

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Village of Hebbville

Secondary Planning Strategy and Land Use By-law

Adopted by Municipal Council on February 14, 2012

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- | | |
|---------------|--|
| 1) Adoption | Adopted by Municipal Council on February 14, 2012. Effective date: March 21, 2012. |
| 2) Amendment | The zone requirements of the High Density Residential (HDR) Zone (LUB s. 5.4.2) were amended. Effective date: May 14, 2013. |
| 3) Amendment | Rezoning of portions of PIDs #60690435, #60291309, #60290178 from Environmentally Sensitive Zone to Two-Unit Residential Zone designation on SPS Map & LUB Schedule. Effective date: November 5, 2014. |
| 4) Amendment | Rezoning of PID #60656774 from Rural Zone to General Commercial Zone designation on SPS Map & LUB Schedule. Effective date: December 3, 2014. |
| 5) Amendment | SPS Policy 7.2.8 re-drafted, to include specific reference to Municipality's Public Participation Program on Planning Manners policy (MDL-66). Effective date: April 1, 2015. |
| 6) Amendment | SPS Policies (including text found in Part 3.4, Policy 3.4.9, and Policy 6.6.4) and LUB sections 9.3.1, 9.6.3, and identified Definitions, were amended, in relation to telecommunications. Effective date: March 9, 2016. |
| 7) Amendment | various housekeeping matters - SPS Policies 3.6.4, 3.6.5, 3.6.6 repealed; new Policy 4.6 created; Policy 6.2 re-drafted. LUB sections 10.3.1 & 10.3.2 repealed; new section 4.31 created; additions to sub-section 5.3.1 & subsection 9.3.4; changes in text in section 3.1 & section 10.1, SPS Map 1, LUB Schedules "A" & "C" amended (Zoning / Significant Watercourses and Identified Wetlands). Effective date: February 22, 2017. |
| 8) Amendment | Amended Part 1, Section 1.5, and Subsection 7.2.8 to move references from the Area Advisory Committee to the Planning Advisory Committee. Effective date: September 16, 2020. |
| 9) Amendment | Rezoning from the Rural and Residential Zones to the Light Industrial Zone for PID 60426442. Effective January 26, 2022. |
| 10) Amendment | SPS policies (ADD 3.1.1a and ADD 3.4.4a) and LUB (Subsection 5.3.1 ADD g) and Part 13 to include and define Small Option Homes). Effective March 8, 2023 |

First Reading by Council: December 13, 2011

Second Reading by Council: February 14, 2012

Effective Date: March 21, 2012

Last Amendment: **March 8, 2023**

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Village of Hebbville Secondary Planning Strategy

First Reading by Council: December 13, 2011
Second Reading by Council: February 14, 2012

Effective Date: March 21, 2012
Last Amendment: **March 8, 2023**

(page intentionally left blank for printing purposes)

Table of Contents

Part 1	AUTHORITY AND SCOPE	1
Part 2	OBJECTIVES	2
Part 3	LAND USE CONTROLS	
3.1	Residential Land Use Designation	3
3.2	Commercial Land Use Designation	7
3.3	Industrial Land Use Designation	10
3.4	Rural Land Use Designation	12
3.5	Institutional Land Use Designation	15
3.6	Environmental Land Use Designation	16
Part 4	GENERAL ENVIRONMENTAL PROTECTION	17
Part 5	SERVICES AND INFRASTRUCTURE	19
Part 6	DEVELOPMENT / REGULATORY POLICIES	22
Part 7	IMPLEMENTATION	
7.1	General Administration	25
7.2	Amendments and Procedures	26
Part 8	REPEAL	31
MAP 1	FUTURE LAND USE MAP	attached

(page intentionally left blank for printing purposes)

1 AUTHORITY AND SCOPE.

This Secondary Planning Strategy and accompanying Land Use By-law were adopted by Municipal Council on February 14, 2012 and became effective March 21, 2012.

The Municipal Government Act (Chapter 18 Acts of 1998) is the legislative basis for the preparation and adoption of these planning documents. The Act states that Council may prepare a Planning Strategy for all or part of a Municipal Unit. The Plan Area to which this Secondary Planning Strategy applies includes the entire Village of Hebbville as incorporated under the Village Services Act in 1975. The Municipal Government Act provides Council with the authority to adopt policies respecting a broad range of matters, including the improvement of the physical, economic and social environment, and the use, protection, and development of lands.

This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land use in the Village of Hebbville during the next ten years. While the Strategy focuses primarily on development and land use issues, policies pertaining to municipal services and infrastructure have also been identified. The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which the Planning Strategy is implemented.

The Land Use By-law contains standards, requirements, and zoning designations that control the types and characteristics of developments. Amendments to the By-law that involve rezoning of land for a new or a different use from that permitted by the By-law are provided for in the Planning Strategy policies. Policies also govern the circumstances under which a Development Agreement or rezoning may be considered and approved. The Municipal Government Act also states that a Council shall include policies in the Planning Strategy on how and when it intends to review the Strategy and Land Use By-law, and enables the Strategy to be amended by Council at any time during this period.

Amended September 16, 2020

- 1.1. It shall be the policy of Council that this Secondary Planning Strategy shall be the primary policy document through which the future growth and development of the Village of Hebbville shall be encouraged, guided, and controlled.
- 1.2. It shall be the policy of Council that the Land Use By-law, prepared and adopted by Council in conjunction with the Secondary Planning Strategy, shall provide the primary mechanism for land use and development control, through which the intent of this Planning Strategy shall be implemented.
- 1.3. The maps appended to this Secondary Planning Strategy shall form part of the Secondary Planning Strategy. The Future Land Use Map (Map 1) shall be regarded as a generalized representation of the intended pattern of future land use in the Village.
- 1.4. Throughout this Secondary Planning Strategy and the accompanying Land Use By-law, the metric measurement system is used to indicate the required standards. Imperial measurements are approximate only, and are inserted only for convenience.
- 1.5. *repealed.*

Amended September 16, 2020

2 OBJECTIVES.

Given the wide-ranging mix of existing land uses, Hebbville is unlike the majority of communities found in the Municipality of the District of Lunenburg. Traditionally, Hebbville resembled many other local rural communities, in that it consisted of a small number of residences, cleared agricultural lands and private woodlots, and a few scattered industrial uses. Over time, Hebbville's proximity to the Town of Bridgewater created an incentive for highway-oriented commercial developments to locate near the town boundary, as well as for increased residential subdivisions to occur along Highway #3. During the 1970s, the area expanded rapidly, leading to the Village's incorporation in 1975. Thirty five years later, Hebbville remains the only incorporated village in the Municipality. Two particular conditions may be seen as contributing to the Village's community development pattern:

Environmental: Hebb Lake and Fancy Lake have both shaped the Village's current community form. Since the 1960s, the Protected Water Area designation covering Hebb Lake constrains land developments north of Highway 103, while the appeal of lakefront residential development around Fancy Lake initiated the extensive subdivision of private land into new dwelling lots. As of early 2011, more than 65 homes in Hebbville can be found on lots that are adjacent to Fancy Lake.

Infrastructure: Unlike other communities with land use plans within the Municipality, a number of properties in Hebbville access, or have potential access to, shared water and wastewater services. Over time, the availability of serviced lots has led to different land use demands and distinct landownership pattern. The fact that both types of infrastructure (private on-site and public services) are found in Hebbville supports the implementation of some form of land use policy and development control.

The general objective of this Secondary Planning Strategy is to establish a framework for dealing with ongoing changes in land use in Hebbville. Its principal aim is to provide clarity to residents on what land use changes can occur, respecting different properties. As with other Planning Strategies in the Municipality, the recognized intent is to effectively monitor and guide proposed changes in land use in Hebbville over time, but not to prohibit entirely the opportunity for new development to occur.

- 2.1. It shall be the intention of Council that the Secondary Planning Strategy shall provide a framework and a process for the accommodation of change in development and land use in the community.
- 2.2. It shall be the intention of Council to control land use and development in a manner that will minimize conflicts between land uses.
- 2.3. It shall be the intention of Council to control land use and development in a manner that is compatible with the Village's service infrastructure and to provide for sustainable growth and development, while maintaining and enhancing the community's built environment.
- 2.4. It shall be the intention of Council to control land use and development in a manner that will preserve, enhance, and protect the natural environment, as well as the living environment of the Village.
- 2.5. It shall be the intention of Council to maintain, improve, and expand municipal services, facilities, and programs, subject to financial constraints or financial arrangement.
- 2.6. It shall be the intention of Council to provide for a residential housing mix that is reflective of current and future community needs. It shall further be Council's intention to provide for stable residential neighbourhoods and to regulate or prohibit uses incompatible with the existing rural residential environment within the Village.

3 LAND USE CONTROLS.

The Hebbville Plan Area covers approximately 5900 acres. It concerns approximately 900 separate land parcels. Prior to the initiation of any land use planning and development controls in the early 1990s, existing commercial and industrial land uses had already developed along different sections of Highway #3. Residential settlements were found along, or leading off from the Village's three main public roadways: Highway #3, Conquerall Mills Road, and Century Drive. A number of actively-used private resource lands were still to be found within the Village. The large property holdings that surround Hebb Lake generally remained undeveloped.

Land use planning was initiated in Hebbville because the community was concerned that rapid development, in the absence of any land use controls, could have serious consequences for the living environment and local property values. This Planning Strategy's policy statements, and the accompanying Land Use By-law requirements, address these concerns through the implementation of a combination of development control mechanisms, including zoning and Development Agreements.

In order to establish a framework for development control within the boundaries of the Plan Area, land use designations have been given to the entire landmass. The following sub-sections outline policies that govern the types of land use activities permitted within each of these designations. These land use designations are also set out on Map 1: Future Land Use Map. A Land Use By-law accompanies the Secondary Planning Strategy. The By-law is a regulatory document that implements the land use policies. The Land Use By-law includes a Zoning Map identifying zones that are related to the Land Use Designations identified on the Future Land Use Map.

Other government regulations significantly affect land use in Hebbville. The Municipality's Building By-law and Subdivision By-law result from regulations that are proscribed in provincial legislation. Regulations enforced by NS Environment, respecting On-site Sewage Disposal Systems, and environmental protection more generally, have a substantive impact on any proposed developments in rural communities throughout the province. These regulations can influence individual development decisions, and are considered to be as crucial components as the Land Use By-law in shaping the future pattern of any new developments in the Village.

3.1 RESIDENTIAL LAND USE DESIGNATION

Since the last Plan Review was undertaken in 2000, the pace of new residential development in Hebbville has slowed when compared with the experience of previous decades. This trend can be identified by reviewing the last ten years of building permit activity, and from data taken from the 2006 Statistics Canada Census. According to the Census, most of the current housing stock in Hebbville (approximately 30%) was constructed in the 1971-1980 time period.

The majority of housing in Hebbville (approximately 80%) are single unit dwellings. This figure is consistent with findings taken from both the 1996 and 2006 Census. The consistency of these statistics leads to the conclusion of the Village's existing residential neighbourhoods being generally stable with not a great amount of change over time occurring in the availability or diversity of local housing types.

- 3.1.1.** It shall be the policy of Council to establish a Residential Designation, as shown on Map 1, Future Land Use Map, to accommodate a variety of housing needs and types in the Village's existing and developing residential neighbourhoods.
- 3.1.1a** Council must permit the operation and implementation of Small Options Homes within all residential zones under Village of Hebbville Residential land use designation.

Two-Unit Residential (TR) Zone

The predominant form of residential land use in Hebbville is the single unit dwelling. In the absence of any new shared water or wastewater services, the development of various low-density alternatives is likely to remain the Village's pre-dominant residential form, given the sufficient area necessary for accommodating private wells and septic systems. Council will therefore establish a Two-Unit Residential (TR) Zone within the Residential Designation.

Council recognizes that within Hebbville's identified low-density residential neighbourhoods, provisions for affordable housing alternatives can be accomplished by accommodating for pre fabricated structures, such as mobile homes and manufactured homes. Council will also accommodate for the development of two-unit dwellings and semi-detached dwellings within this particular zone. Development of mobile home parks will be specifically prohibited, as Council allows such developments to occur elsewhere, and the impacts resulting from such a land use on identified residential neighbourhoods in the Village is considered to be incompatible.

- 3.1.2.** It shall be the policy of Council to establish a Two-Unit Residential (TR) Zone within the Residential Designation. It shall be Council's policy to permit, within the Two-Unit Residential (TR) Zone, single- and two-unit dwellings, as well as pre-fabricated structures, such as mobile homes and mini homes, that are shipped to a building site either partially or completely assembled.
- 3.1.3.** It shall be the policy of Council to prohibit Mobile Home Parks within the Two-Unit Residential (TR) Zone.

Multi-unit residential developments within the Two-Unit Residential (TR) Zone will be considered in accordance with specific site controls outlined in the Land Use By-law, up to a maximum of twelve (12) units. Use of the site plan approval process will consider how a proposed multi-unit development can be integrated into existing low density neighbourhoods successfully.

- 3.1.4.** It shall be the policy of Council to consider development proposals for small scale multi-unit residential developments, to a maximum of twelve (12) units, in the Two-Unit Residential (TR) Zone, provided that the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.

At the time of the original Planning Strategy's adoption, existing commercial and industrial uses were established within the Two-Unit Residential (TR) Zone. It was not Council's intention to make these uses non-conforming, but to prohibit new developments of this type within the Residential Zone. Council's intent was identified in previous Strategies; it shall be carried forward in this Planning Strategy as well. Listed existing uses will be treated as conforming uses within the zone, but changes to the use by way of expansion of buildings or site area will be considered by Council only by Development Agreement.

- 3.1.5.** It shall be the policy of Council that existing commercial and industrial uses located within the Two-Unit Residential (TR) Zone, that existed on or before April 11, 1991, will be considered as conforming uses, and shall be listed as: "Existing Commercial and Industrial Uses in the Two-Unit Residential (TR) Zone" in Schedule B of the Land Use By-law. These listed existing commercial and industrial uses shall not be permitted to change to another use, except to a use permitted in the Two-Unit Residential Zone. Council shall consider any expansion of a building or expansion of the portion of the lot to be used by the existing industrial or commercial use only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions :
- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

High Density Residential (HDR) Zone

A small number of properties in the Village are considered to be unique, in that the existing development, or the identified opportunity for future high density residential development, warrants Council establish a designation to provide for these distinct uses. The provision of a High Density Residential (HDR) Zone in the Land Use By-law also allows for future accommodation for alternative affordable housing options, beyond the provisions established in the Two-Unit Residential (TR) Zone.

The current number of properties in Hebbville identified with this designation is very limited. It includes: two existing multi-unit apartment buildings and a golf course. As it is not Council's intention to make the operating golf course use non-conforming, that particular use will be specifically allowed within this particular zone.

In addition, it is recognized by Council that new development proposals for those properties identified with a High Density Residential Zone designation may include a diversity of housing types, so that such new developments can provide for a range of housing choices within the community.

- 3.1.6.** It shall be the policy of Council to establish a High Density Residential (HDR) Zone within the Residential Designation. It shall be Council's policy to permit multi-unit residential buildings and attached dwellings within the High Density Residential (HDR) Zone. Additionally, it shall be the policy of Council that those residential uses permitted in the Two-Unit Residential (TR) Zone shall also be permitted in the High Density Residential (HDR) Zone, where such uses are being newly proposed in combination with a greater or equal proportion of multi-unit residential uses within a new development proposal.
- 3.1.7.** It shall be the policy of Council to permit golf courses in the High Density Residential (HDR) Zone.
- 3.1.8.** It shall be the policy of Council to consider development proposals for multiple single unit detached dwellings located on the same lot in the High Density Residential (HDR) Zone, provided that the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.

General Provisions for Residential Zones

Council recognizes the importance of home occupations to the local economy, and is interested in supporting these activities. Council considers that commercial developments of a larger scale, and those that are hazardous to the function and nature of a pre-dominantly residential area, should be suitably located in the Village's identified commercial and industrial areas. It is for these reasons that Council will permit small-scale home businesses and bed and breakfast uses, which are of a scale and a type that will not negatively impact on the function of the Village's residential neighbourhoods.

- 3.1.9.** It shall be the policy of Council to permit small-scale home businesses and home occupations in conjunction with a residential dwelling and residential accessory structures in all zones that permit residential uses. Council shall define the range and scale of the home occupations and bed and breakfast/tourist homes permitted, and shall limit these to activities that are considered to be compatible with residential uses.

Council also recognizes the important function of institutional uses within a community. However, due to the scale or the potential impacts of such uses, institutional uses will not be permitted as-of-right within any residential zone, but will be considered by Council by Development Agreement.

- 3.1.10.** It shall be the policy of Council to consider public and private institutional developments on residentially zoned land only by Development Agreement, in accordance with Policy 3.5.2.

In order to allow for flexibility of the use of a property within a Residential Zone that abuts a Commercial or Industrial Zone, Council will also consider allowing these abutting properties to be used as any use permitted as-of-right within the abutting Commercial or Industrial Zone, by Development Agreement.

- 3.1.11.** It shall be the policy of Council to consider commercial uses on residentially zoned land that abuts a Commercial Zone by Development Agreement, in accordance with Policy 3.2.11.

- 3.1.12.** It shall be the policy of Council to consider industrial uses on residentially zoned land that abuts an Industrial Zone by Development Agreement, in accordance with Policy 3.3.7.

3.2 COMMERCIAL LAND USE DESIGNATION

Commercial development in Hebbville is concentrated along Highway #3, near to the boundary with Bridgewater. The majority of these properties were developed for commercial or residential purposes before the adoption of the first Planning Strategy. Council will provide for present and future commercial development by establishing a Commercial Designation.

- 3.2.1.** It shall be the policy of Council to establish a Commercial Designation, as shown on Map 1, Future Land Use Map, to accommodate the Village's existing and future commercial development.

General Commercial (GC) Zone

The majority of existing commercial uses in Hebbville are highway-oriented uses, which are dependent upon servicing customers travelling by automobile. Automobile sales, or related services and automobile repair, are predominant. There are a small number of other commercial uses in the Village, including a few warehouses, and one take-out restaurant.

The highway-oriented nature of commercial development in Hebbville differs from the common perception of traditional village commercial cores, which are historically pedestrian-oriented. Traditional village cores are often considered the focal point of the community. In Hebbville, the commercial developments that built along Highway #3 may be more properly identified as having emerged to serve a regional market of customers, rather than from serving the needs of local residents. At present, there is a significant concentration of Lunenburg County's car sales and services within a very specific geographic space. This fact, and the fact that these businesses are based on the car as a consumer good, has subsequently resulted in seeing the development of an automobile-oriented commercial strip.

Although Council recognizes the benefit of commercial development in terms of creating an attractive tax base and employment for the Municipality, Council recognizes the need to balance financial incentives with maintaining attractive local residential environments. Council is also aware of the consequential environmental impacts of automobile-oriented designed development.

The nature of highway commercial design - high vehicular traffic volumes; the prominence of outdoor storage and displays; large-scale advertising features; and a high ratio of land being provided for customer parking - these features can negatively impact on adjacent residential environments. For these reasons, Council will establish a General Commercial (GC) Zone with fixed boundaries, so as to prevent the sprawl of commercial development into the Village's established residential areas.

- 3.2.2.** It shall be the policy of Council to establish a General Commercial (GC) Zone within the Commercial Designation. It is Council's policy to permit a wide array of commercial uses as-of-right within the General Commercial (GC) Zone.
- 3.2.3.** It shall be the policy of Council that the boundaries of the General Commercial (GC) Zone on Schedule A of the Land Use By-law shall be fixed boundaries and shall not be changed except by amendment of this Secondary Planning Strategy.

A number of existing residential uses are still found within Hebbville's commercially-designated area. While new residential developments will not be permitted in the General Commercial (GC) Zone, due to their incompatibility with surrounding commercial operations, it is not Council's intent to make existing residential dwellings non-conforming. Any existing single-unit and two-unit dwellings, listed in the By-law, will be considered as conforming uses in the General Commercial (GC) Zone. Existing residential uses will be permitted to expand beyond the existing building and area of land occupied by the use on the effective date of this Planning Strategy.

- 3.2.4.** It shall be the policy of Council that new detached single-unit and two-unit residential uses shall not be permitted within the General Commercial (GC) Zone.
- 3.2.5.** It shall be the policy of Council that existing residential uses located in the General Commercial (GC) Zone, that existed on or before April 11, 1991, will be considered as conforming uses, and shall be listed as "Existing Residential Uses in the General Commercial (GC) Zone" in Schedule B of the Land Use By-law. These existing residential uses will be permitted to expand beyond the existing building and area of land occupied by the use on the effective date of this Planning Strategy, subject to zone requirements of the General Commercial (GC) Zone. These listed existing uses shall not be permitted to change to another use, except to a use permitted in the General Commercial (GC) Zone.

While new single- and two-unit residential developments will not be permitted, Council will consider one- and two-unit apartments either attached to, or above, a commercial use within the same building. Other mixed use buildings - containing both a commercial use and multi-unit residential uses, from three (3) to a maximum of twelve (12) dwelling units, will also be permitted in the General Commercial (GC) Zone, subject to Site Plan Approval. An allowance for mixed use developments in Hebbville's identified commercial area can provide the Village with alternative future housing options, with any prospective citizens being fully aware, from the onset of any development, that their immediate surroundings are mixed use in their function and resulting impacts.

- 3.2.6.** It shall be the policy of Council to permit single-unit and two-unit residential uses in the form of one- and two-unit apartments, attached to or above a commercial or other non-residential use, within the same building, subject to the zone requirements of the General Commercial (GC) Zone.
- 3.2.7.** It shall be the policy of Council to permit mixed commercial and multi-unit residential developments, from three (3) to a maximum of twelve (12) residential dwelling units, within the General Commercial (GC) Zone, provided the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.

Council recognizes the similarity between commercial and institutional uses as service-oriented functions, and will permit institutional uses in the General Commercial (GC) Zone.

- 3.2.8.** It shall be Council's policy to permit institutional uses within the General Commercial (GC) Zone, subject to the identified requirements of the Institutional (I) Zone.

There are a number of existing industrial uses within the General Commercial (GC) Zone, which are not considered to be uses permitted as-of-right. It is not Council's intention to make these uses non-conforming, but rather to control the expansion of these existing industrial uses, as well as the development of any new industrial uses, so as to ensure that they do not negatively impact the identified commercial core of Hebbville. Council shall consider expansion of these listed existing industrial uses, or consider the proposed development of any new industrial uses in the General Commercial (GC) Zone, only by Development Agreement.

3.2.9. It shall be the policy of Council that existing industrial uses located in the General Commercial (GC) Zone, that existed on or before April 11, 1991, will be considered as conforming uses, and shall be listed as "Existing Industrial Uses in the General Commercial (GC) Zone" in Schedule B of the Land Use By-law. These existing industrial uses shall be permitted to expand throughout the existing building in which they are located and otherwise be restricted to the use of the portion of the lot in which they are located. These uses shall not be permitted to change to another use, except to a use permitted in the General Commercial (GC) Zone. Council shall consider any expansion of a building or expansion of the portion of the lot to be used by the existing industrial use only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

3.2.10. It shall be the policy of Council to consider development proposals for new industrial uses permitted as-of-right in the Light Industrial (LI) Zone, in the General Commercial (GC) Zone, only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

In order to allow for flexibility of the use of a Residential Zoned property that abuts a General Commercial (GC) Zone, Council will also consider allowing abutting residential properties to be used for any use permitted as-of-right within the General Commercial Zone by Development Agreement.

3.2.11. Notwithstanding Policy 3.2.3, it shall be the policy of Council to consider commercial uses permitted in the General Commercial (GC) Zone on a lot which abuts a Commercial Zone, which would not otherwise be permitted to have a commercial use, by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy; and
- b) the use shall be permitted as-of-right in the General Commercial (GC) Zone.

3.3 INDUSTRIAL LAND USE DESIGNATION

There are three distinct areas of industrial development in Hebbville along Highway #3. Council will provide for these uses by establishing an Industrial Designation on the Future Land Use Map.

- 3.3.1.** It shall be the policy of Council to establish an Industrial Designation, as shown on Map 1, Future Land Use Map, to accommodate the Village's existing and any future industrial development.

Light Industrial (LI) Zone

The identified industrial areas along Highway #3 are provided for through the establishment of the Light Industrial (LI) Zone.

Council considers it important to ensure that existing and any future industrial development is not detrimental to the Village's existing residential neighbourhoods. Because of the conflicting natures of residential uses and industrial uses, Council will prohibit the development of new residential uses within the Light Industrial (LI) Zone, and will establish a Light Industrial (LI) Zone with fixed boundaries, to prevent the sprawl of industrial development into residential areas.

As well: it is not Council's intention to make the one existing residence established in the Light Industrial (LI) Zone non-conforming, but rather, to prohibit future residential uses in this zone. This one existing residential property will be treated as a conforming use.

- 3.3.2.** It shall be the policy of Council to establish a Light Industrial (LI) Zone within the Industrial Designation. It is Council's policy to provide for identified light industrial uses as-of-right within the Light Industrial (LI) Zone. Additionally, it shall be the policy of Council that all commercial developments that are permitted as-of-right in the General Commercial (GC) Zone shall also be permitted as-of-right in the Light Industrial (LI) Zone.
- 3.3.3.** It shall be the policy of Council that the boundaries of the Light Industrial (LI) Zone on Schedule A of the Land Use By-law shall be fixed boundaries and shall not be changed except by amendment of this Secondary Planning Strategy.
- 3.3.4.** It shall be the policy of Council to prohibit new residential developments within the Light Industrial (LI) Zone.
- a)** Further, it shall be Council's policy that the one residential use located in the Light Industrial (LI) Zone that existed on or before April 11, 1991, will be treated as a conforming use and shall be listed as "Existing Residential Use in the Light Industrial (LI) Zone" in Schedule B of the Land-Use By-law. This existing residential use will be permitted to expand beyond the existing building and area of land occupied by the use on the effective date of this Planning Strategy, subject to zone requirements identified in the By-law. This listed existing use shall not be permitted to change to another use, except to a use permitted in the Light Industrial (LI) Zone.

Due to the intensity and nature of certain uses, and subsequent impact of such on the surrounding environment, not all land uses will be permitted as-of-right in the Light Industrial (LI) Zone. In particular, Council considers the impacts associated with the storage and distribution of bulk petroleum requires that all existing uses of this type be listed in the Land Use By-law. Further, any proposed expansion of these existing uses will only be considered by Development Agreement.

3.3.5. It shall be the policy of Council to consider development proposals for industrial or commercial uses that are not permitted as-of-right in the Light Industrial (LI) Zone only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

3.3.6. It shall be the policy of Council that existing bulk petroleum storage and distribution operations located within the Light Industrial (LI) Zone, and which existed on or before April 11, 1991, will be treated as conforming uses, and shall be listed as “Existing Bulk Petroleum Storage and Distribution Operations in the Light Industrial (LI) Zone” in Schedule B of the Land Use By-law. These uses shall not be permitted to change to another use, except to a use permitted in the Light Industrial (LI) Zone. It shall be Council’s policy to consider any expansion of a building or portion of the lot to be used by the Existing Bulk Petroleum Storage and Distribution Operations only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies following conditions:

- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

In order to allow for some flexibility of the use of a Residential Zoned property that abuts a Light Industrial (LI) Zone, Council will consider allowing these abutting residential properties to be used for any use permitted as-of-right within the Light Industrial Zone, by Development Agreement.

3.3.7. Notwithstanding Policy 3.3.3, it shall be the policy of Council to consider light industrial uses permitted as-of-right in the Light Industrial (LI) Zone on a lot which abuts an Industrial Zone, which would not otherwise be permitted, by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy; and
- b)** the use shall be permitted as-of-right in the Light Industrial (LI) Zone.

3.4 RURAL LAND USE DESIGNATION

Alongside the residential subdivisions and commercial developments that have taken place in Hebbville over the last half century, Council recognizes that there are a number of properties in the Village that have been historically used, and can continue to be used in the foreseeable future, for natural resource-based activities. It is Council's intention that any future proposed developments within these identified areas of the Village are to be compatible with existing agricultural and forestry uses that reflect Hebbville's long-standing rural heritage.

- 3.4.1.** It shall be the policy of Council to establish a Rural Designation, as shown on Map 1, Future Land Use Map.

Rural (RU) Zone

Council considers those areas of Hebbville provided with a Rural Designation are not exclusively residential in purpose, but rather, provides to landowners sufficient space for a mix of compatible uses.

Council will establish a Rural (RU) Zone to permit for a variety of land uses, to include residential, commercial, light industrial, institutional, and natural resource-related activities; and will specify size thresholds, setbacks, and abutting zone requirements in the Land Use By-law, in order to minimize potential conflicts between all these different land uses. In particular, Council recognizes the importance of protecting existing agricultural activities in the Village, and in keeping with the Statement of Provincial Interest Regarding Agricultural Lands, will provide for such a use in the Rural (RU) Zone.

- 3.4.2.** It shall be the policy of Council to establish a Rural (RU) Zone within the Rural Designation. It is Council's policy to permit a wide variety of identified land uses within the Rural (RU) Zone compatible with Hebbville's existing low-density rural residential and resource-related heritage. It shall be Council's policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks and abutting zone requirements, so as to minimize potential conflicts between the array of different permitted land uses within the Rural (RU) Zone.
- 3.4.3.** It shall be the policy of Council to permit Mobile Home Parks within the Rural (RU) Zone, subject to the requirements of the Municipality's Land-Leased Community By-law.
- 3.4.4.** It shall be the policy of Council to permit residential uses, to a maximum of three (3) dwelling units, subject to the zone requirements of the Rural (RU) Zone. Development proposals for multi-unit residential developments, from four (4) units to a maximum of twelve (12) units per structure, shall be considered within the Rural (RU) Zone, provided the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.
- 3.4.4 a** Council must permit the operation and implementation of Small Options Homes within the rural zone under Village of Hebbville Rural land use designation.
- 3.4.5.** It shall be the policy of Council to permit identified resource-based activities, up to a size threshold specified in the Land Use By-law, subject to the zone requirements of the Rural (RU) Zone. Proposed developments which exceed the size threshold will be considered by Council only by Development Agreement. Before entering into a Development Agreement Council shall be satisfied that the proposal satisfies the following conditions:
- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

- 3.4.6.** It shall be the policy of Council to permit commercial and industrial uses that are permitted as-of-right in the General Commercial (GC) Zone and Light Industrial (LI) Zone, up to a size threshold specified in the Land Use By-law, subject to the zone requirements of the Rural (RU) Zone. Proposed developments which exceed the size threshold will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

As certain industrial and commercial uses have the potential to negatively impact the surrounding environment, Council will require that these identified uses be considered only by Development Agreement.

- 3.4.7.** It shall be the policy of Council to consider commercial and industrial uses that are not permitted under Policy 3.4.2 or 3.4.6 within the Rural (RU) Zone only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

Additionally, there are two existing industrial uses which are not considered uses permitted as-of-right in the Rural (RU) Zone. It is not Council's intention to make these uses non-conforming, but to control the future expansion of these two existing developments. Council will consider any expansion of these existing uses only by Development Agreement.

- 3.4.8.** It shall be the policy of Council that existing industrial uses within the Rural (RU) Zone, that existed on or before April 11, 1991 will be considered as conforming uses, and shall be listed as: "Existing Industrial Uses in the Rural (RU) Zone" in Schedule B of the Land Use By-law. These listed existing industrial uses shall not be permitted to change to another use, except to a use permitted in the Rural (RU) Zone. Council shall consider any expansion of a building or expansion of the portion of the lot to be used by the industrial use only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

Council recognizes where there is ongoing change in technology, societal demands, and public policy affecting renewable energy generation. Such changes are likely to continue over the next ten years. Communities in rural Nova Scotia will be potentially impacted by proposed developments. Council considers that, within the Village of Hebbville, proposed wind turbines may be considered within the Rural (RU) Zone, provided proposed uses are able to comply with requirements set out in the Planning Strategy and Land Use By-law. Council recognizes that additional provisions can mitigate potential conflicts that can occur within a community where such proposed developments are introduced. Council considers that the restriction of wind turbine developments should be suited to the rural residential nature of the Village, and so will look to restrict the size of turbine uses to be considered as-of-right in the Rural (RU) Zone, to small-scale applications of a specific generation capacity.

Amended March 9, 2016.

3.4.9. (Repealed by Amendment)

Amended March 9, 2016.

- 3.4.10.** It shall be the policy of Council to provide for the location and use of small scaled wind turbines within the Rural (RU) Zone, whose annual energy generation capacity shall be established in the Land Use By-law, provided such proposed developments also comply with identified setback and safety requirements. Given the potential conflict with adjacent uses, Council shall consider the development of any proposed turbines that are of a larger generation capacity only by Development Agreement, and only within the Rural Zone.

3.5 INSTITUTIONAL LAND USE DESIGNATION

There are three existing institutional sites in the planning area. These sites include the Hebbville Fire Hall, the Hebbville Cemetery, and Hebbville Academy. These are established institutional uses, and their status in the community warrants they be given an Institutional Designation and zoning.

Council shall consider future institutional uses to be established in the Village's residential zones only by Development Agreement, to ensure that these uses will be compatible with existing and future residential neighbourhoods. Council will permit future institutional uses in the Village's General Commercial, Light Industrial and Rural Zones as-of-right, subject to identified zone requirements.

- 3.5.1.** It shall be the policy of Council that existing institutional uses shall be designated Institutional as shown on Map 1, Future Land Use Map, and these corresponding areas shall be zoned Institutional (I) as shown on Schedule A, Zoning Map of the Land Use By-law.
- 3.5.2.** It shall be the policy of Council that institutional uses shall be permitted only by Development Agreement in areas designated Residential on Map 1, Future Land Use Map, according to Policy 3.1.10. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
 - a)** the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.
- 3.5.3.** It shall be the policy of Council that all developments that are permitted as-of-right in the Institutional (I) Zone shall also be permitted as-of-right in the General Commercial (GC) Zone, the Light Industrial (LI) Zone and in the Rural (RU) Zone, pursuant to Policies 3.2.8, 3.3.2 and 3.4.2, respectively.

3.6 ENVIRONMENTAL LAND USE DESIGNATION

Council wishes to protect certain lands within the Village of Hebbville in light of their environmental sensitivity or their protected standing with the Provincial government.

- 3.6.1.** It shall be the policy of Council that lands deemed to be environmentally sensitive, or that are protected through provincial legislation, shall be given an Environmental Protection (ENV) Designation, as shown on Map 1, Future Land Use Map.

Protected Water Areas

Hebb Lake and Milipsigate Lake, and the lands surrounding these two lakes, were first designated as a "Protected Water Area" in 1964 by the provincial Minister of the Environment. Minemkeak Lake (and surrounding lands) were similarly designated in 1975. These lakes are used as a water supply source for the Town of Bridgewater and parts of the Municipality. Council will establish land use controls to support the existing provincial Protected Water Area regulations. Only detached single-unit dwellings will be permitted within this zone.

- 3.6.2.** It shall be the policy of Council to establish a Protected Water Area (PWA) Zone in the Environmental Protection Designation, as shown on Schedule A, Zoning Map of the Land Use By-law. Land use activities that affect the quality and quantity of water shall be regulated. Non-residential activities and land uses not related to the water supply system will be prohibited in the protected water area.
- 3.6.3.** It shall be the policy of Council to notify applicable officials responsible for Protected Water Area regulations of all development proposals within the Protected Water Area (PWA) Zone identified in the Land Use By-law.

Environmentally Sensitive Areas

(Repealed by Amendment)

Amended February 22, 2017.

4 GENERAL ENVIRONMENTAL PROTECTION.

Section 214 of the Municipal Government Act permits municipalities to develop policy statements concerned with prescribing methods for controlling erosion and sedimentation during development. Council recognizes that development near or adjacent to significant watercourses has the potential to impact water quality through surface runoff, or by damaging the natural vegetation immediately adjacent to the watercourse. Development can also cause soils in the area to erode, especially on the identified drumlins that are found in Hebbville.

Retaining a portion of vegetation to create a buffer zone along identified watercourses achieves several functions, in addition to controlling the impacts of erosion and sedimentation. Vegetated buffer areas are aesthetically pleasing; can help moderate air and water temperatures; filter noises and air pollution; reduce runoff of excess nutrients and other foreign materials; and provide wildlife habitat corridors near to water resources. For these reasons, the Hebbville Land Use By-law will contain provisions to ensure that new development will be set back from significant watercourses.

- 4.1.** It shall be a policy of Council to protect identified water resources within the planning area, by restricting development activities near to significant watercourses, as shown on Schedule C of the Land Use By-law. Proposed developments shall be set back from the edge of the watercourse in order to minimize the impacts of development on fish, wildlife, aquatic ecosystems, and to preserve the natural aesthetic characteristics of waterbodies and the immediate shoreline.
- 4.2.** It shall be the policy of Council that land within 7 metres (23 feet) of the ordinary high water mark of a significant watercourse, as identified on Schedule C of the Land Use By-law, shall not be filled or excavated in relation to a development to a depth greater than 0.5 metres (1.6 feet), except by Development Agreement. Before entering into a Development Agreement for filling or excavation, Council shall be satisfied that the proposal satisfies the following conditions:
 - 4.2.1.** no filling or excavation shall be permitted that would affect any watercourse within the watershed to the extent that any existing downstream flooding or bank erosion problem will be exacerbated, or any new flooding or erosion problem will be created.
 - 4.2.2.** except when the filling or excavation is related to construction of a pier or dock, the natural grade and slope of the foreshore area shall be retained.
 - 4.2.3.** vegetation shall be re-established on the filled or excavated area sufficient to retard erosion and, where possible, trees and shrubs native to the area shall be retained or replanted.
 - 4.2.4.** any area that will be exposed to the erosional forces of water caused by current or wave action, within the area that is subject to seasonal increases in water levels, shall not be disturbed by filling or excavation unless appropriate measures are taken to ensure that siltation and sedimentation of the watercourse will not result.
- 4.3.** It shall be the policy of Council that wherever the Planning Strategy provides for developments by Development Agreement, on lands abutting significant watercourses, as identified on Schedule C of the Land Use By-law, the agreement shall contain provisions respecting land use, excavation and filling, and erosion control, to ensure that the proposed use will not have any undue negative effect on the identified watercourse.

Where any proposed developments are permitted in the Village of Hebbville by way of Development Agreement, or by making Amendments to the existing Land Use By-law or Secondary Planning Strategy, Council will consider the impacts such developments can have on the natural environment, and incorporate this consideration in the Municipality's review process.

- 4.4.** It shall be the policy of Council that, based on the advice of a qualified person, the impact of development and land use on the natural and living environment shall be a consideration in all decisions concerning the amendment of this Planning Strategy or the Land Use By-law, or the entering into of a Development Agreement pursuant to the policies of this Strategy.
- 4.5.** Pursuant to Policy 4.4, it shall be the policy of Council that, where Council determines on the advice of a qualified person that there is a significant risk of environmental damage from any development which may be permitted by Development Agreement or rezoning, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No Development Agreement or rezoning shall be approved until Council is satisfied that the proposed development will not cause or result in undue environmental damage.

Wetlands Protection

Wetlands act as nature's water purifiers by effectively absorbing and breaking down contaminants, and helping prevent a number of toxic chemicals from entering surface water and groundwater supply. Wetlands can also help stabilize surface water levels and reduce soil erosion and sedimentation. Although Council acknowledges there are applicable senior government departments mandated with the primary responsibility to identify and protect wetlands in the Province, municipalities are enabled in various ways to support the Province in this objective.

To assist in the protection and preservation of wetlands, Council recognizes where the Municipality's development permit application process may be linked with relevant provincial departments, where and when any proposed development may be proposed to be located within an identified wetland. The most comprehensive information source regarding wetland location and boundaries on properties in the Plan Area is identified as the NS "Wetlands Vegetation and Classification Inventory", which is maintained and updated by the NS Department of Natural Resources. Council also recognizes where NS Environment are appropriately identified as the principal officials on the location of wetlands, in that NS Environment's regional offices oversee any proposed wetlands alterations approval process.

- 4.6.** Council shall assist in the protection of any provincially-identified wetlands located in the Hebbville Plan Area, by corresponding with both the Department of Environment and Department of Natural Resources, prior to processing any permit application for developments proposed to be located in an identified wetland. Provincially-identified wetlands are those identified on the "Wetlands Vegetation and Classification Inventory", administered by NS Natural Resources, and as shown on Schedule "C" of the Land Use By-law. No development permit application will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development does not affect, or is inconsistent with, any related provincial policy, and, where necessary, that the proposed development has satisfied any related wetlands-related approvals process.

Amended February 22, 2017.

5 SERVICES AND INFRASTRUCTURE.

This Secondary Planning Strategy references infrastructure and services that Council considers has a direct effect on the development of local land uses, and where inclusion of certain statements has potential relevance, by being explicitly included within the Strategy. This includes policy statements concerning water, wastewater, and transportation infrastructure. This Planning Strategy does not include statements concerned with the provision of policing, fire protection, health, education, waste management, or programs concerned with economic development, recreation, or social assistance. Although such matters have profound consequences on a community's ongoing spatial development, the formation of public policy on these issues is recognized as being removed from the context of a local planning strategy, through existing legislation and plans that are developed, directed, and resourced through well-established bureaucracies.

Council recognizes that the community of Hebbville has, at this time, a unique distinction within the Municipality, by it being incorporated as a Village. The community is therefore positioned to approach the Municipality through the coordination of the Hebbville Village Commission. The Village Commission can potentially identify any issues considered to be of substantive concern and priority to the Village's development, and to ask for Municipal Council's attention on such matters, either through changes to the community's Planning Strategy, or through other possible means.

- 5.1.** It shall be the intention of Municipal Council to consider requests from the Hebbville Village Commission to review services that may be provided by the Municipality, or priority matters resulting from other public policy decisions.

Council also recognizes that any future water and wastewater infrastructure developments in Hebbville are intrinsically linked with existing municipal systems serving the Town of Bridgewater. Council would also identify that the existing road network in Hebbville is largely a combination of roadways controlled directly by the provincial government, or private roads that have been created through subdivision. Political decisions, and inter-jurisdictional cooperation, are therefore seen as the necessary pre-requisites in considering any major infrastructure changes that would support developments in Hebbville.

Wastewater.

Hebbville is unique within the Municipality, in that it is the one identified community Plan Area where a proportion of private landowners have had ongoing access to central water and central wastewater services. While this existing 'serviced area' is, recognizably, a very small percentage of the community's overall geography; it nevertheless has an important role in determining the Village's future development opportunities. As of September 2011: the number of existing properties that abut the central wastewater system in the Village is greater than the current number of connections that enter the existing system (35). The area specifically impacted by wastewater services includes properties along Century Drive, Ridgewood Drive, Highway #3, and Jubilee Road. There are three pumping stations, of various age and sizes, owned and managed by the Municipality. The wastewater pumped from these stations flows into Bridgewater's more comprehensive sewage treatment system.

Council considers that a principal intent of this Planning Strategy is focused on seeing that the serviced area within Hebbville continues to support either commercial developments, or higher density residential developments. This intent can be most clearly identified through the Zoning Designations that are provided for in this Planning Strategy (see section 3) and found on the Future Land Use Map, as well as being stated in one of the Strategy's general objectives (see Policy 2.0.3).

Given current infrastructure conditions, there is a limited capacity to handle sudden significant increases in development without a concurrent and requisite upgrade in the pumping stations' capacity. To-date, the permit application process provides the Municipality with information on a proposed new use, with the case for a sewer connection then being reviewed on a case-by-case basis by the Municipality's Engineering Services, before it is allowed to proceed with a connection.

For all other lands found in the Hebbville Plan Area, development opportunities are impacted by the standards set out in the On-site Sewage Disposal Regulations administered by NS Environment. The Province's regulations outline both minimum lot sizes and lot widths. New development must be sufficiently sized to accommodate the necessary infrastructure to handle wastewater resulting from the site. These are considered minimum standards: as each site's topographical conditions would imply a unique set of circumstances, NS Environment retains the right to review each site's development proposal through its own permit application process.

- 5.2.** It shall be the intention of Municipal Council to continue to provide central sewer service to an identified area of Hebbville, subject to agreements with the Town of Bridgewater for connection to the Town's sewer system, and subject to charging user fees and rates as necessary to install and operate the system.

Water.

Central water services in the Hebbville Plan Area are provided to a limited number of Hebbville residents by the Bridgewater Public Service Commission. The identified serviced area mirrors, in large part, the area described above, regarding sewer connections. There are minor variations in the defined 'serviced area:' notably, water can also be potentially accessed all the way along Century Drive to Highway 103, as well as along the William Wile Road, towards Highway 325, and the Town boundary line that lies to the north of the Village.

The Public Service Commission's process for determining any new connection to the water supply system is similar to that process used for securing any new connection to the Municipality's wastewater services. New developments within the identified area do not receive water services as-of-right, but rather, only after a consideration by the Public Service Commission of the impacts that a new connection would have on existing infrastructure, who retains the right to determine if access should be granted. Water lines within the Village are part of the Public Service Commission's transmission system and not its distribution system - these lines are identified as substandard for distribution purposes, and are of limited pressure.

For all other lands in the Hebbville Plan Area, new developments can only occur with the landowner's ability to develop an individual private well. Wells, like septic systems, are regulated under regulations administered by NS Environment, and, as is the case with septic systems, there is no precedent for the Municipality to try to enforce any standard beyond those that are regulated by the provincial government.

- 5.3.** It shall be the intention of Municipal Council to support the Bridgewater Public Service Commission in their provision of water services to an identified area of Hebbville, subject to the system's capacity and financial considerations.

Transportation.

Hebbsville is oriented around a roadway system focused on enabling automobile travel to move rapidly along major road corridors. Pedestrian alternatives in the Hebbsville Plan Area, outside of the use of the Bull Run Trail, are few. The limitations to pedestrian travel - be it walking to Hebbsville Academy or into the Town of Bridgewater along Highway #3; to Fancy Lake Provincial Park; or even in between private residences - is partially a result of the lack of infrastructure capacity found along the major roads. It is also a result of the Village's community design of having major roads being intersected with short, subdivision roads that were not designed, nor ever intended, to be interconnected together. Both design and infrastructure conditions are unlikely to change in the near-term.

As of 2011: the Municipality has no established transportation reserves specific to roadway construction in Hebbsville, and owns one road (Whisper Wood Drive).

The Province owns and maintains the majority of roads that form the network for automobile travel in Hebbsville. The Department of Transportation and Infrastructure Renewal conducts traffic count assessments at a number of locations along these roads within Hebbsville, or at points very near to the Village's boundary lines. The Department considers, based on past traffic counts, that there are no capacity or service volume issues pertaining to these roads. The Department, as per its mandate defined in the Public Highways Act, administers regulations and permits concerned with any alterations or new developments that impact, or are seeking new access points onto, provincial roadways. Council identifies the input of the Department as one of the identified considerations within any Development Agreement process that takes place in the Hebbsville Plan Area.

There are also, as of 2011, thirteen private roads in the Village. The standards and conditions of these private roads vary. These roads are identified as being the responsibility of adjacent landowners.

- 5.4.** It shall be the intention of Municipal Council to communicate regularly with the Province to ensure the continued functionality of the existing road network in Hebbsville, including the identification of any volume, maintenance, or traffic safety issues that may impact on local land use and development.

6 DEVELOPMENT / REGULATORY POLICIES.

The following policies shall apply to the entire Hebbville Plan Area, except where there are relevant conditions specifically stated under applicable Zoning Designations, identified in section 3 of this Planning Strategy.

Council considers where municipalities are provided with the authority to regulate such matters, that development controls over lot frontage, lot area, signage, outdoor display, storage, fencing, parking, landscaping, lighting and outdoor wood furnaces, are to be included in the Land Use By-law. These policies are to reflect the concerns of the general community, in terms of how development and land use impact on matters pertaining to public safety, aesthetics, and existing community design.

This Planning Strategy and the accompanying Land Use By-law will also contain policies that make all of the provisions of the Municipality's Subdivision By-law operative within the Hebbville Plan Area.

LOT FRONTAGE AND LOT AREA

6.1. It shall be the policy of Council that minimum lot area, minimum lot frontage and minimum yard requirements shall be established for all zones in the Land Use By-law. These minimum requirements shall provide for adequate fire separation between structures, on-site parking, maintenance of buildings and land, private outdoor space, solar exposure, air circulation, and the separation of land use to minimize land use conflicts.

6.2. Notwithstanding Policy 6.1, a lot may be used for any purpose permitted in the Zone in which the lot is located, provided all applicable Land Use By-law requirements are met, excepting those specified requirements set out in the Land Use By-law for lot area and lot frontage, provided the lot was either:

- 6.2.1.** created prior to the effective date of the Land Use By-law;
- 6.2.2.** created by an instrument to which the Municipal Government Act does not apply; or
- 6.2.3.** created in accordance with a Subdivision Plan approved in accordance with the Municipal Government Act,

Amended February 22, 2017.

6.3. It shall be the policy of Council that existing structures which have been erected before the effective date of the Land Use By-law, or subsequently under the variance provisions of the Municipal Government Act, on a lot having less than the required minimum area, lot frontage or yards, shall be regarded as conforming structures for the purposes of the By-law, and may be used or altered in any way permitted in the zone in which they are located, provided no further encroachments occur.

SIGNS

6.4. It shall be the policy of Council to control the impact of signs on the landscape, streetscape and skyline of the Village. It is Council's policy to regulate or prohibit signs in all zones in the Land Use By-law to ensure that signs will not create hazards or nuisance with respect to the following:

- 6.4.1.** sign area;
- 6.4.2.** height of sign;
- 6.4.3.** illumination and animation;
- 6.4.4.** location of sign on lot.

OUTDOOR DISPLAY AND STORAGE

- 6.5.** It shall be the policy of Council to regulate or prohibit outdoor display and outdoor storage within yards, to minimize potential conflicts between adjacent land uses. It is Council's policy to incorporate requirements where such uses are permitted in the Land Use By-law, to ensure that outdoor display and storage will not create hazards or nuisance with respect to the following:
- 6.5.1.** area;
 - 6.5.2.** location on lot;
 - 6.5.3.** set backs;
 - 6.5.4.** screening from adjacent Residential and Institutional Zones.

SCREENING / FENCING

- 6.6.** It shall be the policy of Council to regulate the type, height, location and proper retention of fencing or vegetation for the purposes of screening or buffering in the Land Use By-law. It is Council's policy that fencing or screening measures shall be required for the purposes of:
- 6.6.1.** screening storage areas that contain unsightly materials;
 - 6.6.2.** where it is considered to be necessary so as to enhance and preserve the character of the local area;
 - 6.6.3.** to reduce incompatibility with the surrounding land uses;
 - 6.6.4.** public safety.

Amended March 9, 2016.

PARKING

- 6.7.** It shall be the policy of Council to require and regulate use-specific and zone-specific off-street parking standards and loading facilities in the Land Use By-law. Further, it is Council's policy to control the size and location of parking lot accesses, so as to minimize potential traffic hazards. Where uses are permitted by Development Agreement, the agreement shall make provision for adequate parking to serve the development proposal.

LANDSCAPING

- 6.8.** It shall be the policy of Council to require landscaping to be carried out for any development that is subject to a Development Agreement, where landscaping is considered to be reasonably necessary in preserving the character of the area, providing screening or buffers, reducing erosion and dust, or to otherwise minimize incompatibility with surrounding land uses.

LIGHTING

- 6.9.** It shall be the policy of Council to control outdoor lighting to minimize any nuisance created by such lighting to properties in the surrounding area.

OUTDOOR WOOD FURNACES

- 6.10.** It shall be the policy of Council that the location of outdoor wood furnaces on a lot shall be regulated within the planning area to minimize nuisances and conflicts with adjacent land uses.

SUBDIVISION

- 6.11.** It shall be the policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Village of Hebbville Plan Area, and any lot that has been created through subdivision approval may be used for a development that is permitted in the zone where the lot is located, subject to applicable requirements of the Land Use By-law.
- 6.12.** It shall be the policy of Council that where the Municipality's Subdivision By-law provides that lots may be created with frontage on a private right-of-way that is indexed on Schedule B of the Subdivision By-law, these rights-of-way shall also be listed as "Existing Schedule "B" Private Roads" in Schedule B of the Hebbville Land Use By-law before any division of land can be approved. Before Schedule B of the Land Use By-law is amended to list a newly-indexed private right-of-way, Council shall be satisfied that the conditions identified in Policy 8.4.3 of the Subdivision By-law have been satisfied.

7 IMPLEMENTATION.

The Secondary Planning Strategy and the Land Use By-law are legal documents that govern land use and development within the Village of Hebbville. The Planning Strategy provides a broad policy framework for land use and development regulations, both in the present and the future. The Land Use By-law provides more detailed regulations and requirements which are intended to express and carry out the intent of the Planning Strategy.

7.1 GENERAL ADMINISTRATION

This section describes Council's specific policies with regard to the administration of the Village of Hebbville Secondary Planning Strategy and Land Use By-law.

- 7.1.1.** This Secondary Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes as may be applicable.
- 7.1.2.** It shall be the policy of Council that the Land Use By-law shall be the principal means for implementing the Planning Strategy pursuant to the Municipal Government Act.
- 7.1.3.** It shall be the policy of Council that the Development Officer for the area covered by this Secondary Planning Strategy and Land Use By-law, appointed under the authority of the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.
- 7.1.4.** It shall be the policy of Council that any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. It is Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.
- 7.1.5.** It shall be the policy of Council that the Land Use By-law shall contain a list of permitted developments for each zone, and developments that are not included in the list of permitted developments shall be deemed as prohibited.
- 7.1.6.** It shall be the policy of Council that temporary uses associated with a construction site, a special occasion, or a holiday shall be permitted for a time period to be regulated in the Land Use By-law, with no requirement for a Development Permit.
- 7.1.7.** It shall be the policy of Council that this Secondary Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Services Nova Scotia and Municipal Relations or by Council, but not later than ten years from the date of its coming into force and effect.

7.2 AMENDMENTS AND PROCEDURES

Council may make amendments to the Land Use By-law, provided that they conform to the overall policy framework imposed by the Secondary Planning Strategy. Amendments to planning strategies are subject to the review of the Director of Services Nova Scotia and Municipal Relations, and must be reasonably consistent with the Municipal Government Act's Statements of Provincial Interest. Only under certain circumstances are planning strategy amendments subject to the approval of the Minister of Services Nova Scotia and Municipal Relations.

This section describes Council's policies with regard to any amendments, rezonings, development agreements, variances, and related considerations pertaining to the implementation of this Planning Strategy and accompanying Land Use By-law.

- 7.2.1.** It shall be the policy of Council that amendments to this Planning Strategy will be required where any policy is to be changed or where any amendment to the Land Use By-law would contravene Map 1, Future Land Use Map.
- 7.2.2.** It shall be the policy of Council that, notwithstanding Policy 7.2.1 or any designation on Map 1, Future Land Use Map, land that abuts any zone boundary as shown on Schedule A of the Land Use By-law as of the effective date of the By-law, may be rezoned to the zoning designation of abutting land on either side of the boundary without amendments to this Planning Strategy, provided that:
- a)** the rezoning does not result in the expansion of a zone across a public street;
 - b)** the rezoning does not result in the expansion of any commercial or industrial zone; and
 - c)** all other Planning Strategy policies are satisfied.
- 7.2.3.** It shall be the policy of Council that where any development shall require amendment of the Land Use By-law, Council shall adopt no amendment unless the application is for a specific development proposal. In assessing an amendment application for a rezoning, Council shall consider the planning implications of the proposed use as well as other uses that are permitted in the requested zone.
- 7.2.4.** It shall be the policy of Council that all proposals for rezoning shall meet the requirements of the Land Use By-law for the zone that is being sought, except, however:
- a)** a rezoning may be granted for an undersized vacant lot with less than the minimum area or frontage required in the zone being sought, provided that all other applicable requirements of the Land Use By-law are satisfied; and
 - b)** a rezoning may be granted for a lot with a building on it provided:
 - i.** all applicable requirements of the Land Use By-law except for minimum lot area, frontage, setback, or yard requirements are satisfied, and
 - ii.** any proposed addition to any building, or any building that will replace an existing building, meets the setback or yard requirements of the zone being sought.
- 7.2.5.** It shall be the policy of Council that a Development Agreement, approved by Council under this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act, for the matters that may be addressed by Development Agreement.

7.2.6. It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, in addition to all other criteria as set out in the various policies of this Secondary Planning Strategy, Council shall be satisfied that:

- a) the development conforms with the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy; and where considering a Development Agreement, with specific requirements identified in the applicable sections previously found in this Planning Strategy:
 - i. Policy 3.1.5 (expansion of existing General Commercial and Light Industrial Uses listed in Schedule B in Two-Unit Residential Zone)
 - ii. Policy 3.1.10 & 3.5.2 (proposed Institutional Use in Residential Zones)
 - iii. Policy 3.1.11 & 3.2.11 (proposed General Commercial Uses on properties abutting the General Commercial Zone)
 - iv. Policy 3.1.12 & 3.3.7 (proposed Light Industrial Uses on properties abutting the Light Industrial Zone)
 - v. Policy 3.2.9 (expansion of existing Light Industrial Uses listed in Schedule B in General Commercial Zone)
 - vi. Policy 3.2.10 (proposed Light Industrial Uses in General Commercial Zone)
 - vii. Policy 3.3.5 (proposed restricted Uses in Light Industrial Zone)
 - viii. Policy 3.3.6 (expansion of existing Petroleum-related Uses listed in Schedule B in Light Industrial Zone)
 - ix. Policy 3.4.5 (proposed Resource Uses exceeding identified threshold levels in Rural Zone)
 - x. Policy 3.4.6 (proposed General Commercial and Light Industrial Uses exceeding identified threshold levels in Rural Zone)
 - xi. Policy 3.4.7 (proposed restricted commercial and industrial Uses in Rural Zone)
 - xii. Policy 3.4.8 (expansion of existing Light Industrial Uses as listed in Schedule B in Rural Zone)
 - xiii. Policy 3.4.10 (proposed wind turbine Uses in a Rural Zone which have a generation capacity that exceeds the By-law's identified generation capacity)
 - xiv. Policy 4.2 (in relation to a proposed development in all Zones, the infill or excavation to a depth greater than 0.5 metres of property within 7 metres of a significant watercourse as shown on Schedule C of the Land Use By-law.)
- b) the development conforms with the specific policies concerned with environmental protection identified in Section 4 of this Planning Strategy;
- c) the development conforms with the regulatory policies identified in Section 6 of this Planning Strategy, so that Council is satisfied that any impacts pertaining to the following components have all been sufficiently addressed, and are in compliance with regulations identified in the Land Use By-law, or, where Council considers it necessary, with specific terms identified in the Development Agreement:
 - i. signage;
 - ii. outdoor display and storage;
 - iii. screening;
 - iv. parking;
 - v. landscaping; and
 - vi. lighting measures.

- d) the development shall not, in Council's consideration, generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties, or for residents in the immediate vicinity;
- e) the proposed development is not premature or inappropriate due to:
 - i. the financial ability of the Municipality to absorb costs related to the development;
 - ii. the adequacy of Municipal services;
 - iii. the adequacy of physical site conditions for on-site services;
 - iv. the creation or worsening of a pollution problem, including soil erosion and siltation;
 - v. the adequacy of storm drainage and effects of alteration to drainage patterns including potential for creation of a flooding problem;
 - vi. the adequacy of local emergency services;
 - vii. the adequacy of street networks and site access, regarding traffic volume and congestion, traffic hazards, and emergency access.
- f) the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and its proximity to any natural or man-made hazards that could present a health risk, as determined by a qualified person;
- g) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
- h) parking areas, loading areas and driveways shall be hard-surfaced or otherwise surfaced with stable materials to prevent dust from blowing onto adjacent properties;
- i) all other matters of planning concern have been addressed.

7.2.7. It shall be the policy of Council that no Development Agreement shall be executed until all necessary permits required by a Federal, Provincial or Municipal Government agency have been issued, or Council is satisfied that the required permits will be issued.

7.2.8. It shall be the policy of Council that, pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public.

Amended April 1, 2015
Further amended September 16, 2020

7.2.9. It shall be the policy of Council that a public hearing shall be held by Council, pursuant to the Municipal Government Act, prior to entering into any Development Agreement or prior to approving any amendment to the Land-Use By-law or the Subdivision By-law, and no Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.

7.2.10. It shall be the policy of Council to permit the Development Officer to grant a variance in one or more of the following Land Use By-law requirements, pursuant to the Municipal Government Act:

- a) number of parking spaces and loading spaces required;
- b) ground area and height of a structure;
- c) floor area occupied by a home-based business / home occupation; and
- d) height and area of a sign;
- e) minimum lot area;
- f) lot frontage;
- g) size or other requirements related to yards; and
- h) the percentage of land that may be built upon as required by this By-law;

provided that a variance is not granted where the:

- i) variance violates the intent of the Land Use By-law;
- j) difficulty experienced is general to properties in the area; or
- k) difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.

(page intentionally left blank for printing purposes)

8 REPEAL OF SECONDARY PLANNING STRATEGY

The Secondary Planning Strategy for the Village of Hebbville, adopted by Municipal Council on October 10, 2000 is hereby repealed and this Secondary Planning Strategy substituted therefore.

I, April Whynot-Lohnes, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Secondary Planning Strategy for the Village of Hebbville which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on February 14, 2012:

DATED at Bridgewater, Nova Scotia, the _____

April Whynot-Lohnes, Municipal Clerk

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Village of Hebbville Land Use By-law

First Reading by Council: December 13, 2011
Second Reading by Council: February 14, 2012

Effective Date: March 21, 2012
Last Amendment: **March 8, 2023**

(this page intentionally left blank for printing purposes)

TABLE OF CONTENTS

Part 1	TITLE AND PURPOSE	1
Part 2	ADMINISTRATION	2
Part 3	INTERPRETATION OF ZONES, MAPS, SYMBOLS, AND WORDS	6
Part 4	GENERAL PROVISIONS	8
Part 5	RESIDENTIAL ZONES	14
Part 6	COMMERCIAL ZONES	18
Part 7	INDUSTRIAL ZONES	22
Part 8	INSTITUTIONAL ZONES	25
Part 9	RURAL ZONES	27
Part 10	ENVIRONMENTAL PROTECTION ZONES	33
Part 11	PARKING AND LOADING REQUIREMENTS	34
Part 12	SIGNS	36
Part 13	DEFINITIONS	40
Part 14	REPEAL	53

SCHEDULE

A	ZONING MAP	(attached map)
B	LISTED "EXISTING PERMITTED" USES	55
C	SIGNIFICANT WATERCOURSES and IDENTIFIED WETLANDS MAP	(attached map)

(this page intentionally left blank for printing purposes)

PART 1 TITLE AND PURPOSE

1.1. TITLE

This By-law shall be known and may be cited as the “Hebbville Land Use By-law”, of the Municipality of the District of Lunenburg.

1.2. PURPOSE

The purpose of this Land Use By-law is to carry out the purpose and intent of the Secondary Planning Strategy for the Village of Hebbville in accordance with the provisions of the Nova Scotia Municipal Government Act (Chapter 18, Acts of 1998) as amended, by regulating the use of land as well as the location, size, spacing, character and use of buildings and structures within the Village of Hebbville. This By-law shall apply to the area of land shown specifically on Schedule A, Zoning Map, consisting of the Hebbville Plan Area.

1.3. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

This Land Use By-law does not exempt any person from complying with the requirements of other by-laws or regulations in force within the Municipality of the District of Lunenburg or from obtaining any license, permission, permit, authority or approval required thereunder. Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement shall prevail.

PART 2 ADMINISTRATION

2.1. DEVELOPMENT OFFICER

This By-law shall be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg and the Development Officer shall issue Development Permits under this By-law.

2.2. ACTING DEVELOPMENT OFFICER

In the absence or incapacity of the Development Officer, the acting Development Officer appointed by Council shall act in the Development Officer's stead.

2.3. EFFECTIVE DATE

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 Secondary Planning Strategy and its implementing Land Use By-law are in effect, pursuant to the Municipal Government Act.

2.4. VIOLATIONS

In the event of any alleged contravention of the provisions of this Land Use By-law, the Municipality may take action as outlined in the Municipal Government Act, as amended from time to time.

2.5. RIGHT OF ENTRY

Pursuant to all the provisions of Section 267 of the Municipal Government Act, the Council, or any of its duly authorized officers or servants, shall have the right to enter at all reasonable times into or upon any property within the area to which this Land Use By-law applies for the purpose of an inspection necessary in connection with the administration of the Land Use By-law or Development Agreement.

2.6. FEES

An application for a development permit, a variance, a development agreement, or an amendment to the Land Use By-law or an amendment to a Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.

2.7. REQUIREMENT FOR DEVELOPMENT PERMIT

No person shall undertake, or cause or permit to be undertaken, any development in the area to which this Land Use By-law applies, unless a Development Permit has been obtained in relation to such development from the Development Officer or acting Development Officer, as appointed by Council.

2.8. NO PERMIT REQUIRED

Notwithstanding Section 2.7, no Development Permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.

2.9. REQUIREMENT FOR APPLICATION: DEVELOPMENT PERMIT

Every developer wishing to obtain a Development Permit must submit an application for such to the Development Officer in the form prescribed from time to time by Council.

2.10. CONTENTS OF APPLICATION: DEVELOPMENT PERMIT

Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

- 2.10.1. the true shape and dimension of the lot to be used or upon which the development is proposed to construct or locate any building or structure; and
- 2.10.2. the proposed location, and dimensions of any building or structure for which the permit is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards; and
- 2.10.3. the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon adjacent lots; and
- 2.10.4. the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs; and
- 2.10.5. the location of existing and proposed landscaping, fencing and outdoor storage; and
- 2.10.6. the location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse; and
- 2.10.7. other such information as may be necessary to determine whether or not the proposed development conforms with the requirements as outlined in this By-law.

2.11. SURVEY OF LANDS

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, he/she may require that the plans submitted under Section 2.10 be based upon an actual survey by a Nova Scotia Land Surveyor.

2.12. SIGNATURES

The application for a Development Permit shall be signed by the owner of the lot, or by his/her authorized agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

2.13. ISSUANCE OF DEVELOPMENT PERMIT

The Development Officer shall not issue a Development Permit unless:

- 2.13.1. the proposed development is in conformance with this Land Use By-law; or
- 2.13.2. a Resolution pertaining to a Development Agreement has been passed by Council, pursuant to the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of, and the Development Agreement has been executed; or
- 2.13.3. the Development Officer has granted a variance from the terms of this By-law, pursuant to the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with the requirements of this Land Use By-law; or
- 2.13.4. the Development Officer has approved a Site Plan Approval and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with By-law requirements

2.14. DEVIATIONS

No developer shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless he has obtained a new Development Permit from the Development Officer.

2.15. REVOCATION OF A DEVELOPMENT PERMIT

The Development Officer may revoke a Development Permit, where the Development Permit was issued based upon false or mistaken information.

2.16. LAPSE OF PERMITS

Every Development Permit issued under this Land Use By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced and one year has passed since its issuance.

2.17. REQUIREMENT FOR A SITE PLAN APPROVAL

No owner shall undertake, or cause or permit to be undertaken, any development that is subject to site plan approval in the Two-Unit Residential (TR) Zone, High Density Residential (HDR) Zone, General Commercial (GC) Zone or Rural (RU) Zone, unless a Site Plan Approval has been obtained in relation to such development from the Development Officer or acting Development Officer, as appointed by Council.

2.18. REQUIREMENT FOR APPLICATION:– SITE PLAN APPROVAL

Every developer wishing to obtain a Site Plan Approval must submit an application for such Site Plan Approval to the Development Officer in the form prescribed from time to time by Council.

2.19. CONTENTS OF APPLICATION: SITE PLAN APPROVAL

Every application for a Site Plan Approval shall be accompanied by a plan drawn to an appropriate scale and showing, to include:

- 2.19.1.** the true shape and dimension of the lot to be used or upon which the development is proposed to construct or locate any building or structure;
- 2.19.2.** the proposed location and dimensions of any building or structure for which the proposal is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards;
- 2.19.3.** the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon adjacent lots;
- 2.19.4.** the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses, pedestrian walkways and curbs;
- 2.19.5.** the location of existing and proposed landscaping, fencing and outdoor storage areas;
- 2.19.6.** the location of proposed lighting for driveways and pedestrian ways;
- 2.19.7.** the location of significant watercourses, as shown on Schedule C of the Land Use By-law;
- 2.19.8.** stormwater management plans;
- 2.19.9.** maintenance plans for the applicable criteria listed above; and
- 2.19.10.** other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of the Site Plan Criteria as outlined in this By-law.

2.20. ISSUANCE OF A SITE PLAN APPROVAL

The Development Officer shall not issue a Site Plan Approval unless the proposed development is in conformance with the Site Plan Criteria outlined in this Land Use By-law and the time period for appeals to Council has elapsed.

2.21. DECISION IN WRITING

Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by Registered Mail, and such revocation shall become effective on the third day after it was sent.

2.22. COST OF ADVERTISING AND NOTICE FOR AMENDMENTS OR DEVELOPMENT AGREEMENTS

Pursuant to the Municipal Government Act, an applicant for an amendment to this By-law or for a Development Agreement or amendment thereto shall deposit with the Clerk of the Municipality of the District of Lunenburg an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required by the Municipal Government Act and, after the advertising has been completed and the notice served, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising and notice or, if there is a surplus, the Clerk shall refund it to the applicant.

2.23. COST OF NOTICE FOR VARIANCES OR SITE PLAN APPROVALS

Pursuant to the Municipal Government Act, where a variance from the requirements of this Land Use By-law has been granted or refused, or a Site Plan has either been approved or refused, the Development Officer shall give notice to the persons entitled, and in the manner prescribed by the Municipal Government Act, such notice to be served by ordinary mail, and the Municipality may recover from the applicant the cost of giving such notice.

2.24. SERVICE OF NOTICE OF AMENDMENT OR DEVELOPMENT AGREEMENT

Pursuant to the Municipal Government Act, where the Council has given notice of its intention to adopt an amendment to Schedule A, Zoning Map of this By-law, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention to enter into a Development Agreement, or to amend a Development Agreement, the Council shall serve notice of the proposed amendment, Development Agreement or amendment thereto, upon affected property owners whose property lies within 30 metres (100 ft) of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. Such notice shall:

- 2.24.1.** set forth a synopsis of the proposed amendment, Development Agreement or amendment thereto;
- 2.24.2.** state the date, time, and place set for the public hearing on the amendment, Development Agreement or amendment thereto; and
- 2.24.3.** be served by ordinary mail.

A suitable notice, containing the above-mentioned information, shall also be erected upon the property that is the subject of the proposed amendment or Development Agreement or amendment thereto.

PART 3 INTERPRETATION OF ZONES, MAPS, SYMBOLS, AND WORDS

3.1. ZONES

For the purpose of this By-law, the Village of Hebbville is divided into the following zones, the boundaries of which are shown on the attached Schedule A, titled "Zoning Map." In this By-law, reference to a zone is deemed to include reference to the permitted uses, special requirements, and regulations of that particular zone. Such zones are also referred to by symbols as follows:

TR	Two-Unit Residential
HDR	High Density Residential
GC	General Commercial
LI	Light Industrial
RU	Rural
I	Institutional
PWA	Protected Water Area

Amended February 22, 2017.

3.2. INTERPRETATION OF ZONE BOUNDARIES

For greater certainty, the boundaries of zones shall be as shown on Schedule A and shall be more precisely located as follows:

- 3.3.1. where a zone boundary is shown as following a street, the boundary shall be the centre line of such street as shown;
- 3.3.2. where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;
- 3.3.3. where a street, railroad or railway right-of-way or watercourse is shown on Schedule A, it shall unless otherwise indicated be included in the zone of the adjoining property on either side thereof;
- 3.3.4. where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse (other than a lake) is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long axis thereof shall be considered the boundary between zones unless specifically indicated otherwise;
- 3.3.5. where a zone boundary is indicated as following the shoreline of a watercourse, including wharves and piers, the boundary shall follow the ordinary high water mark; or
- 3.3.6. where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A, Zoning Map.

3.3. ZONES NOT ON ZONING MAP

Schedule A, Zoning Map of this By-law, may be amended in conformance with the Hebbville Secondary Planning Strategy to any zone in this By-law, regardless of whether or not such zone had previously appeared on Schedule A.

3.4. INTERPRETATION OF CERTAIN WORDS

In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 13 - DEFINITIONS of this By-law.

3.5. STANDARDS OF MEASUREMENT

The Metric System of Measurement is used throughout this By-law, and in all cases represents the required standard. Imperial measurements are approximate only, for convenience only, and are not to be regarded as precise.

3.6. PRIOR EXISTING USES

Uses of land in existence prior to the effective date of this By-law, or in existence prior to April 11, 1991, as specified, are listed in Schedule B attached to this By-law. Schedule B may be cited as the "List of Prior Existing Uses". Schedule B may be amended from time to time to include prior existing uses which, through oversight or lack of information, may have been omitted from it at the time of the compilation of this By-law.

PART 4 + GENERAL PROVISIONS

4.1. APPLICATION

The provisions of PART 4 - GENERAL PROVISIONS shall apply to all zones except where a zone requirement specifically states otherwise.

4.2. SCOPE

No person shall undertake a development, nor shall a Development Permit be issued unless the proposed development conforms to all the provisions of this Land Use By-law.

4.3. STRUCTURE TO BE MOVED

No structure, residential or otherwise, shall be moved within or into the area covered by this Land Use By-law without obtaining a Development Permit from the Development Officer, except for those developments for which a Development Permit is not required.

4.4. RESTORATION TO A SAFE CONDITION

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

4.5. SIGHT TRIANGLE

Notwithstanding anything else in this Land Use By-law, on a corner lot, a building, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation, shall not be erected or permitted to grow to a height more than 1 metre (3.3 ft) above the grade of the streets that abut the lot within the sight triangle, included within the street lines for a distance of 4.6 metres (15 ft) from their point of intersection.

4.6. HEIGHT REGULATIONS

The height regulations of this Land Use By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, radio communication towers, ventilators, skylights, barns, chimneys, clock towers, monuments, wind turbines or solar collection devices.

4.7. PERMITTED USES - PROHIBITED USES

For the purposes of this Land Use By-law, if a use is not listed as a permitted use in any zone, or if it is not an accessory use to a permitted use in a particular zone, it shall be deemed to be a prohibited use in that zone, subject to the non-conforming use provisions of the Municipal Government Act.

4.8. TEMPORARY USE: SPECIAL OCCASIONS

Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no Development Permit shall be required for such temporary uses, provided that such use of buildings or structures remains in place for no more than ten (10) days following the termination of the special occasion or holiday.

4.9. TEMPORARY USE: CONSTRUCTION ACCESSORIES

Nothing in this By-law shall prevent the use of land or the use or erection of temporary buildings or structures incidental to construction, such as but not limited to a construction camp, tool shed, scaffold, sales office or rental office incidental to construction and no Development Permit for such temporary uses or structures shall be required, provided that a Development Permit for the main structure under construction has been issued. Such temporary use shall be terminated no more than sixty (60) days after the completion of the construction of the main structure.

4.10. MULTIPLE LAND USES ON ONE LOT

In any zone, where any lot is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied, except as otherwise provided. Where there is any conflict, as in the case of lot size or lot frontage, the more stringent standard shall prevail.

4.11. LAND USES PERMITTED IN ALL ZONES

Public parks, private parks, playgrounds and cemeteries shall be permitted in any zone, and structures within them shall be subject to the requirements of subsection 8.3.2 of this By-law.

4.12. ONE DWELLING PER MINIMUM SIZE LOT

Notwithstanding Subsection 5.3.2, more than one dwelling may be built on a lot where the lot has sufficient area and frontage to enable the lot to be subdivided into the same number of lots as there are proposed to be dwellings which meet all applicable zone requirements and where the dwellings are located on the lot in such a way that new lots may be created around them which meet all applicable area, yard and frontage or public highway access requirements.

4.13. ACCESSORY BUILDINGS AND STRUCTURES

Accessory structures shall be permitted in any zone but shall not:

- 4.13.1. be used for human habitation except for the temporary accommodation of private guests;
- 4.13.2. be located within the minimum required front yard or flankage yard of a lot unless otherwise permitted in a particular zone;
- 4.13.3. be built closer than 1.5 metres (5 ft) to any rear or side lot line except that
 - a) common semi-detached garages may be centred on the mutual side lot line,
 - b) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.6 metres (2 ft) from the said lot line, and
 - c) boathouses and boat docks may be built across the lot line when the line corresponds to the water's edge;
- 4.13.4. exceed the maximum floor area permitted in the zone; nor
- 4.13.5. be considered an accessory structure if attached to the main building in any way, except that a fence or wall may join an accessory building with a main building.

4.14. ACCESSORY STRUCTURES NEAR WATERCOURSES

Notwithstanding Section 4.13, no accessory building or structure, except water-related structures such as, but not limited to, boathouses, wharves, piers and pumphouses, shall be located within 14 metres (46 ft) of a significant watercourse identified on Schedule C of the Land Use By-law.

4.15. PRIVATE STORAGE BUILDINGS ON VACANT LOTS

Where there is no other main building on the lot, private storage buildings, including but not limited to private garages and private boathouses, shall be permitted in a Residential or Rural Zone provided that:

- 4.15.1. the applicable zone requirements of this By-law are satisfied as if the private storage building were regarded as the main building on the lot;
- 4.15.2. the storage building does not exceed 95 square metres (1,023 sq ft) in floor area; and
- 4.15.3. Notwithstanding Subsection 4.15.1, and any other requirements of this Land Use By-law, a boathouse may be built to the water's edge.

4.16. MISCELLANEOUS MINOR STRUCTURES

Subject to Section 4.5, no Development Permit shall be required for miscellaneous structures such as, for example, but not to limit the generality of the foregoing: fences less than 2 metres (6 ft) in height; retaining walls; children's play structures; cold frames; garden trellises; clothesline poles; pet houses; monuments; interpretive displays; and accessory buildings of less than 20 square metres (215 sq ft) in floor area. Notwithstanding this section, outdoor wood furnaces and the small outbuildings in which they are housed, shall require a Development Permit.

4.17. EXISTING STRUCTURES

Pursuant to Secondary Planning Strategy Policy 6.3:

- 4.17.1.** A structure that existed prior to the effective date of this Land Use By-law, or subsequently in accordance with a Development Permit on a lot having less than the minimum area or frontage, which is located on a lot such that the distance between buildings, height, and minimum setbacks required by this By-law are not satisfied, may be used as permitted in the zone in which the structure is situated.
- 4.17.2.** Pursuant to Subsection 4.17.1, such a structure may be expanded or altered, provided that the structure shall not extend or increase any existing encroachment in the minimum front, flankage, side or rear yard required in that zone, except by the operation of Section 4.26, and provided that Section 4.5 and all other requirements of this By-law are satisfied.

4.18. EXISTING USES: SCHEDULE B: IDENTIFICATION

Pursuant to Section 3.6, the follow land uses shall be permitted only within the building and within the portion of the lot occupied by the use on the effective date of this By-law:

- 4.18.1.** Those land uses in existence on or before April 11, 1991, which would not be permitted as new uses in the zone in which they are located, and listed in Schedule B of this By-law as:
- a) "Existing Commercial and Industrial Uses in the Two-Unit Residential (TR) Zone";
 - b) "Existing Bulk Petroleum Storage & Distribution Operations in the Light Industrial (LI) Zone"; or
 - c) "Existing Industrial Uses in the General Commercial (GC) Zone"
- 4.18.2.** Those land uses in existence on the effective date of this By-law, which would not be permitted as new uses in the zone in which they are located, and listed in Schedule B of this By-law as:
- a) "Existing Industrial Uses in the Rural (RU) Zone";
 - b) "Existing Residential Uses in the General Commercial (GC) Zone"
 - c) "Existing Residential Use in the Light Industrial (LI) Zone"

4.19. EXISTING USES: SCHEDULE B: CHANGE OF USE OR EXPANSION

Pursuant to Section 4.18, land uses listed in Schedule B of this By-law may be permitted to change to any other use permitted in the specific zone in which the use is located, subject to applicable requirements. Expansion beyond the existing building and existing occupied portion of the lot for any of these uses shall comply with the regulations identified in this Land Use By-law and with applicable policies identified in the Hebbville Secondary Planning Strategy:

- 4.19.1.** for "Existing Commercial and Industrial Uses in the Two-Unit Residential (TR) Zone" listed uses, according to Land Use By-law subsection 5.5.1 and Planning Strategy Policy 3.1.5;
- 4.19.2.** for "Existing Bulk Petroleum Storage & Distribution Operations in the Light Industrial (LI) Zone" listed uses, according to Land Use By-law subsection 7.4.1 and Planning Strategy Policy 3.3.6;
- 4.19.3.** for "Existing Industrial Uses in the General Commercial (GC) Zone" listed uses, according to Land Use By-law subsection 6.4.2 and Planning Strategy Policy 3.2.9;

- 4.19.4. for “Existing Industrial Uses in the Rural (RU) Zone” listed uses, according to Land Use By-law subsection 9.4.4 and Planning Strategy Policy 3.4.8;
- 4.19.5. for “Existing Residential Uses in the General Commercial (GC) Zone” listed uses, according to Land Use By-law subsection 6.3.4(a) and Planning Strategy Policy 3.2.5;
- 4.19.6. for “Existing Residential Use in the Light Industrial (LI) Zone” listed uses, according to Land Use By-law subsection 7.3.3(a) and Planning Strategy Policy 3.3.4(a);

4.20. LOTS LACKING MINIMUM AREA OR FRONTAGE

4.20.1. Notwithstanding minimum lot area and lot frontage requirements established elsewhere in this By-law, a lot which does not satisfy these minimum requirements for area, frontage, or both, and satisfies one or more of the following requirements:

- a) the lot has been created before the effective date of this By-law;
- b) the lot has been created by an instrument to which the Municipal Government Act does not apply; or
- c) the lot has been created in accordance with a Plan of Subdivision approved in accordance with the Municipal Government Act;

may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot provided all applicable provisions of this By-law, except for the minimum lot area and lot frontage, are satisfied.

4.20.2. Notwithstanding the provisions of 4.20.1, any lot located in a Commercial or an Industrial Zone shall:

- a) have a minimum of 6 metres (20 ft) of frontage on a street that abuts the zone; or
- b) be served by a right-of-way that has a minimum width of 6 metres (20 ft), or more, which is located entirely within the zone.

4.21. SPECIAL REQUIREMENTS: OUTDOOR WOOD FURNACES / WATER STOVES

Outdoor wood furnaces and storage outbuildings in which they are housed shall not be considered as accessory buildings or structures within the definition of accessory buildings and structures in this By-law, and therefore their use will require the owner to obtain a Development Permit. Outdoor wood furnaces shall only be permitted in the Rural (RU) Zone and shall be required to be located a minimum of 38 metres (125 ft) from adjacent lot lines.

4.22. HOME OCCUPATIONS

In all zones in which residential uses are permitted, any lot used for residential purposes may be used for a home occupation purpose, provided that all of the following requirements are satisfied:

- 4.22.1. the home occupation shall be located in a dwelling unit or in an accessory building on the same lot;
- 4.22.2. the home occupation shall fall within one (1) of the following types of uses:
 - a) offices,
 - b) boarding or rooming homes,
 - c) craft workshops, including studios for the practice or instruction of fine arts or crafts,
 - d) personal service shops,
 - e) repair shops,
 - f) residential day care centres,
 - g) taxicab operations, or
 - h) catalogue sales;

- 4.22.3. except for catalogue sales, home occupations involving retail sales shall be limited to: the sale of products made, assembled, refinished, or repaired on the premises; and the sale of any goods or materials used in any of the processes involved in the primary business use;
- 4.22.4. the home occupation shall occupy no more than 50 square metres (538 sq ft) or 33 percent of the total floor area of the dwelling, whichever is less, except for boarding and rooming houses, where the maximum number of rental rooms shall be three (3);
- 4.22.5. a minimum of two (2) off-street customer parking spaces shall be provided on the lot, in addition to the space required for the residence itself;
- 4.22.6. there shall not be more than one (1) sign on the lot related to the home occupation. The sign shall be non-illuminated and shall not exceed 0.5 square metres (5 sq ft) in area;
- 4.22.7. the home occupation shall not emit noise, odour, dust, light or radiation that would be a nuisance or is uncustomary in a residential neighbourhood;
- 4.22.8. there shall be no outdoor display or open storage of materials / products related to the home occupation;
- 4.22.9. no more than two (2) commercial vehicles, including taxi-cabs related to the home occupation, shall be kept upon or operated from the lot on which the business is located; and
- 4.22.10. the use shall not include an animal shelter, animal kennel or animal hospital.

4.23. BED AND BREAKFAST / TOURIST HOME

In any zone which permits detached single-unit residential uses, any lot used for such residential purposes may include a bed and breakfast / tourist home use, provided that all of the following requirements are satisfied:

- 4.23.1. the use shall be conducted within the principal detached single-unit dwelling;
- 4.23.2. the number of rental rooms devoted to the use shall not exceed three (3) in number;
- 4.23.3. no cooking equipment shall be provided in a room that is used for sleeping accommodations;
- 4.23.4. one (1) sign identifying the use shall be permitted, to a maximum of 0.5 square metres (5 sq ft) in area;
- 4.23.5. parking shall be provided in accordance with the applicable requirements of PART 11 of this By-law, and shall not be located within any minimum required yard.

4.24. HABITATION OF VEHICLES

- 4.24.1. No motorized or nonmotorized automobile, truck, bus, coach, recreational vehicle, streetcar, shipping container or any part thereof, with or without wheels, shall be used for human habitation within the area regulated by this By-law.
- 4.24.2. Notwithstanding subsection 4.24.1, recreational vehicles or campers may be used for human habitation within the Plan Area, with no requirement for a Development Permit, provided that such use occurs only on a property with an established main use; and such use does not occur for longer than a four (4) month period within a calendar year.

4.25. DEVELOPMENTS NEAR A SIGNIFICANT WATERCOURSE

In relation to a development in all zones:

- 4.25.1. In accordance with Secondary Planning Strategy Policy 4.1, any development near to a significant watercourse shown on Schedule C of this Land Use By-law shall be setback a minimum of 14 metres (46 ft) from the ordinary high water mark of the watercourse.
- 4.25.2. In accordance with Secondary Planning Strategy Policy 4.2, no person shall alter land levels within 7 metres (23 ft) of a significant watercourse, as shown on Schedule C of the By-law, by the filling or excavation of land to a depth greater than 0.5 metres (1.5 ft) above or below the natural ground surface, except as provided for by Development Agreement.

4.26. VARIANCE FROM MINIMUM REQUIREMENTS

Pursuant to Secondary Planning Strategy Policy 7.2.9, and in accordance with the Municipal Government Act, the Development Officer may grant a variance for one or more of the following Land Use By-law requirements:

- 4.26.1.** number of parking spaces and loading spaces required;
- 4.26.2.** ground area and height of a structure;
- 4.26.3.** floor area occupied by a home-based business / home occupation; and
- 4.26.4.** height and area of a sign;
- 4.26.5.** minimum lot area;
- 4.26.6.** lot frontage;
- 4.26.7.** size or other requirements related to yards; and
- 4.26.8.** the percentage of land that may be built upon, as required by this By-law;

provided that a variance is not granted where the:

- 4.26.9.** variance violates the intent of the Land Use By-law;
- 4.26.10.** difficulty experienced is general to properties in the area; or
- 4.26.11.** difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.

4.27. CANOPIES AND COVERED WAYS

No canopy or covered way shall be erected below a height of 3 metres (10 ft) above grade. This particular regulation shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.

4.28. PARKING AND LOADING

Unless where otherwise provided, parking and loading areas shall be subject to applicable requirements found in PART 11 of this By-law.

4.29. SIGNS

Unless where otherwise provided, signs shall be subject to applicable requirements found in PART 12 of this By-law.

4.30. SPECIAL REQUIREMENTS: FARM ANIMALS

No lot in any zone, except for a lot in the Rural (RU) Zone, shall be used for the rearing or keeping of any farm animal or combination of farm animals that constitutes more than one (1) farm animal unit.

4.31. PROTECTION OF PROVINCIALLY IDENTIFIED WETLANDS

Pursuant to Secondary Planning Strategy Policy 4.6, and in relation to a proposed development affecting a provincially-identified wetland, as shown on Schedule "C":

- 4.31.1** No development permit application will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development does not affect, or is inconsistent with, any related provincial wetlands policy, and
- 4.31.2** Where found to be necessary, that the proposed development has satisfied any related wetlands-related approvals process with the respective provincial departments.

Amended February 22, 2017.

PART 5 RESIDENTIAL ZONES

5.1. APPLICATION

The provisions of this part apply to the Two-Unit Residential (TR) Zone, the High Density Residential (HDR) Zone and other zones, where and as specified, in this By-law.

5.2. GENERAL REQUIREMENTS FOR ALL RESIDENTIAL ZONES

Parking

5.2.1. Pursuant to Section 4.28:

- a) Parking standards in Residential Zones shall be subject to the applicable requirements identified in PART 11 of this By-law.
- b) No more than two (2) commercial motor vehicles shall be kept on a lot in a Residential Zone

Signs

5.2.2. Pursuant to Section 4.29, signs in Residential Zones shall be subject to the applicable requirements of PART 12 of this By-law.

Fences

5.2.3. Pursuant to Section 4.5, fences in Residential Zones shall comply with the following requirements:

- a) Fences and walls 2 metres (6 ft) or greater in height shall be regulated as structures, and shall be subject to the applicable setback and yard requirements of the zone in which they are located.
- b) The use of electrified wire or sharp-edged materials such as barbed wire designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres (6 ft) high.

Accessory Buildings

5.2.4. Pursuant to Section 4.13 and Section 4.16, the combined maximum floor area of all accessory structures located on a lot in Residential Zones shall comply with the following requirements:

- a) 95 square metres (1,023 sq ft) for any lot equal to 4,047 square metres (1 acre) or smaller in lot size
- b) 190 square metres (2,046 sq ft) for any lot 4,048 to 8,094 square metres (1.01 to 2 acres) in lot size
- c) 285 square metres (3,069 sq ft) for any lot 8,094 to 16,187 square metres (2.01 - 4 acres) in lot size
- d) 380 square metres (4,092 sq ft) for any lot equal to 16,188 square metres (4.01 acres) or larger in lot size.

5.3. PERMITTED DEVELOPMENTS IN THE TWO-UNIT RESIDENTIAL (TR) ZONE

5.3.1. The following Developments are permitted in the Two-Unit Residential (TR) Zone, subject to Zone Requirements identified in subsection 5.3.2:

- a) Detached Single-Unit Dwellings
- b) Mobile Homes / Mini Homes / Manufactured Homes
- c) Two-Unit Dwellings
- d) Semi-detached Dwellings
- e) Existing Commercial and Industrial Uses listed in Schedule B
- f) Private Storage Buildings on vacant lots, subject to section 4.15
- g) Small Option HOMes

Amended February 22, 2017.

5.3.2. In a Two-Unit Residential (TR) Zone, no Development Permit shall be issued except in accordance with the following Zone Requirements:

	Detached Single-Unit	Two-Unit	Semi-detached
a) Minimum Lot Frontage	20 metres (66 ft)	20 metres (66 ft)	6.1 metres (20 ft)
b) Minimum Front Yard	5 metres (16.5 ft)	5 metres (16.5 ft)	5 metres (16.5 ft)
c) Minimum Rear Yard	1.5 metres (5 ft)	1.5 metres (5 ft)	1.5 metres (5 ft)
d) Minimum Side Yards	1.5 metres (5 ft)	1.5 metres (5 ft)	1.5 metres (5 ft) NIL for common wall
e) Minimum Flankage Yard	5 metres (16.5 ft)	5 metres (16.5 ft)	5 metres (16.5 ft)
f) Minimum Distance Between Main Buildings on Adjacent Lots	3 metres (10 ft)	3 metres (10 ft)	3 metres (10 ft) NIL for common wall
g) Maximum Height of Structures	14 metres (46 ft)	14 metres (46 ft)	14 metres (46 ft)
h) Minimum Setback from a Watercourse on Schedule C	14 metres (46 ft)	14 metres (46 ft)	14 metres (46 ft)
i) Maximum Number of Dwelling Units per Lot	1	2	1
j) Minimum Lot Area: Central Sewer & Public water	650 square metres (7,000 sq ft)	650 square metres (7,000 sq ft)	165 square metres (1,776 sq ft)
k) Minimum Lot Area: Central Sewer Only.	650 square metres (7,000 sq ft)	650 square metres (7,000 sq ft)	325 square metres (3,500 sq ft)
l) Minimum Lot Area: No Central Sewer.	Subject to NS Environment's On-Site Sewage Disposal Regulations		

5.3.3. The following Developments are permitted in the Two-Unit Residential (TR) Zone, subject to the requirements identified in Subsection 5.3.2 and Site Plan Approval criteria identified in Section 5.6:

- a) Multi-unit Residential Developments, to a maximum of twelve (12) units.

5.4. PERMITTED DEVELOPMENTS IN THE HIGH DENSITY RESIDENTIAL (HDR) ZONE

5.4.1. The following Developments are permitted in the High Density Residential (HDR) Zone, subject to Zone Requirements identified in subsection 5.4.2:

- a) Multi-unit Dwellings
- b) Attached dwellings
- c) Golf course
- d) Residential uses identified in subsection 5.3.1, where such uses are identified in a new development proposal in combination with an equal or greater number of high density residential uses to be developed within the same proposal, on an identified lot that was in existence on February 14, 2012, the date of the adoption of this By-law.

5.4.2. In a High Density Residential (HDR) Zone, no Development Permit shall be issued except in accordance with the following Zone Requirements:

	Multi-unit Dwellings	Attached dwellings	Detached Single-Unit
a) Minimum Lot Frontage	20 metres (66 ft)	5.5m / unit (18ft)	15metres (50ft)
b) Minimum Front Yard	5 metres (16.5 ft)	5 metres (16.5 ft)	5 metres (16.5 ft)
c) Minimum Rear Yard	4 metres (13 ft)	4 metres (13 ft)	1.5 metres (5 ft)
d) Minimum Side Yards	4 metres (13 ft) OR Half the height of the main building, whichever is greater.	4 metres (13 ft) OR Half the height of the main building, whichever is greater.	1.5 metres (5 ft)
e) Minimum Side Yard on Side with Common Wall	NIL	NIL for common wall	N/A
f) Minimum Flankage Yard	5 metres (16.5 ft)	5 metres (16.5 ft)	5 metres (16.5 ft)
g) Minimum Distance Between Main Buildings on Adjacent Lots	8 metres (26 ft)	8 metres (26 ft)	3 metres (10 ft)
h) Maximum Height of Structures	14 metres (46 ft)	14 metres (46 ft)	14 metres (46 ft)
i) Minimum Setback from a Watercourse on Schedule C	14 metres (46 ft)	14 metres (46 ft)	14 metres (46 ft)
j) Maximum Number of Dwelling Units per Lot	62 dwelling units per hectare (25 units per acre)	1	1
k) Common Recreation Space	9 square metres per unit (100 sq ft per unit)	NIL	NIL
l) Minimum Lot Area: Central Sewer & Public Water	650 square metres (7,000 sq ft)	165 square metres (1,776 sq ft)	465 sq m (5,000 sq ft)
m) Minimum Lot Area: Central Sewer Only.	650 square metres (7,000 sq ft)	325 square metres (3,500 sq ft)	650 square metres (7,000 sq ft)
n) Minimum Lot Area: No Central Sewer.	Subject to NS Environment's On-Site Sewage Disposal Regulations		

Amended: May 14, 2013

5.4.3. The following Developments are permitted in the High Density Residential (HDR) Zone, subject to the requirements identified in subsection 5.4.2 and Site Plan Approval criteria identified in Section 5.6:

- a) Multiple single-unit detached dwellings on a single lot

5.5. RESTRICTED DEVELOPMENTS IN ALL RESIDENTIAL ZONES

The following Developments are permitted only by Development Agreement in all Residential Zones:

- 5.5.1.** Expansion of existing Commercial and Industrial developments listed in Schedule B in accordance with Secondary Planning Strategy Policy 3.1.5.
- 5.5.2.** Institutional developments in accordance with Secondary Planning Strategy Policy 3.1.10 & Policy 3.5.2.
- 5.5.3.** Commercial developments listed in subsection 6.3.1 on lands abutting the General Commercial (GC) Zone, in accordance with Secondary Planning Strategy Policy 3.1.11 and Policy 3.2.11.
- 5.5.4.** Industrial developments listed in subsection 7.3.1 on lands abutting the Light Industrial (LI) Zone in accordance with Secondary Planning Strategy Policy 3.1.12 and Policy 3.3.7.
- 5.5.5.** The filling in or excavation of land to a depth greater than 0.5 metres (1.5 ft) within 7 metres (23 ft) of a significant watercourse as shown on Schedule C, in accordance with Secondary Planning Strategy Policy 4.2.

5.6. SITE PLAN CRITERIA IN ALL RESIDENTIAL ZONES

Pursuant to subsections 5.3.3 and 5.4.3, in addition to any other applicable requirements found elsewhere in this By-law, the following requirements apply to all uses subject to site plan approval in all Residential Zones:

- 5.6.1.** the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties;
- 5.6.2.** the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;
- 5.6.3.** the lot shall have direct access onto a street;
- 5.6.4.** any walkways or driveways to be used for pedestrian traffic shall be hard-surfaced with stable materials to minimize dust blowing onto neighbouring properties;
- 5.6.5.** outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards;
- 5.6.6.** a landscaping plan shall be provided which incorporates walls, fences, hedges, trees and shrubs as necessary to minimize land use impacts on adjoining properties;
- 5.6.7.** off-street parking and loading areas shall not be located in the front yard and shall be located on the lot in a manner that minimizes nuisances or impacts on the surrounding properties;
- 5.6.8.** waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts;
- 5.6.9.** stormwater management plans identifying that the development shall have an adequate storm drainage system that will prevent storm water from affecting neighbouring properties and having a negative effect on the environment;
- 5.6.10.** the criteria listed in the above clauses shall be maintained in a manner that is acceptable to the surrounding properties.

6.1. APPLICATION

The provisions of this part shall apply to the General Commercial (GC) Zone, and to other zones, where and as specified in this By-law.

6.2. GENERAL REQUIREMENTS FOR ALL COMMERCIAL ZONES

Abutting Zone Requirements

6.2.1. Where a General Commercial (GC) Zone abuts a Residential or Institutional Zone, the following restrictions shall apply to the abutting yard identified within the Commercial Zone, except where the abutting zone boundary follows the centreline of a street and the abutting yard abuts said street:

- a) the minimum side yard requirement for the abutting side yard shall be 15 metres (50 ft);
- b) the minimum rear yard requirement for the abutting rear yard shall be 15 metres (50 ft);
- c) no open storage or permanent outdoor display shall be permitted in an abutting yard within 3 metres (10 ft) of a side or rear lot line;
- d) no parking space, driveway or travel lane shall be permitted in an abutting yard within 3 metres (10 ft) of a side or rear lot line;
- e) where open storage, permanent outdoor display, parking spaces, driveways or travel lanes are located within the identified minimum side or rear yard requirements, such uses shall be screened from the abutting properties by:
 - i. an opaque fence, or berm, or vegetative screening providing a solid visual barrier after one growing season, of no less than 1.5 metres (5 ft) in height, and
 - ii. an area of land no less than 3 metres (10 ft) in width which supports vegetation; and
 - iii. any measures identified in subsection 6.2.1(e) (i) above shall be maintained in a safe and suitable condition to meet its screening purposes;
- f) the following shall apply to any signs identified within the abutting yard in the Commercial Zone:
 - i. no sign shall be illuminated, and
 - ii. only directional or business identification signs shall be permitted, and
 - iii. no sign shall be closer than 3 metres (10 ft) from a lot line which abuts a lot in a Residential or Institutional Zone, and
 - iv. the maximum sign area shall be 1.4 square metres (15 sq ft);

Abutting Yard Requirements

6.2.2. Where a lot containing a commercial use abuts a lot containing a residential or institutional use, the restrictions concerning signage identified in subsection 6.2.1(f) shall apply to any signs located in the abutting yard containing the commercial use.

Parking

6.2.3. Pursuant to Section 4.28, parking in Commercial Zones shall be subject to requirements identified in PART 11, and where applicable, to Abutting Zone Requirements identified in subsection 6.2.1.

Signs

6.2.4. Pursuant to Section 4.29, signs in Commercial Zones shall be subject to requirements identified in PART 12, and where applicable, to subsection 6.2.1 (Abutting Zone Requirements) and subsection 6.2.2 (Abutting Yard Requirements).

Fences

- 6.2.5.** Except for fences and walls on a corner lot pursuant to Section 4.5, no Development Permit shall be required for fences or walls in a Commercial Zone.

Special Requirement - Attached Buildings

- 6.2.6.** Notwithstanding the side yard requirements of subsection 6.3.2, adjoining buildings which are structurally attached to each other, may be built to the common side lot line.

Access to Commercial Development

- 6.2.7.** Any building or parking area that is located in a Commercial Zone shall not have vehicular access to a Public Highway through a Residential Zone.

6.3. PERMITTED DEVELOPMENTS IN THE GENERAL COMMERCIAL ZONE

- 6.3.1.** The following Developments are permitted in the General Commercial (GC) Zone, subject to Zone Requirements identified in subsection 6.3.2:

- a) Animal hospitals and veterinary establishments
- b) Automatic laundry shops
- c) Automobile repair shop
- d) Automobile sales
- e) Automobile service station
- f) Bakeries
- g) Banks and other financial institutions
- h) Boarding and rooming houses
- i) Building supplies stores and warehouses
- j) Commercial day care centres and commercial schools
- k) Craft workshops
- l) Dressmaking and tailoring
- m) Equipment rental depots
- n) Existing Industrial Uses as listed in Schedule B
- o) Existing Residential Uses as listed in Schedule B
- p) Funeral homes
- q) Garden and nursery sales and displays
- r) Hotels and motels
- s) Lounges or beverage rooms enclosed in hotels or motels
- t) Medical clinics
- u) Office buildings and office uses
- v) Parking lots
- w) Personal service shops
- x) Photography studios
- y) Places of entertainment, recreation and assembly, within wholly enclosed buildings
- z) Printing establishments
- aa) Recreational facilities
- bb) Repair shops

- cc)** Single-unit or Two-unit Residential use in the same building as a commercial or other non-residential use,
- dd)** Restaurants, including drive-in, take-out, or outdoor cafes associated with a restaurant
- ee)** Retail sales and stores
- ff)** Sales and repair of manufactured homes and related equipment
- gg)** Sales and repair of recreational vehicles and equipment
- hh)** Taxi stands and bus terminals
- ii)** Tourist information centres
- jj)** Warehouses and enclosed distribution centres
- kk)** Woodworking shops

6.3.2. In a General Commercial (GC) Zone, no Development Permit shall be issued except in accordance with the following Zone Requirements:

a) Minimum Lot Frontage	20 metres (66 ft)
b) Minimum Front Yard	5 metres (16.5 ft)
c) Minimum Rear Yard	4 metres (13 ft)
d) Minimum Side Yards	4 metres (13 ft)
e) Minimum Flankage Yard	5 metres (16.5 ft)
f) Minimum Distance Between Main Buildings on Adjacent Lots	8 metres (26 ft)
g) Maximum Height of Structures	14 metres (46 ft)
h) Minimum Setback from a Watercourse (as shown on Schedule C)	14 metres (46 ft)
i) Minimum Lot Area with Central Sewer	650 square metres (7,000 square ft)
j) Minimum Lot Area with no Central Sewer	Subject to NS Environment's On-Site Sewage Disposal Regulations

6.3.3. The following Developments are permitted in the General Commercial (GC) Zone, subject to the requirements identified in subsection 6.3.2 and Site Plan Approval criteria identified in Section 6.5:

- a)** Mixed Use developments containing both commercial uses and multi-unit residential uses, from three (3) to a maximum of twelve (12) residential dwelling units.

6.3.4. The following Developments are permitted in the General Commercial (GC) Zone, subject to the identified requirements as found in other sections of this By-law:

- a)** Expansion of existing Residential developments listed in Schedule B in accordance with Zone Requirements identified in Subsection 5.3.2
- b)** Institutional developments in accordance with Section 8.3.

6.4. RESTRICTED DEVELOPMENTS IN THE GENERAL COMMERCIAL ZONE

The following Developments are permitted only by Development Agreement in all Commercial Zones:

- 6.4.1.** Industrial developments listed in subsection 7.3.1 on lands abutting the Light Industrial Zone in accordance with Secondary Planning Strategy Policy 3.3.7.
- 6.4.2.** The expansion of existing industrial developments listed in Schedule B in accordance with Secondary Planning Strategy Policy 3.2.9.
- 6.4.3.** Industrial developments listed in subsection 7.3.1 in accordance with Secondary Planning Strategy Policy 3.2.10.
- 6.4.4.** The filling in or excavation of land to a depth greater than 0.5 metres (1.5 ft) within 7 metres (23 ft) of a significant watercourse, shown on Schedule C in accordance with Secondary Planning Strategy Policy 4.2.

6.5. SITE PLAN CRITERIA IN ALL COMMERCIAL ZONES

Pursuant to subsection 6.3.3, in addition to any other applicable requirements found elsewhere in this By-law, the following requirements apply to all uses subject to site plan approval in the General Commercial (GC) Zone:

- 6.5.1.** the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties;
- 6.5.2.** the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;
- 6.5.3.** the lot shall have direct access onto a street;
- 6.5.4.** any walkways or driveways to be used for pedestrian traffic shall be hard-surfaced with stable materials to minimize dust blowing onto neighbouring properties;
- 6.5.5.** outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards;
- 6.5.6.** a landscaping plan shall be provided which incorporates walls, fences, hedges, trees and shrubs as necessary to minimize land use impacts on adjoining properties;
- 6.5.7.** off-street parking and loading areas shall be located on the lot in a manner that minimizes traffic hazards, congestion, nuisances or other impacts on the surrounding properties;
- 6.5.8.** waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts;
- 6.5.9.** stormwater management plans identifying that the development shall have an adequate storm drainage system that will prevent storm water from affecting neighbouring properties and having a negative effect on the environment;
- 6.5.10.** the criteria listed in the above clauses shall be maintained in a manner that is acceptable to the surrounding properties.

PART 7 INDUSTRIAL ZONES

7.1. APPLICATION

The provisions of this part shall apply to the Light Industrial (LI) Zone and to other zones where and as specified in this By-law.

7.2. GENERAL REQUIREMENTS FOR ALL INDUSTRIAL ZONES

Abutting Zone Requirements

- 7.2.1.** Where a Light Industrial (LI) Zone abuts a Residential or Institutional Zone, the following restrictions shall apply to the abutting yard identified within the Industrial Zone, except where the abutting zone boundary follows the centreline of a street and the abutting yard abuts said street:
- a) the minimum side yard requirement for the abutting side yard shall be 15 metres (50 ft)
 - b) the minimum rear yard requirement for the abutting rear yard shall be 15 metres (50 ft)
 - c) no open storage or permanent outdoor display shall be permitted in an abutting yard within 3 metres (10 ft) of a side or rear lot line;
 - d) no parking space, driveway or travel lane shall be permitted in an abutting yard within 3 metres (10 ft) of a side or rear lot line;
 - e) where open storage, permanent outdoor display, parking spaces, driveways or travel lanes are located within the identified minimum side or rear yard requirements, such uses shall be screened from the abutting properties by:
 - i. an opaque fence, or berm, or vegetative screening providing a solid visual barrier after one growing season of no less than 1.5 metres (5 ft) in height, and
 - ii. an area of land no less than 3 metres (10 ft) in width which supports vegetation; and
 - iii. any measures identified in (i) above shall be maintained in a safe and suitable condition to meet its screening purposes;
 - f) the following shall apply to any signs identified within the abutting yard in the Industrial Zone:
 - i. no sign shall be illuminated, and
 - ii. only directional or business identification signs shall be permitted, and
 - iii. no sign shall be closer than 3 metres (10 ft) from a lot line which abuts a lot in a Residential or Institutional Zone, and
 - iv. the maximum sign area shall be 1.4 square metres (15 sq ft)

Abutting Yard Requirements

- 7.2.2.** Where a lot containing an industrial use abuts a lot containing a residential or institutional use, the restrictions concerning signage identified in subsection 7.2.1(f) shall apply to any signs located in the abutting yard containing the industrial use.

Parking

- 7.2.3.** Pursuant to Section 4.28, parking in Industrial Zones shall be subject to requirements identified in PART 11 of this By-law, and, where applicable, to Abutting Zone Requirements identified in subsection 7.2.1.

Signs

- 7.2.4.** Pursuant to Section 4.29, signs in Industrial Zones shall be subject to requirements identified in PART 12 of this By-law, and, where applicable, to subsection 7.2.1 (Abutting Zone Requirements) and subsection 7.2.2 (Abutting Yard requirements).

Fences

- 7.2.5.** Except for fences and walls on a corner lot pursuant to Section 4.5, no Development Permit shall be required for fences or walls in a Industrial Zone.

Attached Buildings

- 7.2.6.** Notwithstanding the side yard requirements of subsection 7.3.2, adjoining buildings which are structurally attached to each other, may be built to the common side lot line.

Access to Industrial Developments

- 7.2.7.** Any building or parking area that is located in a Industrial Zone shall not have vehicular access to a Public Highway through a Residential Zone.

7.3. PERMITTED DEVELOPMENTS IN THE LIGHT INDUSTRIAL (LI) ZONE

- 7.3.1.** The following Developments are permitted in the Light Industrial (LI) Zone, subject to Zone Requirements identified in subsection 7.3.2:

- a) Any uses permitted by subsection 6.3.1
- b) Breweries and Wineries
- c) Bus and Taxi Garages and Stands and Terminals
- d) Christmas Tree Yards
- e) Commercial uses which are accessory to a permitted main industrial use
- f) Employee cafeterias or canteens accessory to the permitted main use
- g) Existing Bulk Petroleum Storage facilities listed in Schedule B
- h) Existing Residential Uses listed in Schedule B
- i) Light Manufacturing, excluding Plastics Manufacturing
- j) Machinery and Motor Vehicle Repairs and Storage
- k) Metal Fabrication Shops
- l) Storage of bulk materials excepting bulk storage & distribution of petroleum products
- m) Wholesale Establishments

- 7.3.2.** In a Light Industrial (LI) Zone, no Development Permit shall be issued except in accordance with the following Zone Requirements:

a) Minimum Lot Frontage	20 metres (66 ft)
b) Minimum Front Yard	5 metres (16.5 ft)
c) Minimum Rear Yard	4 metres (13 ft)
d) Minimum Side Yards	4 metres (13 ft)
e) Minimum Flankage Yard	5 metres (16.5 ft)
f) Minimum Distance Between Main Buildings on Adjacent Lots	8 metres (26 ft)
g) Maximum Height of Structures	14 metres (46 ft)
h) Minimum Setback from a Watercourse (as shown on Schedule C)	14 metres (46 ft)
i) Minimum Lot Area with Central Sewer	650 square metres (7,000 square ft)
j) Minimum Lot Area with no Central Sewer	Subject to NS Environment's On-Site Sewage Disposal Regulations

- 7.3.3. The following Developments are permitted in the Light Industrial (LI) Zone, subject to the identified requirements as found in other sections of this Land Use By-law:
- a) Expansion of existing Residential developments listed in Schedule B in accordance with Zone Requirements identified in subsection 5.3.2
 - b) Institutional developments in accordance with Section 8.3.

7.4. RESTRICTED DEVELOPMENTS IN THE LIGHT INDUSTRIAL (LI) ZONE

The following Developments are permitted only by Development Agreement in all Industrial Zones:

- 7.4.1. Expansion of existing bulk petroleum storage facilities listed in Schedule B in accordance with Secondary Planning Strategy Policy 3.3.6;
- 7.4.2. The filling in or excavation of land to a depth greater than 0.5 metres (1.5 ft) within 7 metres (23 ft) of a significant watercourse shown on Schedule C in accordance with Secondary Planning Strategy Policy 4.2;
- 7.4.3. The following identified developments:
- a) Animal by-products rendering plants;
 - b) Asphalt production for off-site sales;
 - c) Breeding or boarding of dogs other than within a dwelling unit or an animal hospital;
 - d) Commercial or recreational racing of animals;
 - e) Commercial or recreational racing of motorized vehicles;
 - f) Commercial slaughtering and butchering of animals;
 - g) Correctional Centre;
 - h) Fish meal production;
 - i) Hazardous products disposal;
 - j) Lead & battery production;
 - k) Petroleum bulk storage plants where petroleum products are stored for off-site distribution;
 - l) Plastics manufacturing;
 - m) Ready-mix concrete production for off-site sales;
 - n) Salvage Operation;
 - o) Shooting ranges;
 - p) Smelting and ore refining;
 - q) Solid Waste Management Facilities;
 - r) Tanning for wholesale;
 - s) Uses associated with aggregate and mineral resource extraction operations;
 - t) Warehousing for wholesale of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances;
 - u) Wholesale metal corrosion treatment;
 - v) Wood debarking and chipping, except for temporary activities associated with harvesting operations; and
 - w) Wood preserving by pressure treatment
- 7.4.4. Any other type of industrial or commercial development not listed in subsection 7.3.1 in accordance with Secondary Planning Strategy Policy 3.3.5

PART 8 INSTITUTIONAL ZONES

8.1. APPLICATION

The provisions of this part shall apply to the Institutional (I) Zone and to other zones where and as specified in this By-law.

8.2. GENERAL REQUIREMENTS FOR INSTITUTIONAL ZONES

Parking

8.2.1. Pursuant to Section 4.28, parking in Institutional Zones shall be subject to applicable requirements identified in PART 11 of this By-law.

Signs

8.2.1. Pursuant to Section 4.29, signs in Institutional Zones shall be subject to applicable requirements identified in PART 12 of this By-law.

Fences

8.2.2. Pursuant to Section 4.5, fences located in Institutional Zones are to comply with the following requirements:

- a) Fences and walls 2 metres (6 ft) or greater in height shall be regulated as structures, and shall be subject to the applicable setback and yard requirements of the zone in which they are located.
- b) The use of electrified wire or sharp-edged materials such as barbed wire designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres (6 ft) high.

8.3. PERMITTED DEVELOPMENTS IN THE INSTITUTIONAL (I) ZONE

8.3.1. The following Developments are permitted in the Institutional (I) Zone, subject to Zone Requirements identified in subsection 8.3.2:

- a) Arenas
- b) Institutions, including Educational Institutions
- c) Cemeteries
- d) Churches, Religious Institutions and Places of Worship, and rectories, manses and staff residences associated with such uses.
- e) Commercial Day Care Centres
- f) Community Centres
- g) Exhibition Centres
- h) Fire Halls and Fire Stations
- i) Hospitals
- j) Libraries, Museums and Public Art Galleries
- k) Public and Private Nursing Homes, and Residential Care Facilities for nine (9) or more persons
- l) Public Buildings and Uses
- m) Recreational Facilities
- n) Temporary outdoor or indoor markets

8.3.2. In an Institutional (I) Zone, no Development Permit shall be issued except in accordance with the following Zone Requirements:

a) Minimum Lot Frontage	20 metres (66 ft)
b) Minimum Front Yard	5 metres (16.5 ft)
c) Minimum Rear Yard	4 metres (13 ft)
d) Minimum Side Yards	4 metres (13 ft)
e) Minimum Flankage Yard	5 metres (16.5 ft)
f) Minimum Distance Between Main Buildings on Adjacent Lots	8 metres (26 ft)
g) Maximum Height of Structures	14 metres (46 ft)
h) Minimum Setback from a Watercourse (as shown on Schedule C)	14 metres (46 ft)
i) Minimum Lot Area with Central Sewer	650 square metres (7,000 square ft)
j) Minimum Lot Area with no Central Sewer	Subject to NS Environment's On-Site Sewage Disposal Regulations

8.4. RESTRICTED DEVELOPMENTS IN THE INSTITUTIONAL (I) ZONE

The following Developments are permitted only by Development Agreement in all Institutional Zones:

- 8.4.1.** Commercial developments listed in subsection 6.3.1 on lands abutting the General Commercial (GC) Zone in accordance with Secondary Planning Strategy Policy 3.2.11.
- 8.4.2.** Industrial developments listed in subsection 7.3.1 on lands abutting the Light Industrial (LI) Zone in accordance with Secondary Planning Strategy Policy 3.3.7.
- 8.4.3.** The filling in or excavation of land to a depth greater than 0.5 metres (1.5 ft) within 7 metres (23 ft) of a significant watercourse shown on Schedule C in accordance with Secondary Planning Strategy Policy 4.2.

PART 9 RURAL ZONES

9.1. APPLICATION

The provisions of this part shall apply to the Rural (RU) Zone, and to other zones where and as specified in this By-law.

9.2. GENERAL REQUIREMENTS FOR RURAL ZONES

Parking

9.2.1. Pursuant to Section 4.28, parking standards in Rural Zones shall be subject to applicable requirements identified in PART 11 of this By-law.

Signs

9.2.2. Pursuant to Section 4.29, signs in Rural Zones shall be subject to applicable requirements identified in PART 12 of this By-law.

Fences

9.2.3. Pursuant to Section 4.5, fences located in a Rural Zone are to comply with the following requirements:

- a)** Fences and walls 2 metres (6 ft) or greater in height shall be regulated as structures, and shall be subject to the applicable setback and yard requirements of the zone in which they are located.
- b)** The use of electrified wire or sharp-edged materials such as barbed wire designed to prevent access to a parcel of land is permitted only at the top of fences or walls that are over 2 metres high, except for fences or walls associated with agricultural uses.

Outdoor Wood Furnaces

9.2.4. Pursuant to Section 4.21 and subsection 9.3.1(k), no Development Permit shall be issued in the Rural (RU) Zone for an outdoor wood furnace unless it is located a minimum of 38 metres (125 ft) from adjacent lot lines.

9.3. PERMITTED DEVELOPMENTS IN THE RURAL (RU) ZONE

9.3.1. The following Developments are permitted in the Rural (RU) Zone, subject to Zone Requirements identified in subsection 9.3.2, and additional requirements of this By-law, where and as identified:

- a) Agricultural and Forestry developments subject also to subsection 9.6.1.
- b) Commercial developments as listed in subsection 6.3.1 and Industrial developments as listed in subsection 7.3.1, subject also to subsection 9.6.2.
- c) **(Repealed by Amendment - March 9, 2016).**
- d) Wind turbines subject also to subsection 9.6.4.
- e) Outdoor wood furnaces, subject also to subsection 9.2.4.
- f) Mobile Home Parks / Mini Home Parks, subject to the Municipality's Land-Leased Community By-law.
- g) Existing industrial uses listed in Schedule B
- h) Retail sales of agricultural or forest products
- i) Sawmills having an annual capacity of less than 100 Mfbm (100,000 board ft)
- j) Roundwood processing having an annual capacity of less than 500 cords
- k) Rock crushing operations with an annual production of less than 1910 cubic metres (2500 cu. yd.)

9.3.2. In a Rural (RU) Zone, no Development Permit shall be issued except in conformity accordance with the following Zone Requirements:

a) Minimum Lot Frontage	20 metres (66 ft)
b) Minimum Front Yard	5 metres (16.5 ft)
c) Minimum Rear Yard	1.5 metres (5 ft)
d) Minimum Side Yards	1.5 metres (5 ft)
e) Minimum Flankage Yard	5 metres (16.5 ft)
f) Minimum Distance Between Main Buildings on Adjacent Lots	3 metres (10 ft)
g) Maximum Height of Structures	14 metres (46 ft)
h) Minimum Setback from a Watercourse (as shown on Schedule C)	14 metres (46 ft)
i) Minimum Lot Area with Central Sewer	650 square metres (7,000 square ft)
j) Minimum Lot Area with no Central Sewer	Subject to NS Environment's On-Site Sewage Disposal Regulations

9.3.3. The following Developments are permitted in the Rural (RU) Zone, subject to the requirements identified in subsection 9.3.2 and Site Plan Approval criteria identified in Section 9.5:

- a) New multi-unit dwellings to a maximum of twelve (12) residential units, and Mixed Use buildings containing both commercial and multi-unit residential uses, to a maximum of twelve (12) residential units.

9.3.4. The following Developments are permitted in the Rural (RU) Zone, subject to the identified Zone requirements as found in other sections of this Land Use By-law:

- a) Residential dwellings containing a maximum of three dwelling units, subject to Sections 5.3 and 5.4.
- b) Institutional developments subject to Section 8.3
- c) Private Storage Buildings on vacant lots, subject to Section 4.15

amended February 22, 2017.

9.4. RESTRICTED DEVELOPMENTS IN THE RURAL (RU) ZONE

The following Developments are permitted only by Development Agreement in all Rural Zones:

- 9.4.1.** Resource-based developments identified in subsection 9.3.1(a), over the threshold production levels as established in subsection 9.6.1, in accordance with Secondary Planning Strategy Policy 3.4.5
- 9.4.2.** Commercial and Industrial developments listed in subsections 6.3.1 and 7.3.1 that exceed the threshold levels established in subsection 9.6.2, in accordance with Secondary Planning Strategy Policy 3.4.6
- 9.4.3.** Restricted industrial developments, as listed in subsection 7.4.3, in accordance with Secondary Planning Strategy Policy 3.4.7
- 9.4.4.** Expansion of existing industrial uses listed in Schedule B, in accordance with Secondary Planning Strategy Policy 3.4.8
- 9.4.5.** The filling in or excavation of land to a depth greater than 0.5 metres (1.5 ft) within 7 metres (23 ft) of a significant watercourse as shown on Schedule C in accordance with Secondary Planning Strategy Policy 4.2
- 9.4.6.** Wind turbines identified in subsection 9.3.1(d) that do not fulfill the requirements identified in subsection 9.6.4(a).

9.5. SITE PLAN CRITERIA IN RURAL ZONES

Pursuant to subsection 9.3.3, in addition to any other applicable requirements found elsewhere in this By-law, the following requirements apply to all uses subject to site plan approval in the Rural (RU) Zone:

- 9.5.1.** the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties;
- 9.5.2.** the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;
- 9.5.3.** the lot shall have direct access onto a street;
- 9.5.4.** any walkways or driveways to be used for pedestrian traffic shall be hard-surfaced with stable materials to minimize dust blowing onto neighbouring properties;
- 9.5.5.** outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards;
- 9.5.6.** a landscaping plan shall be provided which incorporates walls, fences, hedges, trees and shrubs as necessary to minimize land use impacts on adjoining properties;
- 9.5.7.** off-street parking and loading areas shall not be located in the required front yard and shall be located on the lot in a manner that minimizes nuisances or other impacts on the surrounding properties;
- 9.5.8.** stormwater management plans identifying that the development shall have an adequate storm drainage system that will prevent storm water from affecting neighbouring properties and having a negative effect on the environment;
- 9.5.9.** waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts;
- 9.5.10.** the criteria listed in the above clauses shall be maintained in a manner that is acceptable to the surrounding properties. .

9.6. SPECIAL REQUIREMENTS FOR IDENTIFIED DEVELOPMENTS IN THE RURAL (RU) ZONE

Resource Development - Agriculture

9.6.1. Pursuant to subsection 9.3.1(a), no Development Permit shall be issued in the Rural (RU) Zone for:

- a) Any structure used for the shelter or confinement of more than one farm animal unit within 30 metres (100 ft) of an abutting Residential Zone boundary.
- b) Feedlots, manure storage facilities or animal shelters holding swine, mink, or foxes in excess of the number of farm animal units listed in the following table, shall not be located within 305 metres (1,000 ft) of an abutting Residential Zone boundary:

Type of Animal	Number of Animal Units
Swine (excluding litter to weaning)	36
Mink (excluding kits and males)	12
Foxes (excluding pups and males)	12

Commercial and Industrial Developments

9.6.2. Pursuant to subsection 9.3.1(b), permitted commercial and industrial developments listed in subsections 6.3.1 and 7.3.1 are permitted in the Rural Zone provided:

- a) The maximum indoor floor area occupied by the main use is 70 sq m (750 sq ft);
- b) The maximum total area devoted to the use (including indoor and outdoor areas) is 210 square metres (2260 sq ft); and
- c) A minimum of three (3) parking spaces must be provided on the lot.

9.6.3. Repealed by Amendment - March 9, 2016

Wind Turbine

9.6.4. Pursuant to subsection 9.3.1(j), no Development Permit shall be issued in the Rural (RU) Zone for a wind turbine unless the following requirements are satisfied:

- a) The proposed turbine is manufactured to produce less than 30,000 kW.h (kilowatt hours) per year
- b) No land may be used for the location or use of the turbine unless one of the following measures is employed to prevent climbing of the structures. The turbine shall be:
 - i. enclosed by a fence at least 2 metres (6 ft) in height,
 - ii. enclosed by the wall of a building or structure at least 2 metres (6 ft) in height,
 - iii. enclosed by a combination of walls and fences at least 2 metres (6 ft) in height,
 - iv. enwrapped with sufficient guarding around the bottom of the structure to prevent climbing
- c) Where a portion of a wall of a building forms part of an enclosure:
 - i. no main or service entrance to the building may be located therein, and
 - ii. any door, therein, other than a door to a dwelling or rooming unit, shall be self-enclosing and equipped with a self-latching device at least 1.5 metres (5 ft) above the bottom of the door;
- d) An enclosure shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing;
- e) Where a fence forms an enclosure or part thereof, the fence shall:
 - i. have no opening greater than 38 mm (1.5 in) in any part of the fencing, and
 - ii. not be electrified or incorporate barbed wire or other sharp dangerous materials unless they are situated more than 2 metres (6 ft) above grade, and
 - iii. be located at least 1.2 metres (4 ft) from any condition that would facilitate its being climbed from the outside, and
 - iv. be located so that the bottom of the fence is elevated by no more than 10 centimetres (4 inches) above grade;
- f) Gates forming part of the enclosure shall be securely locked and shall:
 - i. be equivalent to the fence in content, manner of construction and height,
 - ii. be self-closing and equipped with a self-latching device at least 1.5 metres (5 ft) above the bottom of the gate,
 - iii. be located at least 1.2 metres (4 ft) from any condition that would facilitate the structure from being climbed from the outside, and
 - iv. be located so that the bottom of the gate is elevated by no more than 10 cm (4 in.) above grade
- g) Guards shall be designed so that no member, attachment or opening located between 10 cm (4 in.) and 1.5 metres (5 ft) above the ground, will facilitate climbing. Guards shall be constructed of thin metal sheeting form-fitted around the bottom of the structure from ground level to at least 2.5 metres (8 ft) above the ground. An opening, as referred to in this clause, shall be no greater than 5 cm (2 in.) in width.
- h) the minimum setback from adjacent property lines, shall be a measurement equal to the length of 7 rotor blades measurement.
- i) the minimum setback from an existing dwelling on an adjacent lot, shall be three (3) times the height of the turbine.

- j) the sound level generated by the wind turbine at an adjacent property line shall not exceed 45dB(A) (decibels), determined using the manufactures peak acoustical emission documentation and the “Sound Level by Distance from Source”, found in the Table immediately below:

TABLE: Sound Level by Distance from Source: see s.9.6.4(j)

Distance in metres	Sound Level Change in dB(A)		Distance in metres	Sound Level Change in dB(A)
4.5	-24		159	-56
9	-30		178	-57
16	-35		200	-58
28	-40		224	-59
40	-43		251	-60
50	-45		282	-61
56	-46		317	-62
63	-47		355	-63
71	-49		398	-64
80	-50		447	-65
89	-51		502	-66
100	-52		563	-67
112	-53		632	-68
126	-54		709	-69
141	-55		795	-70

PART 10 ENVIRONMENTAL PROTECTION ZONES

10.1. APPLICATION

The provisions of this part apply to the Protected Water Area (PWA) Zone, and other zones, where and as specified, in this By-law.

Amended February 22, 2017.

10.2. PERMITTED DEVELOPMENTS IN THE PROTECTED WATER AREA (PWA) ZONE

10.2.1. The following Developments are permitted in the Protected Water Area (PWA) Zone:

- a) Single-Unit Residential Dwellings, subject to Zone Requirements identified in subsection 10.2.2:
- b) All developments essential to the operation and maintenance of a public water supply system

10.2.2. Pursuant to subsection 10.2.1(a), no Development Permit shall be issued in a Protected Water Area (PWA) Zone, except in accordance with the following Zone Requirements:

	Detached Single-Unit
a) Minimum Lot Frontage	20 metres (66 ft)
b) Minimum Front Yard	5 metres (16.5 ft)
c) Minimum Rear Yard	1.5 metres (5 ft)
d) Minimum Side Yards	1.5 metres (5 ft)
e) Minimum Flankage Yard	5 metres (16.5 ft)
g) Maximum Height of Structures	14 metres (46 ft)
h) Minimum Setback from a Watercourse shown on Schedule C	14 metres (46 ft)
i) Maximum Number of Dwelling Units per Lot	1
j) Minimum Lot Area: Central Sewer & Public Water	650 square metres (7,000 square ft)
k) Minimum Lot Area: Central Sewer Only.	650 square metres (7,000 square ft)
l) Minimum Lot Area: No Central Sewer	Subject to NS Environment's On-Site Sewage Disposal Regulations

10.3. (Repealed by Amendment)

Amended February 22, 2017.

PART 11 PARKING AND LOADING REQUIREMENTS

11.1. APPLICATION

The requirements of this part shall apply to all zones unless otherwise specified.

11.2. STANDARDS FOR PARKING AREAS

11.2.1. The requirements identified in Section 11.2 shall not apply to any existing land use, but shall apply to the expansion of any existing land use.

11.2.2. No parking area used to satisfy the parking needs of a commercial or industrial use shall be located in, or have access to, a Public Highway through a Residential Zone.

11.2.3. An Off-Street Parking Space shall have an area of 16.7 square metres (180 square ft), measuring 5.5 metres (18 ft) in length and 3 metres (10 ft) in width, exclusive of aisles or driveways thereto.

11.2.4. No Development Permit shall be issued for a development unless off-street parking, having unobstructed access to a street, shall be provided and maintained in conformity with the following Table:

Type of Use	Required Parking
a) Residential buildings containing not more than three (3) dwelling units	1 space for each dwelling unit
b) Residential buildings with four (4) or more dwelling units	1.25 spaces for each dwelling unit
c) Hotels and motels, and other accommodations for travelers	1.1 spaces per suite or rental unit
d) Churches, Halls, Funeral Homes, Theatres, Private Clubs, Restaurants, Lounges and other places of assembly	With fixed seats: 1 space for every 5 seats or 3 metres (10 ft) of bench space. With no fixed seats: 1 space for each 9 square metres (100 sq ft) of floor area devoted to public use
e) Offices	1 space for every 28 sq m (300 sq ft) of floor area
f) Hospitals / Nursing Homes / Residential Care Facilities	1 space for every 37 sq m (400 sq ft) of floor area
g) Industries	1 space for every 93 sq m (1,000 sq ft) of floor area
h) Warehouses	1 space for every 278 sq m (3,000 sq ft) of floor area
i) All other commercial uses	1 space for every 19 square metres (200 sq ft) of commercial floor area
j) Elementary & Junior High Schools	1.5 space for each teaching classroom
k) High Schools	4 spaces for each teaching classroom
l) Marinas	1 space for every berth or anchorage
m) Bowling Alleys / Curling Rinks	3 spaces for each bowling lane or curling sheet. In part of building not devoted to lanes / sheets: 1 space for every 19 square metres (200 sq ft) of floor area open to the public shall be provided

- 11.2.5.** Where off-street parking is required and more than two (2) spaces are provided, no Development Permit shall be issued except in conformity with the following requirements:
- a) the parking area shall be treated or surfaced to prevent the raising of dust or loose particles;
 - b) any illumination shall be directed away from streets, adjacent lots, and buildings;
 - c) a structure of no more than 4.5 metres (15 ft) in height and not more than 4.5 square metres (50 sq ft) in floor area may be provided for the use of parking lot attendants;
 - d) the parking lot shall be within a distance of 90 metres (300 ft) of the building which it serves and shall be located within the same zone as the use which it serves;
 - e) each parking space and the direction of travel in each aisle shall be clearly marked and maintained where a permanent hard surface is provided;
 - f) except for automobile service stations, no gasoline pump or other automobile service station equipment shall be located or maintained on the parking lot;
 - g) the limits of the parking lot and street access shall be defined by a permanent curb, fence or other suitable obstruction to provide a neat appearance;
 - h) no street access shall be within 15 metres (50 ft) of the limits of the right-of-way of the nearest street intersection;
 - i) the width of any access to a parking area and of any aisle in a parking area, shall be a minimum width of 4.3 metres (14 ft) if for one-way traffic, and a minimum width of 6 metres (20 ft) if for two-way traffic.

11.3. STANDARDS FOR LOADING AREAS

- 11.3.1.** The requirements identified in Section 11.3 shall not apply to any existing land use, but shall apply to the expansion of any existing land use.
- 11.3.2.** The requirements identified in Section 11.3 shall not apply to any building with less than 140 square metres (1,500 sq ft) of floor area.
- 11.3.3.** No person shall erect or use any building or structure for manufacturing, warehousing, storage; a department store, retail store, wholesale store or outlet, market, freight or passenger terminal, hotel, hospital, or other use involving the frequent shipping, loading or unloading of persons, animals, or goods unless:
- a) there is maintained on the same lot one (1) off-street space for standing, loading, and unloading for every 2,700 square metres (29,000 sq ft) or fraction thereof of floor area used for any such purpose;
 - b) each loading space measures at least 4 metres (13 ft) in width by 12 metres (40 ft) in length with a minimum height clearance of 4.3 metres (14 ft);
 - c) each loading space is located in the rear or side yard of the lot, except that no loading space shall be located in a side yard abutting a Residential Zone;
 - d) loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles; and
 - e) the width of any access road to a loading space shall be a minimum of 3.5 metres (12 ft) for one-way traffic or 7.5 metres (25 ft) for two-way traffic.

PART 12 SIGNS

12.1. APPLICATION

The following requirements shall apply to all signs in all zones unless otherwise specified elsewhere in this By-law.

12.2. DEVELOPMENT PERMIT REQUIRED

No person shall erect any sign without first obtaining a Development Permit, except for signs specified in Section 12.3 below.

12.3. SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED

The following signs are permitted in all zones, without any requirement for a Development Permit:

- 12.3.1.** signs identifying the name and address of a resident, and of not more than 0.5 square metres (5 sq ft) in sign area;
- 12.3.2.** "No trespassing" signs or other such signs regulating the use of a property, and of not more than 0.5 square metres (5 sq ft) in sign area;
- 12.3.3.** non-illuminated real estate signs not exceeding 0.5 square metres (5 sq ft) in sign area in a Residential Zone and 1.4 square metres (15 sq ft) in other zones, which advertise the sale, rental or lease of the premises, including off-site signs;
- 12.3.4.** signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises provided that such signs are less than 0.5 square metres (5 sq ft) in area;
- 12.3.5.** signs erected by a government body or under the direction or authority of such a body, and bearing no commercial advertising, including but not limited to, traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists, directional signs, signs and banners for special events which bear an incidental commercial component advertising sponsorship or support;
- 12.3.6.** memorial signs or tablets denoting the historical significance and date of erection of a structure;
- 12.3.7.** the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;
- 12.3.8.** a sign having an area of not more than 6 square metres (65 sq ft) incidental to construction and located on the same site as the building under construction: such signs shall not remain in place for more than sixty (60) days following completion of construction; and
- 12.3.9.** sandwich signs permitted by Section 12.10.

12.4. COMMERCIAL ADVERTISING SIGNAGE

No sign shall be erected or used for commercial advertising except where the sign is located:

- 12.4.1.** on the same lot as the establishment which it advertises;
- 12.4.2.** on the same lot as the dealer for the product which it advertises; or
- 12.4.3.** within the boundaries of a Public Highway.

12.5. PLACE NAME SIGNS

Signs that advertise the name of a place, community or development shall be permitted in all zones, subject to the requirements identified in Sections 12.9 - 12.14, where and as applicable.

12.6. SIGNS PROHIBITED IN ALL ZONES

All other provisions of this By-law notwithstanding, the following signs shall not be erected or used in any zone:

- 12.6.1.** signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and signs which have any visible moving part or visible mechanical movement of any description except for signs which display only time, temperature or humidity;
- 12.6.2.** signs affixed to, applied to, or supported by the roof of any structure;
- 12.6.3.** signs which constitute a hazard to public safety or health;
- 12.6.4.** signs which by reason of size, location, content, colouring, or manner of illumination, obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device on streets;
- 12.6.5.** signs which obstruct the use of a fire escape door, window, or other required exit;
- 12.6.6.** signs which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a street;
- 12.6.7.** signs which advertise a product, service or business which is discontinued: such signs are considered to be obsolete signs and shall be removed once the use has been discontinued for a period of sixty days; or
- 12.6.8.** signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

12.7. SIGNS IN RESIDENTIAL ZONES

No sign in a Residential Zone shall be erected or used for commercial advertising except where:

- 12.7.1.** the sign is permitted by Section 12.3 above; or
- 12.7.2.** the sign is located in a Residential Zone on the same lot as the business which it advertises, and the sign satisfies the requirements identified in Section 4.22, and in Sections 12.9 - 12.14 where and as applicable.

12.8. SIGNS LOCATED IN YARDS ABUTTING RESIDENTIAL ZONES OR LOTS WITH RESIDENTIAL USES

Notwithstanding Section 12.2, and pursuant to subsections 6.2.1, 6.2.2, 7.2.1 and 7.2.2: where a sign is located in a yard which abuts a Residential Zone or a lot containing a residential use, the sign shall be subject to the sign provisions of the abutting yard requirements and/or abutting zone requirements of the zone in which it is located.

12.9. MOBILE / PORTABLE SIGNS

- 12.9.1.** No more than one (1) portable sign shall be permitted for any one (1) lot.
- 12.9.2.** No portable sign shall exceed 3.7 square metres (40 sq ft) in sign area per sign face.
- 12.9.3.** Notwithstanding 12.9.1, two (2) portable signs shall be permitted on a corner lot that is adjacent to two (2) Public Highways.

12.10. SANDWICH SIGNS

- 12.10.1.** No more than one (1) sandwich sign shall be permitted for any one (1) lot.
- 12.10.2.** No sandwich sign shall exceed 0.55 sq metres (6 sq ft) in sign area per sign face.
- 12.10.3.** No sandwich sign shall be located so as to obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.
- 12.10.4.** Notwithstanding 12.10.1, two (2) sandwich signs shall be permitted on a corner lot that is adjacent to two (2) Public Highways.

12.11. FLAT FIXED WALL SIGNS

- 12.11.1.** No flat fixed wall sign shall extend above the top of the wall upon which it is placed, nor extend beyond the extremities of the wall upon which it is attached.
- 12.11.2.** No flat fixed wall sign, or combination of flat fixed wall signs on any one lot, shall:
 - a) cover more than 0.186 square metres (2 sq ft) for each 0.3 metres (1 linear foot) of the front wall, and
 - b) cover more than 15% of the total front wall area; and
 - c) exceed, when all flat fixed wall sign areas are totaled, a maximum area of 13.94 square metres (150 sq ft)

12.12. PROJECTING WALL SIGNS

- 12.12.1.** No projecting wall sign shall:
 - a) exceed 2 square metres (20 sq ft) in sign area on each side;
 - b) project over a street beyond the curb line or public highway shoulder, or into any sight triangle;
 - c) project above the eaves, parapet or roof line of a building;
 - d) be erected below a height of 3 metres (10 ft) above grade;
 - e) be permitted to project more than 2 metres (6.5 ft) from the wall upon which it is attached; nor
 - f) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.
- 12.12.2.** No more than one (1) projecting wall sign shall be permitted for any one lot, excepting where:
 - a) for corner lots adjacent to two (2) Public Highways, two (2) projecting wall signs shall be permitted for one corner lot,
 - b) for lots located in a Commercial or Industrial Zone, whose front lot line is over 100 metres (305 ft) in length, two (2) projecting wall signs shall be permitted for any one lot.
- 12.12.3.** Section 12.12.1(d) notwithstanding, small projecting wall signs of less than 0.3 square metres (3 sq ft) in sign area on each side may be erected no less than 2.5 metres (8 ft) above grade; and
- 12.12.4.** Sections 12.12.1(d) and 12.12.3 notwithstanding, the minimum height requirements shall not apply to projecting wall signs that project entirely over private property and present no hazard to public safety.

12.13. GROUND SIGNS LOCATED IN AN INDUSTRIAL OR COMMERCIAL ZONE

12.13.1. No ground sign located in a Commercial or Industrial Zone shall:

- a) exceed 3.7 square metres (40 sq ft) in sign area on each side, where the height of the sign is 3 metres (10 ft) or less above grade,
- b) exceed 9.3 square metres (100 sq ft) in sign area on each side, where the height of the sign is greater than 3 metres (10 ft) but less than 6.1 m (20 ft) above grade; provided a minimum of seventy-five percent (75 %) of the square area is at least 3 m (10 ft) above grade,
- c) exceed 14 metres square (150 sq ft) in sign area on each side where the height is greater than 6.1 metres (20 ft) but less than 10.5 metres (34 ft) above grade, provided that seventy-five percent of the square area is at least 6.1 metres (20 ft) above grade,
- d) exceed a height of 10.5 metres (34 ft) from grade to the highest part of the sign, nor
- e) extend beyond a property line or extend over a public right-of-way, a driveway or parking space, or into a sight triangle as identified in Section 4.5

12.13.2. No more than one (1) ground sign shall be permitted for any one lot, excepting where:

- a) for corner lots adjacent to 2 Public Highways, two (2) ground signs shall be permitted for one corner lot,
- b) for lots located in a Commercial or Industrial Zone, whose front lot line is over 100 metres (305 ft) in length, two (2) ground signs shall be permitted for one lot.

12.14. GROUND SIGNS LOCATED IN ALL OTHER ZONES

12.14.1. For ground signs located in all Zones not identified in Section 12.13, no ground sign shall:

- a) exceed 3.7 square metres (40 sq ft) in sign area on each side,
- b) exceed a height of 8 metres (26 ft) from grade to the highest part of sign, nor
- c) extend beyond a property line or extend over a public right-of-way, a driveway or parking space, or into a sight triangle.

12.14.2. No more than one (1) ground sign shall be permitted for any one lot.

PART 13 DEFINITIONS

ABUTTING LOT - See LOT

ABUTTING YARD - See YARD, ABUTTING

ACCESSORY BUILDING - See BUILDING

ACCESSORY USE - See USE, ACCESSORY

AGRICULTURAL USE - See USE, AGRICULTURAL

ALTER means to make any change in the structural components of a building, any increase or decrease in the volume of a building or structure, or any change made in the use of land or structures.

ANIMAL HOSPITAL means the premises where animals, birds or household pets are treated or kept during treatment and may include boarding facilities as an accessory use.

ANIMAL KENNEL means any premises where domestic animals are kept or boarded or bred as a commercial service.

ANIMAL SHELTER means a lot and/or building or part thereof, used for the treatment and care of lost, abandoned or neglected animals.

ATTACHED BUILDING - See BUILDING

AUTO BODY REPAIR SHOP means a building, or part of a building, or a clearly defined space on a lot, where motor vehicle bodies are repaired and does not include an automobile service station or automobile sales.

AUTOMOBILE SALES means a building or part of a building, or a clearly defined space on a lot used for the retail sale or rental of motor vehicles and motor vehicle accessories, and may include an Automobile Repair Shop, an Auto Body Repair Shop or an Automobile Service Station.

AUTOMOBILE REPAIR SHOP means a building, or part of a building, used for the mechanical repair of motor vehicles and includes an auto body shop or an automobile sales establishment, and does not include an automobile washing establishment.

AUTOMOBILE SERVICE STATION means 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 repairing essential to the actual operation of motor vehicles, and may include an automobile wash, a convenience store, or automobile sales.

AUTOMOBILE WASHING ESTABLISHMENT means a building, or part thereof, used for the operation of automatic or semi-automatic washing equipment.

BED AND BREAKFAST/TOURIST HOME means a detached single-unit dwelling in which there is an owner or manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as required) for the travelling public.

BEVERAGE ROOM means premises licensed as a beverage room under the Liquor Control Act.

BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain, to persons exclusive of the lessee or owner thereof, or members of the household unit and which is not open to the general public.

BOATHOUSE means a structure, whether permanent or temporary, which is roofed, which does not contain toilet facilities and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment, but not for the accommodation of persons or animals, or for commercial purposes, and does not include a garage.

BUILDING means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto, and for greater certainty:

a) ACCESSORY BUILDING means a subordinate building or structure, located on the same lot as the main building and devoted exclusively to an accessory use. Outdoor wood furnaces / water stoves shall not be considered as accessory buildings or structures.

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

CAMPGROUND/TRAVEL TRAILER PARK means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes, but does not include a mobile home park or mini home park.

CANOPY means an overhanging shelter.

CEMETERY means land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried and includes accessory structures used for the temporary storage of human bodies and for the storage of materials and equipment used for maintenance.

CHANGE IN USE - See USE, CHANGE IN

CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the Church.

COMMERCIAL FLOOR AREA - See FLOOR AREA, COMMERCIAL

COMMERCIAL SCHOOL means a school conducted for monetary gain, including but not limited to, a secretarial school, language school or driving school, but does not include a day care centre.

COMMERCIAL VEHICLE means any motor vehicle which is used for a business activity and which has as its main vehicle purpose financial gain, and includes taxis, ambulances, trucks, tractors, tractor trailers, buses, delivery vehicles and oil trucks.

COMMUNITY CENTRE means any tract of land, or building or buildings, or any part of any buildings, used for community activities whether for commercial purposes or not, the control of which is vested in the Municipality, a local board or an agent thereof.

CORNER LOT - See LOT, CORNER.

COUNCIL means the Council of the Municipality of the District of Lunenburg.

CRAFT

a) CRAFT PRODUCTS means products made by hand or small custom production processes by: potters; pewterers; goldsmiths; silversmiths; jewellers; toymakers; leatherworkers; upholsterers; woodworkers; furniture makers; musical instrument makers; clothing designers and makers; shoemakers; antique refinishers; glass or stained glass workers; sailmakers; and similar skilled craftspeople.

b) CRAFT WORKSHOP means a building, or part of a building, where craft products are made by hand or small production processes.

DAY CARE CENTRE

a) RESIDENTIAL DAY CARE means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, for up to ten (10) or fewer people, without providing overnight accommodation.

b) COMMERCIAL DAY CARE CENTRE means a facility other than a Residential Day Care Centre, located in a building or part of a building, where people are accommodated and cared for, for financial remuneration, without providing overnight accommodation.

DETACHED SINGLE-UNIT DWELLING - See DWELLING, DETACHED SINGLE-UNIT

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

DEVELOPMENT OFFICER means the person appointed by Council under the authority of the Municipal Government Act to administer the provisions of the Land-Use By-law.

DEVELOPMENT PERMIT means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land-Use By-law.

DEVELOPER means any person, incorporated body, partnership or other legal entity which undertakes a development.

DRIVE-IN RESTAURANT - See RESTAURANT

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

DWELLING, DETACHED SINGLE-UNIT means a completely detached dwelling containing one dwelling unit and does not include a mobile home or mini home.

DWELLING, MULTI-UNIT means any dwelling containing three or more dwelling units.

DWELLING, SEMI-DETACHED means a single-unit dwelling attached to another single-unit dwelling by a common above grade wall, with each dwelling located on a separate lot.

DWELLING, TWO-UNIT means any dwelling containing two dwelling units.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

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

EXISTING means in existence prior to the effective date of this By-law, unless otherwise specified.

FARM ANIMAL means one or more of the following types of animals: horses, cattle, sheep, goats, swine, fowl, mink, fox, rabbits, and bees.

FARM ANIMAL UNIT means one or more farm animals or farm animal combinations as specified in the following table:

Animal Type	Number Equal to One Farm Animal Unit	Animal Type	Number Equal to One Farm Animal Unit
Cattle	1	Bees	1 hive
Horse	1	Fowl	3
Sheep (plus lambs)	1	Mink	3
Goats	1	Fox	3
Swine	1	Rabbit	3
Combination:	Any grouping of fowl, mink, foxes, or rabbits in a combination of three (3) shall be considered as one (1) animal unit.		

FEEDLOT means an enclosed area or structure used for feeding, breeding, milking or holding of livestock or poultry for production purposes or for future sale.

FLANKAGE LOT LINE - See LOT LINE, FLANKAGE

FLANKAGE YARD - See YARD, FLANKAGE

FLAT FIXED WALL SIGN - See SIGN, FLAT FIXED WALL

FLOOR AREA means the floor area within a building, measured between the exterior faces of the exterior walls of the building at ground level.

FLOOR AREA, COMMERCIAL means the total usable floor area within a building used for commercial purposes, but excluding washrooms, furnace and utility rooms, and common halls between stores.

FRONT LOT LINE - See LOT LINE, FRONT

FRONT WALL means the main wall, or combination of main walls, of the building that abuts the front yard, and is deemed to be congruent with the front lot line.

FRONT YARD - See YARD, FRONT

FRONTAGE - See LOT FRONTAGE

GRADE means, with reference to a building or structure, the lowest elevation of the finished surface of the ground where it meets the exterior of the foundation of the building or structure; and when used with reference to a street, road or public highway, means the elevation of the street, road or public highway established by the Municipality or other designated authority.

GROUND SIGN - See SIGN, GROUND

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

- a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof; or
- b) the decline of a mansard roof; or
- c) the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

HOME OCCUPATION means an accessory use, which is clearly incidental to the residential use of the property involving the provision or sale of goods and/or services, and includes an office, a boarding or rooming house, a craft workshop, a personal service shop, a studio for the practice or instruction of fine arts or crafts, a repair shop, a residential day care center, a taxicab operation and catalogue sales.

HOTEL means a building or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, restaurants and entertainment facilities, and which is open to the general public.

INSTITUTION means any building or part of a building used by an incorporated body or government for promoting a particular purpose or for providing a service, such as hospitals, schools, nursing homes, homes for special care, group homes, community centres and private clubs.

KENNEL, See - ANIMAL KENNEL

LAUNDRY SHOP means a building or part of a building used for the purpose of receiving articles of goods of fabric to be subjected to the process of laundering, dry cleaning, dry dyeing or cleaning elsewhere, and for the pressing and distribution of any such articles or goods which have been subjected to any such process, and shall include a self-service laundry.

LIGHT MANUFACTURING - See MANUFACTURING, LIGHT

LOADING SPACE means an area of land provided for the temporary parking of motor vehicles while merchandise or materials are being loaded or unloaded from the vehicles, and which has adequate access to permit ingress and egress by means of a driveway, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more vehicles, and such parking shall not be for the purpose of sales or display.

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

LOT, ABUTTING means a lot having one or more boundaries coincident with one or more zone boundaries.

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

LOT, CORNER means a lot situated at the intersection of, and abutting on, two or more streets.

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

LOT, INTERIOR means a lot situated between two lots and having access to one street.

LOT LINE means the boundary line of a lot.

LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT means the line dividing the lot from the street or other means of access; and

a) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;

b) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shoreline of a lake, river or stream, the lot line facing the access road shall be deemed to be the front lot line; or

c) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.

LOT LINE, REAR means the lot line farthest from, or opposite to, the front lot line.

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

LOT, THROUGH means a lot bounded on two opposite sides by streets or public highways provided, that if any lot qualifies as being both a corner lot and a through lot as defined herein, such lot shall be deemed to be a corner lot for the purposes of this By-law.

LOUNGE means premises licensed as a lounge under the Liquor Control Act.

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

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

MANUFACTURING, LIGHT means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

MANURE STORAGE FACILITY means any container, tank, area or space used for the storage of manure and for the purposes of determining setbacks from residential zones, shall not include manure spreaders or any other equipment used in the application of manure onto fields or crops.

MEDICAL CLINIC means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence.

MOBILE HOME / MINI HOME means a non-motorized, prefabricated, detached single-unit dwelling, designed for transportation on its own chassis and wheels, to a site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking or assembling operations); and where it may be located on wheels, jacks, posts, piers, blocks, or permanent foundation, and which may be connected to utilities and sanitary services. This definition includes the "single wide", "expandable single wide", and "double wide" types, where separate units are joined together to form the complete dwelling unit and excludes other forms of prefabricated dwellings which are not designed for transportation on their own chassis and wheels. A mobile home or mini home shall be considered to be a mobile or mini home whether or not the chassis or wheels are removed.

MOBILE HOME PARK / MINI HOME PARK means an establishment comprising land or premises under single ownership, designed and intended for residential use, where residence is in two or more mobile homes or mini homes, but does not include a campground or travel trailer park.

MOTEL means a building or part of a building other than a hotel which provides accommodation designed for the travelling public and is characterized by separate outside entrances to individual sleeping accommodations and close-by parking, and which may include meeting rooms, restaurants and entertainment facilities.

MULTI-UNIT DWELLING - See DWELLING, MULTI-UNIT

MUNICIPAL GOVERNMENT ACT means an Act Respecting Municipal Government, Chapter 18 of the Acts of 1998.

NON-CONFORMING USE - See USE, NON-CONFORMING

NURSING HOME means a building wherein nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons, but does not include a hospital.

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes but is not limited to, the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.

OPEN STORAGE means the storage of any items outside a building, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.

OUTDOOR DISPLAY means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays would include displays of cars, trucks, vans, motor homes, mobile homes / mini homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages or homes.

OUTDOOR CAFE means any open space terrace or deck, contiguous with, and operated as, an extension of a restaurant where food and beverages may be served or entertainment provided.

OUTDOOR MARKET means a retail sales operation where purchases are made directly from an outdoor display, from a vendor or group of vendors that may or may not be associated with any retail sales building on the lot.

OUTDOOR WOODBURNING FURNACE / WATER STOVE means any individual furnace designed to burn untreated wood and wood products and used for the purpose of heating water or air where the furnace is located outside the structure into which the hot water or air produced is piped.

OWNER means a person controlling the property under consideration and, includes prima facie, the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act.

PARK means an open area devoted to passive recreational uses or conservation uses, and which may include ornamental gardens and lawns, outdoor furniture and accessory structures, and which may include a children's playground.

PARK, PRIVATE means a park other than a public park.

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

PARKING LOT means an open area of land, other than a street, for the parking of two or more motor vehicles, available for public use or as a accommodation for clients, customers or residents, which has adjacent access to permit ingress or egress of motor vehicles to a street or public highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

PARKING SPACE means an area reserved for the temporary parking or storage of motor vehicles, exclusive of driveways or aisles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or public highway by means of driveways, aisles or manoeuvring areas.

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

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 other persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoeshining shops, but excludes any manufacturing or fabrication of goods for sale.

PRINTING ESTABLISHMENT means a building or part of a building used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter shop.

PRIVATE STORAGE BUILDING means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.

PUBLIC BUILDING means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, Town of Bridgewater, Municipality of the District of Lunenburg, or Hebbville Village Commission, including any agency or commission or corporation of the Municipality.

PUBLIC HIGHWAY means any street or highway owned and maintained by the Municipality of the District of Lunenburg, the Province of Nova Scotia or the Town of Bridgewater.

PUBLIC SEWER means a sewage collection system, owned and operated by the Town of Bridgewater or the Municipality of the District of Lunenburg.

RADIO COMMUNICATION TOWERS - **Repealed by Amendment - March 9, 2016**

REAR LOT LINE - See LOT LINE, REAR

REAR YARD - See YARD, REAR

RECONSTRUCT when used with reference to a building or structure, means to build a wholly or substantially new structure in the same location as an existing structure, where the original existing structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure, as demonstrated by photographs or measured drawings of the original structure.

RECREATIONAL VEHICLE means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

RECREATIONAL FACILITIES means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

RECYCLING DEPOT means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment, but does not include any processing of the material or a salvage yard.

REPAIR when used with reference to a building or structure, means to renovate or mend by replacing or repairing parts without altering the size or volume of the structure.

REPAIR SHOP means any building or part thereof, used for the repair of household articles, including but not limited to radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops and shoe repair shops, but shall not include industrial or manufacturing, automobile repair shops or auto body shops.

REPLACE when used with reference to a building or structure, means to build a wholly or substantially new structure on a lot where the original structure has been partially or wholly demolished.

RESIDENTIAL CARE FACILITY means any facility which provides both housing and care to nine (9) or more residents. Housing may be provided at all levels from twenty-four hour a day supervision to independent apartment living; care may consist of twenty-four hour a day supervision to regular, but minor, interaction and/or supervision.

RESIDENTIAL DAY CARE CENTRE - See DAY CARE

RESTAURANT means a building or part thereof, where food and drink is prepared and served to the public for consumption within the building or attached cafe or patio, and for greater certainty:

- a) DRIVE-IN RESTAURANT means an establishment or part thereof, where food and drink is served to the general public for consumption, off the premises or on the premises outside of the restaurant building.
- b) TAKE-OUT RESTAURANT means a building or part thereof where food and drink is sold to the public and which does not provide facilities for consumption thereof on the premises.

RETAIL SALES means the keeping or offering for sale, rent or lease, directly to the public at retail value, of goods, wares, merchandise, substances, articles or things.

RETAIL STORES means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale, rent or lease directly to the public at retail value, and shall include minor food processing and packaging in connection with the sale of food products.

SEMI-DETACHED DWELLING - See DWELLING, SEMI-DETACHED

SERVICE STATION - See AUTOMOBILE SERVICE STATION

SCRAP OR SALVAGE YARDS means a lot used for the storage, handling, processing or sale of scrap materials, and without limiting the generality of the foregoing, shall include materials such as waste paper, rags, used bicycles, vehicles, metal or other scrap or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

SEMI-DETACHED DWELLING - See DWELLING, SEMI-DETACHED

SIDE LOT LINE - See LOT LINE, SIDE

SIDE YARD - See YARD, SIDE

SIGHT TRIANGLE means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot, a minimum of 4.6 metres (15 ft) along each such street line and adjoining such end points with a straight line.

SIGN means any structure, device, light or natural object, including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.

The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

SIGN AREA means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of one (1) side of the sign. For canopies and awnings, sign area is considered to be the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the elements which convey information.

SIGN, FLAT FIXED WALL means a sign which is attached directly to, or painted upon, a building wall and which does not extend above the top of the wall upon which it is placed, nor extend beyond the extremities of the wall upon which it is attached.

SIGN, GROUND means a sign supported by one or more uprights or braces permanently affixed in or to the ground.

SIGN, ILLUMINATED means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign.

SIGN, PORTABLE means a sign supported by one (1) or more uprights or braces, not permanently affixed in or to the ground, whether or not mounted on wheels or intended to be moved, and which is larger than 0.55 square metres (6 sq ft) in area.

SIGN, PROJECTING WALL means a sign which projects from, and is supported by, a wall of a building, including signs which are mounted on, or from, part of a canopy.

SIGN, SANDWICH means a two-sided, A-frame style self-supporting sign, which is not permanently affixed to the ground, and which is designed to be moveable.

SLAUGHTERHOUSE, COMMERCIAL means any establishment primarily engaged in commercial abattoir operations and / or in meat processing and packing operations.

SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature.

SPS or SECONDARY PLANNING STRATEGY means the Secondary Planning Strategy for the Village of Hebbville within the Municipality of the District of Lunenburg.

STUDIO means a building, or part thereof, used as a workroom for the study, execution or instruction of any fine or commercial art or craft, including photography, music, visual arts and commercial design.

STREET means the whole or entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or rights-of-way vested in the Municipality of Lunenburg or the Town of Bridgewater, excluding any controlled access highway designated pursuant to the Public Highways Act; a right-of-way listed in both Schedule B of the Subdivision By-law and Schedule B of this Land-Use By-law; or a "Designed Road" as defined in the Subdivision By-law.

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection, fixed to or supported by, the ground or by any other structure. "Structure" shall include buildings, walls and also fences exceeding 2 metres (6 ft) in height, but for the purposes of determining yard requirements, shall not include signs.

THROUGH LOT - See LOT, THROUGH

TOURIST INFORMATION CENTRE means a building or booth where tourist information is provided to the travelling public.

TWO-UNIT DWELLING - See DWELLING, TWO-UNIT

USE means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased, and for further certainty:

a) USE, ACCESSORY means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot. Outdoor wood furnaces / water stoves shall not be considered as accessory uses.

b) USE, AGRICULTURAL means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harboring or keeping of any one or more of the following livestock, regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock, and may include shipping. "Agricultural use" shall include the accessory production, processing, treatment, storage and sale of the products produced on-site, but shall not include industrial uses such as slaughterhouses, meat packing or canneries.

c) USE, CHANGE IN means any alteration in the use made of the whole, or any part of, a parcel of land, a building or a structure and includes, in the case of a livestock operation, a change from one type of livestock to another.

d) USE, FORESTRY means the use of land, buildings, or structures to raise trees, and may include shipping, but shall not include processing.

e) USE, NON-CONFORMING means a non-conforming use as described in the Municipal Government Act.

WAREHOUSE means a building where merchandise, wares or goods are stored but shall not include a retail store.

WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale, mainly to industrial, institutional, and commercial users, or to retailers or other merchants usually for resale or business use.

WOODWORKING SHOP means a shop used for the manufacture of barrels, baskets, boats, boxes, coffins, crates, doors, excelsior, flooring, furniture, pressed pulp products, spools, wagons or other wood products but shall not include a wood distillation plant or other use otherwise classified, or a sawmill or planing mill save one permitted as accessory to a woodworking shop.

YARD means an open, uncovered space on a lot appurtenant to a building; and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

YARD, ABUTTING means a yard of an abutting lot which adjoins an adjacent zone boundary.

YARD, FLANKAGE means the side yard of a corner lot, which side yard abuts a street.

YARD, MINIMUM FLANKAGE means the minimum side yard required by this By-law where such yard abuts a street.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, MINIMUM FRONT means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, SIDE means a yard extending between the front yard and the rear yard of a lot between a side lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, MINIMUM SIDE means the minimum width required by this By-law of a side yard on a lot between a side lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, MINIMUM REAR means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

ZONE means a designated area of land shown on Schedule A of this By-law, and more particularly, as referred to in PART 3 of this By-law.

(this page intentionally blank for printing purposes)

The Land-Use By-law for the Village of Hebbville, adopted by Municipal Council on October 10, 2000 is hereby repealed and this Land Use By-law substituted therefore.

I, April Whynot-Lohnes, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Land Use By-law for the Village of Hebbville which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on: February 14, 2012.

DATED at Bridgewater, Nova Scotia, the _____

April Whynot-Lohnes, Municipal Clerk

(this page intentionally blank for printing purposes)

SCHEDULE B**LISTED EXISTING USES**

Permitted Existing Uses subject to identified Requirements. See By-law sections 4.18 and 4.19.

B-1 Existing Commercial and Industrial Uses in the Two-Unit Residential (TR) Zone

See: Planning Strategy Policy 3.1.5 and Land Use By-law subsection 5.3.1(e)

PID	Civic Address	Current Use	Owner
60291895	16013 Highway #3	Motor Vehicle Towing & Repair	Aubrey McCarthy
60290574	6 Pinetree Lane	Woodworking	Ivan & Letha Weagle

B-2 Existing Residential Uses in the General Commercial (GC) Zone

See: Planning Strategy Policy 3.2.5 and Land Use By-law subsection 6.3.1(o)

PID	Civic Address	Current Use	Owner
60289675	3 Century Drive	Residence	Car Auto Holdings Ltd
60290277	5 Cross Road	Residence	Glen D. Hebb
60288115	6 Gardenview Drive	Residence	Bonnie Kurta
60288107	10 Gardenview Drive	Residence	Mildred & Gloria Zwicker
60288123	444 Jubilee Road	Residence	Gregg Nauss & Dianne Morton
60288057	15024 Highway #3	Residence	Sandra & Charles Powers
60288065	15040 Highway #3	Residence	3051754 NS Ltd
60288073	15047 Highway #3	Residence	Kyle Walker
60288081	15051 Highway #3	Residence	Darlene Corkum
60288099	15053 Highway #3	Residence	Darlene Corkum
60288263	15086 Highway #3	Residence	Daniel & Karen Dorey
60289550	15142 Highway #3	Residence	Wendell & Violet Croft
60289576	15150 Highway #3	Residence	Ralph Lohnes
60289592	15156 Highway #3	Residence	Raymond & Shirley Wile
60289600	15160 Highway #3	Residence	Angela Griffin & Angela Frauzel
60290293	15229 Highway #3	Residence	Lemuel, Lillian & Paul Hebb
60290343	15310 Highway #3	Residence	Gregory & Margaret Bolivar
60290368	15358 Highway #3	Residence	Carroll Shand
60290467	15430 Highway #3	Residence	Glen Hebb
60290608	15537 Highway #3	Residence	Eric & Elizabeth Leblanc

B-3 Existing Industrial Uses in the General Commercial (GC) Zone

See: Planning Strategy Policy 3.2.9 and Land Use By-law subsection 6.3.1(n)

PID	Civic Address	Use	Owner
60288321	38 Conquerall Mills Rd	Moulding & Manufacturing	Monica Whitehouse
60288248	15060 Highway #3	Auto Salvage Storage	Darlene Zwicker

B-4 Existing Residential Use in the Light Industrial (LI) Zone

See: Planning Strategy Policy 3.3.4(a) and Land Use By-law subsection 7.3.1(h)

PID	Civic Address	Current Use	Owner
60291093	15751 Highway #3	Residence	Peggy Smith

B-5 Existing Bulk Petroleum Storage & Distribution Operations in the Light Industrial (LI) Zone

See: Planning Strategy Policy 3.3.6 and Land Use By-law subsection 7.3.1(g)

PID	Civic Address	Current Use	Owner
60290301	15270 Highway #3	Bulk Petroleum Storage	Imperial Oil Ltd
60290681	15545 Highway #3	Bulk Petroleum Storage	Superior Propane
60289733	29 Century Drive	Bulk Petroleum Storage	Ultramar Ltd

B-6 Existing Industrial Uses in the Rural (RU) Zone

See: Planning Strategy Policy 3.4.8 and Land Use By-law subsection 9.3.1(g)

PID	Civic Address	Current Use	Owner
60289923	40 Charles Hirtle Road	Trucking Garage	Earl E. Knox Trucking & Excavating Ltd
60602604	(structure across from) 331 Conquerall Mills Rd	Garage	Maxwell Drennan