

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Princes Inlet & Area

Secondary Planning Strategy and Land Use By-law

Adopted by Municipal Council on January 12, 2016

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

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| 1) Adoption | Adopted by Municipal Council on January 12th, 2016. Effective date: February 17th, 2016. |
| 2) June 2, 2016 | Amendment to the Land Use By-law, section 5.2.7, and related Definition, with regard to Farm market use. |
| 3) September 16, 2020 | Amendments to the Secondary Planning Strategy, Part 1, Section 1.5, and Subsection 7.2.8 to move references from the Area Advisory Committee to the Planning Advisory Committee. |
| 4) March 8, 2023 | Amendments to the Secondary Planning Strategy (Part 3, ADD Subsection 3.1.6a, Subsection 3.1.10a and ADD Subsection 3.2.2a) and Land Use By-laws Section 5.3.1 ADD Subsection (aa). Section 5.4.1 ADD Subsection (aa), Section 6.3.1 ADD subsection (aa) and add definition in part 11 subsection 11.90a to include and define Small Option Homes. |

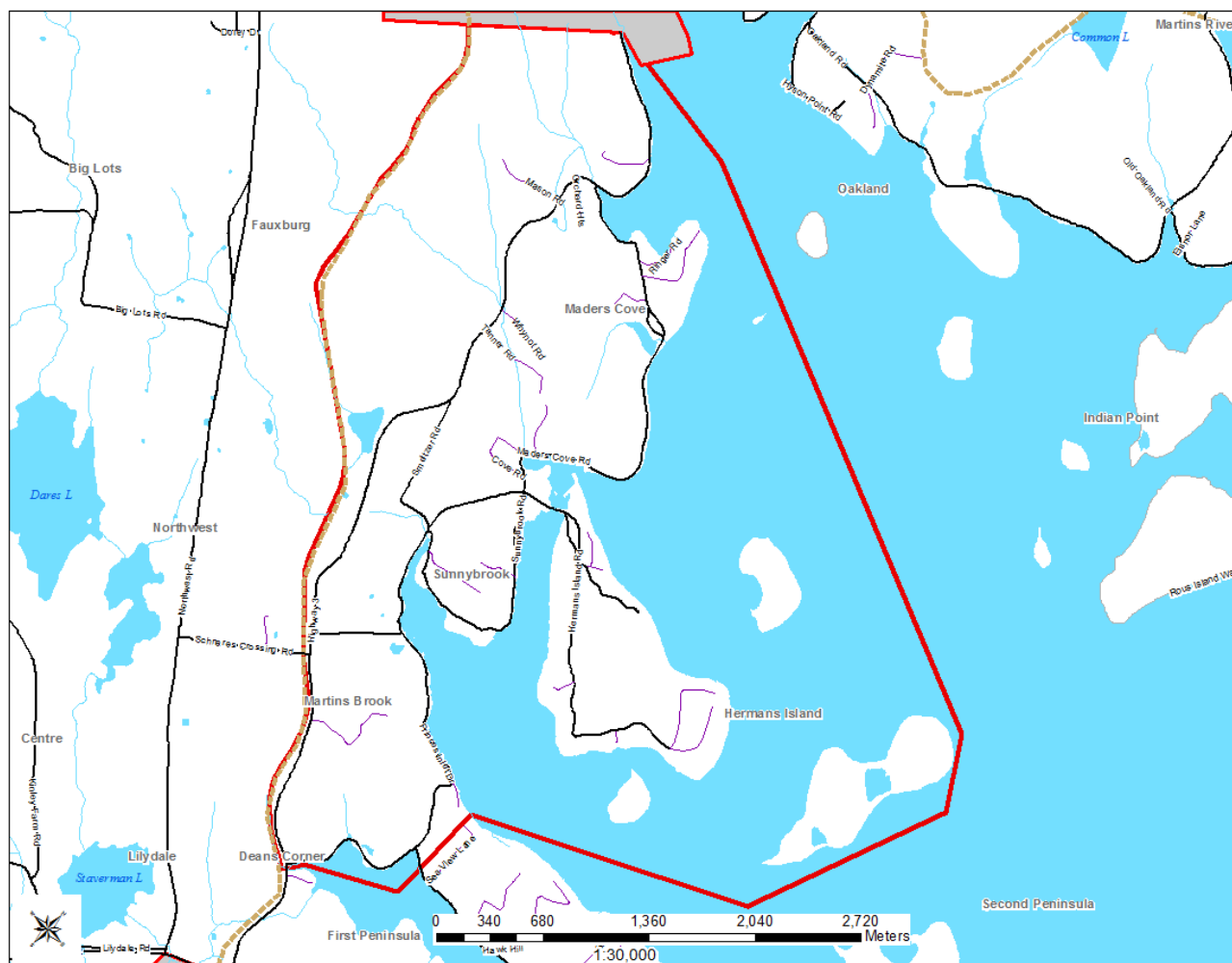
First Reading by Council: November 10, 2015
Second Reading by Council: January 12, 2016

Effective Date: February 17, 2016
Last Amendment: **March 8, 2023**

Communities affected by this Secondary Planning Strategy and Land Use By-law:

Maders Cove
Sunnybrook
Schnares Crossing (portion)

Martins Brook
Hermans Island
Deans Corner (portion)



General location of the Princes Inlet Plan Area

Historical Dates:

January 31st, 1996	1st Secondary Planning Strategy & Land Use By-law adopted.
September 13th, 2005	2nd Secondary Planning Strategy & Land Use By-law adopted.
January 12th, 2016	current Secondary Planning Strategy & Land Use By-law

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Secondary Planning Strategy for Princes Inlet & Area

First Reading by Council: **November 10, 2015**
Second Reading by Council: **January 12, 2016**

EFFECTIVE DATE: **February 17, 2016**
LAST AMENDMENT: **March 8, 2023**

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1 AUTHORITY AND SCOPE.

This Secondary Planning Strategy and Land Use By-law was adopted by Municipal Council on January 12th, 2016 and became effective February 17th, 2016.

The Municipal Government Act (Chapter 18 Acts of 1998) is the legislative basis for the preparation and adoption of these planning documents. The Act states that Council may prepare a Planning Strategy for all or part of a Municipal Unit. The planning area ("Plan Area") to which this Secondary Planning Strategy applies includes: the communities of Maders Cove, Martins Brook, Sunnybrook, Hermans Island, parts of Schnares Crossing and Deans Corner. Affected islands include: Westhaver Island, Loye Island, Coveys Island, and Little Herman Island.

The Municipal Government Act provides Council with the authority to adopt policies respecting a broad range of matters, including the improvement of the physical, economic and social environment; and the use, protection, and development of lands.

This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land use in the Plan Area during the next ten years.

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which the Planning Strategy is implemented. The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments.

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

Amended September 16, 2020

- 1.1 This Secondary Planning Strategy shall be the primary policy document through which the future growth and development of the Plan Area shall be guided, encouraged and controlled.
- 1.2 The Land Use By-law, prepared and adopted by Council in conjunction with the Secondary Planning Strategy, shall provide the primary mechanism for land use and development control, through which the intent of this Planning Strategy shall be implemented. The Municipality's Subdivision By-law will also guide local development, by identifying regulations affecting the creation, consolidation, and the shape of land parcels within the Plan Area.
- 1.3 The maps and schedules appended to this Secondary Planning Strategy shall form part of the Secondary Planning Strategy. The Future Land Use Map (Map 1) shall be regarded as a generalized representation of the intended pattern of future land use in the Plan Area.
- 1.4 Throughout this Secondary Planning Strategy and the accompanying Land Use By-law, the metric measurement system is used to indicate the required standards. Imperial measurements are approximate only and are inserted only for convenience.
- 1.5 *repealed.*

Amended September 16, 2020

2 OBJECTIVES.

Like many parts of rural Nova Scotia, early European settlement in the Princes Inlet Plan Area was primarily resource based. The dramatic shift away from this historic form of rural land tenancy has occurred over the past seventy years. Current occupation is largely unrelated to the land's potential for production of trees or agricultural crops. The prevailing residential use is a function of location, with respect to employment, goods and services found in the neighboring towns and communities, and to other attributes, such as proximity to the ocean, and quality of the local living environment.

The development of land use by-laws was initially undertaken following a community survey, carried out by the local Property Owners Association in 1991. An Area Advisory Committee (AAC) for the Plan Area was subsequently created, and ultimately led to the adoption of the area's first Secondary Planning Strategy by the Municipality in January 1996.

Since then, residential development has remained the predominant land use. A small number of commercial and industrial activities are distributed throughout the area. Many uses pre-date the By-law's development. As well, extensive areas of privately-owned land are considered to be in an inactive state, or a low intensity resource category of land use. There are a few remaining active agricultural fields, although farming is not considered to be a significant percentage of local economic activity.

Given the scale and nature of the existing non-residential developments, the current mix of residential and non-residential uses in the Plan Area generates little controversy.

The general objective of this Secondary Planning Strategy is to establish a policy framework where there can continue to be a harmonious relationship between new development activities and existing land uses. As with other local Planning Strategies in the Municipality, the intent is to guide proposed changes in local land use over time, but not to prohibit entirely the opportunity for new development to occur.

In particular, there is a heightened awareness of the quality of Princes Inlet's living environment, and an identified concern that some types of development could have a negative impact on the community. Council has therefore adopted particular objective statements specific to maintaining the Plan Area's existing rural aesthetic, and protecting the natural environment.

- 2.1** The Princes Inlet & Area Secondary Planning Strategy shall provide the framework and process for the accommodation of changes in land use and development in communities found in the Plan Area.
- 2.2** It shall be the intention of Council to control land use and development in a manner that will minimize conflicts, so as to provide for an attractive rural residential environment.
 - 2.2.1** Council shall provide development standards for a variety of local housing options, to meet all ages and needs.
 - 2.2.2** Council shall allow for the development of a range of residential, commercial and industrial land uses that are consistent with enhancing the existing rural aesthetics of the Princes Inlet Plan Area.
 - 2.2.3** Council shall establish a specific residential designation and a zone that provides for restrictive development standards that reflect the needs of identified residential areas.
- 2.3** It shall be the intention of Council to control proposed developments in a manner that will protect the natural environment.
 - 2.3.1** Council shall develop policies specific to protecting water quality within the Plan Area, to include safe drinking water, surface water, groundwater, lakes, rivers, wetlands, and oceans.
 - 2.3.2** Council shall develop policies concerned with the impact of emissions attributed with proposed development activities, to the extent where an identified environment or health hazard may be created.
 - 2.3.3** Council shall encourage responsible and sustainable resource management in local Forestry and Agriculture activities.

Since local land use controls were first adopted in 1996, Council has sought to create policy flexible to a variety of potential development opportunities. Council acknowledges that in the two decades since zoning regulations were introduced, the development activity that has occurred in the Princes Inlet Plan Area has, in turn, shaped the perspectives of local citizens.

Perspectives can change over twenty years, as much as the local landscape itself changes. Through Plan Reviews, the policy framework associated with controlling future development activity can be updated, to remain consistent with changes in Council's intentions, and in consideration of the current perspectives of residents and landowners.

The Princes Inlet Plan Area covers approximately 2,300 acres, or 930 hectares. It affects approximately 700 properties. The dominant form of land use in the Princes Inlet Plan Area is residential. The dominant structural type is the detached single unit residential dwelling. The predominance of such units can be considered typical for rural communities without central treatment servicing options. There are less than two dozen commercial uses, storage uses, active agricultural lands, and multi-unit residential uses. Reflective of a rural community development pattern, the majority of development is scattered throughout the Plan Area, and not clustered in any particular one geographic location.

To establish development controls within the boundaries of the Plan Area, land use designations have been given to the entire landmass. The following sub-sections outline the policies that govern the types of land use activities permitted within each of the designations. These designations are set out on Map 1: Future Land Use Map. The accompanying Land Use By-law includes a Zoning Map, identifying zones related to each of the land use designations.

Council recognizes that a rural setting consists of a mix of compatible land uses. Council will therefore establish a Rural designation which provides for a variety of land uses consistent with the existing pattern of development in the Plan Area. The majority of the Plan Area will continue to be identified with a Rural designation. A Residential designation will be established for particular neighbourhoods, and provide for more restrictive policy, as a means to minimize conflicts in these identified areas of residential settlement. Council will also establish an Environmental designation, as a means to protect identified parts of the Plan Area considered significant environmental features.

Other government regulations significantly affect choices in private land use. The Municipality's Building By-law and Subdivision By-law result from requirements identified in provincial legislation. Regulations enforced by NS Environment respecting on-site sewage disposal systems, and provincial environmental legislation more generally, have a substantive impact on development throughout rural Nova Scotia. These regulations influence individual decisions, and are considered by Council to be as crucial components as is the Land Use By-law, in both shaping and controlling the future pattern of new development in the Princes Inlet Plan Area.

3.1 RURAL LAND USE DESIGNATION

In Council's consideration, the majority of the Princes Inlet Plan Area can continue to be identified as Rural, and can continue to provide for a mix of compatible land uses that reflect the Plan Area's existing landscape.

Council also recognizes that the developments that have taken place over the last twenty five years would support the creation of two distinct Zones under the Rural Designation in the accompanying By-law. This distinction provides Council with the ability to direct future development activities to particular parts of the Plan Area, where certain uses may be considered more suitable, as well as provide for identified zone standards consistent with the existing development pattern.

Council also considers that certain intensive land uses would not integrate successfully with existing developments in the Princes Inlet Plan Area. Until such time that a comprehensive planning strategy is adopted, affecting the entirety of the Municipality, there is a need for policy within this particular Secondary Planning Strategy, outlining the prohibition of identified uses from developing at all in the Plan Area. Such uses can be directed towards the pursuit of possible opportunities in unplanned communities in the Municipality. With the majority of the Municipality having no land use regulations in place, Council considers there to be many potential locations for such uses to develop. Uses prohibited from developing in the Princes Inlet Plan Area will be listed in the Land Use By-law.

Council recognizes that there are a number of properties in the Princes Inlet Plan Area that have been used historically for forestry and/or for agricultural purposes. It is Council's intent that these types of traditionally rural -based activities continue to be supported through municipal policy. Council would note that some of the onus of compatibility between existing resource -related land uses, and other types of development, should not be undermined by unreasonable expectations being placed on landowners seeking to use property in a manner consistent with a historical resource use. Future development proponents can be made aware of Council's perspective, by the statements identified in this Strategy.

Council also acknowledges that certain types of development do require special consideration, due to their relative unique impacts on the land and on surrounding properties, and/or due to the nature of jurisdictional authority over such activities resting with senior levels of government. These types of development would include, but are not limited to energy generation installations (i.e. wind turbines). Policy statements, identifying additional requirements regarding particular types of developments in the Princes Inlet Plan Area, have been listed in Section 3.5 of this Secondary Planning Strategy.

Council considers that certain types of development, to include emergency service facilities and non-commercial recreational land uses, can provide potential benefits to the general community, and may be considered as suitable developments in those parts of the Princes Inlet Plan Area that have been identified with a Rural Designation.

- 3.1.1** Council shall establish a Rural (RUR) Designation, as shown on Map 1, Future Land Use Map.
- 3.1.2** Council shall prohibit specific developments entirely from the Princes Inlet Plan Area, in consideration of the potential negative impacts that such uses would have on existing developments, and on residents living in the community. Such uses are identified in the Land Use By-law as Prohibited Uses.
- 3.1.3** Council shall permit agricultural, forestry and land-based aquaculture activities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Zone standards shall include yard requirements for the keeping of farm animals and livestock. Such activities include the growing of agricultural and forestry products, and the sale of these products by their producers, as well as the primary processing of products at the farm site or harvest site, but excludes fish processing plants. Proposed developments which exceed the thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
 - a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy
- 3.1.4** Council shall permit non-commercial recreational uses and emergency service facilities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law.

Rural Highway Corridor (R-H) Zone

That part of the Princes Inlet Plan Area situated along Highway 3 is a diverse landscape of residences, resource properties, and a very small number of scattered commercial and industrial uses. Many parcels along this roadway corridor are considered to be inactive. Since the introduction of land use controls, the amount of new development in this particular part of the Plan Area has been comparatively light. The range of potential opportunities is influenced by the consistent volume of highway traffic that uses Highway 3 to travel to the more densely-settled towns of Mahone Bay and Lunenburg.

It is the intention of Council to recognize and encourage the potential development of this highway corridor, by establishing a Zone that permits for a diverse range of residential, industrial, and commercial uses. While not all types of land uses will be permitted as-of-right, it is identified that this particular Zone will accommodate for a wider diversity of uses than is found anywhere else within the Princes Inlet Plan Area. As with past Planning Strategies, Council will continue to control the scale of uses permitted, and consider those uses that exceed the size thresholds established in the By-law by way of a Development Agreement application.

Some uses have the potential to negatively impact on the community, regardless of size. Council will require that these types of uses, identified as Restricted Developments, be considered only by way of a Development Agreement application. The intention of Council is to ensure that such proposals are considered through a Public Hearing process, so that the community can be made aware of proposed land uses where there is a greater potential to impact on the character of the community.

- 3.1.5** Council shall establish a Rural Highway Corridor (R-H) Zone, within the Rural Designation, identified on Schedule “A”, Zoning Map of the Land Use By-law. It is Council’s policy to permit a wide variety of identified land uses within the Rural Highway Corridor (R-H) Zone considered compatible with the existing low-density development pattern. It is Council’s policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks, and abutting zone requirements, so as to minimize potential conflicts between the different permitted land uses.
- 3.1.6** Council shall permit residential uses, to a maximum of eight dwelling units, in the Rural Highway Corridor (R-H) Zone, subject to identified zone requirements in the Land Use By-law.
- 3.1.6(a)** Council must permit the operation and implementation of Small Options Homes within the Rural Highway Corridor (R-H) Zone” under Princes Inlet Rural Land Use Designation.”
- 3.1.7** Except where uses are identified as Prohibited Uses under Policy 3.1.2, or identified as Restricted Developments under Policy 3.1.8, Council shall permit commercial, industrial and institutional uses in the Rural Highway Corridor (R-H) Zone, subject to identified zone requirements in the Land Use By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.
- 3.1.8** Specific uses, considered to have the potential for creating unacceptable land use conflicts, shall be permitted in the Rural Highway Corridor (R-H) Zone only by Development Agreement, regardless of size or scale of the proposed operation. These uses shall be listed as Restricted Developments in the Land Use By-law. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

Rural Coastal (R-CO) Zone

As Highway 3 greatly impacts on the potential development of properties located adjacent to it, so too does the coastline affect those parts of the Princes Inlet Plan Area situated in proximity to the water's edge. Over the past twenty-five years, local development has come to resemble much of what has occurred elsewhere on rural Nova Scotia's sea coast - that is, new residential developments generally unconnected with the use of adjacent lands for resource harvesting, and largely unassociated with any sizeable new commercial or industrial developments (i.e. centres of local employment) being developed in the immediate vicinity, or in the surrounding neighborhood.

Since zoning regulations were introduced in 1996, commercial development in this particular part of the Plan Area has been near to non-existent, despite there being a policy framework where such uses would be permitted. The secondary and tertiary nature of the road network serving this part of the Plan Area provides different expectations in terms of traffic volumes and road standards. There are a scattering of tourist accommodation -related uses, the Lunenburg Yacht Club, and a commercial property that has been used for boatworks -related purposes since before the initial By-law's introduction.

While it is not the objective of Council to discourage the potential commercial use of lands in this particular part of the Princes Inlet Plan Area, Council would recognize where the preponderance of new residential development has, in turn, largely created a rural residential environment. Not all types of commercial or industrial land uses may be well-suited with the development activities that have occurred in the last three decades. Council's intent, therefore, is to encourage this area's potential, and its continued development, by establishing a Zone that permits for residential uses, and permits for only those identified types of commercial and industrial uses that are listed in the By-law.

- 3.1.9** Council shall establish a Rural Coastal (R-CO) Zone, within the Rural Designation, identified on Schedule “A”, Zoning Map of the Land Use By-law. It is Council’s policy to permit only those identified land uses within the Rural Coastal (R-CO) Zone considered compatible with the existing development pattern. It is Council’s policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks, and abutting zone requirements, so as to minimize potential conflicts between the different permitted land uses.
- 3.1.10** Council shall permit residential uses, to a maximum of four dwelling units, in the Rural Coastal (R-CO) Zone, subject to identified zone requirements in the Land Use By-law.
- 3.1.10(a)** Council must permit the operation and implementation of Small Options Homes within the Rural Coastal (R-CO) Zone under Princes Inlet Rural Land Use Designation.
- 3.1.11** Council shall permit commercial, industrial and institutional uses, in the Rural Coastal (R-CO) Zone, subject to identified zone requirements in the Land Use By-law. Any identified uses of this nature which are permitted in the Rural Coastal (R-CO) Zone, shall be listed in the By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.
- 3.1.12** Specific uses listed as Restricted Developments in the Land Use By-law shall not be permitted to develop in the Rural Coastal (R-CO) Zone.

3.2 RESIDENTIAL LAND USE DESIGNATION

The majority of the Plan Area is designated Rural, with a small portion of the community of Maders Cove designated as Residential.

- 3.2.1** Council shall establish a Residential (RES) Designation, as shown on Map 1, Future Land Use Map.

Two-Unit Residential (TR) Zone

While residential development is the most prominent active land use in the Princes Inlet Plan Area, it is only within one particular neighbourhood that there has been an expressed desire for more land use control than what the existing rural zoning related regulations provides. These increased controls aim to preserve the established residential character and the particular quality of their living environment.

In comparison with the predominant zoning identified throughout the majority of the Plan Area, the intent in Council's application of a Residential Zoning designation is to outline clearly to all future development proponents where particular neighbourhoods are restrictive to residential uses only.

- 3.2.2** Council shall establish a Two-unit Residential (TR) Zone, within the Residential Designation, identified on Schedule "A", Zoning Map of the Land Use By-law. It is Council's policy to permit in the Two-unit Residential (TR) Zone, residential uses to a maximum of 2 units per lot. Small scale business developments that are considered to be compatible with residential uses within dwellings and residential accessory buildings shall also be permitted. The size and scale of these uses shall be limited to zone standards and identified requirements specified in the By-law.
- 3.2.2(a)** Council must permit the operation and implementation of Small Options Homes within the Two-Unit Residential (TR) Zone under Princes Inlet Residential Land Use Designation."

3.3 ENVIRONMENTAL LAND USE DESIGNATION

Council wishes to protect certain lands within the Princes Inlet Plan Area, in recognition of their unique environmental sensitivity. In particular, Council recognizes the lands adjacent to Westhaver Pond, near to Westhaver Beach, are considered as important environmental assets to the local community, and that these lands merit protection through local land use controls.

- 3.3.1** Council shall establish an Environmental Protection (ENV) Designation, as shown on Map 1, Future Land Use Map.

Council recognizes that there is a general lack of municipal mandate to protect the environment from harmful individual activities, and acknowledges that this responsibility rests with applicable senior level government departments. However, municipalities are enabled in various ways, including zoning, to help protect specific environmentally sensitive areas within their jurisdiction.

As found in previous Strategies for the Plan Area, and initially resulting from a request of the adjacent residents, Council will place the identified provincial wetland which is located around Westhaver Pond in a restrictive Zone, which will not permit for any structures, including raised boardwalks, to be built within its boundaries.

3.3.2 Council shall establish an Environmentally Sensitive (ES) Zone, within the Environmental Protection Designation, identified on Schedule “A”, Zoning Map of the Land Use By-law. The Environmentally Sensitive (ES) Zone shall be considered a “no build” zone, in which no structures shall be permitted. For further clarity: it shall be the policy of Council to prohibit development within the Environmentally Sensitive (ES) Zone.

3.3.3 Council shall rezone the Environmentally Sensitive (ES) Zone in the Land Use By-law to an adjacent zone where study of a wetland, by a qualified person recognized by the provincial department responsible for provincial wetland identification, has identified to the Department’s satisfaction that land within the Environmentally Sensitive (ES) Zone is not wetland.

3.4 INSTITUTIONAL LAND USE DESIGNATION

There are no large-scale institutional uses identified in the Princes Inlet Plan Area. In this Planning Strategy, it is noted that Policy 3.1.7 allows for institutional uses, subject to an identified size threshold in the By-law, to be developed in the Rural-Highway Corridor Zone. Policy 3.1.11 also allows for the development of certain institutional uses, subject to an identified size threshold, to be developed in the Rural-Coastal Zone. Any proposed institutional uses that are larger than the identified thresholds shall only be considered within these Zones by Council by way of Development Agreement.

Council recognizes that many municipal developments are institutional in nature. As a Municipality cannot enter into a Development Agreement with itself, Council shall provide policy so as to enable for the rezoning of lands to the Institutional (I) Zone, where the Municipality is itself proposing an institutional development. This zone will be a floating zone, as no land identified on Schedule “A”, Zoning Map of the Land Use By-law, is zoned Institutional (I) at the time that the Planning Strategy and Land Use By-law becomes effective.

3.4.1 Notwithstanding Policy 3.1.7 and Policy 3.1.11, the Land Use By-law shall provide for the establishment of an Institutional Zone within the Rural Designation, as shown on Map 1, Future Land Use Map. The Institutional (I) Zone shall provide for a range of institutional uses that will accommodate developments undertaken by the Municipality of the District of Lunenburg. Council may re-zone identified lands within the Rural Designation to Institutional, provided that the development proposal satisfies the following conditions:

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

3.5 GENERAL PROVISIONS - IDENTIFIED USES

Certain proposed developments shall be subject to special regulatory requirements established in the Land Use By-law, in addition to any specified zone standards.

Wind Turbines

Council recognizes where there is ongoing change in technology, societal demands, and public policy affecting renewable energy generation. Such changes are likely to continue over the next ten years. Communities - particularly in rural Nova Scotia - will be potentially impacted by proposed developments. Council considers that wind turbines may be considered in the Rural-Highway Corridor (R-H) Zone and in the Rural-Coastal (R-CO) Zone, provided these proposed uses comply with requirements set out in the Planning Strategy and Land Use By-law. Council recognizes that additional provisions can mitigate potential conflicts that can occur within a community where such proposed developments are introduced. In particular, Council considers that as-of-right wind turbine developments are to be restricted in the Princes Inlet Plan Area to smaller-scale applications, of a specific generation capacity.

3.5.1 Council shall provide for the location and use of small scaled wind turbines in the Rural-Highway Corridor (R-H) Zone and in the Rural-Coastal (R-CO) Zone, whose annual energy generation capacity shall be established in the Land Use By-law, provided such proposed developments also comply with identified setback, safety, screening and noise emissions requirements. Given the potential conflict with adjacent land uses, Council shall consider the development of any proposed turbines that are of a larger generation capacity only by Development Agreement, where Council shall be satisfied that the proposal meets the following conditions:

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

Farm Animals Requirements

Odour resulting from the keeping of livestock, fur bearing animals, fowl, or other animals can be a nuisance, especially when these animals are kept in close proximity to neighbouring residences. To reduce the possible impact of odour resulting from the keeping of farm animals, Council will require structures affiliated with these uses to be setback from adjacent land uses. Requirements shall also apply to any associated manure storage sites or facilities. Council also recognizes that those specific neighbourhoods that have been identified with a Residential Designation are not considered as areas suitable for the keeping of livestock.

3.5.2 Council shall establish yard requirements within the Land Use By-law for the keeping of farm animals, and any associated manure storage sites or facilities, in those parts of the Princes Inlet Plan Area identified with a Rural Designation. Keeping of livestock shall not be permitted in those parts of the Plan Area identified with a Residential Designation. Yard requirements shall minimize the impact of livestock, fur bearing animals, fowl, and other animals.

Fixed Roof Accommodations

- 3.5.3** Council shall establish threshold requirements within the Land Use By-law for fixed roof accommodation uses, and their associated facilities for food preparation and serving. Any existing uses of this nature that are listed in Schedule “C”, List of Existing Permitted Uses, of the Land Use By-law, shall be permitted to expand to an identified threshold, also established in the Land Use By-law.

Outdoor Wood Furnaces

- 3.5.4** Council shall regulate the placement, location or alteration of outdoor wood furnaces on a lot within the Plan Area to minimize nuisances and conflicts with surrounding land uses.

4 GENERAL ENVIRONMENTAL PROTECTION

Section 214 of the Municipal Government Act permits municipalities to develop policy concerned with prescribing methods for controlling activities, in particular activities associated with erosion and sedimentation, during the construction of a development. In particular, Council would identify policies consistent with its objectives in looking to protect local water quality within the Plan Area.

4.1 EROSION CONTROL

Council will require development control standards to minimize erosion and sedimentation in identified areas of steep slope in the Plan Area. Standards will include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils. Council's objective is to minimize the impact of development on the environment.

- 4.1.1** All development permitted in identified areas with excessive slopes, as shown on Schedule "B", Development Constraints Map of the Land-Use By-law, shall be subject to erosion control standards, as specified in the By-law, regardless of the zone in which the development is proposed to be located. Requirements to prevent or minimize erosion and sedimentation shall include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils.
- 4.1.2** Wherever this Secondary Planning Strategy provides for developments by way of Development Agreement, that are also proposed to be within identified areas of excessive slopes, as shown on Schedule "B", Development Constraints Map of the Land-Use By-law, the related Development Agreement shall contain provisions respecting erosion and sedimentation, so as to minimize the impact on the natural environment.

4.2 WATERCOURSES

Council recognizes that development near or adjacent to significant watercourses has the potential to impact water quality through surface runoff, or the damaging of the natural vegetation immediately adjacent to the watercourse. Retaining a portion of the vegetation along identified watercourses achieves several functions, in addition to controlling the impacts of erosion and sedimentation.

Vegetated buffer areas are aesthetically pleasing, can help moderate air and water temperatures, filter noise and air pollution, reduce runoff of excess nutrients and other foreign materials, and provide wildlife habitat corridors near to water resources. For these reasons, the Land Use By-law will contain provisions to ensure that new development will be set back from significant watercourses.

- 4.2.1** Council shall protect identified water resources within the Plan Area, by restricting development activities near to significant watercourses and waterbodies, as shown on Schedule “B”, Development Constraints Map of the Land-Use By-law. Proposed developments shall be set back from the ordinary high water mark in order to minimize the impacts of development on fish, wildlife, aquatic ecosystems, and to preserve the natural aesthetic characteristics of waterbodies and the immediate shoreline.
- 4.2.2** To reduce soil erosion, minimize sedimentation of watercourses, and to provide a corridor of wildlife habitat along watercourses, the infilling, excavation, or removal of natural vegetation, where in relation to a development, shall be controlled in areas in close proximity of the ordinary high water mark of a significant watercourse as shown on Schedule “B”, Development Constraints Map of the Land-Use By-law.

4.3 WETLANDS

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

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

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

4.4 LAND USE ON COASTAL PROPERTIES

The potential impacts of coastal flooding and erosion events can result in significant costs for property owners, as well as impact on the potential costs associated with public safety and emergency response. Section 220 of the Municipal Government Act provides for a Land Use By-law to be able to regulate the location of structures on a lot.

In previous Planning Strategies, Council adopted policy statements that provided for setbacks from significant watercourses, as a means to address potential erosion and sedimentation concerns. In the review of this Planning Strategy, Council recognizes that it can also mitigate - although not eliminate completely - potential concerns regarding future coastal hazards, by adopting a policy that identifies a vertical setback requirement, to couple with the existing horizontal setback requirements.

The Municipality is aware of climate change adaptation research and analytical work undertaken on behalf of the Province through the Atlantic Climate Adaptation Solutions initiative, and in particular the development of **Scenarios and Guidance for Adaptation to Climate Change and Sea Level Rise for Nova Scotia Municipalities (2011)**. In review of the possible scenarios associated with coastal flooding, Council is, at this time, prepared to restrict new development from parts of the coastline where the estimated risk is perceived to be more pronounced in 2055.

It is important to note that this identified limitation does not eliminate risk to developments which may be situated at higher vertical elevations from flooding, erosion, or storm surge events. Council will therefore be prepared to consider amending any existing requirements at such time as information becomes known, or to conform with Provincial guidelines as they may be developed.

- 4.4.1** It is the intention of Council to reduce potential impacts associated with coastal hazards, by restricting the location of development activities near the coastline, within an area shown on Schedule "B", Development Constraints Map of the Land-Use By-law. Proposed developments shall be set back from the coast at a distance identified in the By-law.

4.5 ENVIRONMENTAL OVERSIGHT - AMENDMENTS

Where particular types of developments are permitted by Development Agreement, or where amendments to the Land Use By-law and Planning Strategy are proposed by application, the determination of environmental protection -related measures will be a consideration in the granting of amendments and Development Agreements.

- 4.5.1** Where Council determines on the advice of a qualified person that there is a significant risk of environmental damage from any development which may be permitted by Development Agreement, amendment, or rezoning, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No amendment or Development Agreement shall be approved until Council is satisfied that the proposed development will not cause or result in environmental damage.

As with other local planning documents in the Municipality, this Secondary Planning Strategy references infrastructure services that Council considers has a direct effect on the development of local land uses, and where the inclusion of statements has potential relevance, by being explicitly included. This would include policy statements concerning water, wastewater treatment, and transportation infrastructure.

This Secondary Planning Strategy does not include statements concerned with the provision of policing, fire protection, health, education, waste management, or programs concerned with recreation, economic development, or social assistance. It is evident that such matters have profound consequences on a community's ongoing development. However, the formation of public policy on such issues may be recognized as being removed from the context of a local planning strategy. Such matters are guided by existing legislation and strategic documents developed, directed, and resourced through well-established bureaucracies, nearly all of whom operate exclusive of direction that may be identified or espoused in local land use planning.

Water Supply and Wastewater Treatment

Development in the Princes Inlet Plan Area is serviced by on-site infrastructure. There are no recent municipal studies or documents that would propose to change current practices, and/or to see to the provision of municipal-owned water or wastewater infrastructure services in the Plan Area. The policy framework that Council has adopted in this particular Planning Strategy has repeatedly referenced the rural nature of communities found in this particular Plan Area, and the respective types of rural land uses that it provides for.

On-site sewage treatment is provided through the use of private septic systems or drainage fields, and water is provided to property owners through the use of drilled and/or dug wells. The placement and use of these on-site services can impact on the natural environment. Development standards are necessary to reduce any damaging impacts consequential to neighbouring property owners.

Generally stated: there are no standard lot sizes that can be established for on-site sewage disposal. Several factors influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. In Nova Scotia, the Department of Environment provides the legislative oversight for the installation of adequate on-site services. Any lot area requirements that are identified in the Land Use By-law shall therefore recognize that any proposed development remains subject to the Province's on-site sewage disposal regulations.

- 5.1** It is the intention of Council to support the efforts of the Nova Scotia Department of Environment in providing environmental services, such as controls for on-site sewage disposal.

Transportation

Communities in the Plan Area are currently serviced by long-established provincial roadways, or else by a series of more newly-developed private roads that are individually connected with the provincial road network. The current infrastructure is oriented towards allowing automobiles to travel along the major highway corridor, and a few secondary roads, at speed. Identified shoulders along these roads, for potential use by pedestrians, is limited to non-existent.

Conditions of the identified 21 local private roads (to include width, surfacing, and ditches), and the degree of settlement that these private roads can serve, varies widely. Local private roads may be best considered as “subdivision” roads. That is: none provide for connectivity between the main provincial corridors, or act as connections between themselves. Both the design and infrastructure conditions of existing private roadways in the Plan Area are unlikely to change in the near-term.

Provincial trunk Highway #3 is the principal conduit between the Town of Mahone Bay and the Town of Lunenburg. It serves as the arterial spine for traffic entering and exiting the Plan Area. Maders Cove Road, Hermans Island Road, and Princes Inlet Drive act as secondary roads, and provide access for most residents onto Highway #3.

In regards to annual average automobile traffic volumes in the Plan Area: the NS Department of Transportation and Infrastructure Renewal conducted traffic counts at particular sites in the last decade, including along Highway #3. There are no future plans for improvements, based on capacity or service volume issues, pertaining to these roads. It is noted that the Department, per the Public Highways Act, administers regulations and permits concerned with any alterations or new developments that would impact, or seeking new access points onto, provincial roads. Council therefore would identify the input of the Department as one of the considerations within any Development Agreement or amendment process taking place in the Plan Area.

As there are no municipal roads identified in the Plan Area, the Municipality has no established transportation reserves specific to roadway construction in this particular area.

- 5.2** Council's intention is to communicate regularly with the Province, to ensure the continued functionality of the existing road network in the Princes Inlet Plan Area, including the identification of any volume, maintenance, or traffic safety issues, which may impact on local land use and future development.

The following policies shall apply, except where there are relevant conditions, specifically stated under applicable Zoning Designations, identified in Part 3 of this Planning Strategy.

Council considers where municipalities are provided with the authority to regulate such matters under the Municipal Government Act, development controls over lot frontage and lot area, signage, storage, parking, and restrictions regarding nonconforming uses and structures, are to be included in the Land Use By-law. These policies are to reflect the concerns of the general community, in terms of how development and land use impact on matters pertaining to public safety, aesthetics, and existing community design.

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

Lot Frontage and Lot Area

- 6.1** Minimum lot area, minimum lot frontage, and minimum yard requirements shall be established in the Land Use By-law, where Council considers that such requirements, as identified, provides for the adequate separation of uses, as a means to minimize potential land use conflicts. These requirements also allow for adequate fire separation between structures, the maintenance of buildings and land, the provision of private outdoor space, and solar exposure. Requirements also help minimize the potential of on-site water supply or on-site sewage disposal system problems affecting adjacent properties.
- 6.2** Notwithstanding Policy 6.1, a lot may be used for any purpose permitted in the Zone in which the lot is located, provided all applicable Land Use By-law requirements are met, excepting those specified requirements set out in the Land Use By-law for lot area and lot frontage, provided the lot was either:
- 6.2.1** created prior to the effective date of the Land Use By-law;
 - 6.2.2** created by an instrument to which the Municipal Government Act does not apply; or
 - 6.2.3** created in accordance with a Subdivision Plan approved in accordance with the Municipal Government Act.
- 6.3** Notwithstanding Policy 6.1, a lot created for a designed road, or for a public highway, is exempted from requirements identified in the Land Use By-law, but is required to meet specific design standards outlined in the Municipality's Subdivision By-law.

Signage

- 6.4** Council shall control the impact of signs on the landscape, streetscape and skyline of the Plan Area. It is Council's policy to regulate or prohibit signs in all zones in the Land Use By-law to ensure that signs will not create hazards or nuisance with respect to the following:
- 6.4.1** sign area;
 - 6.4.2** height of sign;
 - 6.4.3** illumination and animation
 - 6.4.4** location of sign on lot.

Parking

- 6.5** Council shall require and regulate zone-specific off-street parking standards and loading facilities in the Land Use By-law. Where uses are permitted by Development Agreement, the agreement shall make provision for adequate parking to serve the development proposal.

Landscaping

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

Storage

- 6.7** The development of private storage buildings are permitted within the Rural and Residential Zones of the Plan Area, subject to the requirements of the Zone they are located in.

Nonconforming Structures and Uses

Section 242 of the Municipal Government Act enables Council, through a Planning Strategy and Land Use By-law, to provide for a relaxation of the restrictions respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure. The following policies identify Council's intentions in regards to where provisions in the By-law will impact such structures and uses:

- 6.8** Council shall incorporate provisions within the Land Use By-law enabling the extension, expansion, alteration or reconstruction of non-conforming structures, subject to satisfying the requirements of the zone in which they are located.
- 6.9** In recognition of the need to not impose unreasonable restrictions on non-conforming uses and at the same time the need to protect, preserve and enhance the rural character of the Princes Inlet Plan Area, it shall be the policy of Council to permit only by way of Development Agreement within the Rural and Residential Zones:
 - 6.9.1** the extension of a non-conforming use of land;
 - 6.9.2** the extension, enlargement and alteration of structures containing non-conforming uses and the expansion of the non-conforming use within the extension, enlargement or alteration; and
 - 6.9.3** the reconstruction of structures containing non-conforming uses, after destruction.

Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the applicable criteria in Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

- 6.10** It shall be the policy of Council to permit a non-conforming use of land or a non-conforming use in a structure to recommence after it has been discontinued for a continuous period in excess of six months, provided the non-conforming use of land or the non-conforming use of a structure has not been discontinued for a period in excess of 12 continuous months.

Subdivision Requirements

- 6.11** It shall be the Policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Plan Area, and any lot that has been created through subdivision approval may be used for a development that is permitted in the zone where the lot is located, subject to applicable requirements of the Land-Use By-law.
- 6.12** Notwithstanding Policy 6.9, it shall be the policy of Council that, where the Subdivision By-law provides for the subdivision of a lot on an island with no public highway, the minimum lot frontage requirement that would otherwise apply shall apply to the lot frontage on a watercourse, as specified in the Land Use By-law.

7 IMPLEMENTATION

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

7.1 GENERAL ADMINISTRATION

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

- 7.1.1** This Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes as may be applicable.
- 7.1.2** The Land Use By-law shall be the principal means for implementing the Planning Strategy, pursuant to the Municipal Government Act.
- 7.1.3** The Development Officer for the area covered by this Secondary Planning Strategy and Land Use By-law, appointed under the authority of the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.
- 7.1.4** Any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. It is Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.
- 7.1.5** Where this Planning Strategy and accompanying Land-Use By-law permits developments up to an identified threshold that is based on floor area, site area, number of guest rooms, or on the amount of goods or materials that are processed and/or produced annually, this threshold shall not be exceeded on any lot as it existed on the effective date of this Planning Strategy, regardless of the effect of any subsequent subdivision approval, except as may be permitted by Development Agreement where provided for in this Strategy and By-law.
- 7.1.6** Temporary uses associated with a construction site, a special occasion, or a holiday shall be permitted for a time period to be regulated in the Land Use By-law, with no requirement for a development permit.
- 7.1.7** This Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Municipal Affairs or by Council, but not later than ten years from the date of its coming into force and effect.

7.2 AMENDMENTS AND PROCEDURES

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

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

- 7.2.1** Amendments to this Planning Strategy will be required where any policy is to be changed, or where any amendment to the Land-Use By-law would contravene Map 1, Future Land-Use Map.
- 7.2.2** Council shall provide for the rezoning of lands subject to the following conditions:
- a) where lands are designated as Environmentally Sensitive Zone on Schedule "A", Zoning Map of the Land Use By-law, such lands may be rezoned to Rural Coastal (R-CO) Zone, provided all conditions identified in Policy 3.3.3 have been satisfied.
 - b) where lands are designated as Rural Highway Corridor (R-H) Zone or as Rural Coastal (R-CO) Zone on Schedule "A", Zoning Map of the Land Use By-law, such lands may be rezoned to Institutional (I) Zone, provided all conditions identified in Policy 3.4.1 and Policy 7.2.6 are satisfied.
 - c) where lands are designated as Rural Highway Corridor (R-H) Zone or as Rural Coastal (R-CO) Zone on Schedule "A", Zoning Map of the Land Use By-law, such lands may be rezoned to the other type of Rural Zone; provided all conditions of Policy are satisfied.
 - d) all proposals for rezoning shall meet the requirements of the Land Use By-law for the zone that is being sought.
- 7.2.3** Where any development shall require amendment of the Land Use By-law, Council shall adopt no amendment unless the application is for a specific development proposal. In assessing any amendment application for a rezoning, Council shall consider the planning implications of the proposed use, as well as other uses that are permitted in the requested zone.
- 7.2.4** A Development Agreement, approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.
- 7.2.5** It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, the applicant has, in Council's consideration, clearly shown that the development can be serviced with on-site sewer and water, and that the disposal of sewage or other effluent, as well as the demand on the water source, will not have a negative impact on the environment, or the quality and quantity of the water resources.

- 7.2.6** It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, in addition to all other criteria as set out in the various policies of this Secondary Planning Strategy, Council shall be satisfied that:
- a) the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy; and where in considering a Development Agreement, with specific requirements as identified in applicable sections previously found in this Planning Strategy:
 - i. **Policy 3.1.3** (proposed forestry, agricultural, and land-based aquaculture uses exceeding identified threshold levels in both Rural Zones)
 - ii. **Policy 3.1.7** (proposed commercial, industrial, and institutional uses exceeding identified threshold levels in the Rural Highway Corridor (R-H) Zone)
 - iii. **Policy 3.1.8** (proposed Restricted Development uses in the Rural Highway Corridor (R-H) Zone)
 - iv. **Policy 3.1.11** (proposed commercial, industrial, and institutional uses exceeding identified threshold levels in the Rural Coastal (R-CO) Zone)
 - v. **Policy 3.5.1** (proposed wind turbine uses in both Rural Zones, which have a generation capacity that exceeds the By-law's identified generation capacity threshold)
 - vi. **Policy 6.9** (proposed developments that would result in the extension, enlargement, alteration, expansion or reconstruction of nonconforming uses or structures containing nonconforming uses)
 - b) the development conforms with the specific policies concerned with environmental protection identified in Part 4 of this Planning Strategy;
 - c) the development conforms with the regulatory policies identified in Part 6 of this Planning Strategy, so that Council has been satisfied that any impacts pertaining to the following components have all been sufficiently addressed, and are in compliance with regulations identified in the Land Use By-law, or, where Council considers it necessary, with specific items identified in the Development Agreement, to include:
 - i. signage;
 - ii. outdoor display and storage;
 - iii. screening measures;
 - iv. parking;
 - v. landscaping;
 - vi. lighting measures
 - d) the development shall not, in Council's consideration, generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties, or for residents in the immediate vicinity.

- e) the proposed development is not premature or inappropriate due to:
 - i. the financial ability of the Municipality to absorb costs related to the development;
 - ii. the adequacy of Municipal services;
 - iii. the adequacy of physical site conditions for on-site services;
 - iv. the creation or worsening of a pollution problem, including soil erosion and siltation;
 - v. the adequacy of storm drainage and effects of alteration to drainage patterns including potential for creation of a flooding problem;
 - vi. the adequacy of local emergency services;
 - vii. the adequacy of street networks and site access regarding traffic volume and congestion, traffic hazards and emergency access.
- f) the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards that could present a health risk, as determined by a qualified person.
- g) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
- h) parking areas, loading areas and driveways shall be hard surfaced or otherwise surfaced with stable materials, to prevent dust from blowing into adjacent properties;
- i) where any development includes facilities such as dance halls or entertainment facilities that have amplified or other loud music or sound, the building shall be located on the property and designed such that activities within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses;
- j) all other matters of planning concern have been addressed.

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

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

Amended September 16, 2020

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

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

- a) number of parking spaces and loading spaces required;
- b) floor area occupied by a home-based business / home occupation;
- c) lot frontage;
- d) size or other requirements related to yards

provided that a variance is not granted where the:

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

8 LIST OF ATTACHMENTS

Map 1 Future Land Use Map (attached)

9 REPEAL

The Secondary Planning Strategy for the Princes Inlet Plan Area, adopted by Municipal Council on September 13, 2005 is hereby repealed and this Secondary Planning Strategy substituted therefor.

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Secondary Planning Strategy for the Princes Inlet Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on **January 12th, 2016**.

DATED at Bridgewater Nova Scotia, _____

Sherry Conrad, Municipal Clerk

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Land Use By-law for Princes Inlet & Area

First Reading by Council: **November 10th, 2015**
Second Reading by Council: **January 12th, 2016**

EFFECTIVE DATE: **February 17th, 2016**
LAST AMENDMENT: **March 8, 2023**

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1 TITLE AND PURPOSE.

1.1. TITLE

This By-law shall be known and may be cited as the "Princes Inlet Land-Use By-law", of the Municipality of the District of Lunenburg.

1.2. PURPOSE

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

1.3. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

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

2 ADMINISTRATION.

2.1. DEVELOPMENT OFFICER

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

2.2. ACTING DEVELOPMENT OFFICER

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

2.3. EFFECTIVE DATE

This By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Secondary Planning Strategy and its implementing Land-Use By-law are in effect, pursuant to the Municipal Government Act.

2.4. VIOLATIONS

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

2.5. RIGHT OF ENTRY

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

2.6. FEES

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

2.7. REQUIREMENT FOR DEVELOPMENT PERMIT

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

2.8. NO PERMIT REQUIRED

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

2.9. REQUIREMENT FOR APPLICATION: DEVELOPMENT PERMIT

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

2.10. CONTENTS OF APPLICATION: DEVELOPMENT PERMIT

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

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

2.11. SURVEY OF LANDS

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

2.12. SIGNATURES

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

2.13. ISSUANCE OF DEVELOPMENT PERMIT

The Development Officer shall not issue a Development Permit unless:

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

2.14. DEVIATIONS

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

2.15. REVOCATION OF DEVELOPMENT PERMIT

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

2.16. LAPSE OF PERMITS

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

2.17. DECISION IN WRITING

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

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

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

2.19. COST OF NOTICE FOR VARIANCES

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

2.20. SERVICE OF NOTICE OF AMENDMENT OR DEVELOPMENT AGREEMENT

Pursuant to the Municipal Government Act, where Council has given notice of its intention to adopt an amendment to Schedule "A", Zoning Map of this Land Use 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 shall serve notice of the proposed amendment, Development Agreement or amendment thereto, upon affected property owners whose property lies within 305 m (1000 feet) of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. Such notice shall:

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

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

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

3.1. ZONES

For the purpose of this Land Use By-law, the Princes Inlet Plan Area is divided into the following zones, the boundaries of which are shown on the attached Schedule "A", Zoning Map, which forms part of this By-law. Such zones are also referred to by symbols as follows:

R-H	Rural - Highway Corridor
R-CO	Rural - Coastal
TR	Two-Unit Residential
ES	Environmentally Sensitive

3.2. INTERPRETATION OF ZONE BOUNDARIES

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

- 3.2.1 where a zone boundary is shown as following a street, the boundary shall be the centre line of such street as shown;
- 3.2.2 where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;
- 3.2.3 where a street, a railroad or a railway right-of-way or watercourse is shown on Schedule "A", it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
- 3.2.4 where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse (other than a lake) is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long axis thereof shall be considered the boundary between zones unless specifically indicated otherwise;
- 3.2.5 where a zone boundary is indicated as following the shoreline of a lake, ocean or harbour, the boundary shall follow the actual Ordinary High Water Line, including wharves and piers; but where the zone boundary is indicated as extending seaward of the Ordinary High Water Line, the zone boundary shall follow the actual Ordinary High Water Line included between the extensions indicated on the Zoning Map.
- 3.2.6 where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule "A".

3.3. ZONES NOT ON ZONING MAP

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

3.4. INTERPRETATION OF CERTAIN WORDS

In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 11 - DEFINITIONS of this By-law.

3.5. STANDARDS OF MEASUREMENT

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

4 GENERAL PROVISIONS

4.1. APPLICATION

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

4.2. SCOPE

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

4.3. STRUCTURE TO BE MOVED

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

4.4. RESTORATION TO A SAFE CONDITION

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

4.5. PERMITTED USES OR PROHIBITED USES

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

4.6. MULTIPLE LAND USES ON ONE LOT

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

4.7. TEMPORARY USE: SPECIAL OCCASIONS

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

4.8. TEMPORARY USE: CONSTRUCTION ACCESSORIES

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

4.9. MISCELLANEOUS MINOR ACCESSORY STRUCTURES

No Development Permit shall be required in Rural or Residential Zones, for miscellaneous minor accessory structures such as, but not to limit the generality of the foregoing: open fences, opaque fences less than 2m (6.5ft) in height, retaining walls, children's play structures, cold frames, garden trellises, clothesline poles, pet houses, monuments, interpretive displays and accessory buildings of less than 20 square metres (215 square feet) in floor area.

4.10. NON-CONFORMING STRUCTURES

A structure that existed prior to the effective date of this By-law, which is located on a lot such that the minimum yard setbacks, frontage and area requirements required by this By-law are not satisfied, is deemed to be a non-conforming structure. Pursuant to Secondary Planning Strategy Policy 6.8, within any Zone, non-conforming structures may be extended, expanded, altered, or reconstructed, provided that the structure shall not further reduce the minimum yard setbacks required in that Zone, and all other requirements of the Land Use By-law are satisfied, except by the operation of Section 4.21.

4.11. NON-CONFORMING USE OF LAND OR IN A STRUCTURE

4.11.1 Development affecting Non-conforming Use of land or in a structure

A use of land or a use in a structure, or both, that existed prior to the effective date of this By-law, and is not permitted in the Zone in which the use is located, is deemed to be a non-conforming use of land or a non-conforming use in a structure, or both. In accordance with Secondary Planning Strategy Policy 6.9, the following developments, affecting non-conforming use of land or non-conforming use in a structure, are permitted only by Development Agreement within Rural and Residential Zones:

- a) the extension of a non-conforming use of land;
- b) the extension, enlargement, or alteration of a structure containing a non-conforming use, and the expansion of the non-conforming use within the identified extension, enlargement or alteration;
- c) the reconstruction of structures containing non-conforming uses, after destruction.

4.11.2 Discontinuation of Non-conforming Uses

Subject to subsection 4.11.1, and pursuant to Secondary Planning Strategy Policy 6.10, a non-conforming use of land or a non-conforming use in a structure that has been discontinued for a period less than 12 continuous months may recommence operation.

4.12. LOTS CREATED BY A PLAN OF SUBDIVISION LACKING MINIMUM AREA OR FRONTAGE

4.12.1 Creation of a Lot

Notwithstanding minimum lot frontage and lot area requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy Policy 6.2 and Policy 6.11, all sections of the Municipality's Subdivision By-law shall apply within all zones of this By-law, and a lot which does not satisfy the Land Use By-law's minimum requirements for area, frontage, or both, and satisfies one or more of the following requirements:

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

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

4.12.2 Islands

Notwithstanding subsection 4.12.1, and pursuant to Secondary Planning Strategy Policy 6.12, a lot located on an island that does not contain a public highway, shall have:

- a) a minimum water frontage, measured as a straight line between the two points where the side lot lines meet a watercourse, equivalent to the frontage requirements of the zone in which the lot is created;
- b) a minimum lot area, equivalent to the area requirements of the zone in which the lot is created.

4.12.3 Lots created as Designed Road / Public Highway

Notwithstanding the minimum requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy Policy 6.3, a lot being created for a designed road or public highway is exempt from the lot frontage and lot area requirements of the zone in which the designed road or public highway is created.

4.13. ONE DWELLING PER MINIMUM SIZE LOT

Notwithstanding subsections s.5.3.2 and s.5.4.2 and s.6.3.2, more than one dwelling may be built on a lot where the lot has sufficient area and frontage to enable the lot to be subdivided into the same number of lots as there are proposed to be dwellings which meet all applicable zone requirements and where the dwellings are located on the lot in such a way that new lots may be created around them which meet any or all applicable area, yard, frontage, and public highway access requirements.

4.14. STEEP SLOPES

In accordance with Secondary Planning Strategy Policy 4.1.1, in all zones, and in relation to a development, any permitted development identified within an area in excess of 20 percent slopes, as identified on Schedule "B", Development Constraints Map, of this Land Use By-law, shall be subject to site preparation and landscaping requirements, to prevent or minimize erosion, as follows:

- 4.14.1 Driveways shall be covered with gravel or hard-surfaced within 14 days of the start of the construction or excavation of the driveway.
- 4.14.2 Back slopes of driveways shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within 3 days of the start of construction or excavation of the driveway, or otherwise covered with material which will prevent soil erosion until such time as the sodding or seeding is complete or the alternate forms of ground cover are in place. Sodding, seeding, or placement of alternate forms of ground cover suitable to prevent erosion shall be completed within 18 weeks of the start of construction or excavation of the driveway.
- 4.14.3 Excavated soil, waiting to be back filled, shall be covered, within 3 days of excavation, with material that will prevent soil erosion until such time as the soil is back filled or removed.
- 4.14.4 Areas of back filling around the foundation shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within 3 days after the back fill is in place, or otherwise covered with material which will prevent soil erosion until such time as the sodding or seeding is complete or the alternate forms of ground cover are in place. Sodding, seeding, or placement of alternate forms of ground cover suitable to prevent erosion shall be completed within 18 weeks of the start of construction or excavation of the foundation.
- 4.14.5 Excavated soil material shall be either removed from the lot, or graded and shall be either sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion, as appropriate and within 18 weeks of the start of excavation. Graded soil material shall be covered with material that will prevent soil erosion until such time as the sodding or seeding is complete or alternate forms of ground cover suitable to prevent erosion is in place. Materials awaiting removal shall be covered with material that will prevent soil erosion until such time as the soil is removed.

4.15. DEVELOPMENT NEAR A SIGNIFICANT WATERCOURSE / WATERBODY

4.15.1 Identified Setback

In accordance with Secondary Planning Strategy Policy 4.2.1, subject to identified exemptions found in subsections s.5.2.7 and s.6.2.6, in Rural and Residential Zones, development near a significant watercourse or waterbody shown on Schedule "B", Development Constraints Map, shall be horizontally setback a minimum of 20m (66ft) from the ordinary high water mark of the watercourse or waterbody.

4.15.2 Removal of Natural Vegetation, Filling or Excavation near a Watercourse/Waterbody

In accordance with Secondary Planning Strategy Policy 4.2.2, in all zones, and in relation to a permitted development, the infilling, excavation, or removal of natural vegetation, including trees, shrubs and ground vegetation, within 10 metres (33 feet) of the ordinary high water mark of a significant watercourse or waterbody as shown on Schedule "B", Development Constraints Map, shall be subject to the following erosion control standards:

- a) where works on the bank of a watercourse are to occur and the approval of the Department of Environment, Department of Fisheries and Aquaculture, or Department of Natural Resources is required, the Development Officer shall be provided with a copy of this approval; or
- b) where an approval is not required from the Nova Scotia Department of Environment, but siltation of a watercourse could result from exposing or placing uncovered soil:
 - i.) the fill or exposed soil shall be temporarily covered by a suitable material consisting of straw matting, or similar material composed of interlocking, non-leaching natural, and or synthetic fibres, within 48 hours of the placement of the fill or disturbance of the soil;
 - ii.) erosion control structures, such as but not limited to, silt fences and silt dams shall be placed within the pathway of runoff. The erosion control structures shall be designed, constructed and maintained in accordance with the "Erosion and Sedimentation Control Handbook for Construction Sites", Province of Nova Scotia, as amended from time to time;
 - iii.) permanent soil cover shall be placed, upon temporarily covered disturbed soil areas, within 18 weeks from the date the fill was placed or the soil disturbed; and
- c) other than as required by an approval referred to in subsection 4.15.2(a), erosion control structures and any accumulated silt shall be removed from the areas of work within 30 days of the placement of permanent ground cover, except where the removal of these structures would produce a negative impact.

4.16. DEVELOPMENT NEAR TO THE COAST

In accordance with Secondary Planning Strategy Policy 4.4.1, and in addition to related restrictions to development identified in section 4.15, subject to identified exemptions found in subsections s.5.2.7 and s.6.2.6, in Rural and Residential Zones, permitted development on properties near the Atlantic coast shall be setback at a distance identified on Schedule "B", Development Constraints Map, being a 2.5 metre vertical elevation, established from Canadian Geodetic Vertical Datum. (CGVD 28)

4.17. PROTECTION OF PROVINCIALLY IDENTIFIED WETLANDS

In accordance with Secondary Planning Strategy Policy 4.3.1, and in relation to a proposed development affecting a provincially-identified wetland, as shown on Schedule "B", Development Constraints Map:

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

4.18. HABITATION OF VEHICLES

- 4.18.1 No motorized or nonmotorized automobile, truck, bus, coach, streetcar, shipping container, recreational vehicle, camper, or other motor vehicle, or any part thereof, with or without wheels, shall be used for human habitation within the area regulated by this By-law.
- 4.18.2 Notwithstanding subsection 4.18.1, recreational vehicles or campers may be used for the temporary accommodation of private guests, with no requirement for a Development Permit, provided that such use does not occur for longer than a 4 month period within a calendar year.

4.19. PARKING AND LOADING

Unless where otherwise provided, parking and loading areas shall be provided in accordance with the applicable requirements of Part 9 of this By-law.

4.20. SIGNS

Unless where otherwise provided, signs shall be subject to the applicable requirements of Part 10 of this By-law.

4.21. VARIANCE FROM MINIMUM REQUIREMENTS

Pursuant to Secondary Planning Strategy Policy 7.2.10, and in accordance with the requirements of the Municipal Government Act, the Development Officer may grant a variance for one or more of the following Land-Use By-law requirements:

- 4.21.1 number of parking and loading spaces required;
- 4.21.2 floor area occupied by a home-based business / home occupation;
- 4.21.3 lot frontage; and
- 4.21.4 size of yards.

provided that a variance is not granted where the:

- 4.21.5 variance violates the intent of this Land-Use By-law;
- 4.21.6 difficulty experienced is general to properties in the area; or
- 4.21.7 difficulty experienced results from an intentional disregard for the requirements of this Land-Use By-law.

5 RURAL ZONES

5.1. APPLICATION

The provisions of this part shall apply to the Rural - Highway Corridor (R-H) Zone, the Rural - Coastal (R-CO) Zone, and other zones, where and as specified, in this By-law.

5.2. GENERAL REQUIREMENTS FOR ALL RURAL ZONES

5.2.1. Prohibited Uses

No development permit shall be issued for any of the following land uses, which are prohibited from developing in the Princes Inlet Plan Area:

- a) Animal by-product rendering plants;
- b) Asphalt concrete production for off-site sales and use;
- c) Biosolid spreading and storage, to include sludge processing;
- d) Correctional centres;
- e) Incineration for the reclamation of metals or other materials;
- f) Manufacturing of biochemistry products, chemicals, and/or paint;
- g) Petrochemical plants;
- h) Pulp and paper mills;
- i) Refining of hydrocarbons;
- j) Smelting and ore refining;
- k) Solid waste management facilities;
- l) Tire recycling facilities.
- m) Warehousing, manufacturing, and/or wholesaling of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances;

5.2.2 Parking

Parking and loading area requirements for proposed developments in Rural Zones shall be subject to applicable requirements identified in Part 9 of this By-law.

5.2.3 Signs

In relation to a development, Signs in Rural Zones shall be subject to applicable requirements identified in Part 10 of this By-law.

5.2.4 Fences and Walls

- a) Solid fences and walls 2m (6.5ft) or greater in height shall be regulated as structures, and shall be subject to the applicable setback and yard requirements of the applicable Rural Zone in which they are located.
- b) The use of electrified wire or sharp edged materials such as barbed wire designed to prevent access to a parcel of land is permitted only at the top of fences or walls that are over 2m high, except for fences or walls associated with active agricultural uses.
- c) Pursuant to subsection 4.9, open fences less than 2m in height are considered as miscellaneous minor accessory structures, and do not require a development permit.

5.2.5 Private Storage Buildings and Accessory Structures to Residential Uses

- a) Where there is no other main building on the lot, private storage buildings, including but not limited to private garages, private boathouses and fishing gear sheds, shall be permitted in Rural Zones, provided that the applicable setback and yard requirements of the identified Zone in which they are located are satisfied, as if the private storage building were regarded as the main building on the lot.
- b) Pursuant to subsection 5.3.1(i) and subsection 5.4.1(j), the proposed development of an accessory structure associated with a permitted Development shall be subject to applicable setback and yard requirements of the Rural Zone in which they are located.

5.2.6 Outdoor Wood Furnaces

In accordance with Secondary Planning Strategy Policy 3.5.4, and pursuant to s.5.3.1(e) and s.5.4.1(e), outdoor wood furnaces and the storage outbuildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory building or structures in this By-law, and therefore, their use will require a Development Permit. Outdoor wood furnaces shall only be permitted in Rural Zones. Outdoor wood furnaces shall be required to be located a minimum of 60m (197ft) from any adjacent lot lines.

5.2.7 Developments exempt from Watercourse Setback / Coastal Setback

Notwithstanding setback requirements identified in subsection 4.15.1 and section 4.16, and subject to the erosion control standards identified in subsection 4.15.2, and all other provisions of the By-law, the following developments in Rural Zones may be built to the front, side or rear property line, where that property line abuts the water's edge:

- a) Wharves and Slipways;
- b) Private Boathouses;
- c) Boat Building and Boat Repair Shops;
- d) Storage sheds identified for Fishing Gear or Aquaculture; and
- e) Hydroelectricity Generation and related structures.
- f) Farm market directly associated with a provincially-registered farm

(Amended June 2, 2016)

5.2.8 Special Requirements for Buildings Used for Shelter of Farm Animal Units

In accordance with Secondary Planning Strategy Policy 3.5.2, and pursuant to s.5.3.1(f) and s.5.4.1(f), the following yard and zone boundary separation requirements shall apply to new buildings, and to any existing buildings being brought into use in Rural Zones for shelter or confinement of farm animals units, as identified in Part 11 (Definitions) of this By-law. These requirements shall also apply to any associated manure storage sites or facilities.

	Buildings used for shelter or confinement of 5 or more farm animal units, or associated manure storage sites / facilities.	Buildings used for shelter or confinement of less than 5 farm animal units or associated manure storage sites / facilities.
a) Minimum front, side or rear yard requirement.	60m (197 ft.)	15m (50 ft.)
b) Residential Zone boundary separation.	600m (1,968 ft.)	60m (197 ft.)

5.2.9 Special Requirements: Fixed Roof Accommodation Uses

In accordance with Secondary Planning Strategy Policy 3.5.3, and pursuant to subsections 5.3.1(j) and s.5.4.1(h), fixed roof accommodation uses are permitted in Rural Zones, subject to the following conditions:

- a) The maximum fixed roof accommodation shall not exceed 10 rental units, with associated dining facilities, except where, in the case of existing uses identified in Schedule "C", List of Existing Permitted Uses, of this By-law, the maximum fixed roof accommodation shall be 25 rental units.

5.2.10 Special Requirements: Wind Turbines

In accordance with Secondary Planning Strategy Policy 3.5.1, and pursuant to subsections 5.3.1(k) and s.5.4.1(i), wind turbine uses are permitted in Rural Zones, provided that on each lot so used, the following conditions have been met:

- a) The minimum setback from adjacent property lines for any turbine, measured from the support base intersection with the ground, shall be whichever of the following measurements are greater:
 - i.) a measurement equal to 7 rotor blades from adjacent lot lines; or
 - ii.) 1.5 times the height of the turbine from adjacent lot lines.
- b) To prevent climbing of the structures, the tower shall be:
 - i.) enclosed by fencing, or
 - ii.) enwrapped with sufficient guarding around the bottom of the tower to prevent climbing.

- c) where fencing forms an enclosure or part thereof, the fencing shall:
- i.) completely enclose the structure;
 - ii.) have a minimum height of 1.8 m (6 feet);
 - iii.) have no opening greater than 38 mm (1.5 in) in any part of the fencing;
 - iv.) not be electrified or incorporate barbed wire or other sharp dangerous materials unless they are situated more than 2 m (6.5 feet) above grade;
 - v.) have self closing and securely locked gates for gates that form part of the fencing; and
 - vi.) be located at least 1.2 m (4 feet) from any condition that would facilitate its being climbed from the outside; and be located so that the bottom of the fence is elevated by no more than 10 cm (4 in) above grade.
- d) Guards shall be designed so that no member, attachment or opening located between 10 cm (4 in) and 1.5 m (5 feet) above the ground, will facilitate climbing. Guards shall be constructed of thin metal sheeting form-fitted around the bottom of a tower from ground level to at least 2.5 m (8 feet) above the ground. An opening as referred to here shall be no greater than 5 cm (2 in) in width.
- e) The proposed turbine is manufactured to produce less than 30,000 kW.h (kilowatt hours) per year.

5.3 DEVELOPMENTS IN THE RURAL - HIGHWAY CORRIDOR (R-H) ZONE

5.3.1 Permitted Developments

The following developments are permitted in the Rural - Highway Corridor (R-H) Zone, subject to the Zone Requirements identified in subsection 5.3.2:

- a) Residential uses to a maximum of 8 dwelling units per lot;
- aa) Small Option Homes;
- b) Cemeteries;
- c) Emergency service facilities;
- d) Non-commercial recreational uses;
- e) Outdoor wood furnaces, subject also to subsection 5.2.6;
- f) Agricultural, Forestry, Fishery and Aquaculture uses; not including fish processing plants, subject also to subsection 5.2.8;
- g) Sawmills and Planer Mills having an annual capacity of less than 100 Mfbm (100,000 board feet);
- h) Roundwood processing having an annual production capacity of less than 500 cords;
- i) Commercial, industrial, and institutional uses which are not listed in either subsection 5.2.1 (Prohibited Uses) or in subsection 5.3.5 (Restricted Developments), subject also to the size threshold requirement identified in subsection 5.3.3
- j) Tourist accommodation uses, subject also to subsection 5.2.9;
- k) Wind turbines, subject also to subsection 5.2.10;
- l) The erection, construction, alteration, replacement, relocation of, or addition to any structure associated with Permitted Developments listed in clauses (a) to (k) above.

5.3.2 Rural Highway Corridor (R-H) Zone Requirements

Unless otherwise specified in this By-law, in the Rural - Highway Corridor (R-H) Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	0m
b) Minimum Side Yard	1.5m - Adjoining buildings that are structurally attached to each other may be built to the common side lot line. -
c) Minimum Flankage Yard	5m
d) Minimum Rear Yard	1.5m
e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law -
f) Minimum Lot Area	- 2,787 square metres (30,000 square feet) - - subject to NS Environment's on-site Sewage Disposal Regulations -
g) Minimum Setback from a Watercourse or Waterbody	- refer to sections 4.15, 4.16 and subsection 5.2.7 -

5.3.3 Special Requirements: Size Threshold Requirements for Commercial, Industrial and Institutional Developments in the Rural - Highway Corridor (R-H) Zone

Identified uses under subsection 5.3.1(i), are permitted in the Rural Highway Corridor (H-C) Zone provided that, on each lot so used:

- a) The maximum total indoor floor area occupied by such uses is 650 square metres (6,996 square feet); and
- b) The maximum total area devoted to the use (including indoor and outdoor areas) is 2,787 square metres (30,000 square feet).

5.3.4 Developments permitted by Development Agreement

In accordance with Secondary Planning Strategy Policy 3.1.7, the following developments are permitted only by Development Agreement in the Rural - Highway Corridor (R-H) Zone:

- a) Commercial, industrial, and institutional developments that exceed the maximum size threshold requirements identified in subsection 5.3.3,
- b) Sawmills and planer mills having an annual capacity in excess of 100 Mfbm (100,000 board feet) or Roundwood processing facilities having an annual production capacity greater than 500 cords;
- c) Tourist accommodation uses identified in subsection 5.3.1(j) that do not fulfill the requirements identified in subsection 5.2.9;
- d) Pursuant to Secondary Planning Strategy Policy 3.5.1, wind turbine uses identified in subsection 5.3.1(k) that do not fulfill the requirements identified in subsection 5.2.10;

5.3.5 Restricted Developments

In accordance with Secondary Planning Strategy Policy 3.1.8, the following developments are permitted only in the Rural - Highway Corridor (R-H) Zone, and are permitted only by Development Agreement, regardless of the size of the use:

- a) Beverage rooms, lounges, clubs, cabarets, taverns;
- b) Breeding or boarding of dogs;
- c) Bulk storage of petroleum products;
- d) Commercial or recreational racing of motorized vehicles;
- e) Commercial or recreational racing of animals;
- f) Fish processing plants, to include fish meal production;
- g) Land Leased Communities (commonly known as mobile home parks)
- h) Lead and battery production;
- i) Metal corrosion treatment facilities where products are produced for wholesale;
- j) Outdoor Shooting ranges;
- k) Ready-Mix concrete production for off-site sales and use;
- l) Salvage Operation;
- m) Slaughtering and butchering of animals for wholesale
- n) Tanning;
- o) Uses associated with aggregate and mineral resource extraction operations;
- p) Wood debarking / chipping except for activities associated with harvesting operations; and
- q) Wood preserving by pressure treatment.

5.4 DEVELOPMENTS IN THE RURAL - COASTAL (R-CO) ZONE

5.4.1 Permitted Developments

The following developments are permitted in the Rural - Coastal (R-CO) Zone, subject to the Zone Requirements identified in subsection 5.4.2:

- a) Residential uses to a maximum of 4 dwelling units per lot;
- aa) Small Option Homes;
- b) Cemeteries;
- c) Emergency service facilities;
- d) Non-commercial recreational uses;
- e) Outdoor wood furnaces, subject also to subsection 5.2.6;
- f) Agricultural, Forestry, Fishery and Aquaculture uses; not including fish processing plants, subject also to subsection 5.2.8;
- g) Commercial, industrial, and institutional uses that are specifically listed in s.5.4.3(a), subject to the size threshold requirement identified in s.5.4.3(b);
- h) Tourist accommodation uses, subject also to subsection 5.2.9;
- i) Wind turbines, subject also to subsection 5.2.10;
- j) The erection, construction, alteration, replacement, relocation of, or addition to any structure associated with Permitted Developments listed in clauses (a) to (i) above.

5.4.2 Rural - Coastal (R-CO) Zone Requirements

Unless otherwise specified in this By-law, in the Rural - Coastal (R-CO) Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	0m
b) Minimum Side Yard	1.5m -Adjoining buildings that are structurally attached to each other may be built to the common side lot line. -
c) Minimum Flankage Yard	5m
d) Minimum Rear Yard	1.5m
e) Minimum Lot Frontage	- subject to the Municipality's Subdivision By-law -
f) Minimum Lot Area	- 2,787 square metres (30,000 square feet) - - subject to NS Environment's on-site Sewage Disposal Regulations -
g) Minimum Setback from a Watercourse or Waterbody	- refer to sections 4.15, 4.16 and subsection 5.2.7 -

5.4.3 Special Requirements: Commercial, Industrial and Institutional Developments in the Rural - Coastal (R-CO) Zone

Pursuant to subsection 5.4.1(g):

- a) The following developments are permitted in the Rural - Coastal (R-CO) Zone, subject to the size threshold requirements identified in subsection 5.4.3(b):
 - i.) Craft Workshops, including Fine Arts & Crafts Studios;
 - ii.) Food production facilities, including Bakeries;
 - iii.) Food service and Restaurants;
 - iv.) Garden & Nursery Sales;
 - v.) Institutional uses
 - v.) Offices
 - vi.) Medical clinics & related health services
 - vii.) Personal Service shops;
 - viii.) Repair shops (See associated definition in Part 11);
 - ix.) Residential Daycare Centres;
 - x.) Retail Sales shops
 - xi.) Taxicab operations; and
 - xii.) Warehouses
- b) Identified uses under subsection 5.4.3(a), are permitted in the Rural - Coastal (R-CO) Zone provided that, on each lot so used:
 - i.) The maximum total indoor floor area occupied by such uses is 375 square metres (4,037 square feet); and
 - ii.) The maximum total area devoted to the use (including indoor and outdoor areas) is 1,858 square metres (20,000 square feet).

5.4.4 Developments permitted by Development Agreement

In accordance with Secondary Planning Strategy Policy 3.1.11, the following developments are permitted only by Development Agreement in the Rural - Coastal (R-CO) Zone:

- a) Commercial, industrial, and institutional developments identified in subsection 5.4.3(a) that exceed the maximum size threshold requirements identified in s.5.4.3(b),
- b) Tourist accommodation uses identified in subsection 5.4.1(h) that do not fulfill the requirements identified in subsection 5.2.9;
- c) Pursuant to Secondary Planning Strategy Policy 3.5.1, wind turbine uses identified in subsection 5.4.1(i) that do not fulfill the requirements identified in subsection 5.2.10;
- d) Sawmills, planer mills, and roundwood processing facilities, regardless of the processing capacity

5.4.5 Restricted Developments not Permitted

In accordance with Secondary Planning Strategy Policy 3.1.12, developments identified as Restricted Developments, listed in subsection 5.3.5 of this By-law, are not permitted in the Rural - Coastal (R-CO) Zone.

6 RESIDENTIAL ZONES

6.1. APPLICATION

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

6.2 GENERAL REQUIREMENTS FOR RESIDENTIAL ZONES

6.2.1. Prohibited Uses

No development permit shall be issued for any of the following land uses, which are prohibited from developing in the Princes Inlet Plan Area:

- a) Animal by-product rendering plants;
- b) Asphalt concrete production for off-site sales and use;
- c) Biosolid spreading and storage, to include sludge processing;
- d) Correctional centres;
- e) Incineration for the reclamation of metals or other materials;
- f) Manufacturing of biochemistry products, chemicals, and/or paint;
- g) Petrochemical plants;
- h) Pulp and paper mills;
- i) Refining of hydrocarbons;
- j) Smelting and ore refining;
- k) Solid waste management facilities;
- l) Tire recycling facilities.
- m) Warehousing, manufacturing, and/or wholesaling of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances;

6.2.2. Parking

Parking and loading area requirements for proposed developments in the Two-unit Residential (TR) Zone shall be subject to requirements identified in Part 9 of this By-law, and, where applicable to permitted small-scaled business uses, requirements identified in subsection 6.3.3.

6.2.3. Signs

Signs in Two-unit Residential (TR) Zone, where applicable to permitted small-scaled business uses, shall be subject to requirements identified in subsection 6.3.3.

6.2.4 Fences and Walls

- a) Solid fences and walls 2m (6.5ft) or greater in height shall be regulated as structures, and shall be subject to identified setback and yard requirements of the Two-unit Residential (TR) Zone.
- b) The use of electrified wire or sharp edged materials such as barbed wire designed to prevent access to a parcel of land shall not be permitted.
- c) Pursuant to subsection 4.9, open fences less than 2m in height are considered as miscellaneous minor accessory structures, and do not require a development permit.

6.2.5 Private Storage Buildings and Accessory Structures to Residential Uses

- a) Where there is no other main building on the lot, private storage buildings, including but not limited to private garages, private boathouses and fishing gear sheds, shall be permitted in the Two-unit Residential (TR) Zone, provided that the applicable setback and yard requirements are satisfied, as if the private storage building were regarded as the main building on the lot.
- b) Pursuant to subsection 6.3.1(d), the proposed development of an accessory structure associated with a permitted Development, shall be subject to applicable setback and yard requirements of the Two-unit Residential (TR) Zone.

6.2.6 Developments exempt from Watercourse Setback / Coastal Setback

Notwithstanding setback requirements identified in subsection 4.15.1 and section 4.16, and subject to the erosion control standards identified in subsection 4.15.2, and all other provisions of the By-law, the following developments in Residential Zones may be built to the front, side or rear property line, where that property line abuts the water's edge:

- a) Wharves and Slipways;
- b) Private Boathouses;
- c) Boat Building and Boat Repair Shops;
- d) Storage sheds identified for Fishing Gear or Aquaculture; and
- e) Hydroelectricity Generation and related structures.

6.2.7 Outdoor Wood Furnaces

Outdoor wood furnaces and the storage outbuildings in which they are housed, shall not be permitted on any lot in a Residential Zone.

6.2.7 Farm Animal Units

No farm animals shall be kept on any lot in a Residential Zone.

6.3 DEVELOPMENTS IN THE TWO-UNIT RESIDENTIAL (TR) ZONE

6.3.1 Permitted Developments

The following developments are permitted in the Two-Unit Residential Zone, subject to the Zone Requirements identified in subsection 6.3.2:

- a) Residential uses containing a maximum of 2 dwelling units per lot;
- aa) Small Option Homes;
- b) Residential conversions containing a maximum of 2 dwelling units per lot;
- c) Small-scaled business uses, subject to requirements identified in subsection 6.3.3.
- d) The erection, construction, alteration, replacement, relocation of, or addition to any structure associated with Permitted Developments listed in clauses (a) to (c) above.

6.3.2 Two-Unit Residential (TR) Zone Requirements

Unless otherwise specified in this By-law, in the Two-unit Residential (TR) Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	0m
b) Minimum Side Yard	1.5m -Adjoining buildings that are structurally attached to each other may be built to the common side lot line. -
c) Minimum Flankage Yard	5m
d) Minimum Rear Yard	1.5m
e) Minimum Lot Frontage	- subject to the Municipality's Subdivision By-law -
f) Minimum Lot Area	- 2,787 square metres (30,000 square feet) - - subject to NS Environment's on-site Sewage Disposal Regulations -
g) Minimum Setback from a Watercourse or Waterbody	- refer to sections 4.15, 4.16 and subsection 6.2.6 -

6.3.3 Identified Requirements: Small-scaled Business Uses

In the Two-unit Residential Zone, any lot used for residential purposes may be used for small scale business purposes, provided that all of the following requirements are satisfied:

- a) the business shall be located in a dwelling unit on the same lot as the residential use, or in an accessory building on the same lot as the residential use;
- b) the business use shall fall within one of the following types of uses:
 - i.) Boarding or Rooming houses
 - ii.) Craft Workshops, including Fine Arts & Crafts Studios;
 - iii.) Offices
 - iv.) Personal Service shops;
 - v.) Repair shops (See associated definition in Part 11);
 - vi.) Residential Daycare Centres;
 - vii.) Taxicab operations; and
 - viii.) Catalogue sales
- c) excepting for catalogue sales, retail sales associated with permitted uses identified in subsection 6.3.3(b) shall be limited to: the sale of products made, assembled, refinished, or repaired on the premises; and the sale of any goods or materials used in any of the processes involved in the primary business use, including sales associated with an office use;
- d) the business use shall occupy no more than 50 square metres or 33% percent of the floor area, whichever is less, except for boarding and rooming houses, where the maximum size of the business shall be 3 rental units;
- e) a minimum of 2 off-street, customer parking spaces shall be provided on the lot, in addition to parking spaces required for the residence itself;
- f) no more than 2 commercial vehicles including taxicabs related to the business use shall be kept upon or operated from the lot on which the business is located;
- g) there shall not be more than 1 sign on the lot related to the business use. The sign shall be non-illuminated and shall not exceed 0.5 square metres (5 square feet) in area;
- h) the use shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood and,
- i) there shall be no open storage or outdoor display of materials or products related to the business use;
- j) the use shall not include an animal shelter, animal kennel, or animal hospital.

7 ENVIRONMENTALLY SENSITIVE ZONE

7.1 APPLICATION

The provisions of this part shall apply to the Environmentally Sensitive (ES) Zone, and to all other zones where and as specified.

7.2 DEVELOPMENT NOT PERMITTED

In accordance with Secondary Planning Strategy Policy 3.3.2, no uses shall be permitted within the Environmentally Sensitive (ES) Zone, and no development permit shall be issued for any structure.

8 INSTITUTIONAL (I) ZONE

8.1. APPLICATION

The provisions of this part shall apply to the Institutional (I) Zone.

8.2 GENERAL REQUIREMENTS FOR INSTITUTIONAL ZONE

8.2.1 Parking

Parking and loading area requirements for proposed developments in the Institutional (I) Zone shall be subject to requirements identified in Part 9 of this By-law.

8.2.2 Signs

In relation to a development, Signs in the Institutional Zone shall be subject to applicable requirements identified in Part 10 of this By-law.

8.2.3 Fences and Walls

- a) Solid fences and walls 2m or greater in height shall be regulated as structures, and shall be subject to identified setback and yard requirements of the Institutional (I) Zone.
- b) The use of electrified wire or sharp edged materials such as barbed wire designed to prevent access to a parcel of land shall not be permitted.
- c) Pursuant to subsection 4.9, open fences less than 2m in height are considered as miscellaneous minor accessory structures, and do not require a development permit.

8.3 DEVELOPMENTS IN THE INSTITUTIONAL (I) ZONE

8.3.1 Permitted Developments

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

- a) Public buildings and related uses

8.3.2 Institutional (I) Zone Requirements

Unless otherwise specified in this By-law, in the Institutional (I) Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	5m
b) Minimum Side Yard	1.5m -Adjoining buildings that are structurally attached to each other may be built to the common side lot line. -
c) Minimum Flankage Yard	5m
d) Minimum Rear Yard	1.5m
e) Minimum Lot Frontage	- subject to the Municipality's Subdivision By-law -
f) Minimum Lot Area	- subject to NS Environment's on-site Sewage Disposal Regulations -
g) Minimum Setback from a Watercourse or Waterbody	- refer to sections 4.15 and 4.16 -

9 REQUIREMENTS FOR PARKING AND LOADING AREAS

9.1 APPLICATION

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

9.2 STANDARDS FOR PARKING AREAS

9.2.1 Parking Exemption

The requirements of Section 9.2 shall not apply to any existing land use, but shall apply to the expansion of any existing land use.

9.2.2 Commercial Parking

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

9.2.3 Parking Space Size Requirements

An Off-Street Parking Space shall have an area of 16.5 square metres (178 square feet), measuring 5.5 metres (18 feet) in length and 3 metres (10 feet) in width, exclusive of aisles or driveways thereto.

9.2.4 Number of Parking Spaces Required

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

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

9.2.5 Layout of Parking Areas

Where off-street parking is required and more than 2 spaces are provided, no Development Permit shall be issued except in conformity with the following requirements:

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

9.3. STANDARDS FOR LOADING AREAS

9.3.1 Loading Space Exemption

- a) The requirements of Section 9.3 shall not apply to any existing land use, but shall apply to the expansion of any existing land use.
- b) The requirements of Section 9.3 shall not apply to any building with less than 140 square metres (1500 sq. ft.) of floor area.

9.3.2 Number and Layout of Loading Spaces

No person shall erect or use any building or structure for manufacturing, warehousing, storage; a department store, retail store, wholesale store or outlet, market, freight or passenger terminal, hotel, hospital, or other use involving the frequent shipping, loading or unloading of persons, animals, or goods unless:

- a) there is maintained on the same lot, one (1) off-street space for standing, loading, and unloading for every 2,700 square metres (29,000 sq. ft.) or fraction thereof of area used for any such purpose;
- b) each loading space measures at least 4 metres (13 ft.) in width by 12 metres (40 ft.) in length, with a minimum height clearance of 4.3 metres (14 ft.);
- c) each loading space is located in the rear or side yard of the lot, except that no loading space shall be located in a side yard abutting a Residential Zone;
- d) loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles; and
- e) the width of any access road to a loading space shall be a minimum of 3.5 metres (12 feet) for one-way traffic or 7.5 metres (25 feet) for two-way traffic.

10 SIGNAGE

10.1. APPLICATION

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

10.2 SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED

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

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

10.3 SIGNS PROHIBITED IN ALL ZONES

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

- 10.3.1 Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and signs which have any visible moving part or visible mechanical movement of any description except for signs which display only time, temperature or humidity;
- 10.3.2 Signs affixed to, applied to, or supported by the roof of any structure;
- 10.3.3 Signs which constitute a hazard to public safety or health;
- 10.3.4 Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device on public streets;
- 10.3.5 Signs which obstruct the use of a fire escape door, windows, or other required exit;
- 10.3.6 Signs which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a public street;
- 10.3.7 Signs which advertise a product, service or business which is discontinued;
- 10.3.8 Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

10.4 GENERAL REQUIREMENTS FOR SIGNS

10.4.1 Sign Location

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

- a) on the same lot as the establishment which it advertises; or
- b) on the same lot as the dealer for the product which it advertises; or
- c) within the boundaries of a Public Highway.

10.4.2 Signs in Residential Zones

Signs located in any Residential Zone shall satisfy the requirements of subsection 6.3.3.

10.4.3 Signs in Rural Zones

Signs located in any Rural Zone, shall satisfy the following requirements:

- a) the maximum area of any side of the sign shall not exceed 1.5 square metres (16 square feet);
- b), the highest point on the sign shall not exceed 3.5 metres (11 feet) from ground level;
- c) extend beyond a property line or extend over a public right-of-way.

11 DEFINITIONS

For the purposes of this By-law all words shall carry their customary meaning except for those words and phrases defined in this Part.

ABUTTING LOT - See LOT

ABUTTING YARD - See YARD

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

ACCESSORY USE - See USE

- 11.2 AGGREGATE means gravel, clay, earth shale, stone, limestone, dolostone, sandstone, marble, granite, rock.

- 11.3 AGGREGATE RESOURCE EXTRACTION OPERATION means the use of land and structures associated with the extraction of aggregates such as the storage of extracted aggregates, the crushing, screening or washing of extracted aggregates, the storage and maintenance of trucks, heavy equipment related to the aggregated extraction activity.

AGRICULTURAL USE - See USE

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

- 11.5 ANIMAL BY-PRODUCT RENDERING PLANT means a plant in which meat, animal or poultry products is rendered (cooked or melted down), with or without oil refining.

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

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

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

- 11.9 ASPHALT CONCRETE PRODUCTION means a paving plant in which asphalt is manufactured for off-site sales and use through the mixing of aggregate and asphalt oil, or recycled asphalt material.

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

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

- 11.12 AUTOMOBILE SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and/or motive fuels and may include: the sale of automobile accessories; servicing and repair essential to the actual operation of motor vehicles; an automobile wash; or automobile sales.

- 11.13 AQUACULTURE means a use involving the breeding, raising, and maintenance of live fish and shellfish for commercial purposes.

- 11.14 BEVERAGE ROOM means premises licensed as a beverage room by the Province of Nova Scotia.
- 11.15 BIOSOLID SPREADING AND STORAGE, to include SLUDGE PROCESSING, means a treatment or processing facility for wastewater sludges. Includes the application to land of any non-livestock generated wastes, wastewater and wastewater sludges, and/or a bio-remediation treatment operation for the removal or reduction of hydrocarbon products in soils and sludges. SLUDGE means the accumulated wet or dry solids that are separated from wastewater during treatment including the precipitate resulting from chemical or biological treatment of wastewater.
- 11.16 BOARD FOOT means a unit of cubic measure for lumber, equal to one foot square by one inch thick.
- 11.17 BOARDING / ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to persons exclusive of the lessee or owner thereof, or members of the household unit and which is not open to the general public.
- 11.18 BOATHOUSE means a permanent or temporary roofed structure, used for the shelter or storage of boats, watercraft or associated marine equipment, but not used as a dwelling unit, or for agricultural or commercial uses.
- 11.19 BUILDING means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto. See also ACCESSORY BUILDING, ATTACHED BUILDING, DWELLING, MAIN BUILDING, PRIVATE STORAGE BUILDING, PUBLIC BUILDING, STRUCTURE and WAREHOUSE.
- 11.20 BULK STORAGE OF PETROEUM PRODUCTS means a facility consisting of one or more petroleum tanks and associated piping, where petroleum products are stored for off-site distribution.
- 11.21 CABARET means a premise licensed as a cabaret by the Province of Nova Scotia.
- 11.22 CANADIAN GEODETIC VERTICAL DATUM (CGVD28) means the vertical datum for Canada officially adopted in 1935. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system.
- 11.23 CEMETERY means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried and may include facilities for storing human remains in sealed crypts or compartments.
- CHANGE IN USE - See USE
- 11.24 CLUB means a premise licensed as a club by the Province of Nova Scotia.
- COMMERCIAL USE - See USE
- 11.25 COMMERCIAL OR RECREATIONAL RACING OF MOTORIZED VEHICLES OR ANIMALS means a facility or course where animals or motorized vehicles compete or train, against time or one another.
- CORNER LOT - See LOT
- 11.26 CORRECTIONAL CENTRE means a government operated or funded facility to house youth or adults in the custody of or sentenced by a Court of Law.
- 11.27 COUNCIL means the Council of the Municipality of the District of Lunenburg.
- 11.28 CRAFT PRODUCTS means products made by hand or small custom production processes by potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, and similar skilled craftspersons.

- 11.29 CRAFT WORKSHOP means a building or part of a building where craft products are made by hand or small production processes.
- 11.30 DEVELOPER means any person, incorporated body, partnership or other legal entity that undertakes a development
- 11.31 DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
- 11.32 DEVELOPMENT OFFICER means the person appointed by Council under the authority of the Municipal Government Act to administer the provisions of the Land-Use By-law.
- 11.33 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.
- 11.34 DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or apartment hotel.
- a) MULTI-UNIT DWELLING means any dwelling containing 3 or more dwelling units.
- b) SEMI-DETACHED DWELLING means a single unit dwelling, attached to another single-unit dwelling by a common above grade wall, with each dwelling located on a separate lot.
- c) SINGLE UNIT DWELLING means a completely detached dwelling containing one dwelling unit and includes manufactured homes.
- d) TWO UNIT DWELLING means any dwelling containing two dwelling units.
- 11.35 DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 11.36 EMERGENCY SERVICE FACILITY means the use of land, buildings or structures or portions thereof to provide an emergency service to the public, and without limiting the generality of the foregoing may include uses such as Fire Protection, Police Protection, Emergency Measures Organizations, Ground Search and Rescue Operations and Ambulances but does not include uses accessory to an Emergency Service Facility, such as but not limited to places of assembly and entertainment. For greater clarity, only that portion of land, buildings or structures used for a purpose essential to the provision of an emergency service shall be considered an Emergency Service Facility.
- 11.37 ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 11.38 EXISTING unless otherwise specified, means legally existing on the effective date of this by-law.
- 11.39 FARM ANIMAL means one or more of the following types of animals: horses, cattle, sheep, deer, goats, swine, fowl, mink, fox, rabbits.

- 11.40 FARM ANIMAL UNITS means one or more farm animals as specified in the following table:

Farm Animals	Number of Animals Required to make One Farm Animal Unit* (*excluding young to weaning)
Mink	1
Foxes	1
Swine	1
Cattle	1
Horses	1
Sheep	1
Goats, Deer, and other ungulates	1
Fowl	10

- 11.40A FARM MARKET means a building or structure, or part thereof, in which farm produce comprises the majority portion of goods offered or kept for sale directly to the public at retail value. *(Amended June 2, 2016)*

FISHERY USE - See USE

- 11.41 FIXED ROOF ACCOMMODATION means a building or part thereof, used to accommodate the travelling or vacationing public for gain or profit, by supplying them with sleeping accommodations, with or without meals or kitchen facilities.

FLANKAGE LOT LINE – See LOT LINE

FLANKAGE YARD - See YARD

FLAT FIXED WALL SIGN - See SIGN

- 11.42 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 USE - See USE

FRONT LOT LINE - See LOT LINE

FRONT YARD - See YARD

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

GROUND SIGN - See SIGN

- 11.44 GUEST HOUSE means a part of a dwelling where the resident owner or resident occupant provides accommodation, with or without meals, to the traveling public for financial remuneration and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.

- 11.45 HEIGHT means the vertical distance on a building between the established grade and
- the highest point of the roof surface or parapet, whichever is greater, of a flat roof;
 - the deck line of a mansard roof; or
 - the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

ILLUMINATED SIGN - See SIGN

- 11.46 INCENERATION for the RECLAMATION OF METALS OR OTHER MATERIALS means a foundry, or related facility, in which metal products are produced through thermal melting and casting or moulding of metals, including reclaimed metals.
- INDUSTRIAL USE - See USE
- 11.47 INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit, such as churches, community centres, hospitals, and homes for special care, but not including private clubs.
- INSTITUTIONAL USE - See USE
- INTERIOR LOT - See LOT
- 11.48 LAND-LEASED COMMUNITY (commonly known as Mobile Home Park) means an establishment comprising land or premises under single ownership, designed and intended for residential use, where residence is in 3 or more mobile homes, but does not include any camping establishment under the Camping Establishments Regulation Act.
- 11.49 LOADING SPACE means an area of land for the temporary parking of commercial motor vehicles while merchandise or materials are being loaded or unloaded and which has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, but which is not used for sales or display.
- 11.50 LOT means any parcel of land as described in a deed or as shown on a registered plan of subdivision.
- a) ABUTTING LOT means a lot having one or more boundaries coincident with one or more lots or zone boundaries.
- b) CORNER LOT means a lot situated at the intersection of and abutting on 2 or more streets.
- c) INTERIOR LOT means a lot situated between two lots and having access to one street.
- d) THROUGH LOT means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a Corner Lot and a Through Lot as defined above, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.
- 11.51 LOT AREA means the total plane horizontal area within the lot lines of a lot.
- 11.52 LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. Where the front lot line is not a straight line, or where the side lot lines are not parallel the lot frontage shall be measured at a line setback the required applicable minimum front yard and parallel to the front lot line.
- 11.53 LOT LINE means a boundary line of a lot.
- a) FLANKAGE LOT LINE means a side lot line that abuts the street on a corner lot.
- b) FRONT LOT LINE means the line dividing the lot from the street or other means of access; and
- i) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;

- ii) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shoreline of a lake, river or stream, the lot line facing the access road shall be deemed to be the front lot line; or
- iii) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.

c) SIDE LOT LINE means a lot line other than a front or rear lot line.

d) REAR LOT LINE means the lot line furthest from or opposite to the front lot line.

11.54 LOUNGE means premises licensed as a lounge by the Province of Nova Scotia.

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

11.56 MANUFACTURING OF BIOCHEMISTRY PRODUCTS, CHEMICALS, AND/OR PAINT means a plant in which organic or inorganic chemicals are manufactured; including but not limited to: pharmaceutical manufacturing, in which a medical drug for sale or distribution is processed; paint manufacturing in which paints, lacquers, primers or enamels are produced; and/or industrial cleaners manufacturing, in which materials including but not limited to degreasers, strippers or bleaches are produced.

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

11.58 Mfbm means thousand board feet measure.

11.59 MINERAL means a mineral as defined under the Mineral Resources Act of Nova Scotia, Chapter 18 of the Acts of 1990, and as be amended from time to time.

11.60 MINERAL RESOURCE EXTRACTION means the use of land and structures associated with the extraction of minerals such as the storage of extracted mineral, the crushing, screening or washing of extracted minerals, the storage and maintenance of trucks, heavy equipment related to mineral extraction activity.

MINIMUM FRONT YARD - See YARD

MINIMUM REAR YARD - See YARD

MINIMUM SIDE YARD - See YARD

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

MULTI UNIT DWELLING - See DWELLING

11.62 MUNICIPAL GOVERNMENT ACT means the Act Respecting Municipal Government, Chapter 18, ACTS of 1998, as amended from time to time.

11.63 MUNICIPAL PLANNING STRATEGY means the Municipal Planning Strategy of the Municipality of the District of Lunenburg.

NON-COMMERCIAL RECREATIONAL USE - See USE

NON-CONFORMING USE - See USE

- 11.64 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.
- 11.65 OPEN STORAGE means the storage of any items outside a building, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.
- 11.66 OUTDOOR DISPLAY means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing such displays would include displays of cars, trucks, vans, recreation vehicles, manufactured homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains, prefab cottages or homes.
- 11.67 OUTDOOR WOOD FURNACE / WATER STOVE means any individual furnace designed to burn untreated wood and wood products and used for the purpose of heating liquid or air where the furnace is located outside the structure into which the hot water or air produced is piped.
- 11.68 PARK means an open area devoted to recreational uses or conservation uses and which may include ornamental gardens and lawns, outdoor furniture and accessory structures and which may include a children's playground.
- 11.69 PARKING LOT means an open area containing parking spaces, other than a street, for two (2) or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.
- 11.70 PARKING SPACE means an area exclusive of driveways or aisles, reserved for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 11.71 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 11.72 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of other persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale.
- 11.73 PET GROOMING ESTABLISHMENT means a use contained entirely within a building or part of a building in which a grooming service is offered to domesticated animals, but does not include an animal shelter, animal hospital or animal kennel.
- 11.74 PETROCHEMICAL PLANTS means a manufacturing plant in which organic chemical substances produced from natural organic or petroleum-based materials are produced, processed or handled.
- 11.75 PRIVATE STORAGE BUILDING means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.

PROJECTING WALL SIGN - See SIGN

- 11.76 PUBLIC BUILDING means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, Town of Mahone Bay or Municipality of the District of Lunenburg, including any agency or commission or corporation of the Town or Municipality.
- 11.77 PULP AND PAPER MILLS means a plant in which pulp and paper products are manufactured. PULP means processed cellulose fibres derived from wood, other plant materials or recycled paper products. PAPER PRODUCT means paper, newsprint, coated paper, paperboard, hardboard, boxboard, linerboard, insulating board, building board, corrugating medium, tissue, moulded cellulose products and any other product directly derived from pulp, but does not include viscose, rayon, cellophane or any other cellulose derivative.
- 11.78 READY-MIX CONCRETE PRODUCTION means a plant that manufactures ready-mix concrete.
- REAR LOT LINE - See LOT LINE
- REAR YARD - See YARD
- 11.79 RECONSTRUCT when used with reference to a building or structure means to build a wholly or substantially new structure in the same location as an original or existing structure, where the original or existing structure has been wholly or partially removed or destroyed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.
- 11.80 RECREATION VEHICLE means a vehicle which provides sleeping or other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, campers, motorized campers, motorized homes or similar vehicles.
- 11.81 REFINING OF HYDROCARBONS means a facility used for manufacturing hydrocarbon products from condensate, crude oil, synthetic crude oil or other hydrocarbon feedstock, and facilities capable of utilizing used oil for the production of useable hydrocarbon products.
- 11.82 REPAIR when used with reference to a building or structure means to renovate or mend by replacing or repairing parts without altering the size or volume of the structure.
- 11.83 REPAIR SHOP means any building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops, shoe repair shops but shall not include industrial or manufacturing, motor vehicle repair shops or auto body repair shops.
- 11.84 REPLACE when used with reference to a building or structure, means to build a completely or substantially new structure on a lot where the original structure has been partially or completely demolished.
- 11.85 RESIDENTIAL DAY CARE means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, to 6 or fewer children, without providing overnight accommodation.
- 11.86 SALVAGE OPERATION means land or buildings used for the storage or handling of scrap materials such as, but not limited to, auto bodies and automobile parts, used building products and old metal where such materials are bought, sold, exchanged, baled, packed, disassembled, handled or processed for further use.
- 11.87 SECONDARY PLANNING STRATEGY means the Secondary Planning Strategy of the Municipality of the District of Lunenburg for Princes Inlet and Area.
- SEMI DETACHED DWELLING - See DWELLING
- SIDE LOT LINE - See LOT LINE

SIDE YARD - See YARD

11.88 SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. A sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

a) FLAT FIXED WALL SIGN means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom, and does not extend above the roofline.

b) GROUND SIGN means a sign supported by one or more uprights or braces placed in or upon the ground.

c) ILLUMINATED SIGN means a sign that provides artificial light directly, or through any transparent or translucent material from a source of light connected with such sign or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

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

11.89 SIGN AREA means the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of the sign.

SINGLE UNIT DWELLING - See DWELLING

11.90 SLAUGHTERING AND BUTCHERING OF ANIMALS FOR WHOLESALE means a plant, in which animals, including poultry, are brought on-site to be slaughtered and dressed in preparation for wholesale distribution.

11.90a SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature.

11.91 SMELTING and ORE REFINING means a furnace used to obtain metals from metal concentrates, and/or a processing plant in which concentrates are produced from mineral bearing ore, including lead, zinc, tin and copper.

11.92 SOLID FENCE means a barrier of any materials which are constructed in such a manner that the ratio between space and material of the fence is less than 50:50.

11.93 SOLID WASTE MANAGEMENT FACILITY means a sanitary landfill licensed pursuant to the Environment Act, or a similar location not required to be licensed pursuant to that Act, a recycling facility, a tire recycling facility, a transfer station, a waste separation facility, a household hazardous waste facility, an incinerator, a composting site or any other facility for the management of solid waste including collection, recycling, processing, treatment and disposal. A solid waste management facility does not include:

a) the backyard composting of residential waste in which the annual volume of organic waste processed does not exceed 10 cubic metres.

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

- 11.95 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. "Structure" shall include buildings, walls, signs, and solid fences exceeding 2 m (6.5ft) in height, but for the purposes of determining yard requirements "structures" shall not include signs.
- 11.96 TANNING means a facility in which animal hides or skins are received and processed into leather or related products.
- 11.97 TAVERN means a premise licensed as a Tavern by the Province of Nova Scotia.
- THROUGH LOT - See LOT
- TWO UNIT DWELLING - See DWELLING
- 11.98 USE means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased, and for further certainty:
- a) ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or building located on the same lot
 - b) AGRICULTURAL USE means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat, deer, mink, fox or similar livestock or fur bearing animals, and may include shipping. "Agricultural Use" shall include the accessory production, processing, treatment, storage and sale of the products on-site, but shall not include industrial uses such as slaughter houses.
 - c) CHANGE IN USE means any alteration in the use made of the whole or any part of a parcel of land, a building or a structure.
 - d) COMMERCIAL USE means the use of land, buildings or structures for the sale of goods or services carried out for profit.
 - e) EXISTING USE means a use in existence at the effective date of this By-law.
 - f) FISHERY USE means uses supportive of the inshore fishery, including general storage, docks and boat launches, but shall not include industrial uses such as processing.
 - g) FORESTRY USE means the use of land, buildings, or structures to raise trees, and may include shipping, storage and sale of the products on-site, but does not include processing.
 - h) INDUSTRIAL USE means the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.
 - i) INSTITUTIONAL USE means the use of land, buildings or structures for religious, educational, health or charitable purposes but does not include an emergency service facility.
 - j) NON-COMMERCIAL RECREATIONAL USE means the use of land, owned and operated by a public or private non-profit organization, for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles, recreational vehicle parks or campgrounds.
 - k) NON-CONFORMING USE means a use as described in the Municipal Government Act.

- 11.99 WAREHOUSE means a building where ware or goods are stored but shall not include a retail store.
- 11.100 WAREHOUSING, MANUFACTURING AND/OR WHOLESALING OF EXPLOSIVES, PESTICIDES, HERBICIDES, FUNGICIDES, BIOCIDES, AND/OR OTHER POISONOUS OR HAZARDOUS SUBSTANCES means any of the following:
- A plant in which a substance or mixture of substances is manufactured or processed to create the materials cited.
 - The operation of a warehouse facility devoted to the storage of any of the above products.
 - The operation of a facility intended solely for the purposes of wholesale distribution.
 - A facility for the production or handling of dangerous goods, or waste dangerous goods, as defined in the NS Dangerous Goods Management Regulations.
 - A facility for the handling of soils containing a chemical or petroleum product which is located in a place other than where the soil originated or became contaminated.
- 11.101 YARD means an open, uncovered space on a lot appurtenant to a building, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and for greater certainty:
- a) FLANKAGE YARD means the side yard on a corner lot, which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest structure or main wall of any building on the lot;
- b) FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest structure or main wall of any building on the lot;
- c) MINIMUM FRONT YARD means the minimum depth of a front yard between the front lot line and the nearest structure or main wall of any main building on the lot;
- d) MINIMUM REAR YARD means the minimum depth of a rear yard on a lot between the rear lot line and the nearest structure or main wall of any main building on the lot;
- e) MINIMUM SIDE YARD means the minimum width of a side yard between a side lot line and the nearest structure or main wall of any main building on the lot.
- f) REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest structure or main wall of any main building on the lot;
- g) 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 structure or main wall of any main building or structure on a lot; and
- 11.102 ZONE means a specified area of land as shown on Schedule "A" of this By-law and more particularly referred to in Part 3 of this By-law

12 LIST OF ATTACHMENTS

Schedule "A"	Zoning Map	(attached)
Schedule "B"	Development Constraints Map	(attached)
Schedule "C"	<u>List of Existing Permitted Uses</u>	(see table below)

The developments identified on this Schedule include site-specific developments that are identified in Section 5.2.9 of this By-law as fixed roof accommodation uses, which are permitted, by their inclusion on this list, to expand to a total of 25 rental units, on the properties as identified.

Identified Property Owner / Business Name	Civic Address	Parcel ID #
Princes Inlet Retreat Limited	135 Hermans Island Road, Martins Brook	60178423 60178472 60637469
Fleet South Shore Property Limited (Great Ridge Chalets)	9278 Highway 3, Maders Cove	60582509 60608874

13 REPEAL

The Land Use By-law for the Princes Inlet Plan Area, adopted by Municipal Council on September 13, 2005 is hereby repealed and this Land Use By-law substituted therefor.

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Land Use By-law for the Princes Inlet Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on **January 12th, 2016**

DATED at Bridgewater Nova Scotia, _____

Sherry Conrad, Municipal Clerk