



Municipality of the District of Lunenburg

Land Use By-law

(MODL By-Law 049)

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1 Title and Purpose

1.1 Title

This By-law is titled the Municipality of the District of Lunenburg Land Use By-law.

1.2 Purpose

The purpose of this By-law is to carry out the intent of the Municipality of the District of Lunenburg Municipal Planning Strategy, under the Municipal Government Act, by regulating the land use and structures within the Municipality.

2 Interpretation

2.1 Certain Words

2.1.1 In this By-law:

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

2.2 Conflict

2.2.1 In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text will prevail.

2.2.2 Colour coding throughout this By-law and the zoning map is for ease of reference only and the text of the By-law will take priority.

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

2.2.4 In the case of conflict between a written zone name and a zone symbol, the written zone name will prevail.

2.3 Definitions

2.3.1 For the purposes of this By-law, words will have the meaning or meanings assigned to them in Section 3 (Definitions).

2.3.2 Where a word is not defined in Section 3 (Definitions), the word will have the meaning(s) as defined in the Municipal Government Act or the Interpretation Act.

2.3.3 Where a word is not defined under Subsections 2.3.1 or 2.3.2, the word will have the meaning(s) assigned by accepted Canadian English dictionaries.

2.4 Units of Measure

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

2.5 Interpretation of Zone Boundaries

2.5.1 Boundaries between zones will be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Land Registration Office, the boundary will follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway, the centreline of the street, private road, or controlled access highway as it existed on the effective date of this By-law will be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centreline of the right-of-way will be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary will follow the lot lines;
- (e) where the zone boundary is indicated as following a physical feature, such as, but not limited to topographic elevations, the Development Officer may interpret the boundary to align with a site-specific delineation completed by a qualified professional;
- (f) where the zone boundary is indicated as following the shoreline of a watercourse or wetland, the ordinary high-water mark will be the boundary; and
- (g) where none of the above provisions apply, the Development Officer will scale the zone boundary from the zoning map.

2.6 Severability

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

3 Definitions

A

Abattoir means a building or structure, or part thereof, used for the commercial slaughtering of farm animals which may include the on-site packing, treating, and storage of product but does not include the slaughtering of any animals for personal use.

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

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

Act means, unless otherwise specified, the Municipal Government Act of the Province of Nova Scotia, as amended.

Adjacent means having a common border in at least one point or being separated from such a common border only by a right-of-way.

Aggregate refers to raw materials extracted from the ground including but not limited to sand, gravel, crushed stone, and other mineral fragments.

Aggregate and Mineral Extraction Operations refers to the use of structures related to pits and quarries used for sand, gravel, and mineral extraction, and associated activities including, but not limited to, the crushing or stockpiling of raw material, conducted in an area that has been approved by the Province of Nova Scotia.

Aggregate Processing means an industrial use referring to the use of a building, structure or land, or part thereof, for processing aggregate including the production of asphalt or similar road stone, concrete batching, and can include facilities for the administration and management of the business, mineral bulk storage, and the storage of equipment.

Agricultural Use means the use of land, buildings, or structures for activities directly supporting farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing, or treating the agricultural products.

Agritourism means agricultural accessory uses that includes experiencing agricultural life and/or participating in agricultural activities including, but not limited to, u-picks, hayrides, petting zoos, pumpkin patches, farm tours, etc.

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

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

Annual Erosion Rate means the measurement of the quantity of soil or land that is lost through the process of erosion over a one-year period.

Aquaculture Operation means either on-shore or off-shore facilities used for the controlled cultivation of fish, shellfish, or aquatic plants for commercial purposes. On-shore aquaculture operations include a land-based enclosed containment system to prevent the release of waste into marine environments.

Art Gallery/Studio means a building, place, or area where paintings, sculptures, or other works of art are produced, exhibited, and/or sold.

Automobile Body Shop means an industrial use referring to the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting, refinishing and similar activity.

Automobile Dealer and Rental means an establishment primarily engaged in retailing or renting new and used roadworthy automobiles, commercial vehicles, motorcycles, watercraft, offroad vehicles, and recreational vehicles but does not include salvage yards.

Automobile Repair Shop means an industrial use referring to the use of a building or part of a building used for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but does not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

Automobile Service Station means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

B

Background Noise means the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. The background noise is typically caused by sounds from nature in rural areas, or by road traffic in urban/suburban areas.

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

Bed and Breakfast means a type of tourist accommodation located within a residential unit where the resident owner or occupant provides overnight accommodation to the vacationing or travelling public and may or may not provide meals to the overnight guests.

Boat Building and Repair means an industrial use typically located on a navigable waterway where boats and boat accessories are manufactured, serviced, and/or repaired and may be kept for sale.

Boathouse means a permanent or temporary roofed structure, which does not contain toilet facilities, and which is used for the shelter or storage of boats, watercraft, and associated marine accessories and equipment. No part of a boathouse may be used as a dwelling unit, for the habitation of animals, or for commercial uses. A boathouse does not include a garage.

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

Building means any structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment, but does not include frames for sheltering crops.

Building Footprint means the horizontal area, measured from the outside of all exterior walls and supporting columns of a building. Excluded from this measurement are carports, patios, decks, balcony areas, porches, projections, as well as ramps and stairways necessary for access.

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

C

Campground and RV Park means the use of land where the number of camping sites and recreational vehicle parking sites is four or more and is used for a range of overnight camping experiences, including but not limited to tents, recreational vehicles, and other camping structures, but does not include the occupation of recreational vehicles on a permanent year-round basis or the commercial parking of RVs for non-tenant storage.

Camping Unit means any structure used for the purpose of temporary or seasonal use and may include, but is not limited to, tents, yurts, trailers, recreational vehicles, and geodesic domes.

Cannabis Production Facility means a lot or building used or occupied by a person or organization licensed by the Government of Canada for the commercial production of cannabis or cannabis products, including where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled. It also includes any activities permitted by the Government of Canada such as research and development, storage, and destruction of cannabis or any of its derivatives but excludes the production of hemp.

Cemetery means a designated area of land, building, structure, or part thereof where deceased individuals are buried or interred.

Cluster Development means six or more dwelling units contained in two or more dwellings on a single lot that is partly or entirely un-serviced by municipal water and sewer, including new phases or units in a phased-development condominium with six or more dwelling units overall. A recreational vehicle parking site is not considered a cluster development.

Coastal Erosion Risk Area means all areas along a coastline, all of which are inherently prone to erosion. These areas are vulnerable to the gradual loss of land due to natural forces like geological conditions, lack of vegetation, waves, and tides.

Coastal Flood Risk Area means the temporary inundation of land along coastlines, caused by the overflow of water that can threaten communities, ecosystems, and infrastructure.

Commercial Recreation, Indoor means a building or part of a building used for commercial recreation or entertainment purposes and can include but is not limited to, dance halls, cinemas, billiard or pool halls, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, escape rooms, and bingo halls.

Commercial Recreation, Outdoor means the use of land for commercial recreation or entertainment purposes and can include accessory buildings and structures and purposes that can include but are not limited to, golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, archery ranges, or tennis clubs, but does not include

campgrounds & RV parks, outdoor shooting ranges, animal or motor vehicle race tracks, or any use that is obnoxious.

Commercial Use means the use of land and/or buildings for the primary purpose of buying, selling, or trading of merchandise or services.

Community Centre means any building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, or a non-profit organization.

Community Garden means a plot of land used primarily for the cultivation of food run by a group of individuals or a community group. A community garden can serve educational, social, and recreational purposes, but it is not intended for commercial production.

Construction Facility means an industrial use referring to the use of a building or part of a building used for the construction, development, redevelopment or rehabilitation of residential, commercial, institutional, and industrial buildings, real estate and road building, and such uses are often characterized by the outdoor storage of equipment, machines, vehicles, and building supplies.

Convenience Store means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items.

Corner Vision Triangle means the area of a corner lot that is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are six metres (20 feet) in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points six metres (20 feet) from the intersection.

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

Craft Product means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewellers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained-glass workers, and caterers.

Craft Product Workshop means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including, but not limited to, potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothes makers, shoemakers, antique refinishers, glass workers, stained glass workers, and caterers.

Craft Shop means a building or part of a building where craft products are offered for sale to the general public.

Cultural Facilities means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.

D

Day Care Centre means the use of a building or part thereof for the care of people without overnight accommodation but does not include a school.

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

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

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

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.

Dune means an unconsolidated sand or gravel deposit found in a beach environment and recognized by raised topography. Dunes may be vegetated with salt-tolerant vegetation such as marram grass or may be established with ericaceous vegetation or tree species (e.g. forested Dune).

Dwelling means a building containing at least one dwelling unit for human habitation, which is capable of being occupied as a home or residence. For greater clarity, this definition includes structures such as tiny houses and homes that have been manufactured to meet CSAZ241 or an equivalent standard.

Dwelling Unit means one or more habitable room(s) that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive use of the household; has a kitchen for the exclusive use of the household; and has a private entrance from outside the building or from a common hallway or stairway.

E

Effective Date means the day when upon adoption by the Council of the Municipality of the District of Lunenburg and approval by the Minister of Municipal Affairs, this By-law took effect by means of a notice that was published on the municipal website. For greater clarity, it means the first and initial date of coming into force and excludes any dates of later amendments to the document.

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

Elevation Setbacks means a mandate that structures, or the uses within a structure to be located at a certain elevation above the projected water levels to mitigate risks associated with natural events like flooding, storm surges, or other environmental factors.

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

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

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

Excavation, Construction, and Landscaping Services means an industrial use referring to operations which involve buildings and laydown areas used for the storage of machinery and equipment related to excavating, construction, and/or landscaping services, and/or the storage of aggregate, soil, and other materials but does not include operations which involve crushing or blasting but may include sales.

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

F

Farm, Fish, and Forest Stand means a roadside building or structure directly associated with selling farm products that have been produced on site, as well as fish, and/or forest products to the public.

Farm Property refers to the property used primarily for operating a farming business.

Farmers' Market means a commercial operation, either temporary or permanent, where farm produce and locally made products are sold at retail to the public by individual vendors.

Fish Processing means an industrial use referring to the use of buildings, or part thereof where freshwater or saltwater fish or shellfish or their derived products are used, prepared, processed, reduced, or stored and includes the handling, packaging, shipping of the finished product, and other associated activities for future sale.

Fishing and Marine Accessory Uses means the use of land, buildings, or structures, or part thereof, used in support of non-commercial marine-based activities, such as but not limited to, boat houses, fishing and marine equipment storage, docks, decks, wharves, piers, and boat launches. For further clarity, this definition does not include fishing and marine industrial uses, fish processing, or boat building and repair.

Fishing and Marine Industrial Uses means an industrial use of land, buildings, or structures, or part thereof, used in support of the commercial fishing industry including storage of fishing vessels, gear, and other related uses such as docks or boat launches, but does not include fish processing or boat building and repair. For further clarity, business and commercial uses related to the primary fishing and marine use are also included in this definition; however, fishing and marine accessory uses are not included in this definition.

Fishing Vessel means any watercraft engaged on a part-time or full-time basis for use in the commercial fishery.

Floor Area means the total area of all floors of a building, above and below grade, measured between the exterior faces of the exterior walls of the building or from the centreline of a wall separating two buildings.

Forestry Processing Facility means the use of land, buildings, or structure, or part thereof, for the milling, sawing, or other primary processing, and may include accessory sales, but does not include the cutting and splitting of wood for

personal use, maple sugar operations, Christmas tree farming, or transport of finished product.

Forestry Supportive Use refers to the use of structures related to managing and harvesting trees, and may include shipping, storage, and sale of the products on-site, tree nurseries, maple sugar operations, equipment storage facilities, other temporary structures and uses supportive of land clearing activities but does not include processing.

Foundation means the load-bearing portion of a structure which may include a surface mount foundation, sonotubes, columns, screw piles, concrete slabs, or an equivalent.

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

G

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

Government Use means a municipal, provincial, or federal government office, courthouse, registry office, community services office, employment office, post office, buildings required for other government service delivery including municipal servicing, or a building of any government agency or crown corporation.

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

Greenhouse means a building or structure constructed with transparent or translucent walls and/or roof used for the growing of flowers, plants, shrubs, trees, and similar vegetation.

Gross Floor Area (GFA) means the sum of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, but excluding car parking areas within the building, and for the purpose of this definition, the walls forming a courtyard are deemed to be exterior walls.

H

Habitable Floor Space means the interior area within a building that is designed and suitable for human occupancy. This includes spaces such as living rooms, bedrooms, kitchens, and other areas where people can reside or carry out daily activities and does not include unfinished basements or attached garages.

Heavy Equipment Sales, Rentals, and Repair means a building, structure, land, or part thereof where heavy equipment and machinery are kept for sale, maintenance, repair, rent, lease, or hire under agreement for compensation.

Height means the vertical distance on a building between the established grade and: (a) the highest point of the roof structure or the parapet, whichever is greater, of a flat roof; (b) the deck line of a mansard roof; or (c) the mean level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof.

Heritage Advisory Committee means a group appointed by a municipality to advise the municipal council on the designation, preservation, and management of heritage properties and districts. The committee typically includes members with expertise or interest in history, architecture, culture, and community planning. Under the Nova Scotia Heritage Property Act, the committee must also include at least two members of the public.

Heritage Property means a site, building, structure, or landscape that holds historical, cultural, architectural, or social significance. These properties must be

designated by federal, provincial, or municipal governments to recognize and protect their unique contributions to a community's identity and history. Heritage properties may be preserved due to their association with significant events, people, or architectural styles, and must adhere to heritage regulation and guidelines to ensure the building's characteristic defining elements are intact and to be approved by building officials.

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

Hospital means an institution for the treatment of persons afflicted with or suffering from sickness, disease, or injury and may or may not include a medical clinic.



Industrial Use, Light means an industrial use which is typically contained within a building or structure and is not regularly an obnoxious use creating nuisances or producing disruptive noises, heavy vibrations, odours, fumes, smoke, high heat, dust, or create harmful or dangerous waste products. Light industrial uses can include, but are not limited to, light manufacturing, machining, assembly, processing of raw materials or goods, warehousing, transportation and distribution depots, and/or related accessory uses.

Industrial Use, Heavy means an industrial use which may be located entirely within, in part of, or outside of a building or structure and is regularly an obnoxious use creating nuisances or producing disruptive noises, heavy vibrations, odours, fumes, smoke, high heat, dust, or create harmful or dangerous waste products. Heavy industrial uses can include, but are not limited to, manufacturing, machining, assembly, fabricating, processing of raw materials or goods, warehousing, transportation and distribution depots, bulk storage, landfills, distilling or refining fuel products, and/or related accessory uses. Any use that is related to potentially dangerous goods is included in this definition.

Institutional Use means the use of land, building or structures for religious, educational, health, or charitable purposes.

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

K

Kenel means the use of land, a building, or part thereof for a commercial operation where dogs and other domestic animals, excluding livestock, are bred, raised, sold, and/or boarded.

L

Lawfully Existing Use means a use of land, a building, or part thereof that was legally allowed before a change in land use regulation occurred that would otherwise have prohibited it and which continues to be a permitted use.

Licensed Liquor Establishment means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia Liquor Control Act or successor legislation.

Livestock Operation refers to the keeping of any animals designated by the Minister of Agriculture under authority of the Fences and Detention of Stray Livestock Act. R.S., c. 166, s.1. including but not limited to, cattle, horses, ponies, sheep, goats, fowl, swine, mink, rabbits, llamas, alpacas, ostriches, emu, and foxes.

Livestock Operation, Large-scale refers to a structure being actively used for keeping livestock, such as a barn or other type of livestock related shelter, that has a gross floor area of 500 square metres (5,382 square feet) or greater. This definition also includes associated manure storage facilities.

Lot means any parcel of land as described by its boundaries.

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

Flag Lot means a lot that contains a prolongation or “pole” that extends from the lot frontage to the main body of the lot and which the prolongation or “pole” has a width less than the minimum lot frontage permitted in the applicable zone.

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

Through Lot means a lot, but is not a corner lot, with frontage on more than one street.

Un-serviced Lot means a lot that is not serviced by a centralized sewer system.

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

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

Lot Depth means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth will be the length of a line joining the midpoints of the front and rear lot lines.

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

Lot Line means a boundary line of a lot.

Flankage Lot Line means a side lot line that abuts the street or private road on a corner lot.

Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot, the shorter boundary line abutting the street will be deemed to be the front lot line and the longer boundary line abutting the street will be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line will be either of the lot lines and the other lot line will be the flankage lot line; boundaries dividing the lot from a street will be deemed to be the front lot line. In the case of a through lot, the lot line abutting the street providing the primary access will be regarded as the front lot line.

Rear Lot Line means the lot line furthest from or opposite to the front lot line.

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

M

Main Building means the building in which the principal purpose for which the building lot is used.

Manure Storage Facility refers to the storage system for holding either liquid or solid manure from livestock operations which can include any tank, area, or space used for the storage of manure and for the purpose of determining setbacks. This definition does not include spreaders or any other equipment used in the application of manure onto fields or crops.

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

Marine Recreation Provider means a commercial business that relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, and canoe and kayak rentals, but does not include uses related to the commercial fishing industry.

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

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

Municipality means the Municipality of the District of Lunenburg.

N

Non-conforming Use means a non-conforming structure and use as described in Sections 238-241 of the Municipal Government Act.

Nursing Home means an extended or immediate care facility licensed under the Homes for Special Care Act, or successor legislation, to provide full-time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

O

Obnoxious Use means a use that from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by the emission of gas, fumes, dust or objectionable odour, or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste, or other material.

Open Space means uses related primarily to the outdoor enjoyment of lands, including recreational uses, accessory buildings to a beach including change rooms and washrooms, boardwalks and nature interpretation stands, canteens, conservation projects, information stands, marina facilities, and picnic areas and facilities.

Ordinary High-Water Mark means the natural boundary along shorelines or riverbanks that marks the highest level that water reaches under typical, non-flooding conditions. It can be identified by changes in soil, the presence of vegetation that do not grow in constantly wet conditions, or natural debris lines.

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

Overlay means a specified area of land shown on Schedule “A” of this By-law that may extend across more than one zone, and which contain additional development requirements.

P

Parks and Playgrounds means the use of land for passive recreation and landscaping features and includes, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

Person means 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 persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, tattoo shops, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

Place of Assembly means a building or use of land to accommodate gatherings of people for activities including, but not limited to, concerts, trade shows, banquets, conventions, reception halls, conference centres, legion halls, assembly

halls and lodges. For greater clarity, this definition includes both commercial and institutional uses.

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

Private Club means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

Private Road means any road that is not owned by the Municipality of the District of Lunenburg or the Province and for the purposes of this By-law, this definition also includes deeded rights-of-way.

Private Storage Building means a building or structure primarily used for storing or sheltering items not intended for commercial purposes, including but not limited to, private garages, private boathouses, and fishing gear sheds.

Professional Office means a building or structure where business may be transacted, a service performed, or consultation given but does not include the manufacturing of any product or the retailing or selling of goods.

Public Road means the whole and entire right-of-way of every highway or road vested in the Province of Nova Scotia or the Municipality.

Public Transportation means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.

Q

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

the professional body representing and/or regulating the profession in Nova Scotia.

R

Race Track means a use of land for the purpose of racing motorcycles, all terrain vehicles, automobiles, or similar motorized vehicles, and animals, over a constructed track or course or where the continuous use of the land creates a track or course.

Recreation Centre means a building or part of a building used for recreation facilities such as, but not limited to, indoor swimming pools, ice arenas, curling rinks, gymnasiums, weight rooms, and changing facilities, and may include accessory take-out or eat-in establishments.

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

Recreational Vehicle (RV) means a vehicle manufactured and designed for temporary accommodation for recreational travel, vacation, or seasonal temporary habitation. For greater certainty, a Recreational Vehicle includes units manufactured to recognized recreational vehicle standards, including CSA Z240, as well as older models that were manufactured as recreational vehicles prior to the adoption of such standards.

Recreational Vehicle Parking Site means the area of land designated for the parking and use of a recreational vehicle (serviced or unserviced). For greater clarity, this does not include the parking of RVs for storage.

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

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

Restaurant means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Drive-through Restaurant means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.

Eat-in Restaurant means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

Take-out Restaurant means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal outdoor eating facilities, such as picnic tables.

Retail Lumber and Home Improvement Yard means the outdoor storage and display of lumber and other building supplies for sale. For clarity, retail sales contained wholly within a building will be considered as a retail store.

Retail Store means a building or part thereof in which goods, wares, merchandise, substances, articles, or items are offered or kept for sale directly to the public at retail.

Rotor Blade means the part of the wind turbine that captures wind energy by spinning and converting it into electricity through the turbine's generator.

Rotor Blade Clearance means the distance from the ground to the bottom of the rotor's arc.

S

Salvage Yard means an industrial use referring to the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

School, Academic means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

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

School, Post-secondary means a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

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

Service and Repair Shop means a building or part thereof used for servicing, repairing, installing, or renting things and equipment, including but not limited to the following, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but does not include boat building and repair, industrial, manufacturing, or automobile repair shops.

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

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

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

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

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

Shipping Container means one or more structures designed and intended for transport which have been made immobile. A shipping container which has been altered or incorporated as construction material in the design of a building prepared by an architect or engineer is not a shipping container for the purposes of this By-law.

Shooting Range means a use of land or buildings that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.

Short-term Rental means any accommodation rented for a period of 28 days in a row or less.

Site Plan Approval means an approval process that evaluates the layout of site features such as buildings, parking areas, and landscaping for compliance with the Land Use By-law.

Small Option Homes 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.

Solar Collector System means a structure or group of structures located on the same lot designed to capture solar radiation and convert it into usable energy. A solar collector system may include, but is not limited to, evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Accessory Solar Collector System means a solar collector system with the primary purpose of generating power to offset or meet the uses for on-site consumption.

Commercial Solar Collector System means a solar collector system with the primary purpose of generating power to be supplied to the grid or used for other off-site purposes.

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

Solid Waste Transfer Facility means the use of land, buildings, or part thereof for the transfer of solid waste, such as garbage or compost, from collection vehicles and/or the general public for shipment to a solid waste disposal facility.

Street Line means the dividing line between a lot and a street.

Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building, but excludes fences less than 1.9 metres (6.23 feet) in height.

Summer Camp means a recreational facility operated by a non-profit institution or for commercial purposes providing outdoor activity programs and may feature rustic sleeping accommodations that typically operates during the summer months.

T

Tiny House means a dwelling unit that is 37 square metres (398.3 square feet) or less in building area and is on a foundation.

Top of Bank means the location up-slope from the scoured channel of a stream, or shoreline, where an abrupt change of slope occurs.

Tourist Accommodation means the use of a building, structure, or part thereof, used to accommodate the vacationing or travelling public for a duration of 28 days or less in exchange for payment or compensation and may or may not provide meals, alcoholic beverages, on-site management, and private cooking facilities. For greater clarity, tourist accommodations include hotels, motels, inns, bed and breakfast establishments, hostels, and short-term rentals of an entire home, individual room, cottage, cabin, geodesic dome, or yurt, but does not include campgrounds and RV parks.

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

U

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.

V

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

Vegetative Buffer means a designated strip of land containing a mix of species including trees, shrubs and grasses, whether naturally occurring or planted during restoration, that provides filtration of pollutants and sediment, and promotes bank stability as a means to protect water quality and habitat of all waterbodies and watercourses, and protects property from flooding and erosion.

W

Water Access means the use of land or structures to provide watercraft access to marine or fresh water bodies and includes, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

Water Frontage means the length of a lot line abutting a water body, measured along the ordinary high-water mark as defined in the Nova Scotia Land Surveyors Regulations.

Watercourse means the bed and shore of every lake, river, stream, ocean, estuary, or other body of water.

Wetland means a distinct ecosystem located in low-lying area of land where water is present either permanently or seasonally, featuring unique hydrology, soils, and vegetation.

Wind Turbine Generator means a device that converts the wind's kinetic energy from rotating blades into electrical energy.

Wind Turbine Generator, Large-Scale Wind Turbine (LWT) means a wind turbine with a power generation capacity greater than 100 kW which is intended to provide electricity to the local utility grid.

Wind Turbine Generator, Micro Wind Turbine (MWT) means a wind turbine with a power generation capacity no greater than 1 kW which is intended for on-site consumption.

Wind Turbine Generator, Small-Scale Wind Turbine (SWT) means a wind turbine with a power generation capacity between 1.1 kW and 99.9 kW which is intended for on-site consumption.

Wind Turbine Height means the total distance from the ground to the tip of the turbine's highest blade when it's in an upright position. This height includes both the tower, which supports the turbine, and the length of the rotor blades.

Y

Yard means the uncovered space on a lot accessory to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building will be used.

Flankage Yard means a yard extending across the full width of a lot between the flankage lot line and the nearest wall of any building or structure on the lot.

Front Yard means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.

Rear Yard means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

Side Yard means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot.

Z

Zone means a specified area of land shown on Schedule "A" of this By-law.

4 Administration

4.1 Applicability

- 4.1.1** This By-law applies to all lands within the Municipality, except for lands which fall within Secondary Planning Strategies, as identified on Schedule A, the Zoning Map.
- 4.1.2** Despite Subsection 4.1.1, the coastal protection provisions of Sections 7.9, 7.10, and 7.11, cluster development provisions of Section 7.7, inland watercourses provisions of Section 7.22, and inland wetlands provisions of Section 7.24, will apply to all areas of the Municipality.

4.2 Administration of By-law

- 4.2.1** This By-law will be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg, and the Development Officer will issue Development Permits under this By-law.
- 4.2.2** In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council will act in the Development Officer's stead.

4.3 Inspection

- 4.3.1** Subject to Section 267 of the Municipal Government Act, the Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law.

4.4 Violations

- 4.4.1** In the event of any alleged breach of the provisions of this By-law, the Municipality of the District of Lunenburg may take action as outlined in Section 266 of the Municipal Government Act.

4.5 Compliance with other Legislation

- 4.5.1** Nothing in this By-law will exempt any person from complying with the requirements of any other By-law in force within the Municipality, or

from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality or statute or regulation of the Province of Nova Scotia or the Government of Canada.

- 4.5.2** Where the provisions in this By-law conflict with those of any other By-law of the Municipality or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision will prevail.

4.6 Restoration to Safe Condition

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

4.7 Effective Date

- 4.7.1** Pursuant to the Municipal Government Act, this By-law will take effect on the date a notice is published on the municipal website, informing the public that the Planning Strategy and its implementing Land Use By-law are in effect.

4.8 Existing Structures and Uses

- 4.8.1** A structure or use of land will be deemed to exist on the effective date of this By-law if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this does not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

4.9 Repeal of By-law

- 4.9.1** Municipal-Wide Land Use By-law, 2024, adopted by Council on June 18, 2024 (By-law 049), as amended, is hereby repealed and replaced with this By-law.

5 Development Permitting

5.1 Development Permit

- 5.1.1** Unless otherwise stated in this By-law, no person may undertake a development within the Municipality without first obtaining a development permit from the Development Officer.
- 5.1.2** The Development Officer will only issue a development permit in conformance with this By-law and any development agreement or site plan agreement in effect on the site, except where a variance is granted. In the case of an existing nonconforming use or structure, a development permit will be issued in conformance with Subsections 7.29 and 7.30, the non-conforming clauses of this Land Use By-law.
- 5.1.3** A development permit will expire after one year if the development has not commenced.
- 5.1.4** The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.
- 5.1.5** Any decision of the Development Officer to refuse the issuance of a Development Permit will be given by a written and/or electronic notice. Whereas any decision to revoke a Development Permit given by written notice served by registered mail will become effective on the third business day after it was sent.
- 5.1.6** The Development Officer may, at the applicant's request (in writing) and subject to the payment of fees in conformance with the fee schedule adopted by resolution of Council, renew a development permit for one additional year if:
 - (a) the development permit has not been renewed previously; and
 - (b) the Development Officer is satisfied the development permit is consistent with the current Land Use By-law and any proposed amendments to the Land Use By-law for which Council has provided public notification regarding their intent to adopt.
- 5.1.7** No person may deviate, or allow deviations to be made, from the description of the proposed development that is contained in the development permit, unless the developer has obtained a new development permit from the Development Officer.

5.2 Development Not Requiring a Development Permit

5.2.1 The following developments do not require a development permit:

- (a) Interior or exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.
- (b) Any accessory non-habitable building or structure having less than 19.97 square metres (215 square feet) of gross floor area.
- (c) Minor accessory structures including but not limited to bus shelters, roadside stands, awnings, children's play structures, playground equipment, pet houses, clothesline poles, hot tubs, pools, garden trellises, refuse receptacles, propane cylinders, heat pumps, and retaining walls.
- (d) Fences that do not exceed 1.9 metres (6 feet) in height, and livestock and wildlife fencing, regardless of the height.
- (e) Accessory electric vehicle charging stations.
- (f) Public and private utilities located within the street right-of-way.
- (g) Temporary greenhouses, cloches, crop hoops, or other such temporary crop structures
- (h) Community gardens.
- (i) Farm, fish, and forest stalls.
- (j) Wharves, docks, and slipways.

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

5.3 Uses Not Requiring a Development Permit

5.3.1 Municipal land use planning does not govern natural resource activities that do not involve structures. Uses such as forestry, quarrying, mining, fishing, animal grazing etc. are subject to all applicable federal and provincial regulations and may occur in zones that do not explicitly allow them. However, structures related to such

uses are subject to this Land Use By-law and require a development permit.

5.4 No Exemption from Requirements

5.4.1 Every development is subject to the requirements of this By-law whether or not a development permit is required.

5.5 Application Requirements

5.5.1 Every application for a development permit must be made in writing and must include the following:

- (a) the signature of the registered land owner(s), or their duly authorized agent;
- (b) application fees in conformance with the fee schedule adopted by resolution of Council;
- (c) a statement of the proposed use of the land;
- (d) a lot plan, as detailed in Subsection 6.1.1; and
- (e) any other information required by this Land Use By-law.

6 Lot Plan Requirements

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

- (a) the true shape and dimensions of all lots to be used;
- (b) the proposed location, height and dimensions of any building or structure for which the permit is applied and the locational information must include measurements of the lot frontage and front, side and rear yards;
- (c) the location of every building or structure already constructed, or partly constructed, on such lot;
- (d) the location of rights-of-way and easements within the subject property;

- (e) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas where applicable;
- (f) the approximate location of any watercourse on the property and location of any existing or proposed building or structure in relation to the watercourse;
- (g) the location of existing and proposed public and private roads; and
- (h) any other information as may be necessary to determine whether or not every development conforms to the requirements of this By-law.

6.1.2 Despite Section 5.5, a lot plan will not be required for changes in the use of a building that do not alter the exterior of the building, change the parking requirements, or change landscaping and buffering requirements, unless specifically requested by the Development Officer.

Additional Plan Information

6.1.3 Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the lot plan submitted under Subsection 6.1.1 shows:

- (a) the location of existing and proposed landscaping, fencing, and outdoor storage;
- (b) the location of buildings or structures existing upon adjacent lots;
- (c) the location of existing and proposed walkways;
- (d) the type and location of existing and proposed outdoor lighting;
- (e) existing and proposed services; and/or
- (f) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

Additional Studies and Plans

- 6.1.4** Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or location certificate prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) topography and soil conditions of the subject site;
 - (c) watercourse and/or wetland delineation study;
 - (d) stormwater management plan;
 - (e) floor plans and elevation drawings of any proposed structures;
 - (f) geotechnical study;
 - (g) site grading plan;
 - (h) traffic impact assessment or study;
 - (i) groundwater supply study; and/or
 - (j) any other information deemed necessary by the Development Officer.

6.2 Variances

- 6.2.1** Despite anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the Municipal Government Act. Specifically, the Development Officer may vary:
- (a) the percentage of land that may be built upon;
 - (b) the size or other requirements relating to yard setbacks;
 - (c) lot frontage;
 - (d) lot area;
 - (e) the location and number of parking spaces and loading spaces required;
 - (f) the ground area of a structure;

- (g) the height of a structure;
- (h) the floor area occupied by a home-based business; and/or
- (i) the height and area of a sign.

6.2.2 In accordance with the Municipal Government Act, the Development Officer may not grant a variance if:

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

6.3 Development through Site Plan Approval

6.3.1 Some zones of this Land Use By-law permit certain uses only by site plan approval as identified in the permitted uses tables.

6.3.2 The approval and appeal procedures for site plan approval must follow the requirements of the Municipal Government Act.

6.3.3 Unless specifically addressed in Sections 10.3, 12.3, 12.4, 12.5, 12.6, 12.7, or 12.8, all other applicable criteria of this Land Use By-law must still apply to any development proposed and undertaken through site plan approval.

Application Requirements

6.3.4 In addition to the requirements of Section 5.5, applications for site plan approval must meet the following requirements:

- (a) the site plan must be fully and accurately dimensioned and must be made under the stamp of a professional architect, planner, engineer, or surveyor licensed to practice in Nova Scotia;
- (b) the application must be accompanied by a written rationale and any necessary supporting illustrations addressing each of the applicable criteria outlined in Sections 10.3, 12.3, 12.4, 12.5, 12.6, 12.7, or 12.8; and
- (c) the application must be accompanied by a fee, in the amount established by resolution of Council.

Site Plan Approval Review

- 6.3.5** The Development Officer will review applications for new developments permitted by site plan approval, and amendments to existing site plan approvals, against all applicable criteria of this Land Use By-law.

Site Plan Approval Notification

- 6.3.6** Where the Development Officer has granted a site plan approval, notification of the approval will be served upon all affected properties that lie within 300 metres (984 feet) of the property which is subject to the site plan approval. Such notice will:
- (a) provide a synopsis of the site plan approval;
 - (b) identify the property where the site plan approval is granted; and
 - (c) set out the right to appeal the decision of the Development Officer.

6.4 Development through Development Agreement

- 6.4.1** Some zones of this Land Use By-law permit certain uses only by development agreement as identified in the permitted uses tables.
- 6.4.2** The Municipal Planning Strategy establishes all policies and conditions for development agreements enabled in this Land Use By-law.

6.5 Service of Notice of Amendments or Development Agreement

- 6.5.1** Where Council has given notice of its intention to adopt an amendment to 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, Council will serve notice of the proposed amendment, development agreement or amendment thereto, to affected property owners whose property lies within 300 metres (984 feet) of the property which is the subject of the proposed amendment, development agreement or amendment thereto. The notice will:
- (a) provide a synopsis of the proposed amendment, development agreement, or amendment;

- (b) state the date, time, and place set for the public hearing on the amendment, development agreement, or amendment; and
- (c) be served by ordinary and/or electronic mail.

6.6 Application Fees

- 6.6.1** Every application for a development permit, subdivision, variance, site plan approval, Municipal Planning Strategy and/or Land Use By-law amendment(s), and development agreement is subject to the fees as determined by the fee schedule of Council, as updated over time.

6.7 Penalty

- 6.7.1** Any person in violation of the Municipal Government Act and provisions in force pursuant to the Act will be subject to the penalties established in the Act.

6.8 Costs for Advertising

- 6.8.1** An advertising deposit must be paid to the Municipality as part of any application to amend this By-law, the Municipality Planning Strategy, or a development agreement. The deposit will be based on the costs of conducting a public participation program. After the advertisement is complete, the applicant must pay any additional advertisement costs.

7 General Provisions

7.1 Application

The provisions of Section 7, General Provisions, will apply to the entire Municipality except where otherwise stated in Section 4.1.

7.2 Accessory Building and Structures

- 7.2.1** Accessory buildings and structures must be located on the same lot as the main use.
- 7.2.2** Accessory buildings and structures must comply with zone requirements for minimum setbacks and any other applicable requirements.
- 7.2.3** Despite zone requirements:
 - (a) the minimum rear setback for accessory buildings and structures, boat houses, docks, wharves, or piers may be built across the lot line when said lot line corresponds to the water's edge;
 - (b) bus shelters, roadside stands, awnings, children's play structures, playground equipment, pet houses, clothesline poles, hot tubs, swimming pools, garden trellises, refuse receptacles, propane cylinders, heat pumps, and retaining walls are exempt from the requirements of this Section and are permitted to be located in any part of any yard except within the corner vision triangle of a corner lot;
 - (c) accessory buildings legally existing on the adoption date of this By-law with less than the required setback are permitted to be replaced or rebuilt in the same location provided the accessory building or structure does not increase its non-conformity; and
 - (d) shared semi-detached garages may be centred on the mutual side lot line.

7.3 Accessory Uses

- 7.3.1** Uses accessory to a permitted use will be permitted in all zones.

7.4 Agricultural Protection Area

- 7.4.1** The Agricultural Protection Area is identified on Schedule C of this By-law.
- 7.4.2** All uses permitted in the underlying zone shall be permitted within the Agricultural Protection Area, subject to the provisions of this By-law.
- 7.4.3** Despite Subsection 7.4.2, cluster developments are not permitted in the Agricultural Protection Area.
- 7.4.4** Despite Subsection 7.4.1, the Agricultural Protection Area regulations will not apply where the Development Officer is satisfied that:
 - (a) the lands can be partially or fully serviced by municipal water and/or sewer services.
- 7.4.5** Despite Subsection 7.4.1, the Agricultural Protection Area regulations will not apply where the Development Officer is satisfied that the land has not been actively farmed prior to the effective date of this By-law.

7.5 Buildings to be Moved

- 7.5.1** Moving a building onto a lot is considered development and is subject to all provisions of this By-law.

7.6 Cemeteries

- 7.6.1** Existing cemeteries will be permitted in all zones and may be expanded.
- 7.6.2** New cemeteries will be permitted in all zones except for the Protected Watershed One (PW-1) Zone and the Protected Watershed Two (PW-2) Zone.
- 7.6.3** Despite zoning requirements, new cemeteries that are intended to be visited by the public are required to have deeded access to a public or private road.
- 7.6.4** Any accessory buildings or structures for a cemetery will be subject to the requirements of accessory buildings in the zone where it is located.

7.7 Cluster Developments

- 7.7.1** No development permit will be issued for any cluster development except in accordance with a development agreement approved under

the implementation policies in the Municipal Planning Strategy, including, but not limited to those in Section 18 of the Municipal Planning Strategy.

7.8 Coastal Protection

7.8.1 All developments must submit a development permit application to the Development Officer demonstrating compliance to the regulations specified in Sections 7.9, 7.10, and 7.11, in addition to any other requirements outlined in this Land Use By-law.

7.9 Coastal Erosion

7.9.1 Within the Coastal Erosion Risk Area, all developments are strictly prohibited within 30 horizontal metres (98 feet) measured from the top of the bank to the main wall of the building.

- (a) If the top of the bank is not discernible within a 30 metre (98 foot) range of the marine shoreline, the ordinary high-water mark will be used and defined by a Nova Scotia land surveyor.

7.9.2 Within the Coastal Erosion Risk Area, a 15 metre (49 foot) vegetative buffer area consisting of natural vegetation is required to lessen the impact of runoff and erosion and protect sensitive coastal ecosystems. The following requirements apply to the buffer:

- (a) no natural vegetation may be removed within 15 metres (49 feet) of the top of bank or the ordinary high-water mark;
- (b) despite Subsection 7.9.2 some natural vegetation may be removed to a maximum of the lesser of either 25 percent or 10 metres (33 feet) of the waterfrontage to enable water views, access, and the development of marine-related accessory uses;
- (c) in undeveloped areas, it is mandatory to restore a vegetative buffer featuring a blend of woody and grassy vegetation before obtaining a development permit, unless the natural landscape is inherently unvegetated;
- (d) despite Subsection 7.9.2, the removal of dangerous or severely diseased vegetation is permitted; and

- (e) despite Subsection 7.9.2, commercial, industrial, recreational, and scientific uses that require direct access to the water are exempt from maintaining a vegetative buffer.

7.9.3 Under the provisions of non-conforming structures the following must be met:

- (a) within the Coastal Erosion Risk Area, existing structures may undergo reconstruction, renovation, repair relocation or replacement;
- (b) new additions to a building footprint must be developed furthest from the risk area, unless a qualified professional under the provisions stated in 7.9.5 determines the addition is not at risk of coastal erosion; and
- (c) all other applicable provisions of this Land Use By-law.

7.9.4 Permitted developments within the Coastal Erosion Risk Area include:

- (a) boathouses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other marine related uses;
- (b) scientific research structures;
- (c) the removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-water mark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area;
- (d) removal of windblown, diseased, or dead trees in hazardous conditions;
- (e) trimming tree branches to improve the view plane and ventilation; and
- (f) safety fences not exceeding a height of 1.9 metres (6 feet).

7.9.5 Despite Subsections 7.9.1 and 7.9.2, the Development Officer may grant a permit for building within the Coastal Erosion Risk Area. This is contingent upon the completion of a Coastal Erosion Risk Factor Assessment that shows the proposed development is not at risk due to coastal erosion. The study must be conducted in accordance with the methodology outlined by the Nova Scotia Department of Environment

and Climate Change's Development of a Coastal Erosion Risk Factor Assessment Standard Technical Background and Guidance report. The assessment, including a site plan carried out at the applicant's expense by a qualified professional must also demonstrate the following:

- (a) The proposed development maintains a minimum setback of 15 metres (49 feet) from the top of the bank.

7.10 Coastal Flooding

- 7.10.1** In all coastal areas on lands within the Coastal Flood Risk Area, as shown in Schedule B, no building may be constructed with the finished floor level of any habitable space located below a vertical elevation of 3.97 metres (13 feet), relative to the Canadian Geodetic Vertical Datum of 2013.
- 7.10.2** Institutional uses are explicitly prohibited in the Coastal Flood Risk Area regardless of elevation.
- 7.10.3** Despite Subsections 7.10.1 and 7.10.2, existing structures may be reconstructed, rebuilt, renovated, repaired, moved, or replaced. New additions may expand at or above the elevation of the current structure, up to 100 percent of the existing footprint, as it existed as of the date of the first publication of the notice of intention to adopt the Land Use By-law, provided that all other applicable provisions of this By-law are met.

7.11 Sensitive Coastal Ecosystems

- 7.11.1** All Development is prohibited within 30 metres (98 feet) of coastal wetlands, as specified in Schedule B, the Environmental Features Map.
- 7.11.2** All Development is prohibited within a 30 metre (98 feet) vegetative buffer surrounding coastal wetlands, as specified in Schedule B, the Environmental Features map. This buffer must be maintained in a naturalized state.
- 7.11.3** Despite Subsections 7.11.1 and 7.11.2, a property owner may submit a study as evidence to demonstrate the absence of a wetland and request the removal of the wetland from Schedule B, the Environmental Features Map.

- (a) The Municipality may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on Schedule B, the Environmental Features Map.

7.11.4 Permitted developments within coastal wetlands or the associated vegetative buffers include:

- (a) boardwalks or nature interpretation stands;
- (b) conservation projects;
- (c) walking or hiking trails; and
- (d) recreational trails.

7.11.5 Under the provisions of non-conforming structures, the following must be met:

- (a) existing structures may undergo reconstruction, renovation, repair relocation or replacement;
- (b) new additions to a building footprint must be developed furthest from coastal wetlands; and
- (c) all other applicable provisions of this Land Use By-law.

7.12 Community Gardens

7.12.1 The creation, maintenance, and expansion of community gardens will be permitted in all zones without need for a development permit except in the Protected Watershed One (PW-1) Zone and the Protected Watershed Two (PW-2) Zone.

7.13 Connection to Central Services

7.13.1 New plumbed buildings must be connected to the public drinking water system where such service is available. Where service availability is disputed or unclear, the Municipal Engineer will decide based on site conditions and available system capacity.

7.13.2 New plumbed buildings within 30 metres (98 feet) of a municipal public sewer system must be connected to that public sewer.

7.14 Distance of New Dwellings or Institutional Uses to Existing Large-scale Livestock Operations

- 7.14.1** A new residential dwelling or institutional use must meet a minimum separation distance of 100 metres (328 feet) from a large-scale livestock operation that existed prior to the residential or institutional use. The separation distance will be measured from the livestock related building, including any manure storage facilities that are located adjacent to the livestock building, to the new development.
- 7.14.2** Despite Subsection 7.14.1, new residential dwellings located on the same lot as a large-scale livestock operation, or residential dwellings located on an adjacent property that are associated with the farm property, are exempt from meeting the separation distance requirement.
- 7.14.3** A dwelling or institutional use which does not meet the minimum separation distance in this section may be considered by site plan approval. The Development Officer may approve a site plan provided the following conditions are met:
- (a) the site plan must show the proposed separation distance from the large-scale livestock operations that existed prior to the residential or institutional use;
 - (b) the site plan must include all existing and proposed structures, the location of all large-scale livestock operations that existed prior to the residential or institutional use, and all watercourses;
 - (c) the location of the proposed structure is situated on the property to allow for the greatest possible separation distance from large-scale livestock operations that existed prior to the residential or institutional use; and
 - (d) all measures and plans intended to reduce conflict between large-scale livestock operations that existed prior to the residential or institutional use and the proposed structure.

7.15 Existing Undersized Lots

- 7.15.1** Any lot legally in existence on or before the effective date of this By-law, having less than the required minimum lot frontage or area, may be:

- (a) used for a purpose permitted in the zone on the lot and a building may be erected on such lot, provided that all other applicable provisions of this By-law are satisfied; and
- (b) increased in area and/or frontage as a result of an approved plan of subdivision and still be considered an undersized lot under this By-law.

7.16 Farm, Fish, and Forest Stands

7.16.1 The direct sale of farm products, including but not limited to, vegetables, fruit, and flowers, fish or other seafood, and forestry products, including but not limited to, Christmas trees, maple products, and wreaths, by individuals or companies engaged in the harvesting of such, will be permitted in all zones without need for a development permit except in the Protected Watershed One (PW-2) Zone and the Protected Watershed Two (PW-2) Zone.

7.17 Flag Lots

7.17.1 Where permitted, flag lots will be subject to the following requirements:

- (a) minimum lot area requirements must be satisfied within the main or “flag” portion of a flag lot; and
- (b) despite zone requirements, the flag lot must have minimum lot frontage of 6 metres (20 feet), and the width of the prolongation or “pole” shall be uniform along its entire length.

7.18 Frontage on a Road

7.18.1 Unless otherwise permitted by this By-Law, no development permit will be issued for residential uses unless the lot intended for development has frontage and access on a public or private road, or a right-of-way-easement.

7.19 Heritage Incentives

7.19.1 To promote adaptive reuse of historic sites, a property or building that is municipally, provincially, or federally registered as a heritage

property will be eligible for relaxations of By-law requirements as outlined below:

Use	Permitted Incentive
Tourist Accommodations	Number of units permitted as-of-right increased by 1.

- 7.19.2** Adaptive reuse of a property or building that is municipally, provincially, or federally registered as a heritage property for a use not otherwise permitted in the zone where it is located may be permitted by development agreement.

7.20 Home-based Businesses

- 7.20.1** Home-based businesses in the Rural Residential (RR) Zone are subject to the following requirements:

Home-based Businesses	
a) Permitted Uses	The Commercial and Industrial Uses in the Permitted Uses Table are permitted provided that they are not listed below as non-permitted.
b) Non-permitted Uses	Automobile Body Shops Automobile Dealers and Rentals Automobile Service Stations Drive-through Restaurants Heavy Equipment Sales & Rentals Heavy Industrial Uses Kennels Licenced Liquor Establishments Race Tracks Shooting Ranges Salvage Yards
c) Maximum Floor Area	The maximum floor area used for the home-based business shall be less than 25 % of the gross floor area of the main dwelling unit or 50 m ² (538 square feet), whichever is less. The maximum size does not apply to day care centres and residential care facilities.

Home-based Businesses in Accessory Buildings

7.20.2 Accessory buildings may be utilized for a home-based business if the business does not exceed the maximum floor area outlined in Subsection 7.19.1c).

Personal Office or Studio

7.20.3 Nothing in this By-law will prevent, and no development permit will be required for, the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling.

7.21 Illumination

- 7.21.1** Exterior lighting on any lot must be directed away from and must not cause glare on adjoining properties and any adjacent streets.

7.22 Inland Watercourses

- 7.22.1** All development is prohibited within 20 horizontal metres (66 feet) of inland watercourses as specified in Schedule B, measured from the ordinary high-water mark.

- 7.22.2** All development is prohibited within a 15 metre (48 foot) vegetative buffer measured from inland watercourses as shown on Schedule B. The buffer must consist of natural vegetation to lessen the impact of runoff and erosion and protect sensitive ecosystems. The following requirements apply to the buffer:

- (a) no natural vegetation may be removed within 15 metres (49 feet) from the ordinary high-water mark;
- (b) despite Subsection 7.22.2(a), natural vegetation may be removed to a maximum of the lesser of either 25 percent or 10 metres (33 feet), of the waterfrontage to enable water views, access, and the development of aquatic accessory uses;
- (c) in undeveloped areas, it is mandatory to restore a vegetative buffer featuring a blend of woody and grassy vegetation before obtaining a development permit, unless the natural landscape is inherently unvegetated;
- (d) despite Subsection 7.22.2(a), the removal of dangerous, severely diseased, or invasive species of vegetation is permitted. Natural vegetation of native species must be reinstated following the removal; and
- (e) despite Subsection 7.22.2, commercial, industrial, recreational, and scientific uses that require direct access to the water are exempt from maintaining a vegetative buffer.

- 7.22.3** Permitted developments within the inland watercourse horizontal setback include:

- (a) boathouses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other aquatic uses;

- (b) scientific research structures;
- (c) the removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-water mark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area;
- (d) removal of windblown, diseased, or dead trees in hazardous conditions;
- (e) trimming tree branches to improve the view plane and ventilation; and
- (f) safety fences not exceeding a height of 1.9 metres (6 feet).

7.22.4 Despite Subsection 7.22.1 and 7.22.2, where a lot is an existing undersized lot, a development permit may be issued for new development or the relocation of an existing building within the required inland watercourse setback or vegetative buffer, provided that:

- (a) the building is sited at a minimum of 7 metres from the ordinary high-water mark;
- (b) there is no reasonable alternative location on the lot that would further increase the setback or buffer;
- (c) disturbance within the inland watercourse buffer is minimized to the greatest extent practicable; and
- (d) all other applicable requirements of this Land Use By-law are satisfied.

7.22.5 The following provisions apply to non-conforming structures and uses located partially or fully within the watercourse setback:

- (a) within the 20 metre (65 foot) horizontal setback from significant inland watercourses, existing structures may undergo reconstruction, renovation, repair, relocation or replacement;
- (b) new additions to a building footprint must be developed in alignment with Subsection 7.30 and 7.31, the non-conforming clauses of this Land Use By-law; and

- (c) all other applicable provisions of this Land Use By-law apply.

7.23 Inland Watercourses in Protected Watershed Zones

- 7.23.1** Within all lots in the Protected Watershed One (PW-1) Zone and Protected Watershed Two (PW-2) Zone that are adjacent to a significant inland watercourse as shown in Schedule B, all developments are prohibited within 75 horizontal metres (246 feet) measured from the ordinary high-water mark.
- 7.23.2** Within all lots in the Protected Watershed One (PW-1) Zone and Protected Watershed Two (PW-2) Zone that are adjacent to a significant inland watercourse as shown in Schedule B, a 30 metre (98 foot) vegetative buffer area must be maintained in a naturalized state.
- 7.23.3** Despite Subsection 7.23.2, a property owner may establish a walking trail for the purpose of water access within the vegetative buffer.

7.24 Inland Wetlands

- 7.24.1** All development is prohibited within 20 metres (65 feet) of inland wetlands as specified in Schedule B.
- 7.24.2** All development is prohibited within a 20 metre (65 foot) vegetative buffer measured from Inland Wetlands shown on Schedule B. This buffer must be maintained in a naturalized state.
- 7.24.3** Despite Subsections 7.24.1 and 7.24.2, where a lot is an existing undersized lot, a development permit may be issued for new development or the relocation of an existing building within the required inland wetland setback or vegetative buffer, provided that:
 - (a) the building is sited at a minimum of 7 metres from the ordinary high-water mark;
 - (b) there is no reasonable alternative location on the lot that would further increase the setback or buffer;
 - (c) disturbance within the inland wetland buffer is minimized to the greatest extent practicable; and
 - (d) all other applicable requirements of this Land Use By-law are satisfied.

7.24.4 Despite Subsections 7.24.1 and 7.24.2, a property owner may submit a study as evidence to demonstrate the absence of a wetland and request the removal or adjustment of the wetland boundaries from Schedule B.

- (a) the Municipality may require confirmation from the Provincial Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on Schedule B.

7.24.5 Permitted developments within wetlands or the associated vegetative buffers include:

- (a) boardwalks or nature interpretation stands;
- (b) conservation projects and activities;
- (c) walking or hiking trails; and
- (d) recreational trails.

7.24.6 The following provisions apply to non-conforming structures and uses that are located partially or fully within the wetland setback:

- (a) existing structures may undergo reconstruction, renovation, repair relocation or replacement;
- (b) any expansion to a building footprint must be developed in alignment with Subsection 7.30 and 7.31, the non-conforming clauses of this Land Use By-law; and
- (c) all other applicable provisions of this Land Use By-law.

7.25 Island Developments

7.25.1 Despite minimum lot frontage requirements, the Development Officer may grant a development permit for development on an island, provided the lot has a minimum of 6 metres (20 feet) of water frontage on the body of water that creates the island and all other requirements of this By-law are met.

7.26 Kennels

7.26.1 Despite minimum side and rear yard setback requirements, kennels, where permitted, are subject to the following requirements:

- (a) side and rear yard setbacks must be a minimum of 20 metres (65 feet); and
- (b) structures related to a kennel use must meet a minimum separation distance of 50 metres (164 feet) from the closest off-site residential or institutional use.

7.27 Lots Created by a Plan of Subdivision Lacking Minimum Frontage

7.27.1 Despite minimum lot frontage requirements established elsewhere in this By-law, new lots which meet exemption criteria for lot frontage under the Municipality's Subdivision By-law are permitted, provided all other applicable provisions of this By-law are met.

7.28 Multiple Main Buildings

7.28.1 Unless otherwise prohibited in this By-law, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

7.29 Multiple Uses in a Building

7.29.1 Where any main building is to be used for more than one purpose and applicable requirements are in conflict, the more stringent requirement(s) apply.

7.30 Non-Conforming Cluster Developments

7.30.1 For cluster developments established as bare land or phased land condominiums, all units registered with the Registrar of Condominiums by December 31, 2026 as evidenced by registration at the appropriate Land Registration Office under the Land Registration Act will be recognized by Council as non-conforming. For non-phased cluster developments, Council will extend the same recognition to those that obtain a complete building permit application by December 31, 2026. In the case of phased condominium developments, only the units registered by December 31, 2026, will be considered non-conforming, regardless of whether the approved Condominium Declaration anticipates additional phases.

7.31 Non-Conforming Structures

7.31.1 A structure lawfully in existence on the date of adoption of this By-law that does not meet the requirements of the zone in which it is located, is considered a non-conforming structure under Section 238 of the Municipal Government Act.

7.31.2 Non-conforming structures must be subject to the following requirements:

- (a) non-conforming structures may expand provided the expansion to the building or structure does not further reduce the setback that does not conform to the requirements; and
- (b) non-conforming structures containing main residential uses may be rebuilt or replaced in substantially the same footprint and be occupied by the same use.

7.32 Non-Conforming Uses

7.32.1 Uses of land that existed on the date of adoption of this By-law and that do not conform to the requirements of this By-law are considered non-conforming under Section 238 of the Municipal Government Act and may continue to exist subject to the provisions of the Act (Sections 239-241) or applicable policies of the Municipal Planning Strategy. Non-conforming uses that have been discontinued for a period less than 12 months will be permitted to be recommenced.

7.32.2 Non-conforming structures for residential uses may be:

- (a) rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use; and
- (b) enlarged, reconstructed, repaired or renovated where:
 - (i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the Land Use By-law, and
 - (ii) all other applicable provisions of the Land use By-law except minimum frontage and area are satisfied.

7.33 Outdoor Storage of Fishing Gear and Equipment

- 7.33.1** The storage of fishing gear and equipment in the yard of a residential use in any zone is permitted.

7.34 Permitted Encroachments in Minimum Setbacks

- 7.34.1** Every part of any minimum setback required by this By-law must be open and unobstructed by any structure from the ground to the sky.
- 7.34.2** Despite zone requirements, the following structures may project into or be located in a required minimum setback in accordance with the distances set out as follows:

Structure	Required Setback in which Encroachment is Permitted	Permitted Encroachment Distance
Balconies, decks, patios, steps, verandas, porches (open) not exceeding one storey in height, terraces (uncovered)	Any yard	2 m, but not permitted within 1 m of lot line
Barrier free access structures	Any yard	To lot line
Carports	Rear and side yard	0.6 m
Exterior insulation retrofitted to an existing dwelling	Any yard	0.3 m
Fire escapes and exterior staircases	Rear and side yard	1.5 m
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any yard	0.6 m
Window bays (up to 3 m wide)	Any yard	1.2 m

7.35 Private Road Lot Frontage/Flankage Setbacks

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

7.36 Private Storage Buildings

7.36.1 Where there is no main building on the lot and it is listed as a permitted use, private storage buildings are permitted provided that the applicable zone requirements for the main building are satisfied as if the private storage building was regarded as the main building on the lot.

7.37 Protected Watershed Overlay

7.37.1 Development is prohibited within 30 horizontal metres (98 feet) of the ordinary high-water mark of significant inland watercourses as shown on Schedule B, which are also located within the Protected Watershed (PW-3) Overlay, as shown on Schedule A.

7.37.2 Permitted developments within the Protected Watershed (PW-3) Overlay horizontal watercourse setback include:

- (a) boathouses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other aquatic uses;
- (b) scientific research structures;
- (c) the removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-water mark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area;
- (d) removal of windblown, diseased, or dead trees in hazardous conditions; and
- (e) trimming tree branches to improve the view plane and ventilation.

7.37.3 Despite Subsection 7.36.1, where a lot is an existing undersized lot, a development permit may be issued for new development or the relocation of an existing building within the required inland watercourse setback, provided that:

- (a) the building is sited at a minimum of 7 metres from the ordinary high-water mark;

- (b) there is no reasonable alternative location on the lot that would further increase the setback or buffer;
- (c) disturbance within the inland watercourse buffer is minimized to the greatest extent practicable; and
- (d) all other applicable requirements of this Land Use By-law are satisfied.

7.37.4 Within the Protected Watershed (PW-3) Overlay, fencing which contains pasturing and grazing farm animals must be set back a minimum of 100 metres (328 feet) from the ordinary high-water mark of all significant inland watercourses, as shown on Schedule B.

7.38 Public Utilities

7.38.1 Unless specified in this By-law, any public utility infrastructure that is essential for the provision of a service is permitted in any zone and is exempt from meeting the zone requirements. This includes, but is not limited to, water supply facilities, wastewater treatment facilities, pumping stations, stormwater management facilities, and electrical substations, but does not include solar collector systems, wind turbines, wind turbine generators, and other associated uses such as administrative offices, and maintenance depots.

7.39 Recreational Vehicles

7.39.1 Temporary habitation of a recreational vehicle is permitted for up to 180 days in any given calendar year and does not require a development permit.

7.39.2 A recreational vehicle may be permitted as the primary use on a lot for more than 180 days if a development permit for a recreational vehicle parking site is obtained and the following requirements are met:

- (a) a maximum of three recreational vehicles are permitted to park on a recreational vehicle parking site at a time; and
- (b) a recreational vehicle and its parking area are subject to all setback requirements for residential uses in the zone.

7.39.3 Despite Subsections 7.39.1 and 7.39.2 above, a recreational vehicle may be permitted on a lot and no development permit is required, for

the purposes of providing temporary accommodation while a permanent dwelling on the same property is under construction, provided that there remains an active building permit issued by the Municipality for the dwelling.

7.40 Shipping Containers Used for Storage

7.40.1 Shipping containers are permitted as an accessory structure in all zones, subject to the accessory structure provisions of Section 7.2.

7.40.2 Shipping containers are limited to a maximum of three containers per lot in the Rural Residential (RR) Zone, Rural Village (RUV) Zone, and Mixed Use Serviced (MUS) Zone.

7.41 Short-term Rentals

7.41.1 In the Mixed Use Serviced (MUS) Zone, a short-term rental is only permitted within the host's principal dwelling. A maximum of three rooms may be used for a short-term rental within a dwelling unit.

7.42 Solar Collectors

7.42.1 Where permitted, on-building accessory solar collector systems will be considered an addition to a structure and will require a development permit.

7.42.2 On-building accessory solar collector systems are permitted on designated heritage buildings and properties provided that the building's characteristic defining elements remain intact.

7.42.3 Off-building accessory solar collectors, where permitted, will be treated as accessory structures and must comply with the requirements for accessory structures.

7.43 Special Uses Permitted

7.43.1 Nothing in this By-law will prohibit structures associated with uses for special occasions provided only that no such structure remains in place for more than 14 consecutive days.

7.44 Swimming Pools

7.44.1 All outdoor swimming pools situated at or below grade must be completely enclosed by a fence. All fences and gates must be a minimum of 1.5 metres (5 feet) in height above the grade level and must be secured from unauthorized access.

7.45 Telecommunications Towers

7.45.1 Telecommunications towers are subject to federal approvals processes, therefore nothing in this By-law will prevent the use of land for their installation. However, the Municipality follows Policy MODL-69 for Antenna Siting Protocol, and any related accessory structures will require the appropriate permits.

7.46 Visibility at Intersections

7.46.1 Despite anything else in this By-law, on a corner lot, no building, structure, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation may be erected or permitted to grow to a height greater than 0.6 metres (2 feet) above grade within the corner vision triangle.

7.47 Wharves, Docks, and Slipways

7.47.1 Wharves, docks, and slipways are permitted in any zone without need for a development permit.

7.48 Wind Turbine Generators

7.48.1 All wind turbine generators will be subject to the requirements below:

- (a) any climbing apparatus associated with the wind turbine generator will be retracted or locked to prevent unauthorized climbing to a minimum of three metres (10 feet) above grade;
- (b) the wind turbine generator must bear a non-reflective finish, and not contain any exterior lighting except as required by relevant transportation authorities;
- (c) no signs on the wind turbine generator are permitted other than the owner's or manufacturer's identification;

- (d) with the exception of micro wind turbine generators (MWT), development permit applications for all wind turbine generators, in addition to standard required information, must be accompanied by documentation of:
 - (i) manufacturer's information, including the type of wind turbine, total height, rotor diameter, maximum rated output capacity, colour, and Canadian Standards Association (or equivalent);
 - (ii) authorization documents from Transport Canada and NavCan, or successor bodies;
 - (iii) tower and base designs certified by an engineer licensed to practice in Nova Scotia, and applicable letters of undertaking; and
- (e) nothing in this By-law will exempt wind turbine generators from meeting relevant federal or provincial regulations.

7.48.2 Where permitted, micro wind turbine (MWT) generators will be considered an accessory structure and will be subject to the following:

- (a) the maximum power generation capacity must be no greater than 1 kW; and
- (b) setbacks will be the same as any other accessory structure.

7.48.3 Where permitted, small-scale wind turbine (SWT) generators will be subject to the following:

- (a) rotor blade clearance must be at least seven metres (22 feet) from grade;
- (b) setbacks must be no less than 1.5 times the height of the turbine closest to the adjacent lot line, provided that the resulting sound levels do not exceed 40dB(A) above existing background noise at that property line. If the sound levels do exceed above 40dB(A) despite the 1.5 times turbine height setback, additional setbacks will be determined through the Municipality's wind turbine calculation chart, unless the owner of the neighboring property agrees to reduce the setback in writing at which point the 1.5 times turbine height setback will prevail;

- (c) setbacks from watercourses must be no less than 1 times the height of the turbine;
- (d) the separation distance between SWT generators on the same lot will be equal to at least 1 times the height of the tallest wind turbine on said lot; and
- (e) multiple SWT generators are permitted on the same lot, provided that they meet the setback requirements of 7.48.3 (b), (c), and (d).

Sound Level by Distance from Source					
Distance	Sound Level Change dB(A)	Distance	Sound Level Change dB(A)	Distance	Sound Level Change dB(A)
4.5	-24	100	-52	355	-63
9	-30	112	-53	398	-64
16	-35	126	-54	447	-65
28	-40	141	-55	502	-66
40	-43	159	-56	563	-67
50	-45	178	-57	632	-68
56	-46	200	-58	709	-69
63	-47	224	-59	795	-70
71	-49	251	-60	892	-71
80	-50	282	-61		
89	-51	317	-62		

Calculation Example:

A wind turbine with a manufactures maximum acoustical emission of 85dB(A) will require a 28 m setback to reduce the noise level to 45dB(A) at the property line.

$$\begin{array}{rcl}
 \text{Maximum Sound Level at} & - & \text{Wind Turbine Peak} & = & \text{Change in Sound Level} \\
 \text{Property Line} & & \text{Emission} & & \\
 45\text{dB(A)} & - & 85\text{dB(A)} & = & -40\text{dB(A)}
 \end{array}$$

The “The “Change in Sound Level” value (-40) can be entered into the “Sound Level by Distance from Source” table to determine the distance required (28 m) to reduce the sound level to 45dB(A) at the property line. The distance value read in the table is the setback value (28 m from adjacent property lines).

The above calculation example is intended for clarification and convenience and does not form part of this by-law.

7.48.4 Where permitted, **large-scale wind turbine (LWT)** generators must meet the following requirements:

- (a) submit a decommissioning plan, which will become part of the development agreement;
- (b) submit a study assessing the environmental impact of the development from a qualified professional;
- (c) establish a minimum setback for the LWT generator that is 4 times the turbine height from adjacent property lines. However, this setback distance may be subject to change if any of the following occur:
 - (i) if the sound levels exceed 40dB(A) above existing background noise, additional setbacks will be determined through the Municipality’s wind turbine calculation chart;
 - (ii) conversely, the setback distance could be reduced to 1.5 times the turbine height from adjacent property lines, if the neighboring property is publicly owned and does not represent historical or environmental significance, or if the owner of the neighboring property agrees to reduce the setback in writing; and
- (d) notify all landowners within 750 metres (2,460 feet) of the property.

8 Parking

- 8.1.1** The parking provisions of this Section apply only to those lands located within the Mixed Use Serviced (MUS) Zone as shown on Schedule A.
- 8.1.2** Where a lot has frontage on a street, parking and loading areas must be located in the rear yard.
- 8.1.3** Despite Section 8.1.2, parking and loading areas must not be located in a rear yard that abuts a street, unless screened from the street through the use of landscaping that provides a filtered view, regardless of season, from the street.
- 8.1.4** Despite Sections 8.1.2 and 8.1.3, the Development Officer may permit flexibility for redevelopment projects that involve a change of use within an existing structure or the redevelopment of an existing structure on a property within the Mixed Use Serviced Zone.
- 8.1.5** Landscaping in the form of vegetation must be incorporated into the parking lots, with five or more parking spaces, to reduce the visual impact of large open parking areas, and to provide a filtered view from the street.
- 8.1.6** Where possible, parking lots must locate next to adjacent parking lots, and access to parking must be combined with existing parking lots entrances.
- 8.1.7** If access points are approved, there should be two curb cuts per lot for parking lot access.
- 8.1.8** Vehicular access locations will be subject to the approval of the relevant traffic authority.

9 Zones and Zone Mapping

9.1 Zones

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

Zone Name	Zone Symbol
Conservation	C
Mixed Use Serviced Zone	MUS
Protected Watershed One Zone	PW-1
Protected Watershed Two Zone	PW-2
Recreation and Parks Zone	P
Rural General Zone	RU
Rural Residential Zone	RR
Rural Village Zone	RUV

- 9.1.2** In addition to Subsection 9.1.1, this By-law contains the following overlay zone, on the attached Schedule A, which implements additional requirements beyond those created by the underlying zoning:

Overlay Name	Overlay Symbol
Protected Watershed Overlay	PW-3

9.2 Zoning Map

- 9.2.1** Schedule A attached hereto will be cited as the “Zoning Map”.
- 9.2.2** The Zoning Map forms part of this Land Use By-law.

10 Rural Zones

10.1 Permitted Uses in the Rural Zones

10.1.1 The following tables outline the permitted uses for the Rural General (RU) Zone, , Rural Residential (RR) Zone, and Rural Village (RUV) Zone subject to the following scheme:

- (a) Uses indicated with a “P” are permitted as-of-right, subject to all requirements of this By-law and any Sections noted in the “Special Requirements” column.
- (b) Uses indicated with an “SP” are permitted through Site Plan Approval and may be subject to unique site plan criteria included in the By-law.
- (c) Uses indicated with a “DA” are permitted through Development Agreement and are subject to Sections 18.4 - 18.7 of the Municipal Planning Strategy.
- (d) Uses denoted with a “-” are not permitted within the zone.

Residential Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Cluster Developments	DA	DA	DA	Section 7.7
Dwellings – 1 to 2 units 3 to 5 units 6 or more units*	P P SP	P P SP	P P SP	* Dwelling units must be contained within a single building, otherwise, may be considered Cluster Development.
Home-based Businesses	P	*P	P	* Section 7.20
Recreational Vehicle Parking Sites	P	P	P	Section 7.39
Residential Care Facilities	P	P	P	
Small Option Homes	P	P	P	
Tiny Houses	P	P	P	

Commercial and Industrial Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Accommodations Tourist – 1 to 3 units 4 to 6 units 7 to 12 units 13 or more units	P P P SP	P P SP DA	P P P SP	
Animal Care	P	-	P	
Animal Shelters	P	-	P	
Art Gallery/Studio	P	-	P	
Automobile Body Shops	P	-	SP	
Automobile Service Stations	SP	-	SP	
Automobile Repair Shops	P	-	SP	
Automobile Dealer and Rentals	P	-	-	
Banks and Financial Institutions	P	-	P	
Boat Building and Repair	P	-	P	
Breweries, Distilleries and Wineries	P	-	P	
Campgrounds and RV Parks	DA	DA	DA	
Cannabis Production Facilities	DA	-	DA	

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Commercial Recreation – Indoor Outdoor	P P	- -	P P	
Convenience Stores	P	-	P	
Craft Product Workshops	P	-	P	
Craft Shops	P	-	P	
Day Care Centres	P	-	P	
Excavation, Construction, and Landscaping Services	P	-	SP	
Funeral Homes	P	-	P	
Garden Centres	P	-	P	
Heavy Equipment Sales & Rentals	P	-	SP	
Industrial Uses – Light	P	-	SP	
Less than 1000m² GFA				
Greater than 1000m² GFA	P	-	DA	
Industrial Uses – Heavy	DA	-	-	
Kennels	P	-	SP	Section 7.26
Licensed Liquor Establishments	P	-	P	
Marinas	P	-	P	
Marine Recreation Providers	P	-	P	
Personal Service Shops	P	-	P	

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Places of Assembly	P	-	P	
Private Clubs	P	-	P	
Professional Offices	P	-	P	
Race Tracks	DA	-	-	
Recycling Depots	P	-	SP	
Restaurants – Drive-through Eat-in Take-out	SP P P	- - -	SP P P	
Retail Lumber and Home Improvement Yards	SP	-	SP	
Retail Stores – Less than 500m2 GFA Between 501m2 -2,000m2 GFA Greater than 2,000m2 GFA	P P SP	- - -	P SP -	
Salvage Yards	DA	-	-	
Schools – Commercial	P	-	P	
Self-storage Facilities	P	-	P	
Service and Repair Shops	P	-	P	
Shooting Ranges	DA	-	-	
Solar Collector Systems – Accessory Commercial	P DA	P -	P -	Section 7.42

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Solid Waste – Disposal Facilities	DA	-	-	
Transfer Facilities	DA	-	-	
Summer Camps	P	SP	SP	
Wind Turbine Generators – Micro	P	P	P	Section 7.48
Small-scale	P	P	-	
Large-scale	DA	-	-	

Institutional Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Cemeteries	P	P	P	Section 7.6
Community Centres	P	-	P	
Cultural Facilities	P	-	P	
Emergency Services	P	-	P	
Government Uses	P	-	P	
Hospitals	P	-	P	
Interpretive Centres	P	-	P	
Medical Clinics	P	-	P	
Nursing Homes	P	-	P	
Parks and Playgrounds	P	P	P	
Places of Assembly	P	-	P	
Places of Worship	P	P	P	
Recreation Centres	P	-	P	
Recreational Uses	P	P	P	
Schools – Academic	P	-	P	
Schools – Post-secondary	P	-	P	
Trails and Conservation Uses	P	P	P	

Agriculture and Natural Resource Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Abattoirs	SP	-	-	
Aggregate and Mineral Extraction Operations	DA	-	-	
Aggregate Processing Facilities	SP	-	-	
Agricultural Uses	P	P	P	
Agritourism	P	P	P	
Aquaculture Operations (Land-based)	P	-	-	
Community Gardens	P	P	P	
Equestrian Facilities	P	-	-	
Farm, Fish, and Forest Stands	P	P	P	
Farmers' Markets	P	P	P	
Fish Processing	DA	-	DA	
Fishing and Marine Accessory Uses	P	P	P	
Fishing and Marine Industrial Uses	P	-	SP	
Forestry Processing Facilities	P	-	DA	
Forestry Supportive Uses	P	-	P	

Other Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Accessory Buildings and Structures*	P	P	P	*Subject to Sections 7.2 and 7.3
Lawfully Existing Uses	P	P	P	
Private Storage Buildings	P	P	P	Section 7.36

10.2 Development Standards for the Rural Zones

10.2.1 The following minimum standards will apply to lots in the Rural General (RU) Zone, Rural Residential (RR) Zone, and Rural Village (RUV) Zone:

Development Requirements		Rural General (RU)	Rural Residential (RR)	Rural Village (RUV)
Minimum Lot Area*	Serviced Lot	-	-	350 m ²
	Un-serviced Lot	2,700 m ²	2,700 m ²	Minimum required by NSECC for septic approval
Minimum Lot Frontage		30 m	10 m	10 m
Minimum Front/Flankage Setback		6 m	3 m	0 m
Minimum Side Setback		2 m	2 m	2 m
Minimum Rear Setback		2 m	2 m	2 m

NSECC= Nova Scotia Department of Environment and Climate Change

* Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by Nova Scotia Public Works. In cases of discrepancy, the more stringent requirements will apply.

10.3 Site Plan Requirements for Multi-Unit Residential and Tourist Accommodations in the Rural Zones

10.3.1 Where a multi-unit residential and/or tourist accommodation development is permitted by site plan approval in the Rural General (RU) Zone, Rural Residential (RR) Zone, and Rural Village (RUV) Zone, the Development Officer may approve a site plan provided the requirements of this By-law and the following conditions are met.

- (a) Parking and Access Requirements:
 - (i) vehicular access locations must be subject to the approval of the relevant traffic authority;
 - (ii) parking, loading, and access areas must be designed to safely accommodate emergency and service vehicles;
- (b) Pedestrian Walkways:
 - (i) a minimum of one pedestrian walkway with a minimum width of one metre must be provided from parking areas to the primary entrances of residential buildings;
 - (ii) pedestrian walkways should be clearly delineated from vehicular travel areas through the use of paving materials, landscaping, grade separation, or other appropriate design measures;
 - (iii) where multiple buildings are proposed, pedestrian walkways must be provided to allow safe and direct movement between buildings and shared amenity areas;
- (c) Stormwater Management:
 - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property;
 - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer;
- (d) Water Supply:

- (i) the applicant must demonstrate that an adequate and sustainable water supply is available to serve the proposed development;
- (ii) the application must identify the proposed source of water supply and provide an estimate of anticipated water demand based on the number of dwelling units;
- (iii) Where a proposed multi-unit residential development in an unserviced area contains ten or more dwelling units, the application must include a water assessment or hydrological study prepared by a qualified professional, demonstrating:
 - (1) that an adequate and sustainable water supply is available to serve the proposed development;
 - (2) that the proposed development will not result in adverse impacts on neighbouring wells or groundwater resources; and
 - (3) that the scope and level of detail of the study is proportionate to the scale and context of the proposed development and is prepared in accordance with applicable provincial requirements.

11 Environment and Recreation Zones

11.1 Permitted Uses in the Environmental and Recreational Zones

- 11.1.1** The following tables outline the permitted uses for the Conservation (C) Zone, Protected Watershed One (PW-1) Zone, Protected Watershed Two (PW-2) Zone, and Recreation and Parks (P) Zone subject to the following scheme:
- (a) Uses indicated with a “P” are permitted as-of-right, subject to all requirements of this By-law and any Sections noted in the “Special Requirements” column.
 - (b) Uses indicated with an “SP” are permitted through Site Plan Approval and may be subject to unique site plan criteria included in this By-law.
 - (c) Uses indicated with a “DA” are permitted through Development Agreement and are subject to Sections 18.4 - 18.7 of the Municipal Planning Strategy.
 - (d) Uses denoted with a “-” are not permitted within the zone.

Residential Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Dwellings – 1 to 2 units	-	-	P	-	
3 to 5 units	-	-	-	-	
6 or more units	-	-	-	-	
Small Option Homes	-	-	P	-	
Tiny Houses	-	-	P	-	

Commercial and Industrial Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Marinas	-	-	-	P	
Marine Recreation Providers	-	-	-	P	
Restaurants – Drive-through Eat-in Take-out	- - -	- - -	- - -	- - P	
Solar Collector Systems – Accessory Commercial	P -	- -	P -	P -	Section 7.42
Wind Turbine Generators – Micro Small-scale Large-scale	- - -	- - -	- - -	P P -	Section 7.48

Institutional Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Cemeteries	P	-	-	P	Section 7.6
Community Centres	-	-	-	P	
Cultural Facilities	-	-	-	P	
Government Uses	P	-	-	P	
Interpretive Centres	-	-	-	P	
Parks and Playgrounds	-	-	-	P	
Places of Worship	-	-	-	P	
Recreation Centres	-	-	-	P	
Recreational Uses	-	-	-	P	
Trails and Conservation Uses	P	-	P	P	

Agriculture and Natural Resource Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Community Gardens	P	-	-	P	
Farm, Fish, and Forest Stands	P	-	-	P	
Farmers' Markets	-	-	-	P	
Fishing and Marine Accessory Uses	-	-	-	P	
Water Utilities	-	P	-	-	

Other Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Accessory Buildings and Structures*	-	-	P	-	Subject to Sections 7.2 and 7.3
Lawfully Existing Uses	-	-	-	P	
Private Storage Buildings	-	-	P	P	Section 7.36

11.2 Development Standards for the Environmental and Recreational Zones

11.2.1 The following minimum standards will apply to lots in the Conservation (C) Zone, Protected Watershed One (PW-1) Zone, Protected Watershed Two (PW-2) Zone, and Recreation and Parks (P) Zone:

Development Requirements		Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)
Minimum Lot Area*	Serviced Lot	-	-	-	2,700 m ²
	Un-serviced Lot	2,700 m ²	15,000 m ²	15,000 m ²	2,700 m ²
Minimum Lot Frontage		15 m	150 m	150 m	15 m
Minimum Front/Flankage Setback		2 m	2 m	2 m	2 m
Minimum Side Setback		2 m	2 m	2m	2 m
Minimum Rear Setback		2 m	2 m	2 m	2 m

* Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by Nova Scotia Public Works. In cases of discrepancy, the more stringent requirements will apply.

12 Growth Centre Zones

12.1 Permitted Uses in the Growth Centre Zones

12.1.1 The following tables outline the permitted uses for the Mixed Use Serviced (MUS) Zone subject to the following scheme:

- (a) Uses indicated with a “P” are permitted as-of-right, subject to all requirements of this By-law and any Sections noted in the “Special Requirements” column.
- (b) Uses indicated with an “SP” are permitted through Site Plan Approval and may be subject to unique site plan criteria included in this By-law.
- (c) Uses indicated with a “DA” are permitted through Development Agreement and are subject to Sections 18.4 - 18.7 of the Municipal Planning Strategy.
- (d) Uses denoted with a “-” are not permitted within the zone.

Residential Uses in the Growth Centre Zones

Land Use	Mixed Use Serviced (MUS)	Special Requirements
Cluster Developments	DA	Section 7.7
Dwellings – 1 to 2 units 3 to 5 units 6 or more units*	- P SP	* Dwelling units must be contained within a single building, otherwise, may be considered Cluster Development.
Home-based Businesses	P	Section 7.20
Residential Care Facilities	P	
Small Option Homes	P	

Commercial and Industrial Uses in the Growth Centre Zones

Land Use	Mixed Use Serviced (MUS)	Special Requirements
Accommodations Tourist – 1 to 3 units 4 to 6 units 7 to 12 units 13 or more units	*P P P SP	*Short-term rentals subject to Section 7.41 in this zone.
Animal Care	P	
Art Gallery/Studio	P	
Automobile Service Stations	SP	
Banks and Financial Institutions	P	
Campgrounds and RV Parks	DA	
Cannabis Production Facilities	DA	
Commercial Recreation – Indoor Outdoor	P P	
Convenience Stores	P	
Craft Product Workshops	P	
Craft Shops	P	
Day Care Centres	P	
Funeral Homes	P	
Heavy Equipment Sales & Rentals	SP	
Licenced Liquor Establishments	P	
Personal Service Shops	P	

Land Use	Mixed Use Serviced (MUS)	Special Requirements
Private Clubs	P	
Professional Offices	P	
Restaurants – Drive-through Eat-in Take-out	SP P P	
Retail Lumber and Home Improvement Yards	SP	
Retail Stores – Less than 500m ² GFA Between 501m ² - 2,000m ² GFA Greater than 2,000m ² GFA	P SP SP	
Service and Repair Shops	P	
Solar Collector Systems – Accessory Commercial	P -	Section 7.42
Wind Turbine Generators – Micro (MWT) Small-scale (SWT) Large-scale (LWT)	P - -	Section 7.48

Institutional Uses in the Growth Centre Zones

Land Use	Mixed Use Served (MUS)	Special Requirements
Cemeteries	P	Section 7.6
Community Centres	P	
Cultural Facilities	P	
Emergency Services	P	
Government Uses	P	
Hospitals	P	
Interpretive Centres	P	
Medical Clinics	P	
Nursing Homes	P	
Parks and Playgrounds	P	
Places of Worship	P	
Recreation Centres	P	
Recreational Uses	P	
Schools – Academic	P	
Schools – Post-secondary	P	
Trails and Conservation Uses	P	

Agricultural and Natural Resource Uses in the Growth Centre Zones

Land Use	Mixed Use Serviced (MUS)	Special Requirements
Agricultural Uses	P	
Agritourism	P	
Community Gardens	P	
Farm, Fish, and Forest Stands	P	
Farmers' Markets	P	
Forestry Supportive Uses	P	

Other Uses in the Growth Centre Zones

Land Use	Mixed Use Serviced (MUS)	Special Requirements
Accessory Buildings and Structures*	P	*Subject to Sections 7.2 and 7.3
Lawfully Existing Uses	P	

12.2 Development Standards for the Growth Centre Zones

12.2.1 The following minimum standards will apply to lots in the Mixed Use Serviced (MUS) Zone:

Development Requirements		Mixed Use Serviced (MUS)
Minimum Lot Area*	Serviced Lot	350 m ²
	Un-serviced Lot	Minimum required by NSECC for septic approval
Minimum Lot Frontage		15 m
Minimum Front/Flankage Setback		0 m
Minimum Side Setback		2 m
Minimum Rear Setback		2 m
Minimum Density for Residential Uses (units per hectare)		25 units

* Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change (NSECC) and in some instances, by Nova Scotia Public Works. In cases of discrepancy, the more stringent requirements will apply.

12.3 Site Plan Requirements for Multi-Unit Residential and Tourist Accommodations in the Growth Centre Zones

12.3.1 Where multi-unit residential and/or tourist accommodation developments are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the requirements of this By-law and the following conditions are met.

- (a) Layout and Site Design:
 - (i) the arrangement and orientation of buildings must support a compact, mixed-use form and efficient use of land, particularly where municipal infrastructure is available;
 - (ii) buildings must be sited to support the street, internal road, or shared circulation network, where applicable;
 - (iii) the location of loading, service, and waste collection areas must minimize visual, noise, and functional impacts on residential units on the same lot and on adjacent properties;
 - (iv) exterior lighting must be located and designed to illuminate buildings, parking areas, driveways, and pedestrian infrastructure, and must not be directed onto neighbouring residential properties;
- (b) Parking and Access:
 - (i) all parking must meet the parking requirements as outlined in Section 8;
- (c) Pedestrian Walkways:
 - (i) pedestrian walkways and other related infrastructure must be provided to connect public sidewalks and parking areas to entrances of all main buildings;
 - (ii) pedestrian walkways and other related infrastructure must connect to any existing pedestrian infrastructure;
 - (iii) pedestrian walkways from the parking lot to the entrance of the main building must be at least one metre wide;

- (iv) the location, quantity, and width of driveways are designed to minimize traffic and congestion throughout the surrounding area;
- (d) Landscaping and Buffering:
 - (i) the lot must be landscaped using a variety of vegetation types varying in height and species;
 - (ii) landscaping, fencing, vegetative buffers, or a combination thereof must be used where necessary to mitigate impacts on adjacent residential or non-residential uses;
 - (iii) where vegetation is used for buffering, existing healthy vegetation must be retained where possible;
 - (iv) landscaping must be used to provide separation between parking areas, buildings, and adjacent properties;
- (e) Building Location and Compatibility:
 - (i) buildings must be located and designed to reduce impacts related to noise, lighting, traffic, and servicing on adjacent properties;
 - (ii) building placement must support safe internal circulation and pedestrian access;
 - (iii) building siting must consider surrounding development patterns and the intended growth function of the Mixed Use Service (MUS) Zone;
- (f) Stormwater Management:
 - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property;
 - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer;
- (g) Water Supply:

- (i) the applicant must demonstrate that an adequate and sustainable water supply is available to serve the proposed development;
- (ii) the application must identify the proposed source of water supply and provide an estimate of anticipated water demand based on the number of units;
- (iii) where a proposed multi-unit residential development is in an unserviced area and contains ten or more dwelling units, the application must include a water assessment or hydrological study prepared by a qualified professional, demonstrating:
 - (1) that an adequate and sustainable water supply is available to serve the proposed development;
 - (2) that the proposed development will not result in adverse impacts on neighbouring wells or groundwater resources; and
 - (3) that the scope and level of detail of the study is proportionate to the scale and context of the proposed development and is prepared in accordance with applicable provincial requirements.

12.4 Site Plan Requirements for Automobile Service Stations in the Growth Centre Zones

12.4.1 Where an automobile service station development is permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the requirements of this By-law and the following conditions are met.

- (a) Parking and Access Requirements:
 - (i) where a lot has frontage on a public street, parking and loading areas must, where feasible, be located in the rear yard or side yard;
 - (ii) despite clause (i), parking and loading areas located in a rear yard that abuts a street shall be screened from the street;

- (iii) landscaping in the form of vegetation must be incorporated into parking areas containing more than four parking spaces in order to reduce the visual impact of large open parking areas;
- (iv) where possible, parking areas must be located adjacent to existing or planned parking areas on abutting lots, and access points must be shared or combined where feasible;
- (v) there must be a maximum of one curb cut per lot for vehicular access, unless additional access is required to address traffic safety or emergency access considerations;
- (vi) vehicular access locations must be subject to the approval of the relevant traffic authority;
- (vii) parking, loading, and access areas must be designed to safely accommodate emergency and service vehicles;
- (viii) the minimum distance between ramps and driveways must not be less than 9 metres (26 feet);
- (ix) the minimum distance from a driveway to a street intersection must not be less than 15 metres (49 feet);
- (x) the minimum angle of an intersection or driveway relative to a street line must be 45 degrees;
- (b) Building Location and Site Design:
 - (i) buildings must be located and oriented on the lot so as to minimize impacts related to noise, lighting, and traffic on adjacent properties;
 - (ii) the placement of buildings must support efficient site circulation and pedestrian access;
 - (iii) where applicable, building placement must consider prevailing site conditions, including topography, vegetation, and existing development patterns in the surrounding area;
 - (iv) no portion of any pump island must be located closer than 6 metres (20 feet) from a street line, except for an overhead canopy;

- (v) where a car wash is proposed, it must be located within a partially enclosed or fully enclosed permanent structure, with dedicated bays provided separate from service bays, and all car wash bays or automated car washes must include an oil/water separator;
- (c) Pedestrian Walkways:
 - (i) pedestrian walkways and other related infrastructure must be provided to connect public sidewalks and parking areas to entrances of all main buildings;
 - (ii) pedestrian walkways and other related infrastructure must connect to any existing pedestrian infrastructure;
 - (iii) pedestrian walkways from the parking lot to the entrance of the main building must be at least one metre (3 feet) wide;
 - (iv) the location, quantity, and width of driveways are designed to minimize traffic and congestion throughout the surrounding area;
- (d) Stormwater Management:
 - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property;
 - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer;
- (e) Water Supply:
 - (i) the applicant must demonstrate that an adequate and sustainable water supply is available to serve the proposed development;
 - (ii) the application must identify the proposed source of water supply and provide an estimate of anticipated water demand based on the number of dwelling units; and
 - (iii) the proposed water supply must be in accordance with applicable provincial requirements.

12.5 Site Plan Requirements for Retail Lumber and Home Improvements Yards in the Growth Centre Zones

12.5.1 Where a retail lumber and home improvement yard development is permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan agreement provided the requirements of this Land Use By-law and the following conditions are met.

- (a) Loading Areas:
 - (i) loading areas must be located and, where necessary, screened in a manner that minimizes impacts on adjacent uses, particularly residential uses;
- (b) Lighting:
 - (i) all exterior lighting must be of a full cutoff type and must not emit light above the horizontal plane;
 - (ii) exterior lighting must be designed and located in such way that prevents glare on adjacent properties;
- (c) Enclosure and Screening:
 - (i) lumber and building supply storage areas must be contained within a fenced enclosure;
 - (ii) fencing adjacent to a lot containing a dwelling, school, or place of worship must be opaque or fully screened with vegetation to a minimum height of 1.8 metres (6 feet);
- (d) Pedestrian Access:
 - (i) where feasible, pedestrian circulation measures may be provided to allow safe movement between customer parking areas and the principal building entrance; and

pedestrian circulation measures must be designed to minimize conflicts between pedestrians and vehicles within loading, storage, and circulation areas.

12.6 Site Plan Requirements for Drive-Through Restaurants in the Growth Centre Zones

12.6.1 Where drive-through restaurants are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the following conditions are met.

- (a) Layout and Design:
 - (i) one drive through facility is permitted on a lot;
 - (ii) Despite clause (i), where a development contains multiple commercial uses in the Mixed Used Serviced (MUS) Zone, where a development contains multiple commercial uses on a single lot, more than one drive-through facility may be permitted through site plan approval, provided that the Development Officer is satisfied that adequate on-site queuing, internal vehicular circulation, and safe access can be accommodated without adverse impacts on adjacent properties or public roads;
 - (iii) main structures associated with the drive-through facility must have their primary facades oriented towards a public street;
 - (iv) vehicle access points entering a lot with a drive-through facility must be located as far from an intersection as possible;
 - (v) sufficient space must be provided in stacking lanes to avoid vehicle overspill onto the street;
 - (vi) where a drive-through facility is adjacent to a residential use, the intercom must be located as far away from the adjacent property line as possible;
- (b) Pedestrian Walkways:
 - (i) all drive-through stacking lanes and all associated entrances and exits must be separated from the parking area, all points of access, and the street using landscaped strips and islands;
 - (ii) there must be a distinct separation between vehicular and pedestrian traffic to minimize potential conflicts. Pedestrian walkways must be provided to allow for safe access from both the parking lot and the street/sidewalk;

- (iii) landscaping, paving patterns, raised walkways, and other design treatments can be used to differentiate pedestrian walkways to and from the building from driving surfaces;
 - (iv) visible directional signage must be provided at entrances and exits to stacking lanes;
 - (v) signage must not obstruct pedestrian routes;
- (c) Landscaping:
 - (i) landscaping opportunities must be maximized in areas not used for structures, solid waste handling, automobile parking and circulation, pedestrian walkways, outdoor eating areas, or drive-through infrastructure; and
 - (ii) the view of drive-through lanes, menus, intercoms, and other associated infrastructure must be screened from public right of ways and adjacent properties by buffers.

12.7 Site Plan Requirements for Large Format Commercial Uses in the Growth Centre Zones

12.7.1 Where retail stores exceeding 500 square metres (5,381 square feet) GFA are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the following conditions are met.

- (a) Layout and Design:
 - (i) vehicular access locations must be approved by the appropriate authorities;
 - (ii) the location of loading facilities and off-street parking lots must minimize negative impacts to adjacent properties;
 - (iii) the location of solid waste storage facilities must provide a maximum separation from public areas and residential developments;
 - (iv) the location, type, quantity, and size of signs do not negatively impact the appearance of the streetscape or the surrounding area;

- (v) exterior lighting is located and designed to illuminate the structure, driveways, parking lots, and pedestrian infrastructure, but is not directed onto neighbouring properties;
- (b) Pedestrian Walkways:
 - (i) pedestrian walkways and other related infrastructure must be provided to connect public sidewalks and parking areas to entrances of all main buildings;
 - (ii) pedestrian walkways and other related infrastructure must connect to any existing pedestrian infrastructure;
 - (iii) pedestrian walkways from the parking lot to the entrance of the main building must be at least one metre (3 feet) wide;
 - (iv) the location, quantity, and width of driveways are designed to minimize traffic and congestion throughout the surrounding area;
- (c) Landscaping:
 - (i) fences, walls, vegetative landscaping, or other types of landscaping elements are used to minimize the negative land use impact on adjacent land uses;
 - (ii) where vegetation is used for minimizing the negative land use impact on adjacent land uses, existing vegetation that is healthy must be retained;
 - (iii) the property must be landscaped using a variety of vegetation types varying in heights and species;
 - (iv) landscaping or fences that are a minimum of 1.5 metres (5 feet) must be used to screen outdoor storage areas from the street and adjacent uses;
 - (v) landscaping must be incorporated into parking lots when there are four or more parking spaces;
 - (vi) landscaping must be used to provide a separation between the street and the parking lot;
- (d) Stormwater Management:

- (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property; and
- (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer.

12.8 Site Plan Requirements for Light Industrial Uses in the Growth Centre Zones

12.8.1 Where light industrial uses are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the following conditions are met.

- (a) Layout and Design:
 - (i) the location of loading facilities and off-street parking lots must minimize negative impacts to adjacent properties;
 - (ii) the location of solid waste storage facilities must provide a maximum separation from adjacent residential developments;
 - (iii) where a customer entrance is present, the entrance must be well-identified and located on the side of the building facing the front lot line;
- (b) Lighting:
 - (i) exterior lighting must be directed away from and must not cause glare on adjacent properties;
- (c) Landscaping and Screening:
 - (i) fences, walls, vegetative landscaping, or other types of landscaping elements are used to minimize the negative land use impact on adjacent land uses;
 - (ii) where vegetation is used for minimizing the negative land use impact on adjacent land uses, existing vegetation that is healthy must be retained;

- (iii) landscaping or fences that are a minimum of 1.5 metres (5 feet) must be used to screen outdoor storage areas and outdoor utility equipment from the street and adjacent uses;
- (d) Stormwater Management:
 - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property; and
 - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer.

13 List of Schedules

Schedule 'A'	Zoning Map
Schedule 'B'	Environmental Features Map
Schedule 'C'	Agricultural Protection Area