reg. 197/2006 (October 16, 2006)

Citation

1 These regulations may be cited as the *Lake George Watershed Protected Water Area Regulations*.

Interpretation

2 In these regulations,

- (a) “Act” means the *Environment Act*;
- (b) “agricultural operation” means a farming unit other than a household garden that
 - (i) houses livestock or where livestock graze or are pastured,
 - (ii) has greater than 2 ha of land in forage production,
 - (iii) has greater than 2 ha of land in annual crop production, or
 - (iv) grows and harvests Christmas trees on a commercial basis,or to which any combination of subclauses (i) to (iv) applies;
- (c) “Committee” means the Lake George Watershed Management Committee;
- (d) “Department” means the Department of Environment;
- (e) “forestry operation” means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including but not limited to the following activities:
 - (i) forest management planning,
 - (ii) silviculture,
 - (iii) harvesting,
 - (iv) road construction, and
 - (v) operation, storage and use of equipment and supplies used in any aspect of the activity;
- (f) “Minister” means the Minister of Environment;
- (g) “nutrient management plan” means a plan for collecting, storing, handling, transporting, applying, treating, using and disposing of agricultural fertilizer, compost, manure and other materials containing nutrients that may be applied to lands, in a manner that prevents the impairment of the quality of the water in the Protected Water Area;
- (h) “open fire” means a fire that is not fully contained within a stove or other device in common usage for the burning of wood as a fuel source for domestic cooking or heat;
- (i) “pest control product” has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;

- (j) “professional forester” means a graduate from a Canadian university with at least a bachelor’s degree in forestry;
- (k) “Protected Water Area” means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the Lake George Watershed Protected Water Area as described in the designation;
- (l) “release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (m) “Water Works Operator” means the Town of Yarmouth Water Utility, operator of the Lake George municipal water works.

[Note: the references to the Department in clauses (d) and (f) have been updated in accordance with Order in Council 2008-161 under the *Public Service Act*, R.S.N.S. 1989, c. 376, effective April 1, 2008.]

Public notification

- 3 (1)** The Water Works Operator must post signs at appropriate locations around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2)** The Water Works Operator must replace any signs posted under subsection (1) that have been damaged or removed.
- (3)** The Water Works Operator must take appropriate measures to advertise and provide notice to the general public of these regulations.
- (4)** No person is permitted to remove or alter any sign, notice or advertisement posted under these regulations.

Activity restrictions

- 4 (1)** No person is permitted to swim in Lake George except within 100 m of the dam.
- (2)** No person is permitted to wash a vehicle or equipment in any watercourse or within 60 m of the shoreline or bank of any watercourse within the Protected Water Area.
- (3)** No person is permitted to fish within 100 m of the intake for the water treatment plant.
- (4)** No person is permitted to operate a motorized vessel or vehicle of any kind, including but not limited to
- (a) motorized boat;
 - (b) jetskis;
 - (c) a hovercraft; or
 - (d) an amphibious vehicle
- on, through, or over Lake George other than for the protection of the Protected Water Area and unless authorized by the Water Works Operator.
- (5)** No person is permitted to operate a snowmobile, all-terrain vehicle, or other off-highway vehicle on Lake George or any watercourse, whether covered by ice or not, other than for the protection of the Protected Water Area and unless authorized by the Water Works Operator.
- (6)** No person is permitted to skate or participate in ice surface recreational activities on Lake George
- (a) within 1000 m of the water treatment plant intake; and
 - (b) within 100 m of the dam.

Fire restrictions

- 5 (1)** No person is permitted to light or be responsible for an open fire in the Protected Water Area from April 1 to October 15, inclusive, in any year.
- (2)** No person is permitted to burn a product other than wood or charcoal during a time when an open fire is permitted.
- (3)** Persons involved in a forestry operation within the Protected Water Area must comply with the *Forests Act* and regulations made pursuant thereto, including the *Forest Fire Protection Regulations*.

Forestry restrictions

- 6 (1) No person owning property in excess of 5 ha is permitted to undertake any type of forestry operation within the Protected Water Area unless the operation is conducted pursuant to a forest management plan that is
- (a) prepared by a professional forester in accordance with the objectives and policies described in the “Lake George Watershed Management and Protection Strategy” issued by the Water Works Operator; and
 - (b) approved in advance by the Water Works Operator.
- (2) Despite subsection (1), a person who owns or occupies property in the Protected Water Area may harvest from the property
- (a) less than 20 cords of wood in any one year; or
 - (b) any amount of wood so long as it is for their own personal use.
- (3) A forestry operation within the Protected Water Area must be conducted in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the “Forest/Wildlife Guidelines and Standards for Nova Scotia” issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.

Road construction and watercourse alteration

- 7 No person is permitted to construct a forest access road within the Protected Water Area unless the route location and construction methods are approved in writing by the Water Works Operator.
- 8 A forest access road within the Protected Water Area must be constructed in accordance with the publication “Wood Lot Roads, Stream Crossings” issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.
- 9 No person is permitted to construct or remove a bridge or culvert or otherwise alter a watercourse within the Protected Water Area without first obtaining all necessary approvals from the Department and providing the Water Works Operator with copies of such approvals.
- 10 An owner, operator or person who is responsible for an approved forest access road, bridge or culvert must maintain and repair the road, bridge or culvert to the satisfaction of the Water Works Operator.

Pest control restrictions

- 11 No person is permitted to use a pest control product within the Protected Water Area without first obtaining
- (a) written permission from the Water Works Operator; and
 - (b) an approval from the Department.

Refuse, waste and discharge restrictions

- 12 (1) No person is permitted to install an on-site sewage disposal system within the Protected Water Area unless
- (a) the person has obtained an approval from the Department; and
 - (b) the system is constructed in conformance with the *On-site Sewage Disposal Systems Regulations* made under the Act.
- (2) An on-site sewage disposal system in the Protected Water Area must be pumped and inspected every 3 years.
- (3) No person is permitted to release or cause or permit the release of oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause an adverse effect to a watercourse or any other area within the Protected Water Area.

- (4) No person is permitted to establish a dump, landfill, an open windrow compost operation, or waste disposal site within the Protected Water Area.

Agriculture restrictions

- 13 (1) An agricultural operation undertaken within the Protected Water Area must be conducted according to a nutrient management plan prepared by a qualified nutrient management planner and approved by the Water Works Operator.
- (2) No person is permitted to conduct agricultural operations in the Protected Water Area within 100 m of any watercourse, well, or drainage ditch, including a public highway ditch.
- (3) No person is permitted to house livestock, or store manure, pest control products, or fertilizer as part of an agricultural operation in the Protected Water Area, within 100 m of a watercourse, well, or drainage ditch, including a public highway ditch or private roadway ditch.
- (4) No person is permitted to import manure or biosolids for application on land or storage for an agricultural operation in the Protected Water Area.
- (5) Agricultural operations are subject to the soil erosion and sedimentation control restrictions of Section 16.

Easement restrictions

- 14 No person is permitted to construct a road, pipeline, railway, telephone line, power line, or other similar undertakings or grant an easement on, over, under, or across the Protected Water Area without first obtaining the written approval of the Water Works Operator, which the Water Works Operator will not unreasonably refuse.

Pit, mine, quarry restrictions

- 15 No person is permitted to extract peat, gravel, rock, minerals, aggregate materials, top soil or any non-renewable resources within the Protected Water Area.

Soil erosion and sedimentation control

- 16 (1) No owner, occupier, contractor or person responsible for a construction project or other activity within the Protected Water Area requiring grubbing or earth moving that would expose more than 250 m² of soil at any time is permitted to proceed unless they have
- (a) developed an erosion and sedimentation control plan as described in the “Erosion and Sedimentation Control Handbook for Construction Sites”, published by the Department; and
- (b) obtained prior written approval of the Water Works Operator.
- (2) No person is permitted to release at any time water that has a suspended solid concentration greater than 25 mg/L from any construction site within the Protected Water Area.

Home heating oil tanks and fuel storage tanks

- 17 (1) No person is permitted to install a home heating oil tank, a gasoline fuel storage tank, or a diesel fuel storage tank within the Protected Water Area unless the tank is
- (a) made of stainless steel;
- (b) constructed with double walls; or
- (c) approved prior to installation in writing by the Water Works Operator.
- (2) No person is permitted to install a petroleum storage tank within the Protected Water Area that is not located inside a dwelling or other building unless the tank is
- (a) supported by concrete footings;
- (b) equipped with a fuel line guard;
- (c) securely fastened to the dwelling or other building; and
- (d) surrounded by a concrete containment capable of holding 110% of the volume of the tank.
- (3) No person is permitted to install a gasoline petroleum storage tank or a diesel petroleum storage tank within the Protected Water Area that holds more than 1135 L.

- (4) No person is permitted to install an underground petroleum storage tank within the Protected Water Area.
- (5) A person who is using mechanical equipment or transporting gasoline or oil within the Protected Water Area is not permitted to release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or runoff from the area.

Consultation with the Committee

- 18 (1) The Water Works Operator must consult with the Committee before granting any authorization or approval required by these regulations.
- (2) A permit or approval issued by the water works operator under these regulations may contain terms and conditions respecting time and other restrictions if the terms, conditions, or restrictions are deemed necessary to protect water quality in the Protected Water Area.

Approval by Water Works Operator

- 19 Any decisions regarding approvals made by the Water Works Operator under these regulations must be made no later than 60 days after the application is submitted.